

# THE HUDDERSFIELD CORPORATION TRAMWAYS ACT 1900.

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# A N A C T

To enable the Mayor Aldermen and Burgesses of the Borough of Huddersfield to construct Additional Tramways in and adjacent to the Borough ; and for other purposes.

[ROYAL ASSENT 6TH AUGUST 1900.]

WHEREAS the Borough of Huddersfield (in this Act called “ the Preamble. Borough ”) is subject to the Acts relating to Municipal Corporations and the Mayor Aldermen and Burgesses of the Borough (in this Act called “ the Corporation ”) acting by the Council are the Urban  
5 Sanitary Authority for the district thereof :

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

	The Huddersfield Improvement Act 1880 ;	43 and 44 Vict. cap. xcix.
	The Huddersfield Corporation Act 1882 ;	45 and 46 Vict. cap. cccxxvi.
10	The Huddersfield Tramways and Improvement Act 1890 ;	53 and 54 Vict. cap. lv.
	The Huddersfield Corporation Act 1897 ;	60 Vict. cap. xxvi.
	The Huddersfield Corporation Tramways Order 1897 ; and	60 and 61 Vict. cap. clii.
	The Huddersfield Corporation Tramways Order 1898 ;	61 and 62 Vict. cap. ccii.
which Acts and Orders are in this Act referred to collectively as		

the former Acts and each of them separately as an Act or Order of the year in which the same was passed or made :

And whereas under the powers of the former Acts the Corporation have constructed various tramways in the Borough and are working the same under powers in that behalf granted by **5** the Act of 1897 :

And whereas the authorised gauge of the said tramways was four feet and eight and a half inches and the tramways were originally laid to that gauge but owing to the alteration of the form of the rail the gauge is now four feet seven and three-quarter inches **10** and it is expedient that that gauge be confirmed :

And whereas it is expedient that the Corporation should be authorised to adapt their tramways for the use of electrical power thereon and also to construct additional tramways in the Borough and in the Borough Districts and Parishes hereinafter mentioned **15** adjacent to the Borough that is to say :

The Borough of Brighouse ;

The Urban Districts of Mirfield Marsden Slaithwaite Linthwaite Lepton Kirkburton Honley Thurstonland New Mill Netherthong Holmfirth and ; **20**

The parishes of Fixby Clifton and Hartshead in the Rural District of Halifax :

And whereas it is expedient that the Corporation should be authorised to purchase or take on lease tramways situate without but adjacent to the Borough : **25**

And whereas it is expedient that the Corporation should be authorised to work by mechanical as well as by animal power any tramways for the time being belonging or leased to them or over which they may have any running powers :

And whereas it is expedient that further borrowing powers **30** be conferred on the Corporation for the purposes of this Act :

And whereas it is expedient that the other provisions in this Act should be made :

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

And whereas estimates have been prepared by the Corporation for the purchase of land and for the construction of the tramways  
5 and works by this Act authorised and such estimates are as follows :

For the construction of the tramways two hundred and sixty-one thousand two hundred and three pounds ;

For tramway purposes one hundred and thirty-eight thousand  
10 one hundred and forty-seven pounds :

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 :

15 And whereas an absolute majority of the whole number of the Council at a meeting held on the 9th day of November one thousand eight hundred and ninety-nine after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the "Huddersfield Examiner and West Riding  
20 Reporter" a newspaper published and circulating in the Borough (such notice being in addition to the ordinary notices required for summoning such meeting) resolved that the expense in relation to promoting the Bill for this Act should be charged on the Borough Fund of the Borough :

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

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

And whereas the owners and ratepayers of the Borough by  
35 resolution in the manner provided in the Third Schedule of the

Public Health Act 1875 consented to the promotion of the Bill for this Act :

And whereas plans and sections showing the lines situation and levels of the tramways and works by this Act authorised and the lands in or through which they will be made and a book of 5 reference to those plans containing the 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 10 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 15 assembled and by the authority of the same as follows (that is to say) :—

#### PART I.—PRELIMINARY.

Short title.

1. This Act may be cited as “The Huddersfield Corporation Tramways Act 1900.”

20

Act divided into  
Parts.

2. This Act is divided into parts as follows :

Part I.—Preliminary ;

Part II.—Tramways ;

Part III.—Finance.

Incorporation of  
general Acts.

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

25

The Lands Clauses Acts except the provisions with respect to the purchase of lands otherwise than by agreement of the Lands Clauses Consolidation Act 1845 ;

Section 3 (Interpretation of terms) Section 19 (Local Authority may lease or take tolls) and Parts II. and III. of the Tramways 30 Act 1870 ;



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

4. In this Act unless the context otherwise requires :—

Interpretation of  
terms.

5 Terms to which meanings are assigned by any Act wholly or partially incorporated with this Act have the same respective meanings unless there be something in the subject or context repugnant to such construction ;

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

10 “The Tramways” means the tramways authorised by this Act ;

“The Corporation Tramways” includes the tramways authorised by this Act and all tramways for the time being belonging to leased to or run over by the Corporation ;

15 “Tramway Revenue” includes all revenue of the Corporation arising from tramways ;

“Mechanical power” includes steam electrical and every other motive power not being animal power ;

“Engine” includes motor ;

20 In this Act and in any of the former Acts in which the expression occurs :

“Statutory Security” shall mean any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money (except any  
25 security of the Corporation) and any mortgage bond debenture debenture stock Corporation stock or other security authorised by or under any Act of Parliament passed or to be passed of any local authority within the meaning of Section 34 of the Local Loans Act 1875 except the Corporation and except annuities rent  
30 charges and securities payable to bearer.

## PART II.—TRAMWAYS.

Power to make  
tramways.

5. Subject to the provisions of this Act the Corporation may lay down use and maintain in the lines and situations and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections the tramways hereinafter described with all necessary and proper rails plates sleepers channels passages and tubes for ropes cables wires and electric lines junctions turntables turnouts crossings passing-places stables carriage-houses engine boiler and dynamo houses sheds buildings engines dynamos works and conveniences connected therewith respectively. 5 10

The following are the tramways hereinbefore referred to and authorised by this Act :

Tramway No. 1 (about 4 miles 2 furlongs 8·44 chains in length whereof 4 miles 4·44 chains will be single and 2 furlongs 4 chains will be double) in the parishes of Lindley-cum-Quarmby in the County Borough of Huddersfield Fixby in the Rural District of Halifax Rastrick and Brighouse in the Borough of Brighouse and Clifton in the said Rural District commencing in the said parish of Lindley-cum-Quarmby by a junction with the existing tramway of the Corporation in Halifax Road at the junction of Hollybank Road with that Road passing thence along or over the said Halifax Road a proposed new road leading from a point in the said Halifax Road about 210 yards north-west of the boundary of the County Borough of Huddersfield to New Hey Road (Branch) at its junction with Halifax Old Road the said New Hey Road (Branch) Crow Trees Lane Church Street Ogden Lane Rastrick Common Gooder Lane Huddersfield Road Police Street and Wakefield Road and there terminating in the said parish of Clifton at a point about 37 yards south-east of George Street ; 20 25 30

Tramway No. 2 (about 3 miles ·90 chains in length whereof 2 miles 5 furlongs 9·90 chains will be single and 2 furlongs 1 chain will be double) in the parish of Huddersfield in the County Borough of Huddersfield the said parish of Clifton the parish of Hartshead in the Rural District of Halifax and the parish of 35

5     **Mirfield** in the Urban District of Mirfield and the parish of **Ravensthorpe** in the Urban District of Ravensthorpe commencing in the said parish of Huddersfield by a junction with the existing tramway of the Corporation in Leeds Road North about 16 yards north-east of Colne-Bridge Road passing thence along or over the said Leeds Road North Cooper Bridge Road Dewsbury and Elland Road East Thorp Lane and Park Bottom and terminating in the said parishes of Mirfield and Ravensthorpe at a point opposite the east side of Steanard Lane.

10     Tramway No. 3 (about 2 miles 4 furlongs 2·26 chains in length whereof 2 miles 3 furlongs ·26 chains will be single and 1 furlong 2 chains will be double) in the parishes of Marsden in the Urban District of Marsden Slaithwaite in the Urban District of Slaithwaite and Linthwaite in the Urban District of Linthwaite  
15     commencing in the said parish of Marsden in the Wakefield and Austerlands Road about 88 yards east of Fall Lane passing thence along or over the said Wakefield and Austerlands Road and there terminating in the said parish of Linthwaite by a junction with the authorised Linthwaite tramway (now in course of construction) about 3 yards north-east of the boundary between the  
20     said parishes of Slaithwaite and Linthwaite at Kitchen Clough;

Tramway No. 4 (about 2 miles 7 furlongs 3·46 chains in length whereof 2 miles 5 furlongs 8·46 chains will be single and 1 furlong 5 chains will be double) in the parishes of Dalton and  
25     Almondbury in the said County Borough Lepton in the Urban District of Lepton and Kirkburton in the Urban District of Kirkburton commencing in the said parish of Dalton by a junction with the existing tramway of the Corporation in Wakefield Road at the junction of that road with the Penistone and Huddersfield  
30     Road passing thence along or over the latter road Dogley Lane Ponty and North Road and there terminating in the said parish of Kirkburton about 34 yards north of Riley Lane;

Tramway No. 5 (about 3 miles 4 furlongs 8·13 chains in length whereof 3 miles 3 furlongs ·13 chains will be single and 1 furlong  
35     8 chains will be double) in the said parish of Almondbury the parish of Honley in the Urban District of Honley the parish of Thurstonland in the Urban District of Thurstonland and the parish of Fulstone in the Urban District of New Mill commencing

in the said parish of Almondbury by a junction with the existing tramway of the Corporation at its termination in Woodhead Road passing thence along or over the said Woodhead Road and New Mill Road and terminating in the said parish of Fulstone in the said New Mill Road about 22 yards north of its junction with the 5 road leading from Holmfirth to Penistone ;

Tramway No. 6 (about 4 miles 2 furlongs 7·73 chains in length whereof 4 miles 6·73 chains will be single and 2 furlongs 1 chain will be double) in the said parish of Honley the parish of Netherthong in the Urban District of Netherthong and the parishes 10 of Upperthong and Austonley in the Urban District of Holmfirth commencing in the said parish of Honley by a junction with the proposed Tramway No. 5 in Woodhead Road at the junction of New Mill Road with that road passing thence along or over the said Woodhead Road and there terminating in the said parish 15 of Austonley about 7 yards south-west of Field End Lane.

Tramway No. 7 (about 1 furlong 4·66 chains in length whereof 1 furlong 1·66 chains will be single and 3 chains will be double) wholly in the parish of Longwood in the said County Borough commencing in Thornhill Road at the junction of Dark Lane and 20 Longwood Gate with that road passing thence along or over the said Thornhill Road and Vicarage Road and there terminating at a junction with an authorised tramway of the Corporation now in course of construction at a point about 26 yards south-east of the junction of the said Thornhill Road and Vicarage Road : 25

Tramway No. 8 a double line (about 9·96 chains in length) wholly in the parish of Lockwood in the said County Borough commencing in Lockwood Road at a point about 34 yards north-east of Victoria Street passing thence along or over the said Lockwood Road and there terminating by a junction with the 30 existing double line of tramway of the Corporation at a point about 24 yards south-west of the junction of Rashcliffe Hill Road with that road ;

Tramway No. 9 a double line (about 2 furlongs 0·15 chains in length) wholly in the said parish of Huddersfield commencing 35 at Folly Hall opposite Colne Road passing thence along or over Chapel Hill and Buxton Road and there terminating by a junction with the existing tramway of the Corporation at a

point about 29 yards north-east of the junction of John Street with that road.

5      Tramway No. 10 a double line (about 9·83 chains in length) wholly in the said parish of Huddersfield commencing in John William Street by a junction with the existing double line of tramway of the Corporation at a point about 33 yards north of Northumberland Street passing thence along or over the said John William Street and St. John's Road and there terminating about 28 yards north of Fitzwilliam Street;

10     Tramway No. 11 a double line (about 2 furlongs 5·88 chains in length) wholly in the said parish of Huddersfield commencing in New North Road about 73 yards south-east of Fitzwilliam Street West passing thence along or over the said New North Road Westgate Railway Street and St. George's Square and there  
15     terminating by a junction with the existing double line of tramway of the Corporation about 36 yards west of John William Street;

20     Tramway No. 12 a double line (about 1 furlong 7·02 chains in length) wholly in the said parish of Huddersfield commencing in Trinity Street about 6 yards north-west of Portland Street passing thence along or over the said Trinity Street West Parade and Westgate and there terminating by a junction with the proposed Tramway No. 11 at a point about 26 yards east of St. George's Street;

25     Tramway No. 13 (about 3 furlongs ·54 chains in length whereof 2 furlongs 1·19 chains will be single and 9·35 chains will be double) wholly in the said parish of Huddersfield commencing in Westgate by a junction with the proposed Tramway No. 11 at a point about 15 yards west of Railway Street passing thence along  
30     or over the said Westgate crossing New Street and along or over Kirkgate and terminating at "The Shore" by a junction with the existing tramway of the Corporation about 20 yards south-west of Shore Head;

35     Tramway No. 14 a double line (about 4 furlongs 2·64 chains in length) in the said parishes of Lockwood and Huddersfield commencing in Thornton Road about 70 yards south-west of the point where the River Colne crosses the said road passing thence along or over the said Thornton Road and Manchester Road and there terminating about 88 yards south-west of South Parade;

Tramway No. 15 (about 3 furlongs 6·36 chains in length whereof 2 furlongs 8·27 chains will be single and 8·09 chains will be double) wholly in the said parish of Huddersfield commencing in Manchester Road by a junction with the proposed Tramway No. 14 at the east end of Bankfield Road passing thence along or over Outcote Bank Manchester Street and Market Street and terminating by a junction with the proposed Tramway No. 11 at the junction of Railway Street and Westgate.

All of the proposed tramways shall be constructed on the same gauge as the existing tramways of the Corporation that is to say on a gauge of four feet seven and three quarter inches and there shall not be run thereon carriages or trucks adapted for use on railways.

Certain tram-ways not to be constructed until certain events.

6. Tramway No. 1 shall not be constructed unless and until the proposed new street from Halifax Road to New Hey Road Branch shall have been constructed and the tramways mentioned in the first column of the following table shall not be constructed unless and until the carriage-way of the streets or roads mentioned in the second column thereof are so widened that a space of not less than nine feet six inches shall intervene between the outside of the footpath on either side of the road and the nearest rail of the tramway :

Tramways.	Streets or Roads.
1	Crow Trees Lane Ogden Lane Rastrick Common and Gooder Lane.
2	Dewsbury and Elland Road.
3	Wakefield and Austerlands Road.
5	Huddersfield and Woodhead Road.
5	New Mill District Main Road.
7	Thornhill Road.
12	West Parade.
13	Kirkgate.
14	Manchester Road.
15	Market Street.

7. If the tramways by this Act authorised be not completed within the following periods (that is to say) :—

Period for completion of tramways.

Tramway No. 1 within two years after the construction of the said proposed new road; and

5 The remaining tramways within seven years from the passing of this Act;

then on the expiration of those respective periods the powers by this Act granted to the Corporation for constructing the same or otherwise in relation thereto shall cease except as to so much of the  
10 said tramways respectively as is then completed.

8. No part of the tramways shall be opened for public traffic until it has been inspected and certified to be fit for such traffic by the Board of Trade.

Inspection by Board of Trade

9. If and whenever after the passing of this Act the Corporation alter the level of any road along or across which any part of any of the tramways is laid or authorised to be laid they may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered and any costs incurred in carrying out  
20 any such alteration of the tramway consequent upon the alteration of any road shall in the first instance be defrayed out of the income derived from tramways.

Tramways to be kept on level of surface of road.

10. The rails of the tramways shall be such as the Board of Trade may approve.

As to rails of tramways.

25 11. In addition to the requirements of Section 26 of The Tramways Act 1870 the Corporation shall before they proceed to open or break up any road for the purpose of constructing laying down maintaining and renewing any of the tramways (except for the purpose of making necessary repairs) lay before the Board of  
30 Trade a plan showing the proposed mode of constructing laying down maintaining and renewing such tramways and a statement of the materials intended to be used therein and the Corporation shall not commence the construction laying down maintenance and renewal of any of the tramways or part of any of the tramways  
35 respectively (except for the purpose aforesaid) until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance

Further provisions as to construction of tramways.

in all respects with such plan and statement A copy of the said plan and statement so far as the same relate to the tramways to be constructed in any district outside the Borough shall at the same time as the said plan and statement are laid before the Board of Trade be delivered by the Corporation to 5 the local authority of such district.

Penalty for not maintaining rails and roads.

**12.** The Corporation shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways for the time being belonging to them and the sub-structure upon which the same rest 10 and if the Corporation at any time fail to comply with this provision or with the provisions of Section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues.

In case it is represented in writing to the Board of Trade by 15 twenty inhabitant ratepayers of the Borough or of the said Borough of Brighouse or of any of the said Urban Districts that the Corporation have made default in complying with the provisions in this section contained or with any of the requirements of Section 28 of the Tramways Act 1870 the Board of Trade may if they think fit 20 direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a Secretary or an Assistant Secretary of the Board of Trade may be adduced as evidence 25 of such default and of the liability of the Corporation to such penalty or penalties in respect thereof as is or are by this section imposed.

Passing places to be constructed where less than a certain width left between foot-way and tram-way.

**13.** Where in any road in which a double line of Corporation tramway is laid there shall be a less width between the outside of 30 the footpath on either side of the road and the nearest rail of the tramway than nine feet six inches the Corporation or other the owner of such tramway shall and they are hereby required to construct a passing place or places connecting the one tramway with the other and by the means of such passing place or places the traffic 35 shall when necessary be diverted from one tramway to the other.

Power to make additional crossings &c.

**14.** The Corporation may subject to the provisions of this Act make maintain alter and remove such crossings passing places sidings junctions and other works in addition to those particularly



specified in and authorised by this Act as they find necessary or convenient for the efficient working of the Corporation tramways or for providing access to any warehouses stables or carriage-houses depots engine-houses generating stations or works of the Corporation. Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Corporation within three weeks after receiving from the Corporation notice in writing of their intention express their objection thereto.

Provided also that no such work shall be constructed outside the Borough except with the consent of the local and road authority within whose jurisdiction such work would be constructed. The request for such consent shall be made in writing under the hand of the Town Clerk and shall be accompanied by a plan and section of the work for which the consent is requested.

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

Temporary tramway to be made where necessary.

16. The Corporation in any street in which they have laid down or are authorised to lay down a single line of tramway may with the consent of the Board of Trade in lieu thereof lay down a double line or an interlacing line of tramway and in any street in which they have laid down or are authorised to lay down a double line or an interlacing line of tramway they may with the like consent of the Board of Trade in lieu thereof lay down a single line of tramway and if at any time after the construction of any tramway of the Corporation the street in which the same is laid has been or shall be altered or widened the Corporation may take up and remove such tramway or any part thereof and reconstruct the same in such

Power to lay down double or interlacing lines in place of single lines and vice versa.

position in the said street as they think fit Provided that in the exercise of the powers of this section no rail shall except with the consent of the Board of Trade be so laid that a less space than nine feet six inches shall intervene between such rail and the outside of the footpath on either side of the road if one-third of the owners or one-third of the occupiers of the houses shops or warehouses abutting upon the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Corporation within three weeks after receiving from the Corporation notice in writing of their intention express their objection thereto. 5 10

Corporation may reduce width of footway for constructing tramway.

**17.** For the purpose of constructing any tramway in any street within the Borough the Corporation may increase the width of the roadway of such street by reducing the width of the footway on each or either side of such street.

Local authority to have access to sewers

**18.** Every local authority shall at all times have free access to 15 and communication with all their sewers and drains and power to lay lateral and private drains to communicate therewith without the consent or concurrence of the Corporation and the provisions contained in Sections 32 and 33 of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain of or under the 20 control of the local authority as if the same were a pipe for the supply of gas or water.

Application of road materials excavated in construction of works.

**19.** Any paving metalling or material excavated by the Corporation in the construction of the tramways from any road under the jurisdiction or control of any road authority may be 25 applied by the Corporation so far as may be necessary in or towards the reinstating of the road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Corporation are by Section 28 of the 30 Tramways Act 1870 required to maintain and the Corporation shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor of the road authority or to such person or persons as he may appoint to receive the same Provided that if within seven days 35 after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given such surplus is not removed by such surveyor or by some other person

named by him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Corporation and may be dealt with removed and disposed of by them in such manner as they may think fit Any difference between the Corporation and  
5 any road authority or surveyor or other person with reference to any of the matters aforesaid shall be settled by a referee to be nominated by the Board of Trade on the application of either party.

20. The carriages used on the Corporation tramways may during the construction and reconstruction thereof and during any  
10 exceptional and temporary circumstances be moved by animal power but except as aforesaid shall be moved by mechanical power subject to the following provisions (that is to say) :—

Provisions as to  
motive power.

(1) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of  
15 Trade ;

(2) The Board of Trade shall make regulations (in this Act referred to as “ the Board of Trade regulations ”) for securing to the public all reasonable protection against danger arising from the use under this Act of mechanical power on the tramways and  
20 for regulating the use of electrical power ;

(3) The Corporation or any company or person using any mechanical power on the tramways contrary to the provisions of this Act or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and  
25 also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof.

(4) The Board of Trade if they are of opinion :—

(A) That the Corporation or such Company or person  
30 have or has made default in complying with the provisions of this Act or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered ; or

(B) That the use of mechanical power as authorised under  
35 this Act is a danger to the passengers or the public ;

may by order either direct the Corporation or such company or person to cease to use such mechanical power or permit the same

to be continued only subject to such conditions as the Board of Trade may impose and the Corporation or such company or person shall comply with every such order. In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

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Special provisions  
as to use of  
electrical power.

**21.** The following provisions shall apply to the use of electrical power under this Act unless such power is entirely contained in and carried along with the carriages :—

(1) The Corporation shall employ either insulated returns or uninsulated metallic returns of low resistance ;

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(2) The Corporation shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus ;

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(3) The electrical power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return ;

(4) The Corporation shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Corporation either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing

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such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking ;

5 (5) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of  
10 an insulated return shall have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents ;

15 (6) If any difference arises between the Corporation and any other party with respect to anything hereinbefore in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be ;

20 (7) The expression " Corporation " in this section shall include lessees licensees and any person owning working or running carriages over any tramway of the Corporation.

**22.** Subject to the provisions of this Act the Corporation may exercise the following powers (that is to say) :—

Power to adapt  
Tramways for  
the use of  
mechanical  
power.

25 They may make such alterations of the Corporation tramways or any part or parts thereof and may execute all such works on or in connection therewith and in over or under the roads in which the same are laid as may be necessary or expedient for adapting the same to be worked by mechanical power and they  
30 may lay down construct and maintain on in under or over the surface of any road such posts conductors wires tubes mains plates cables ropes and apparatus and may make and maintain such openings and ways in on or under any such surface as may be necessary or convenient either for the working of the Corporation tramways or for connecting any of those tramways or for providing  
35

access to or forming connections with any generating station or stations engines machinery or apparatus.

Provided that if the power affects any tramway not belonging to the Corporation the consent of the owner and lessee (if any) of such tramway shall be necessary to enable the Corporation to exercise the power. 5

Power to  
attach brackets  
&c. to buildings.

**23.** The Corporation may with the consent of the owner of any building attach to that building such brackets wires and apparatus as may be required for the working of the tramways by mechanical power Provided that— 10

(1) Where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to a petty sessional court who shall have power to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable in the circumstances or to disallow 15 the same and may determine by which of the parties the costs of the appeal are to be paid ;

(2) Any consent of an owner and any order of a petty sessional court under this section shall not have effect after the owner ceases to be in possession of the building but any attachments 20 fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed Where such notice is given the preceding provisions of this section shall apply and the petty 25 sessional court shall have the same powers as under proviso (1) ;

(3) The owner may require the Corporation to temporarily remove the attachments where necessary during any reconstruction or repair of the building.

For the purposes of this section any occupier of a building 30 whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rack rent shall be deemed to be the owner.

Corporation may  
take up lines for  
purposes of con-  
structing others.

**24.** The Corporation for the purposes of constructing any tramway made under the powers of this Act in any street whether 35

within or without the Borough may take up remove or dispose of or if thought fit may appropriate and use in the construction of that tramway any existing tramway of the Corporation in such street.

25. Carriages or trucks adapted for use on railways shall not  
5 be run on any tramways authorised by any of the former Acts and  
in every enactment of the former Acts which provides that no  
tramway shall be laid so that for a distance of thirty feet or upwards  
a less space than ten feet and six inches shall intervene between the  
outside of the footpath on either side of the road and the nearest  
10 rail of the tramway the space of nine feet and six inches shall be  
substituted for the space of ten feet and six inches.

Amendment of  
former Acts as to  
narrow places.

26. The provisions of the former Acts with reference to the  
gauge of the tramways thereby authorised are hereby repealed.

Repeal and  
Amendment of  
former Acts as to  
gauge.

The authorised gauge of all tramways authorised to be con-  
15 structed by the former Acts shall be four feet seven and three-  
quarter inches.

27. All works to be executed by the Corporation in any road  
for working the tramways by mechanical power in pursuance of  
the powers of this Act shall be deemed to be works of a tram-  
20 way subject in all respects to the provisions of Section 30 of  
The Tramways Act 1870 as if they had been therein expressly  
mentioned.

Mechanical power  
works to be sub-  
ject to Section 30  
of Tramways  
Act 1870.

28. The provisions of Sub-sections (1) (2) (3) (4) (9) (10)  
(11) and (13) of Section 18 (For the protection of the London and  
25 North Western Railway Company) of the Huddersfield Tramways  
and Improvements Act 1890 shall so far as applicable extend and  
apply to the Tramways by this Act authorised so far as they cross  
over or under any railway sidings canal towing path or works  
jointly owned by the London and North Western Railway Company  
30 and the Lancashire and Yorkshire Railway Company or separately  
by either of those Companies and the provisions of Section 10 (For  
the protection of the London and North Western Railway Company)

For the pro-  
tection of the  
London and  
North Western  
and Lancashire  
and Yorkshire  
Railway  
Companies.

of the Huddersfield Corporation Act 1897 shall so far as applicable extend and apply and be binding upon the Corporation in exercising the powers contained in the Sections of this Act the marginal notes whereof are respectively "Corporation may take up lines for purposes of constructing others" and "Amendment of former Acts as to narrow places" where the alterations of the Corporation tramways or the works connected therewith pass over any railway tunnel or bridge carrying any road or place over the railway sidings canal towing path or works respectively jointly owned by the London and North Western Railway Company and the Lancashire and Yorkshire Railway Company or separately by either of those Companies.

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

**29.** The following provisions for the protection of the London and North Western Railway Company (hereinafter referred to as "the North Western Company") shall be in force and have effect:—

No additional crossing passing place siding junction turnout or other work shall be made for or in connection with so much of Tramway No. 4 as will extend over the distance in front of the entrances to the North Western Company's passenger and goods stations at Kirkburton and as will extend for a length of ten yards at each end of such respective distances and no tramcar or other carriage or vehicle used on the said Tramway No. 4 shall without the consent of the North Western Company under their common seal be stopped or permitted to be stopped within 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.

For the further protection of the Lancashire and Yorkshire Railway Company.

**30.** For the further protection of the Lancashire and Yorkshire Railway Company (in this section referred to as "the Company") the following provisions shall have effect (that is to say):—

(1) Nothing in this Act shall prejudice or affect the exercise by the Company of the powers conferred upon them by the Lancashire and Yorkshire Railway Act 1897 with respect to



the diversion or alteration of Gooder Lane Brighthouse in connection with the widening of the Company's main line of railway by that Act authorised and any increased expense which the Company may be put to in carrying into execution the powers conferred upon them by the said Act by reason of the exercise of any of the powers of this Act shall be repaid to the Company by the Corporation;

(2) Whenever and so often as the Company shall require under their existing powers to lengthen strengthen reconstruct alter or repair any bridge over which any tramway of the Corporation is laid or the approaches thereto and they shall find it necessary for effecting any of such purposes that the working and user of any of the said tramways over any such bridge or approaches shall be wholly or partly stopped or delayed or that the tramways or any apparatus connected therewith shall be wholly or in part temporarily diverted taken up or removed and shall except in cases of emergency give to the Corporation seven clear days' notice in writing requiring such stoppage delay or diversion taking up or removal the working or user of the tramways shall be stopped or delayed or the tramways or apparatus shall be diverted or taken up or removed accordingly by and at the expense in all things of the Corporation and under the superintendence of the engineer of the Company (if such engineer shall give such superintendence) and the Company shall not be liable for any compensation claims demands damages costs and expenses for or in respect of such stoppage or delay or in any way relating thereto In cases of emergency or in other cases if the Corporation after such notice make default in diverting taking up or removal of any such tramway or apparatus the Company may at the expense of the Corporation effect such diversion taking up or removal Any stoppage or delay diversion taking up or removal required or effected by the Company under this section shall only be for such time as shall be absolutely necessary to enable the Company to effect the purpose for which the same shall be so required or effected.

(3) Notwithstanding anything contained in this Act or shown

on the deposited plans and sections Tramway No. 1 shall be so constructed that opposite the entrances to the Company's station at Gooder Lane Brighouse and for a distance of ten yards on each side thereof a space of at least 9 feet 6 inches shall intervene between the outside of the footpath on the north-west side of the road and the nearest rail of the tramway and in working Tramway No. 1 no tram car or other vehicle used thereon shall without the consent in writing of the Company under their common seal be stopped or permitted to be stopped in front of the entrances to the said station or within a distance of ten yards on either side thereof except only for so long as may be absolutely necessary for the purpose of setting down and taking up passengers.

(4) If any difference shall arise under this section between the Corporation and the Company touching anything to be done or omitted to be done or not to be done or the reasonableness of any requirements or of any charges or in any manner in connection with the foregoing provisions of this section the matter in difference shall unless otherwise agreed be determined by a referee to be nominated by the Board of Trade under Section 33 of the Tramways Act 1870.

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For the protection  
of the Calder and  
Hebble Naviga-  
tion.

**31.** The following provisions shall unless otherwise agreed between the Corporation or any local authority exercising the powers of the Act as the case may be in this section called "The Tramway Authority" and the Company of Proprietors of the Calder and Hebble Navigation (hereinafter called the "Canal Company") apply and have effect for the protection of the Canal Company (that is to say) :—

(1) In constructing laying down or maintaining any tramway by this Act authorised or in reconstructing or in altering any tramway or in exercising any of the powers of this Act for adapting any tramway for working by mechanical power the tramway authority shall not interfere with or injure the permanent structure or masonry of any bridge over the Calder and Hebble Navigation which is maintainable by the Canal Company and they shall not in the case of any bridge

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over the canal (whether maintainable by the Canal Company or not) cause any damage to the canal or towing paths thereof or reduce or diminish the span or headway under any bridge or cause any interruption to or interference with the passage or  
5 conduct of traffic along the canal or towing-paths;

(2) The tramway authority shall ~~not~~ (except with the previous consent in writing of the Canal Company) place construct erect lay down or make any works for working any tramways by mechanical power (hereinafter referred to as  
10 “mechanical appliances”) along or across the canal or towing-paths thereof or other property of the Canal Company except on or over a public roadway over any bridge on the canal and subject to the other provisions of this section;

(3) Before the tramway authority commence to construct or  
15 lay down any tramways or to place construct erect lay down or make any mechanical appliances on or over any bridge on the canal which is maintainable by the Canal Company they shall submit plans and sections of their intended works to the Canal Company for approval and such works shall be constructed  
20 according to plans and sections previously approved by the Canal Company and under the superintendence and to the reasonable satisfaction of their engineer provided that if the Canal Company do not signify in writing their approval or disapproval of or their requirements with reference to any plans and sections within  
25 twenty-one days after the same shall have been submitted to them they shall be deemed to have approved thereof;

(4) If any injury damage leakage waste interruption or interference as in the first subsection hereof mentioned shall arise or be occasioned at any time by the works or operations of the  
30 tramway authority the tramway authority shall forthwith make good or remove the same at their own expense or the Canal Company may after notice in writing in that behalf to the tramway authority do so at the expense of the tramway authority and the tramway authority shall repay to the Canal Company on  
35 demand all costs and expenses reasonably incurred by them in so doing and all loss or damage sustained by the Canal Company

in consequence of such injury damage leakage waste interruption or interference ;

(5) Nothing herein contained shall prevent the Canal Company from maintaining repairing and when necessary altering or reconstructing any bridge on or over which any works of the tramway authority may exist without being liable to the tramway authority or any parties making or using such works for any loss injury damage expense or interruption of traffic which may necessarily arise in connection with the maintenance repair alteration or reconstruction of such bridge and any additional expense incurred by the Canal Company in the maintenance repair alteration or reconstruction of any such bridge or the roadway over the same by reason or in consequence of the existence of any mechanical appliances thereon not forming part of a tramway laid thereon shall be repaid to the Canal Company by the tramway authority provided that all such operations shall be executed by the Canal Company in such manner as to cause no unnecessary interruption or inconvenience to the traffic of the tramways ;

(6) If any difference shall arise between the tramway authority and the Canal Company or their respective engineers with respect to any plans or sections to be submitted as aforesaid or the mode of executing any works or as to any additional expense incurred by the Canal Company as aforesaid or as to any costs expenses loss or damage provided for in this section such difference shall be referred to and determined by arbitration by an engineer to be appointed by the Board of Trade on the application of the tramway authority or the Canal Company.

For the protection  
of the Wakefield  
Corporation.

**32.** For the protection of the Mayor Aldermen and Citizens of the City of Wakefield (in this section called "the Wakefield Corporation") the following provisions shall have effect unless otherwise agreed on in writing between the Corporation and the Wakefield Corporation :—

(1) The provisions of Sections 30 and 32 of the Tramways Act 1870 shall for the purposes of this Act extend and apply to the

water mains pipes and apparatus of the Wakefield Corporation and shall be construed as if the Wakefield Corporation were mentioned in the said sections in addition to company society body or person ;

- 5       (2) If for the purpose of executing any repairs to or renewals of the water mains pipes and apparatus of the Wakefield Corporation it shall become necessary that the working or user of any portion of the tramways shall be wholly or in part stopped or delayed and the Wakefield Corporation shall except in cases of  
10 emergency give to the Corporation three clear days' notice in writing requiring such stoppage or delay the working or user of such portion of the tramways shall be stopped or delayed accordingly but only for so long as may be absolutely necessary for effecting such repairs or renewals and the Wakefield Corporation  
15 shall not be liable for any compensation claim demand damages costs or expenses for or in respect of such stoppage or delay ;

- (3) The works authorised by this Act shall be so constructed maintained and used as not to cause damage to the said water mains pipes and apparatus and if at any time hereafter any  
20 damage be in any manner caused to such water mains pipes or apparatus in consequence of the construction non-repair or user of the said works all loss costs damages and expenses which the Wakefield Corporation may reasonably incur or be put to in respect thereof shall be paid to them by the Corporation ;

- 25       (4) If any difference shall arise between the Corporation and the Wakefield Corporation or their respective engineers as to the true intent and meaning of this section or the mode of giving effect thereto the same shall be determined by arbitration by an engineer to be appointed (unless agreed on) by the Board of  
30 Trade on the application of either party after notice in writing to the other of them.

**33.** For the protection and benefit of the Mayor Aldermen and Burgesses of the Borough of Brighouse (in this section called "the Brighouse Corporation ") the following provisions shall unless

For the protection of the Brighouse Corporation.

otherwise agreed between the Brighouse Corporation and the Corporation apply and have effect (that is to say) :—

(1) The parts of any road which the Corporation are by the Tramways Act 1870 required to keep in good condition and repair shall be paved by them with eight-inch best local setts 5 of a size and description and in a manner to be reasonably approved by the Surveyor to the Brighouse Corporation ;

(2) The Corporation shall if it be necessary put down at such places along the tramways in the Borough of Brighouse as may be suitable grids and drains communicating with the sewers or 10 other receptacle to prevent the accumulation of water on the tramways ;

(3) The size position design and construction of all posts and standards erected in the Borough of Brighouse shall be such as the Brighouse Corporation may reasonably approve ; 15

Provided that—

(A) If before the erection of any such posts and standards in the Borough of Brighouse the Corporation deliver to the Brighouse Corporation a drawing with a description of the same and a plan showing the proposed position thereof and the 20 Brighouse Corporation do not within fourteen days give notice to the Corporation of any objection the Brighouse Corporation shall be taken to have agreed to the size position and design and construction of such posts and standards as shown by the said drawing description and plan ; and 25

(B) If any post or overhead wire becomes owing to the construction of any new road or otherwise in the opinion of the Brighouse Corporation an obstruction the Corporation shall after receiving not less than three months' notice alter the position thereof in such manner as the Brighouse Corporation 25 reasonably direct ;

(4) The Brighouse Corporation shall upon giving not less than fourteen days' notice to the Corporation of their desire

to do so have the right to use any posts and standards erected in the streets within their area for the support of any gas lamp belonging to the Brighouse Corporation or to any contractor with them for the lighting of street lamps or for the support of any fire alarms street name-plates or otherwise to utilise the same for any purpose they may deem useful or convenient Provided that in the exercise of the powers of this sub-section no damage or inconvenience shall be caused to such posts or standards and no obstruction or interference shall be caused to or with the working by the Corporation of the undertaking ;

(5) All such posts and standards and other works erected by the Corporation in any street as are usually painted shall be painted by the Corporation with good oil paint of a colour or colours to be approved by the Brighouse Corporation at least once in every three years ;

(6) No advertisements shall be placed upon any such post standards or other fixed property of the Corporation in any street except advertisements relating to the working and use of the tramways ;

(7) The provisions of Sections 30 31 32 and 33 of the Tramways Act 1870 shall extend and apply to the sewers mains pipes tubes wires and apparatus of the Brighouse Corporation as if such Brighouse Corporation were a Company within the meaning of those provisions ;

(8) Any question arising between the Brighouse Corporation or the Corporation with reference to this section or anything to be done or not to be done thereunder shall be determined by arbitration The arbitrator unless otherwise agreed upon shall be appointed by the Board of Trade.

**34.** The provisions of the last preceding section shall extend and apply mutatis mutandis for the benefit of the several Urban and Rural Districts in which any portion of any of the tramways shall be constructed and to the Councils of those respective Districts.

For the protection  
of Urban and  
Rural District  
Councils.

For protection of  
the Postmaster-  
General.

**35.** (A) Notwithstanding anything in this Act contained if any of the works authorised to be executed by this Act involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General the provisions of Section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of Section 30 of the Tramways Act 1870) to any such alteration. 5

(B) In the event of any of the Corporation tramways being worked by electricity the following provisions shall have effect:—

(1) The Corporation shall construct their electric lines and other works of all descriptions and shall work their undertaking 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 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 bound to make any alterations in or additions to their system which may be directed by the arbitrator. 10 15 20

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Corporation of their electric lines and works or by the working of the undertaking of the Corporation the Corporation shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection; 25 30

(3) (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 (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 35



on each side of such point) the Corporation or their agents not more than twenty-eight nor less than fourteen days before commencing the 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 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 requirements so made shall be determined by arbitration.

(4) 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-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues.

(5) 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;

(6) 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;

(7) For the purposes of this section and subject as therein provided Sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act;

(8) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882;

(9) 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;

(10) 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;

(11) In this section the expression "the Corporation" includes their lessees and any person owning working or running carriages on any of the Corporation tramways.

Powers of sale  
leasing working  
&c.

**36.**—(1) The Corporation and any adjacent Urban District Council respectively may with the consent of the Board of Trade enter into and carry into effect contracts and agreements with respect to the purchase sale lease and working by the contracting parties of all or any of their respective tramways whether within or without the Borough and for any of those purposes the Urban District Council may apply their District Funds and General District Rates and with the sanction of the Board of Trade may borrow moneys on the security thereof under and according to the provisions of the Tramways Act 1870.

(2) The proceeds of any such sale made and any fine or premium on any such lease granted shall be applied by the Authority making or granting the same towards the discharge of any principal moneys for the time being owing by them on the security of the fund and rate on the security of which such moneys were borrowed or

if no such principal moneys be owing shall be carried to the account of such fund or rate The said proceeds shall not be applicable to the payment of instalments or to payments into the sinking fund except to the extent and upon such terms as the Local Government Board  
5 may approve.

**37.** Notwithstanding anything in the Tramways Act 1870 to the contrary the Corporation may place and run carriages on and may work and may demand and take tolls and charges in respect of the Corporation tramways and in respect of the use of such  
10 carriages and may provide such stables buildings carriages trucks harness engines machinery apparatus horses steam cable electric and other plant appliances and conveniences as may be requisite or expedient for the convenient working or user of the said tramways by animal or mechanical power but nothing in this section shall  
15 empower the Corporation to construct any station for generating electrical power nor to create or permit a nuisance.

Power to Corporation to work tramways.

**38.** Subject to the provisions of this Act the Corporation may appropriate and use the lands described in the Schedule to this Act for the purpose of constructing thereon a station or stations for  
20 generating electrical energy and for providing and working thereon engines dynamos and other electrical plant and works but nothing in this Act shall authorise the Corporation to generate electrical energy elsewhere than on the lands so described.

Lands for generating stations.

If the Corporation appropriate for purposes of this Act any  
25 lands acquired under the powers of any former Act they shall debit the account for which the said lands are appropriated with a reasonable sum by way of purchase money for the said lands and shall carry that sum to the credit of the fund out of which the said lands were acquired.

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

Traffic upon tramways.

**40.** The Corporation shall not be bound to carry unless they think fit any animals goods minerals or parcels other than passengers luggage not exceeding twenty-eight pounds in weight provided that  
35 no preference shall be given by the Corporation to any person or

Corporation not bound to carry goods.

persons in respect of the carriage of any such animals goods ~~minerals~~ or parcels.

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

**41.** In case the Corporation carry animals goods ~~minerals~~ or parcels they may and as respects any tramway outside the Borough when required by the local authority shall carry the same in separate carriages or separate parts of carriages set apart for that purpose provided that this provision shall not apply to the carriage of passengers luggage.

Tramways to form part of tramway undertaking of the Corporation.

**42.** Subject to the provisions of this Act the tramways shall for all purposes including the levying of tolls rates and charges be deemed to form part of the tramway undertaking of the Corporation.

Payment of tolls.

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

Passengers' luggage.

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

As to fares on Sunday or holidays.

**45.** The Corporation shall not take or demand on Sunday or any public holiday any higher fares or charges than those levied by them on ordinary week days.

Cheap fares for labouring classes.

**46.—(1.)** The Corporation at all times after the opening of the tramways for public traffic shall and they are hereby required to run a proper and sufficient service of carriages for artisans mechanics and daily labourers each way every morning and every evening (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than eight in the morning or earlier than five in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one halfpenny for every mile or fraction of that

distance. On Saturdays the Corporation in lieu of running such carriages after five o'clock in the evening shall run the same at such hours between noon and two o'clock in the afternoon as may be most convenient for the said purposes.

(2.) If complaint is made to the Board of Trade that such proper and sufficient service is not provided the Board after considering the circumstances of the locality may by order direct the Corporation to provide such service as may appear to the Board to be reasonable.

(3.) The Corporation shall be liable to a penalty not exceeding five pounds for every day during which they fail to comply with any Order under this section.

47. If at any time after three years from the opening for public traffic of the tramways or any portion thereof or after three years from the date of any order made in pursuance of this Section in respect of the tramways or any portion thereof it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the Borough or by the Corporation of the said Borough of Brighouse or by any of the said Urban District Councils or by the Corporation that under the circumstances then existing all or any of the rates and charges demanded and taken in respect of the traffic on the tramways or on such portion should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if the referee reports that it has been proved to his satisfaction that all or any of the rates and charges should be revised the said Board may make an Order in writing altering modifying reducing or increasing all or any of the rates and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit and thenceforth such Order shall be observed until the same is revoked or modified by an Order of the Board of Trade made in pursuance of this Section Provided always that the rates and charges prescribed by any such Order shall not exceed in amount the rates and charges by this Act authorised Provided also that a copy of this Section shall be annexed to every table or list of rates published or exhibited by the Corporation.

Periodical  
revision of rates  
and charges.

**By-laws.**

**48.** Subject to the provisions of this Act the Board of Trade may make by-laws with regard to any of the tramways upon which mechanical power may be used for all or any of the following purposes (that is to say):—

For regulating the use of any bell whistle or other warning apparatus fixed to the engine or carriages; **5**

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

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places **10** and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety;

For regulating the entrance to exit from and accommodation in the carriages used on the tramways and the protection of **15** passengers from the machinery of any engine used for drawing or propelling such carriages;

For providing for the due publicity of all by-laws and Board of Trade regulations in force for the time being in relation to the tramways by exhibition of the same in conspicuous places **20** on the carriages and elsewhere.

Any person offending against or committing a breach of any of the by-laws made by the Board of Trade under the authority of this Act shall be liable to a penalty not exceeding forty shillings. **25**

**Amendment of  
the Tramways  
Act 1870 as to  
by-laws by  
Corporation.**

**49.** The provisions of The Tramways Act 1870 relating to the making of by-laws by the Corporation with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the Corporation to make any by-laws sanctioning a higher rate of speed than that authorised by the Board of Trade regulations **30** at which engines are to be driven or propelled on the tramways under the authority of this Act but the Corporation may if they think fit make by-laws under the provisions of the Tramways Act 1870 for restricting the rate of speed to a lower rate than that so authorised. **35**

**50.** All orders regulations and by-laws made by the Board of Trade under the authority of this Act shall be signed by a Secretary or an Assistant Secretary of the Board.

Orders &c. of the Board of Trade.

**51.** Any penalty under this Act or under any by-laws or regulations made under this Act may be recovered in manner provided by the Summary Jurisdiction Acts.

Recovery of penalties.

**52.** Upon the expiration of twelve months after the opening of Tramway No. 3 for public traffic so much of that tramway as will be situate in the urban district of Linthwaite shall by virtue of this Act vest in the Urban District Council of Linthwaite and that Council shall have and may exercise in respect thereof all such and the like rights powers and privileges as if the same had been part of the tramway authorised by the Linthwaite Tramway Order 1898 provided that during the continuance of the existing agreement between the Corporation and the said Council dated the twenty-third day of June one thousand eight hundred and ninety-nine the Corporation may without any payment therefor to the said Council run engines and carriages with flanged wheels over and use the said portion of tramway and may work the same and demand and take tolls and charges for the use of such carriages the Corporation during the continuance of the said Agreement maintaining the said tramway in accordance with the provisions of Section 28 of the Tramways Act 1870.

As to tramway in Linthwaite.

**53.** The Corporation on the one hand and the Mayor Aldermen and Burgesses of the Borough of Brighouse and the said Urban District Councils or any of them on the other hand may enter into agreements for or in relation to all or any of the following purposes with respect to any tramways owned or leased by them respectively (that is to say):—

Power to enter into working agreements with Urban District Councils.

- 30 The construction maintenance and management thereof
- The use and working thereof
- The exercise of running powers thereover
- The interchange of traffic thereon
- The fixing subject to the authorised rates and charges and the

collecting and apportionment of the tolls rates charges receipts and revenues levied taken or arising in respect of traffic thereon.

The supply under any agreement for any tramway of the Corporation being worked and used by the said Corporation of Brighouse or by any of the said Urban District Councils of rolling stock or motive power and plant necessary for the purposes of such agreement. 5

As to conveyance of mails.

**54.** Notwithstanding any provision in any Provisional Order relating to any of the existing tramways The Conveyance of Mails Act 1893 shall extend and apply to all the tramways of the Corporation as if the same had been authorised by an Act of Parliament passed after the first day of January one thousand eight hundred and ninety-three and to the Corporation as the body or person owning or working such tramways. 10

Incorporation of certain sections of the Act of 1897.

**55.** The following sections of the Act of 1897 (that is to say):— 15  
Section 25 (Power to acquire additional lands by ageeement);  
Section 26 (Consideration for such acquisition); and  
Section 27 (Restriction on displacing persons of labouring class);

shall extend and apply to and for the purposes of the tramways by this Act authorised as if those sections had been re-enacted in this Act with special reference thereto. 20

In construing the said Section 27 for the purposes of this Act the expression “House” shall mean any tenement separately occupied by any person or persons. 25

Provision as to general Tramway Acts.

**56.** Nothing in this Act contained shall exempt the Corporation or the tramways from the provisions of any general Act relating to tramways now in force or which may hereafter pass during this or any future Session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates or charges authorised in respect of any of the tramways. 30



PART III.—FINANCE.

**57.** The Corporation may from time to time in addition to any Power to borrow.  
 moneys they are now authorised to borrow or which they may be  
 authorised to borrow under the provisions of any Provisional Order  
 5 confirmed in this present Session of Parliament or of the Public  
 Health Acts or any public general Act borrow at interest on the  
 security of the tramway revenue Borough Fund and Borough  
 Rate and for the following purposes the following sums (that is  
 to say) :—

10 (A) For paying the costs charges and expenses of and in  
 relation to this Act as hereinafter defined the sum requisite for  
 the purpose ;

(B) For the purposes of constructing the tramways by this Act  
 authorised any sums not exceeding in the whole two hundred  
 15 and sixty-one thousand two hundred and three pounds ;

(C) For and in relation to tramway purposes any sums not  
 exceeding in the whole one hundred and thirty-eight thousand one  
 hundred and forty-seven pounds and any further sum or sums the  
 Board of Trade may from time to time sanction by order in writing ;

20 and in calculating the sums which the Corporation may borrow  
 under the provisions of 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 Public Health Acts.

25 **58.** The following sections of the Public Health Act 1875 shall Provision as to  
 extend and apply mutatis mutandis to and in relation to all mortgages.  
 mortgages made under the powers of this Act (that is to say) :—

Section 236 (Form of Mortgage) ;

Section 237 (Register of Mortgages) ;

30 Section 238 (Transfer of Mortgages) ; and

Section 239 (Receiver may be appointed in certain cases).

As to moneys  
raised by Cor-  
poration Stock.

**59.**—(1) The amount of the annual sums payable to the Loans Fund under the Act of 1882 towards the redemption of Stock created and issued by the Corporation for the purposes of this Act shall be such as with accumulations at a rate not exceeding three per centum per annum will suffice to redeem at par such stock within the period prescribed by this Act from the time or respective times of the original borrowings.

(2) The sums payable in each year to the said Loans Fund under the Act of 1882 for payment of dividends on and towards redemption of such stock shall be provided if issued for any purpose relating to tramways out of the revenue of the tramway undertaking and if and so far as that revenue proves insufficient for the purpose the deficiency shall be provided out of the Borough Rate.

Periods for  
repayment of  
borrowed moneys.

**60.** All moneys borrowed under the powers of this Act for the purposes respectively mentioned in the following sub-sections of the section of this Act the marginal note whereof is "Power to borrow" shall be repaid within any period not exceeding the following respective periods from the respective dates of the borrowing of such moneys respectively (that is to say):—

For the purposes in Sub-section (A) five years;

For the purposes in Sub-section (B) thirty years;

For the purposes in Sub-section (C) such period or periods not exceeding thirty years as the Board of Trade may sanction.

Incorporating  
certain sections of  
the Act of 1890  
and the Act of  
1897.

**61.** The following Sections of the Acts of 1890 and 1897 (that is to say):—

Of the Act of 1897 :

Sections 39 (As to repayment of borrowed moneys)

Section 40 (As to Sinking Fund);

Section 42 (Corporation not to regard trusts);

Of the Act of 1890 :

Section 33 (Power to re-borrow);

Section 35 (Sinking Funds may be adjusted in certain events);

Section 38 (Annual return to Local Government Board with respect to Sinking Funds &c.);

Section 40 (Application of moneys borrowed);

shall subject to the provisions of this Act extend and apply mutatis  
5 mutandis to and in relation to the moneys borrowed and reborrowed  
by the Corporation under the powers of this Act and to the repayment thereof.

**62.** The Corporation shall not create or issue any irredeem-  
able stock nor shall they invest the loans fund or any sinking  
10 fund in their own securities.

Corporation not  
to create  
irredeemable  
stock nor to  
invest sinking  
fund in their own  
securities.

**63.** A person lending money to the Corporation shall not be  
bound to inquire as to the observance by the Corporation of any  
provision of this Act or be bound to see to the application or be  
answerable for any loss misapplication or non-application of the  
15 money lent by him or of any part thereof.

Protection of  
lenders from  
inquiry.

**64.** All expenses incurred by the Corporation in carrying into  
execution the provisions of this Act (except such expenses as are to  
be paid out of borrowed moneys or as are incurred in relation to  
Corporation Stock) shall be paid out of tramway revenue and all  
20 deficiencies shall be met out of the Borough Fund and all moneys  
payable to or receivable by the Corporation under this Act or any  
by-law thereunder shall be carried to the Borough Fund and to the  
tramway account therein.

Expenses of  
executing the  
Act.

**65.** Notwithstanding anything in this Act contained the  
25 Corporation shall as regards the tramways authorised to be con-  
structed under the powers of this Act outside the Borough in the  
Borough of Brighouse and in the Urban Districts of Mirfield  
Marsden Slaithwaite Lepton Kirkburton Honley Thurstonland  
New Mill Netherthong and Holmfirth aforesaid once in each year  
30 after the first two years working cause the Borough Treasurer to  
lay before them a statement and balance sheet of the accounts of  
such tramways including a proper proportion of the reserve depre-  
ciation accounts and establishment charges for the preceding year  
and an estimate of the gross receipts to be derived during the  
35 ensuing year from the working and use of such tramways and the

Statement and  
balance sheet and  
estimates with  
respect to Tram-  
ways to be laid  
before Corporation.

carriages and trucks thereon and also an estimate of the sums required to meet for such year a proper proportion of all establishment charges including the expenses of working management maintenance of lines works machinery and rolling stock repairs renewals materials rents wages taxes and other outgoings and also an allowance for depreciation and for contingencies and also a proper proportion of the interest on money borrowed under the powers of this Act on the security of the Tramway Revenue and Borough Fund and Borough Rate and of the sums required to be annually appropriated to the sinking fund for the repayment of such moneys as provided for by this Act and the Corporation shall thereupon fix annually the tolls fares and charges to be levied by them for the use of such tramways and of the carriages and trucks used or propelled thereon for the said year then ensuing (not exceeding the tolls fares and charges specified in this Act) so that as far as is reasonably practicable the revenue shall not be less than the expenditure as before specified for each year Nothing in this section shall be construed to prevent the Corporation levying the tolls rates and charges authorised under the provisions of the section of this Act the marginal note whereof is "Tramways to form part of Tramways Undertaking of the Corporation."

Audit of accounts.

**66.** The provisions of the Municipal Corporations Acts as amended by Section 44 of the Huddersfield Tramways and Improvements Act 1890 relating to the keeping and auditing of accounts and the accounts kept of sums of money received and paid under those Acts shall extend and apply to the keeping and auditing of accounts and to the accounts kept of sums of money received and paid under this Act.

Inquiries by and  
expenses of Local  
Government  
Board

**67.**—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in relation to any of the duties imposed on that Board under this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(2) The Corporation shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries

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.

**5**      **68.** All the costs charges and expenses preliminary to and Costs of Act.  
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 the Borough Fund or Borough Rate or out of  
**10** moneys to be borrowed for that purpose under this Act.

THE SCHEDULE REFERRED TO IN THE FORE-  
GOING ACT.

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LANDS TO BE USED FOR STATIONS FOR GENERATING ELECTRIC  
ENERGY.

Certain lands about 4,474 square yards in extent in the parish of Lockwood in the said County Borough bounded on the north by the River Colne from a point about 30 yards east of Longroyd Bridge to a point about 174 yards east of the said Longroyd Bridge on the south-east by an existing stone wall from the last-named point to a point in St. Thomas' Road about 150 yards east of the said Longroyd Bridge and on the south-west by St. Thomas' Road.