CHAPTER clxxxiv.

An Act to authorise the construction of a new tramway in the urban district of Ravensthorpe and the electrical equipment and reconstruction of tramways in the boroughs of Dewsbury and Batley and the urban districts of Gomersal Birkenshaw Soothill Upper and Birstal and for other purposes. [11th August 1903.] A.D. 1903.

WHEREAS by the Dewsbury Batley and Birstal Tramways Order 1873 and the Dewsbury Batley and Birstal Tramways (Extension) Order 1879 the Dewsbury Batley and Birstal Tramways Company Limited (herein-after called "the Dewsbury Company") were empowered to make and work tramways from Dewsbury to Birkenshaw which tramways pass through the boroughs of Dewsbury and Batley and the urban districts of Soothill Upper Birstal Gomersal and Birkenshaw:

And whereas the said tramways were made and have been worked by the Dewsbury Company and pursuant to section 43 of the Tramways Act 1870 the local authorities of the said several boroughs and districts have served notice upon the Dewsbury Company of their intention to purchase the portions of the said tramways within their said boroughs and districts respectively under the provisions of that Act and the terms of such purchases are in course of settlement:

And whereas agreements have been entered into between the British Electric Traction Company Limited (in this Act called "the Company") on the one hand and the mayor aldermen and burgesses of the borough of Dewsbury and the urban district councils of Gomersal Birkenshaw Soothill Upper and Birstal

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respectively on the other hand which agreements provide (inter alia) for the grant of leases to the Company for terms exceeding in some cases twenty-one years of the portions of the said tramways within the respective boroughs and districts of the said corporations and councils when purchased by them respectively on the terms therein specified and for the adaptation and equipment by the Company for working by mechanical power of the said portions of tramways:

And whereas it is expedient that the corporation and councils parties thereto respectively should be empowered to grant such leases and that the powers herein-after contained with respect to the adaptation and equipment as aforesaid of the said portions of tramways should be conferred upon the Company:

And whereas the mayor aldermen and burgesses of the borough of Batley (herein-after called "the Batley Corporation") are the owners of a system of tramways in the borough of Batley authorised by the Batley Corporation Tramways Order 1900:

And whereas an agreement has been entered into between the Company on the one hand and the Batley Corporation on the other hand for a lease to the Company for a period not exceeding thirty years of the tramways within the borough of Batley:

And whereas it is expedient that powers as in this Act contained should be conferred upon the Batley Corporation with respect to the adaptation and equipment for working by electrical traction of the Batley tramways as herein-after defined and for the lease of those tramways and of the tramways authorised by the Batley Corporation Tramways Order 1900 to the Company:

And whereas it is expedient that the Batley Corporation should be empowered to erect equip and use the station or stations for generating electrical energy herein-after referred to:

And whereas estimates have been prepared of the sum requisite for the execution of works by the Batley Corporation by this Act authorised and the erection and equipment by them of the said station or stations for generating electrical energy and such estimates are as follows:—

Reconstruction and adaptation of Batley tramways forty-four thousand one hundred pounds;

Erection and equipment of generating station twenty-three thousand one hundred pounds:

And whereas it is expedient that the Company should be empowered to construct a new tramway to connect the Spen

Valley Light Railway with the tramways authorised by the Huddersfield Corporation Tramways Act 1900 and to work such new tramway by animal or mechanical power: A.D. 1903.

And whereas plans and sections showing the line and levels of the tramway authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required to be used for the purposes of this Act were duly deposited with the clerk of the peace for the west riding of the county of York and are herein-after referred to as the deposited plans sections and book of reference:

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

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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:—

Division of Act into parts.

1. This Act is divided into parts as follows:—

Part I.—Introductory.

Part II.—Construction of new Tramway and Acquisition of Lands.

Part III.—Reconstruction and Adaptation of Dewsbury Tramways.

Part IV.—Reconstruction and Adaptation of Batley Tramways and powers to Batley Corporation.

Part V.—Miscellaneous.

Part I.

Introductory.

Short title.

2. This Act may be cited as the Dewsbury Batley and Birstal Tramways Act 1903.

Incorporation of Tramways Act.

3. Section 3 (Interpretation of terms) and Parts II. and III. of the Tramways Act 1870 are except where the same are inconsistent with or expressly varied by the provisions of this Act incorporated with and form part of this Act.

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Interpretation.

4. In this Act unless there be something in the subject or context repugnant to such construction—

The expression "mechanical power" includes steam electrical and every other motive power not being animal power;

The expression "engine" includes motor;

The expression "the Company" means the British Electric Traction Company Limited;

The expression "the Batley Corporation" means the mayor aldermen and burgesses of the borough of Batley;

The expression "the local authorities" means the Batley Corporation the mayor aldermen and burgesses of the borough of Dewsbury and the urban district councils of Gomersal Birkenshaw Soothill Upper and Birstal;

The expression "the existing tramways" means the tramways authorised by the Dewsbury Batley and Birstal Tramways Order 1873 and the Dewsbury Batley and Birstal Tramways (Extension) Order 1879 as now constructed;

The expression "the Batley tramways" means the portion of the existing tramways within the borough of Batley;

The expression "the Dewsbury tramways" means the portion of the existing tramways without the borough of Batley;

The expression "the new tramway" means the tramway by this Act authorised.

Part II.

Construction of New Tramway and Acquisition of Lands.

Power to make tramway.

5. Subject to the provisions of this Act the Company may make form lay down work use and maintain the tramway herein-after described in the line 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 proper rails plates works and conveniences connected therewith Provided that nothing in this Act shall authorise any interference with electric lines and works of any undertakers under the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply except in accordance with and subject to the provisions of that section.

The new tramway herein-before referred to and authorised by this Act is—

A tramway (1 furlong 0·20 chain in length of which 6·40 chains is single line and 3·80 chains is double line) wholly situate in the parish and urban district of Ravensthorpe in

the west riding of the county of York commencing in the Dewsbury and Elland Road by a junction with the Tramway No. 2 authorised by the Huddersfield Corporation Tramways Act 1900 at its termination near Steanard Lane passing thence along the said Dewsbury and Elland Road into and terminating in the Huddersfield Road by a junction with the Spen Valley Light Railway at its commencement in that road.

Gauge of new tramway.

6. The new tramway shall be constructed on a gauge of four feet eight and a half inches but carriages or trucks adapted to run on railways shall not be run thereon.

Rails of new tramway.

7. The rails of the new tramway shall be such as the Board of Trade may approve.

Plan of proposed mode of construction.

8. In addition to the requirements of section 26 of the Tramways Act 1870 the Company shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing laying down and renewing the new tramway lay before the Board of Trade a plan showing the proposed mode of constructing laying down and renewing the same and a statement of the materials intended to be used therein and the Company shall not commence the construction laying down maintenance and renewal of the new tramway or any part thereof until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the surveyor of the road authority as provided by section 26 of the said Act.

Repair of part of road where tramway is laid.

9. The materials with which and the manner in which any portion of the road which under section 28 of the Tramways Act 1870 the Company are liable to maintain and keep in good condition and repair shall be maintained and kept in good condition and repair shall be such as may be agreed between the road authority and the Company or in case of difference between them as may be determined by the Board of Trade on the application of either party.

Penalty for not maintaining rails and roads.

10.—(1) The Company 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 new tramway and the sub-structure upon which the same rest and if the

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Company at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 as modified by this Act they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues.

(2) In case it is represented in writing to the Board of Trade by the road authority of the district in which the new tramway or any portion thereof is situate or by twenty inhabitant ratepayers of such district that the Company 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 as modified by this Act the Board of Trade may if they think fit 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 of such default and of the liability of the Company to such penalty or penalties in respect thereof as is or are by this section imposed.

New tramway to be kept on level of surface of road.

11. If and whenever after the passing of this Act the road authority alters the level of any road along or across which any part of the new tramway is laid or authorised to be laid the Company 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.

Power to make additional cross-overs and to double tramway lines.

12.—(1) The Company may subject to the provisions of this Act with the consent of the Board of Trade make maintain alter and remove such cross-overs 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 new tramway or for providing access to any warehouses stables or carriage-houses or works of the Company.

(2) Notwithstanding anything shown on the deposited plans the Company may with the consent of the Board of Trade lay down double lines in lieu of single lines or single lines in lieu of double lines or interlacing lines in lieu of double or single lines on the new tramway and if at any time the road in which such tramway or any of the Dewsbury tramways or any part thereof is authorised to be laid or is laid has been or shall be altered or widened the Company may with the like consent construct

such tramway or part thereof or (as the case may be) take up or reconstruct the same in such position as they may think fit.

(3) Provided that if in the construction of any works under this section any rail is intended to be so laid that for a distance of thirty feet or upwards a less space than nine feet six inches would intervene between it and the outside of the footpath on either side of the road the Company shall not less than one month before commencing the works give notice in writing to every owner and occupier of premises abutting on the place where such less space would intervene and such rail shall not except with the consent of the Board of Trade be so laid if the owners or occupiers of one-third of such premises by writing under their hands addressed and delivered to the Company within three weeks after receiving the notice from the Company express their objection thereto.

Application of road materials excavated in construction of works.

13. Any paving metalling or material excavated by the Company in the construction of the new tramway or in the exercise of the powers of this Act from any road under the jurisdiction or control of any road authority may be applied by the Company so far as may be necessary in or towards the reinstatement of the road and the maintenance for six months after completion of the new tramway of so much of the roadway on either side of such tramway as the Company are by section 28 of the Tramways Act 1870 required to maintain and the Company 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 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 Company and may be dealt with removed and disposed of by them in such manner as they may think fit Any difference between the Company and the 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.

Sanitary authority to have access to sewers.

14. The sanitary authority shall at all times have free access to and communication with all their sewers and drains and power to lay lateral and private drains to communicate therewith

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without the consent or concurrence of the Company and the provisions contained in sections 32 and 33 of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain of or under the control of the sanitary authority as if the same were a pipe for the supply of gas or water.

Provisions as to motive power.

15. The carriages used on the new tramway may be moved by animal power or subject to the following provisions by mechanical power (that is to say) :—

(1) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of 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 new tramway and for regulating the use of electrical power :

(3) The Company or any other company or person using any mechanical power on the new tramway 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 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 Company or such other company or person 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 this Act is a danger to the passengers or the public ;

may by order either direct the Company or such other 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 Company or such other 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.

16. 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 Company shall employ either insulated returns or uninsulated metallic returns of low resistance :

(2) The Company 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 :

(3) The electrical power shall be used only in accordance with the Board of Trade regulations and in such regulations provisions 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 Company 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 Company 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 such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking :

(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

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precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents :

(6) If any difference arises between the Company and any other party with respect to anything herein-before 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 :

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

Alteration of telegraph lines of Postmaster-General.

17. 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.

For protection of post office telegraphs.

18. In the event of the new tramway being worked by electricity the following provisions shall have effect :—

(1) The Company 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 His 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 Any difference which arises between the Postmaster-General and the Company as to compliance with this subsection shall be determined by arbitration :

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Company of their electric lines and works or by the working of the undertaking of the Company the Company 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 :

(3) Before any electric line is laid down or any act or work for working the new tramway by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Company 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 Company 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 Any difference which arises between the Postmaster-General and the Company as to any requirements so made shall be determined by arbitration :

(4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Company is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Company's works or to the working of their undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated by the Company enter any of the Company's works for the purpose of inspecting the Company's plant and the working of the same and the Company shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Company pursuant to the Board of Trade regulations :

(5) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company 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 :

(6) Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the court having cognisance of the case that the

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immediate doing of any act or the execution of any work in respect of which the penalty is claimed 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:

(7) 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:

(8) 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:

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

(10) 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 Company or their agents were a company within the meaning of that Act:

(11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Company by indictment action or otherwise in relation to any of the matters aforesaid:

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

Power to equip new tramway for working by mechanical power.

19. The Company may for the purpose of working the new tramway by mechanical power subject to the provisions of this Act erect lay down and maintain on in under or over any street road or bridge (including the footways thereof) footpath or public place in which the new tramway will be situate or on in under or over which it may be necessary or convenient so to do such posts conductors cables wires tubes mains plates boxes and apparatus as may be necessary or convenient either for the working of such

tramway or any portion thereof or for forming connexions with any generating station of the Company or of any local authority company or person who may under the powers of this Act supply electrical energy to the Company or with any depôt or car-shed or for the purposes of any junction with any other tramway tram-road wagonway or light railway and the powers and obligations of the Company under this Act with respect to the opening or breaking up of any street or road shall so far as they are applicable apply with respect to any such footway or footpath Provided that all posts erected by the Company under the powers of this Act in any street road or bridge footpath or public place above the level of the surface thereof shall be of such design and shall be placed in such position as shall be reasonably approved by the local authority for the district in which such posts are erected.

Attachment of brackets to buildings.

20. The Company 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 new tramway by mechanical power:

Provided that—

(1) Where in the opinion of the Company any consent under this section is unreasonably refused they may appeal to a petty sessional court who shall have power having regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable or to disallow 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 that owner ceases to be in possession of the building but any attachments 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 Company 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 sessional court shall have the same powers as under proviso (1):

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

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

Apparatus used for electrical power to be deemed part of new tramway.

21. The provisions of sections 26 to 33 and 41 of the Tramways Act 1870 (except so much of section 28 as relates to the repair of the road between and on each side of the rails of a tramway) shall apply as if all posts tubes pipes wires and other apparatus used or to be used by the Company for the purposes of electrical power were parts of the new tramway.

For protection of Ravensthorpe Urban District Council.

22. The urban district council of Ravensthorpe shall upon giving not less than fourteen days' notice to the Company of their desire to do so have the right to use any posts standards and brackets erected in the streets within their district for the support of any electric wires or lamps or any gas lamp belonging to them or to any contractor with them for the lighting of street lamps Provided that the said notice shall be accompanied by sufficient plans showing the method and position in which such wires or lamps are to be supported and that in placing maintaining or altering such wires or lamps no damage shall be caused to such posts standards or brackets and no obstruction shall be caused to the working by the Company of their undertaking.

Byelaws.

23. Subject to the provisions of this Act the Board of Trade may make byelaws with regard to the new tramway 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 ;

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

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

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

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

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

Inspection by Board of Trade.

24. The new tramway shall not be opened for public traffic until it has been inspected and certified to be fit for such traffic by the Board of Trade.

Period for completion of works.

25. The new tramway shall be completed within five years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Company for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Penalty imposed unless new tramway is opened within time limited.

26. If the Company fail within the period limited by this Act to complete the new tramway and open the same for public traffic the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the new tramway is completed and opened for public traffic or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the works and the said penalty may be applied for by any road authority landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in section three of the Railway and Canal Traffic Act 1854 and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the Paymaster-General for and on behalf of the Supreme Court in the bank and to the credit specified in such warrant or order and shall not be paid thereout except as herein-after provided but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening such line by unforeseen accident or circumstances beyond their control Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalty.

27. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement

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construction or abandonment of the new tramway or any portion thereof and also in compensating the road authority for the expense incurred by them in taking up the new tramway or any materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authority and in making good all damage caused to such roads by the construction or abandonment of such tramway and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit and if no such compensation shall be payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent and has been ordered to be wound up or the new tramway has been abandoned be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the Company.

Traffic and rates on new tramway.

28. The new tramway may be used for the purpose of conveying passengers parcels animals goods and minerals and in respect of such conveyance the Company shall be entitled to demand and take such tolls rates and charges not exceeding the tolls rates and charges authorised by the Spen Valley Light Railway Order 1901 as they may think fit and for the purpose of calculating such tolls rates and charges the new tramway shall be deemed to be part of the railway authorised by that Order.

Passengers' luggage.

29. Every passenger travelling upon the new tramway 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 luggage to be carried by hand and not to occupy any part of a seat nor to be of a form or description to annoy or inconvenience other passengers.

Company not bound to carry goods.

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

As to fares on Sundays or holidays.

31. The Company 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.

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Cheap fares for labouring classes.

32.—(1) The Company at all times after the opening of the new tramway 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 but the Company shall not be required to take any sum less than one penny On Saturdays the Company 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 Company to provide such service as may appear to the Board to be reasonable.

(3) The Company 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.

Periodical revision of rates and charges.

33. If at any time after three years from the opening for public traffic of the new tramway or any portion thereof or after three years from the date of any order made in pursuance of this section in respect of the new tramway or any portion thereof it is represented in writing to the Board of Trade by the local authority of the district in which the new tramway or such portion is situate or by twenty inhabitant ratepayers of that district or by the Company that under the circumstances then existing all or any of the fares or other charges demanded and taken in respect of the traffic on the new tramway 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 fares or charges should be revised the said Board may subject to the maximum fares and charges authorised by this Act by order in writing alter modify reduce or increase all or any of the fares or charges to be taken in respect of the new tramway or on any portion thereof and

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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.

Byelaws by local authority.

34. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the new tramway shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed than that authorised by the Board of Trade regulations.

Part III.

Reconstruction and Adaptation of Dewsbury Tramways.

Power to adapt Dewsbury tramways.

35. The Company may make all such alterations of the Dewsbury tramways or any part or parts thereof as may be necessary expedient or convenient for adapting such tramways to be worked by mechanical power and may substitute single lines for double lines or double lines for single lines or interlacing lines for double or single lines on any of such tramways and may alter the position in the road of any such tramways and any question as to any such necessity expediency or convenience shall be determined by the Board of Trade.

Application to Dewsbury tramways of certain provisions relating to new tramway.

36. Subject to the provisions of this part of this Act the sections of this Act of which the marginal notes and numbers are set out in the next following table shall mutatis mutandis extend and apply to the Dewsbury tramways and to the Company in respect of such tramways as if such tramways had been referred to in the said sections instead of the new tramway :—

No. of Section.	Marginal Note.
15	Provisions as to motive power.
16	Special provisions as to use of electrical power.
17	Alteration of telegraph lines of Postmaster-General.
18	For protection of Post Office telegraphs.
19	Power to equip new tramway for working by mechanical power.
20	Attachment of brackets to buildings.
21	Apparatus used for electrical power to be deemed part of new tramway.
23	Byelaws.
34	Byelaws by local authority.

For protection of London and North Western Railway Company.

37. No brackets wires or apparatus for the working of the Dewsbury tramways by mechanical power shall without the previous consent in writing of the London and North Western

Railway Company be attached to any bridge or other work of that company. A.D. 1903.

For protection of Birstal Urban District Council.

38. For the protection of the urban district council of Birstal (in this section referred to as "the council") the following provisions shall unless otherwise agreed between the Company and the council have effect with respect to the existing tramways in the district of the council (in this section referred to as "the district") (that is to say):—

(1) All works for adapting the said tramways for working by mechanical power shall be executed in accordance with plans and sections to be submitted to and reasonably approved by the council and the Company shall not commence such works until such plans and sections have been so approved Provided that if the council do not within twenty-eight days after the submission to them of any such plans or sections signify to the Company their disapproval thereof they shall be deemed to have approved the same And provided also that if the council disapprove any such plans or sections any difference arising thereon between the council and the Company shall be referred to arbitration in manner herein-after provided and the plans or sections shall be altered in such manner (if any) as the arbitrator may prescribe and the said works shall be executed in accordance with the plans and sections as so altered:

(2) Where the said tramways are constructed over any manhole or entrance to any sewer of the council or so close to such manhole or entrance as to make the use thereof dangerous the Company shall at their own expense if required by the council alter the position of such manhole or entrance in such manner as may be reasonably necessary and approved by the council or the council may at their option at the reasonable expense of the Company make such alteration in the position of such manhole or entrance Provided that if the council intend to execute such works themselves they shall commence execute and complete the same with all reasonable despatch:

(3) If it shall be necessary for adapting the said tramways for working by mechanical power that any gas or water mains or pipes sewers drains manholes ventilation grids hydrants wires tubes or other apparatus belonging to the

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council should be altered such alteration shall if the council so desire be executed by them at the reasonable expense of the Company Provided that the council shall give notice of their intention themselves and execute such alterations within seven days after receiving notice from the Company of the alterations required and shall commence execute and complete the same with all reasonable despatch:

(4) All posts standards and brackets erected by the Company within the district shall be placed in such position and be of such design as the council may reasonably approve Provided that if the council do not within twenty-eight days after the submission to them of plans showing the position and design of the said posts standards and brackets signify to the Company their disapproval thereof they shall be deemed to have approved the same:

(5) The Company shall if required so to do by the council paint with oil paint of a colour or colours to be approved by the council all such posts standards and brackets of the Company usually painted or suitable to be painted as are erected or placed in any street within the district at least once in every three years and no such posts standards or brackets shall be used for the display of advertisements other than notices relating to the working of the tramways:

(6) Any difference which may arise between the council and the Company under this section shall be referred to an arbitrator to be appointed by the Board of Trade.

Part IV.

Reconstruction and Adaptation of Batley Tramways and Powers to Batley Corporation.

Power to adapt Batley tramways.

39. The Batley Corporation may make all such alterations of the Batley tramways or any part or parts thereof as may be necessary expedient or convenient for adapting such tramways to be worked by mechanical power and may substitute single lines for double lines or double lines for single lines or interlacing lines for double or single lines on any of such tramways and any question as to any such necessity expediency or convenience shall be determined by the Board of Trade.

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Application to adaptation of Batley tramways and to Batley Corporation of certain provisions relating to new tramway and Company.

40. Subject to the provisions of this part of this Act the sections of this Act of which the marginal notes and numbers are set out in the next following table shall mutatis mutandis extend and apply to the adaptation of the Batley tramways and the Batley Corporation in respect thereof as if the Batley tramways and the Batley Corporation had respectively been referred to in the said sections instead of the new tramway and the Company:—

No. of Section.	Marginal Note.
17	Alteration of telegraph lines of Postmaster-General.
18	For protection of Post Office telegraphs.
19	Power to equip new tramway for working by mechanical power.
20	Attachment of brackets to buildings.
21	Apparatus used for electrical power to be deemed part of new tramway.

Application to working of Batley tramways of certain provisions relating to new tramway.

41. Subject to the provisions of this part of this Act the sections of this Act of which the marginal notes and numbers are set out in the next following table shall if and so long as the Batley tramways or any portion thereof shall be leased to the Company mutatis mutandis extend and apply to the said tramways or such portion thereof and to the Company in respect of the working thereof as if the said tramways or such portion thereof had been referred to in the said sections instead of the new tramway:—

No. of Section.	Marginal Note.
15	Provisions as to motive power.
16	Special provisions as to use of electrical power.
18	For protection of Post Office telegraphs.
23	Byelaws.
34	Byelaws by local authority.

Lands for generating station.

42.—(1) The Batley Corporation may on the lands described in the schedule to this Act or on any part or parts of such lands erect maintain and use a station or stations for generating and transforming electrical energy with all necessary engines dynamos plant and machinery.

(2) The Batley Corporation shall charge the undertaking for the purposes of which the said lands are appropriated with a

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reasonable sum by way of purchase money or rent for the said lands and shall carry that sum to the credit of the fund out of which the said lands were acquired but no sum so charged on the tramway undertaking of the Batley Corporation shall be taken into account in ascertaining the rent payable by the Company to the Batley Corporation under the agreement made the thirtieth day of June one thousand nine hundred and three between the said corporation and the Company.

Power to Batley Corporation to borrow.

43. The Batley Corporation may from time to time borrow at interest on the security of the rent reserved by any lease of the Batley tramways and of the tramways authorised by the Batley Corporation Tramways Order 1900 or any of them to the Company and of the borough fund and borough rate of the borough of Batley such sums as shall be requisite for the following purposes not exceeding the following amounts (that is to say) :—

For and in relation to the adaptation of the Batley tramways the sum of forty-four thousand one hundred pounds ;

For the erection and equipment of stations for generating electrical energy the sum of twenty-three thousand one hundred pounds :

And in calculating the sums which the Batley Corporation may borrow under any other enactment any sums which they may borrow under this Act shall not be reckoned The powers of the Batley Corporation as to borrowing and re-borrowing for the purposes of this Act shall not be restricted by any of the provisions of the Public Health Acts.

Provision as to mortgages.

44. The following sections of the Public Health Act 1875 (that is to say) :—

Section 236 (Form of mortgage) ;
Section 237 (Register of mortgages) ;
Section 238 (Transfer of mortgages) ; and
Section 239 (Receiver may be appointed in certain cases) ;

shall extend and apply to and in relation to all mortgages made under the powers of this Act.

Repayment of borrowed moneys.

45. The Batley Corporation shall pay off all moneys borrowed by them under the powers of this Act within a period not exceeding thirty years from the respective dates of the borrowing thereof and such repayments shall be made either by equal yearly or half-yearly instalments of principal or of principal and interest or by a sinking fund or partly by instalments and partly by a sinking fund.

The first payment by instalments or by a sinking fund shall be made within one year from the date of the borrowing of the moneys in respect of which such payment is made. A.D. 1903.

As to sinking fund.

46. In order to discharge such of the moneys borrowed under the powers of this Act as are to be repaid by means of a sinking fund the following provisions shall have effect (that is to say) :—

(A) The Batley Corporation shall within the period aforesaid and in every year after that in which the first payment shall have been made appropriate and set apart out of the rent reserved by any lease of the Batley tramways and the tramways authorised by the Batley Corporation Tramways Order 1900 or any part thereof respectively to the Company or out of the said borough fund and borough rate such equal sums as will with the accumulations thereof by way of compound interest at a rate not exceeding three pounds per centum per annum be sufficient after payment of all expenses to pay off the whole of the said borrowed moneys within a period not exceeding that by this Act prescribed in that behalf:

(B) The yearly sums so to be appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the resulting income thereof respectively in such securities as trustees are by law for the time being authorised to invest trust moneys in or on security of mortgages debentures debenture stock or any other security (not being annuities or securities transferable by delivery) of any municipal corporation (excluding the Batley Corporation) or of any other local authority as defined by section 34 of the Local Loans Act 1875 authorised by or under any Act of Parliament passed or to be passed under which such corporation or local authority are or is authorised to borrow money:

(C) The Batley Corporation may at any time apply the whole or part of any sinking fund set apart by them in or towards the repayment of the borrowed moneys for the repayment of which such sinking fund was set apart in such order and manner as they deem proper:

Provided as follows:—

That in such case they pay into such sinking fund in each year afterwards and accumulate as herein-before

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prescribed until the whole of the borrowed moneys to which such sinking fund is applicable are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the rate per centum per annum on which the equal annual payments to the sinking fund are based;

That whenever and so long as the securities in which such sinking fund is invested shall be not less in value at the market price of the day than the principal moneys then outstanding and to be paid off by means of such fund the Batley Corporation may in lieu of investing the said yearly income apply the same in payment of interest on such principal moneys and may during such periods discontinue the payments to such sinking fund of the yearly sums required to be so paid thereto and the investing of the said yearly income;

That if and so often as the interest in any year derived from such investment is not equal to the income which would be derived therefrom at the rate per centum per annum on which the equal annual payments to the sinking fund are based such deficiency shall be made good out of the funds and rates on the security of which the moneys to be repaid have been borrowed but if and so often as the said interest in any year exceeds such income the difference between such interest and income shall be applicable in reduction of the sums which would otherwise be required to be paid into the sinking fund.

Power to re-borrow.

47. The Batley Corporation may from time to time borrow at interest on mortgage as aforesaid any money necessary for repaying any principal money borrowed under the powers of this Act or for the purposes of the Batley Corporation Tramways Order 1900 on the same becoming repayable or for the paying off of any of such principal moneys as they can re-borrow at a lower rate of interest and so toties quoties:

Provided that the time for the repayment of any moneys so re-borrowed shall not be extended beyond the unexpired portion of the term in that behalf by this Act or by the Tramways Act 1870 prescribed and that for the purpose of repayment the moneys re-borrowed and the moneys originally borrowed shall be deemed the same loan Provided also that the Batley Corporation

shall not re-borrow any moneys paid off by means of instalments or a sinking fund. A.D. 1903.

Corporation not to regard trusts.

48. The Batley Corporation shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register-book of the Batley Corporation shall be a sufficient discharge to that Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the said Corporation have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register and the said Corporation shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any of such money.

Annual return to Local Government Board as to repayment of debt.

49.—(1) The town clerk of the borough of Batley shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of the town clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the said town clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding

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the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(2) If it appears to the Local Government Board by that return or otherwise that the Batley Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Act or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

Part V.

Miscellaneous.

As to future purchase of new tramway by local authorities.

50. For the purposes of this Act section 43 of the Tramways Act 1870 shall in its application to the new tramway be read and have effect as if the period of forty-two years from the passing of this Act were substituted for the period of twenty-one years mentioned in the said section.

Agreements with local authorities as to supply of electric power.

51. The Company on the one hand and any local authority company or person authorised by Provisional Order or Act of Parliament to supply electrical energy in whose area of supply the new tramway or any portion of the existing tramways or any light railway of the Company is or will be situate on the other hand may from time to time enter into and carry into effect agreements for or with respect to all or any of the following purposes and all matters incidental thereto (that is to say) :—

(1) The supply to the Company by any such local authority company or person of electrical energy for working any such tramways or light railways which may for the time being be worked by the Company by electrical power whether such tramways or light railways are or are not partly situate beyond the area of supply of such authority company or person :

(2) The payments to be made or other consideration to be given in respect of any such supply of energy.

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Agreements with local and road authorities as to construction &c. of tramways.

52. Subject to the provisions of this Act the Company on the one hand and the local or road authority of any district in which the new tramway or any of the existing tramways are situate or any of them on the other hand may enter into and carry into effect agreements and arrangements with respect to the forming laying down adapting maintaining repairing and renewing of any of such tramways or of the rails plates sleepers tubes wires posts and brackets connected with such tramways and their working by mechanical power and the use of such power upon such tramways or any part thereof in or the alteration of the widths of the roads or streets in which any such tramway may be laid and with respect to the payment of the expenses thereof (such expenses to be deemed to be expenses incurred by such local authority under the Tramways Act 1870) and in regard to facilitating the passage of carriages and traffic over and along the same or any parts thereof.

Power to local authorities to lease tramways.

53.—(1) Notwithstanding anything contained in the Tramways Act 1870 it shall be lawful for the local authorities to grant to the Company leases of the portions of the existing tramways within their respective districts or any part or parts thereof for any term or terms not exceeding in the whole the period of forty-two years and to agree to renew and in pursuance of any such agreement to renew any such lease or leases For the purposes of this section the tramways authorised by the Batley Corporation Tramways Order 1900 shall be deemed to be part of the existing tramways and accordingly the Batley Corporation shall have the like powers of leasing the same and of agreeing to renew and renewing any such lease as if such tramways were a portion of the existing tramways within the borough of Batley.

(2) The consideration for any such lease may be a capital payment or a yearly payment or the construction by the Company of works or the undertaking by them of obligations or partly of one and partly of any other such description.

As to conveyance of mails.

54. Notwithstanding any provision in any Act or Provisional Order relating to any of the existing tramways the Conveyance of Mails Act 1893 shall extend and apply to the existing tramways as if the same had been authorised by an Act of Parliament passed after the 1st day of January 1893 and to the Company as the body or person working such tramways.

Copy of Act to be registered.

55. The Company shall deliver to the Registrar of Joint Stock Companies a printed copy of this Act and he shall retain

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and register the same and if such copy is not so delivered within three months from the passing of this Act the Company shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the default continues and any director or manager of the Company who knowingly and wilfully authorises such default shall incur the like penalty Every penalty under this section shall be recoverable summarily.

There shall be paid to the Registrar on such copy being registered by the Company the like fee as is for the time being payable under the Companies Act 1862 on registration of any document other than a memorandum of association.

Penalty for malicious damage.

56. If any person wilfully does or causes to be done with respect to any apparatus used for or in connexion with the working of any tramway to which this Act relates anything which is calculated to obstruct or interfere with the working of such tramway or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence or of any offence under section 50 of the Tramways Act 1870 with respect to any such tramway shall be liable to a penalty not exceeding twenty pounds.

Consents of local or road authority.

57. Where the consent or approval of any local or road authority is by this Act required before the exercise of any powers by the Company such consent or approval shall not be unreasonably withheld and if any difference arises as to whether any consent or approval is unreasonably withheld that difference shall be referred to an arbitrator to be appointed by the Board of Trade.

Orders &c. of Board of Trade.

58. All orders regulations and byelaws 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.

Recovery of penalties.

59. Any penalty under this Act or under any byelaws or regulations made under this Act may be recovered in manner provided by the Summary Jurisdiction Acts.

Provision as to general Tramway Acts.

60. Nothing in this Act contained shall exempt the Company or any tramways worked by them under the powers of this Act 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 to be taken upon the tramways. A.D. 1903.

Costs of Act.

61. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

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The SCHEDULE referred to in the foregoing Act.

LANDS FOR GENERATING STATION.

Lands in the parish and borough of Batley belonging or reputed to belong to the Batley Corporation and bounded on the north-eastern side in part by the Valley Mills and in part by the New Ing Mill on the north-western side by the new road (to be formed) from Field Lane to Mount Pleasant on the south-eastern side by a new street to be called George Street and on the south-western side by an imaginary line drawn parallel or nearly parallel with and at a distance of about 200 feet from the north-eastern boundary of the said lands as herein-before described.

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