CHAPTER lxv.

An Act to empower the Mayor Aldermen and Citizens of the City of Leeds to construct additional Tramways and for other purposes. [2nd July 1896.]

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WHEREAS by the Leeds Tramways Order 1871 (confirmed by the Tramways Orders Confirmation Act 1871) the promoters therein named were authorised to construct certain tramways in the parish of Leeds in the West Riding of the county of York:

And whereas the Leeds Tramways Company (incorporated by the Leeds Tramways Act 1872) acquired the tramways and undertaking authorised by the said Order of 1871 and were by the Leeds Tramways Act 1877 authorised to construct additional tramways:

And whereas by the Leeds Tramways Act 1881 the said Company were authorised subject to the provisions of that Act to use steam power or other mechanical power on their tramways:

And whereas the undertaking of the said Company is now vested in the mayor aldermen and citizens of the city of Leeds (in this Act called "the Corporation") who have also under the powers conferred upon them by the Leeds Corporation Tramways Order 1888 (confirmed by the Tramways Orders Confirmation (No. 1) Act 1888 and in this Act called "the Order of 1888") constructed tramways in and near to the city and it is expedient that the Corporation be authorised to construct and maintain the additional tramways in this Act described:

And whereas Tramway No. 2 and a part of Tramway No. 3 authorised by the Order of 1888 have not been constructed and the period prescribed by the Tramways Act 1870 for the completion thereof has expired and it is expedient that the powers of the Corporation in respect of such tramways be revived:

And whereas it is expedient that such powers as are herein-after contained be conferred upon the Corporation to work the tramways now belonging to them or by this Act authorised to be constructed

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and being tramways situate within the city or between the city and the Roundhay Park of the Corporation or within that park:

And whereas it is expedient that the Leeds Improvement Act 1893 be amended as in this Act provided:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

And whereas plans and sections showing the lines and levels of the works authorised by this Act were duly deposited with the clerk of the peace for the West Riding of the county of York and are herein-after respectively referred to as the deposited plans and sections:

And whereas estimates have been prepared by the Corporation for the execution of the works by this Act authorised and of the works in respect of which the powers of the Corporation are by this Act revived and for other the purposes of this Act and for the relaying of the existing tramways of the Corporation and such estimates amount to two hundred and thirteen thousand pounds:

And whereas the works included in such estimates are permanent works within the meaning of section 234 of the Public Health Act 1875:

And whereas an absolute majority of the whole number of the council at a meeting held on the fifth day of December one thousand eight hundred and ninety-four after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Yorkshire Post a local newspaper published or circulating in the city 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 to the tramways account of the highways committee of the council or such other public funds or rates as the council should deem advisable:

And whereas such resolution was published twice in the said Yorkshire Post 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 number of the council at a further special meeting held in pursuance of a similar notice on the sixth day of February one thousand eight hundred and ninety-five being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the owners and ratepayers of the city by 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:

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

Short title.

1. This Act may be cited as the Leeds Corporation Tramways Act 1896.

Incorporation of Acts.

2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) and of section 3 (interpretation of terms) section 19 (local authority may lease or take tolls) and Parts II. and III. of the Tramways 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 Provided that the power of purchase conferred upon local authorities under the Tramways Act 1870 shall not apply to any tramway or portion of tramway within the township of Roundhay and connecting the city with the Roundhay Park of the Corporation or within that park.

Interpretation.

3. In this Act unless the subject or context otherwise requires—

"The city" means the municipal city of Leeds;

"The Corporation" means the mayor aldermen and citizens of the city;

"The council" means the council of the city;

"The city fund" and "the city rate" mean respectively the city fund and city rate of the city;

"The tramways" means the tramways and works by this Act authorised;

"The tramways undertaking" means the tramways undertaking for the time being of the Corporation;

"The Order of 1888" means the Leeds Corporation Tramways Order 1888:

Expressions to which meanings are assigned by the enactments incorporated herewith have in this Act (unless the context otherwise requires) the same respective meanings:

Provided that the expression "superior courts" or "court of competent jurisdiction" shall have effect as if the debt or demand with respect to which it is used were a simple contract debt and not a debt or demand created by statute.

Execution of Act.

4. This Act shall be carried into execution by the Corporation acting by the council.

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Power to make tramways.

5. Subject to the provisions of this Act the Corporation may make form lay down use and maintain in the West Riding of the county of York the tramways herein-after described in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates sleepers channels junctions turntables turnouts crossings passing-places triangles waiting-rooms stables carriage-houses engine-houses stations sheds buildings works and conveniences connected therewith (that is to say):—

Tramway No. 1 (7 furlongs 7·36 chains in length) situate in the township of Roundhay in the parish of Barwick-in-Elmet commencing in Princes Avenue at a point 30 feet measured in a southerly direction from the intersection of the centre lines of Street Lane and Park Road thence proceeding along Princes Avenue and terminating by a junction with the existing tramway of the Corporation at a point 242 feet measured in a northerly direction from the intersection of the centre lines of Roundhay Road and Gledhow Lane:

Tramway No. 2 (6 furlongs 4·27 chains in length) situate in the city commencing in Marsh Lane by a junction with the existing tramway of the Corporation at a point 84 feet measured in a south-westerly direction from the south-west corner of the Woodpecker Inn thence proceeding along York Road and terminating in that road at a point 66 feet measured in an easterly direction from the intersection of the centre lines of York Road and Victoria Avenue:

Tramway No. 3 (1 mile 2 furlongs 2·77 chains in length) situate in the city commencing in Meanwood Road at a point 40 feet measured in a southerly direction from the intersection of the centre lines of Meanwood Road and Monk Bridge Road thence proceeding in a south-easterly direction along Meanwood Road and terminating in the last-mentioned road by a junction with the existing tramway of the Corporation at a point 59 feet measured in a south-easterly direction from the intersection of the centre lines of Buslingthorpe Lane and Meanwood Road:

Tramway No. 4 (2 furlongs 6·21 chains in length) situate in the city commencing in Tong Road at a point 28 feet measured in a westerly direction from the south-western corner of the New Inn thence proceeding in an easterly direction along Tong Road and terminating in that road by a junction with the existing tramway of the Corporation at a point 35 feet

measured in an easterly direction from the intersection of the centre lines of Kitsons Place and Tong Road:

Tramway No. 5 (3 furlongs 7·48 chains in length) situate in the city commencing in Whingate at a point 67 feet measured in a south-easterly direction from the intersection of the centre lines of Whingate and Town Street thence proceeding in a south-easterly direction along Whingate to Tong Road and terminating in the last-mentioned road by a junction with Tramway No. 4 herein-before described at a point 100 feet measured in a south-easterly direction from the intersection of the centre lines of Tong Road and Upper Wortley Road:

Tramway No. 6 (1 mile 0·75 chains in length) situate in the city commencing in Armley Road at a point 198 feet measured in a south-westerly direction from the south-western corner of the Nelson Hotel thence proceeding in an easterly direction along Armley Road to Wellington Road and terminating in the last-mentioned road by a junction with the existing tramway of the Corporation at a point 68 feet measured in a north-easterly direction from the intersection of the centre lines of Armley Road and Wellington Road:

Tramway No. 7 (2 furlongs 4·77 chains in length) situate in the city commencing in Abbey Road at a point opposite to the north-western side of the most southern entrance to the Kirkstall Abbey Grounds thence proceeding in a southerly direction along Abbey Road to Commercial Road and terminating in the last-mentioned road by a junction with the existing tramway of the Corporation at a point 27 feet measured in a south-easterly direction from the intersection of the centre lines of Abbey Road and Commercial Road:

Tramway No. 8 (1 mile 2 furlongs 9·67 chains in length) situate in the city commencing in Dewsbury Road at a point 140 feet measured in a southerly direction from the north-west corner of the New Inn thence proceeding in a northerly direction along Dewsbury Road and Meadow Lane into Bridge End and terminating in Bridge End by a junction with the existing tramway of the Corporation at a point 154 feet measured in a south-easterly direction from the centre of Leeds Bridge:

The whole of the said tramways shall be laid as double lines:

Provided that no portion of Tramway No. 8 shall be constructed until the portion of the roadway in which it will be situate shall have been widened by setting back the kerb thereof to the extent shown on the deposited plans.

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Period for completion of tramways.

6. The tramways 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 Corporation for executing the same or otherwise in relation thereto shall cease except as to so much of the tramways respectively as shall then be completed.

Motive power.

7. The carriages used on any of the tramways belonging to the Corporation may subject to the provisions of this Act be moved by animal power or with the consent in writing of the Board of Trade by steam power or any form of mechanical power specially approved by the Board of Trade in writing Provided always that the exercise of the powers hereby conferred with respect to the use of steam or any mechanical power shall be subject to the regulations set forth in Schedule A to the Order of 1888 and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of the powers by this Act conferred with respect to the use of steam or any mechanical power.

Penalty for using mechanical power contrary to order or regulations.

8. The Corporation or any person using any power other than animal power on the tramways contrary to the provisions of this Act or to any of the regulations set forth in Schedule A to the Order of 1888 or to any regulations added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Act shall for every such offence be subject 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 after the first during which such offence continues after conviction thereof Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Corporation or any person using any power other than animal power on the tramways under the authority of this Act have or has made default in complying with the provisions of this Act or with any of the regulations set forth in the said Schedule A or with any regulations which may have been added thereto or substituted therefor as aforesaid or in case the said Board is satisfied that the use of such power cannot be continued without danger may by order direct the Corporation or such person to cease to exercise the powers aforesaid and thereupon the Corporation or such person shall not again exercise the same or any of the same unless with the authority of the Board of Trade and 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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Definition of mechanical power and power to generate electricity.

9. For the purposes of this Act the expression mechanical power shall include electrical cable pneumatic gas oil and any other mechanical power and for the purposes of working any of their tramways the Corporation may erect construct maintain and use dynamos and other electrical apparatus steam-engines works and buildings and may construct erect lay down make and maintain on above or below the surface of any street road or place posts electric conductors wires apparatus subways tunnels cables tubes and openings and may affix to any house or building and maintain posts electric conductors wires and apparatus Provided that the Corporation shall make compensation to any person sustaining injury by the affixing of any such post or thing to any house or building the amount of such compensation to be determined in default of agreement by arbitration under the Tramways Act 1870 as amended by the Order of 1888 and this Act.

The Corporation may upon the lands described in the schedule to this Act (but not elsewhere) construct stations for generating electric power and may thereon provide and use dynamos engines and other apparatus and things necessary or proper for the generation of electricity or the working of tramways thereby.

Provisions as to use of electric power.

10. The following provisions shall apply to the use of electric 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:

(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:

(3) The powers by this Act conferred with respect to the use of electric power shall be exercised only in accordance with regulations to be prescribed by the Board of Trade (hereinafter referred to as "the prescribed regulations") and with any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as or when they may think fit for regulating the employment of insulated returns or of uninsulated metallic returns of low resistance 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

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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) If the Corporation use electric power contrary to the provisions of this Act or to any of the prescribed regulations or to any regulations added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Act they shall for every such offence be subject 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 continues after conviction thereof Provided always that whether any such penalty has been recovered or not the Board of Trade if in their opinion the Corporation in the use of electric power under the authority of this Act have made default in complying with the provisions of this Act or with any of the prescribed regulations or with any regulations which may have been added thereto or substituted therefor as aforesaid may by order direct the Corporation to cease to use electric power and thereupon the Corporation shall cease to use electric power and shall not again use the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order:

(5) The Corporation shall take all reasonable and proper precautions in constructing placing and maintaining their electric lines circuits and other works of any description and in using their electric lines circuits and other works so as not injuriously to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus Provided always that the Corporation shall be deemed to take all such reasonable and proper precautions as aforesaid 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 the Board of Trade shall direct and in giving such directions the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking Provided also that at the expiration of a period of two years from the passing of this Act nothing in this sub-section shall operate to give

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any right of action in respect of or to protect any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper 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 If any difference arises between the Corporation and any other party with respect to anything in this sub-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 :

(6) Nothing in this section shall apply to the use of any electric line circuit or work of any company corporation or person authorised by Act of Parliament or Provisional Order confirmed by Parliament to supply energy for electric lighting purposes so far as such use is limited to such purposes :

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

For protection of the Postmaster General.

11. In the event of any tramways of the Corporation being worked by electricity the following provisions shall have effect in lieu of the provisions contained in section 51 of the Order of 1888 which section is hereby repealed :—

(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 :

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(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:

(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 on each side of such point) the Corporation or their agents not more than twenty-eight or 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 cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice:

(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 8 9 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Corporation were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section 7 of the Telegraph Act 1878 in relation to the matters mentioned in that section:

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

For protection of the Midland Railway Company.

12. In constructing and maintaining so much of the tramways as will affect the property or will pass over bridges belonging to the Midland Railway Company (herein-after called "the company") or which they are bound to maintain or repair the Corporation shall be subject to the following conditions:—

(1) The Corporation shall not in any way except as provided by sub-section 3 of this section alter or interfere with the structure of the said bridges and except as aforesaid they shall

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so construct and maintain such tramways as not injuriously to affect the structure of the said bridges:

(2) In the event of any injury being caused to the structure of the said bridges by the construction maintenance repairing user or removal of such tramways the company may at the expense of the Corporation restore the structure of such bridges to as good a state and condition as they were in before such injury was occasioned:

(3) Before the Corporation execute any work which will interfere with the structure of the said bridges or the railway traffic thereunder they shall give fourteen days' notice in writing to the engineer of the company of their intention to commence such work and shall at the same time send sufficient specifications or other information showing the nature of the proposed work and such work shall be constructed to the reasonable satisfaction and under the superintendence of the said engineer and so as not in any way to impede or interfere with the traffic of the railway and any question in dispute or matter in difference between the Corporation and the Company shall be settled in manner provided by section 33 of the Tramways Act 1870:

(4) Nothing in this Act contained shall interfere with or limit or affect the rights of the Corporation as to the use alteration maintenance or repairs of the road over such bridges or of the approaches thereto for the purposes of the said tramways or otherwise Provided such use alteration maintenance or repairs do not in any way alter or interfere with the structure of the said bridges.

For protection of the Great Northern Railway Company.

13. In constructing and maintaining so much of Tramway No. 5 as will pass over the bridge which crosses the Great Northern Railway the Corporation shall be subject to the following conditions:—

(1) The Corporation shall not in any way except as provided by sub-section 2 of this section alter or interfere with the structure of the said bridge and except as aforesaid they shall so construct and maintain such tramway as not injuriously to affect the structure of the said bridge:

(2) Before the Corporation execute any work which will interfere with the structure of the said bridge or the railway traffic thereunder they shall give fourteen days' notice in writing to the engineer of the Great Northern Railway Company of their intention to commence such work and shall at the same time send sufficient specifications or other information showing

the nature of the proposed work and such work shall be constructed to the reasonable satisfaction and under the superintendence of the said engineer and so as not in any way to impede or interfere with the traffic of the railway and any question in dispute or matter in difference between the Corporation and the company shall be settled in manner provided by section 33 of the Tramways Act 1870:

(3) In the event of any injury being caused to the structure of the said bridge by the construction maintenance repairing user or removal of such tramway the Great Northern Railway Company may at the expense of the Corporation restore the structure of such bridge to as good a state and condition as it was in before such injury was occasioned:

(4) Nothing in this Act contained shall interfere with or limit or affect the rights of the Corporation as to the use alteration maintenance or repairs of the road over such bridge or of the approaches thereto for the purposes of the said tramway or otherwise Provided such use alteration maintenance or repairs do not in any way alter or interfere with the structure of the said bridge.

For protection of Yorkshire House to House Electricity Company Limited.

14. So much of Parts II. and III. of the Tramways Act 1870 as are incorporated with this Act shall apply to the Yorkshire House to House Electricity Company Limited (herein-after referred to as "the company") in the same manner as if the company had been expressly referred to in the said Tramways Act 1870 and the provisions of the Leeds Electric Supply Order 1891 are hereby extended so as to apply as well to the tramways and works now vested in the Corporation as to the additional tramways and works authorised to be constructed under the powers of this Act and nothing in this Act contained shall in anywise limit or restrict the company in the exercise of any of the powers conferred upon them by the said Order.

Incorporation of sections of Order of 1888.

15. The following sections and schedules of the Order of 1888 (that is to say):—

Section 7 (provisions as to construction of tramways);

Section 9 (as to rails of tramways);

Section 10 (penalty for not maintaining rails and roads in good condition);

Section 12 (additional crossings &c. may be made where necessary);

Section 13 (temporary tramways may be made when necessary);

Section 14 (application of road materials excavated in construction of works);

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Section 15 (tramways not to be opened until certified by Board of Trade);
Section 18 (byelaws by Board of Trade);
Section 19 (further powers to Corporation as to byelaws);
Section 20 (as to recovery of penalties);
Section 21 (amendment of the Tramways Act 1870 as to byelaws by local authority);
Section 22 (orders and byelaws to be signed &c.);
Section 23 (traffic upon tramways);
Section 24 (lessees not bound to carry animals goods &c.);
Section 25 (provisions as to carriage of animals goods &c.);
Section 26 (railway carriages not to be used on tramways);
Section 27 (heavy traffic between eight a.m. and eight p.m.);
Section 28 (Corporation may use tramways for sanitary purposes);
Section 29 (regulations &c. by Corporation as to level crossings &c.);
Section 30 (tolls and charges) and Schedule B;
Section 31 (passengers' luggage);
Section 32 (cheap fares for labouring classes);
Section 33 (payment of tolls);
Section 34 (periodical revision of tolls);
Section 35 (as to user of tramways and tolls thereon when opened to be used by the public);
Section 36 (tolls if tramways opened to be used by the public);
Section 37 (servants of the promoters &c. to ride in carriages &c. free of charge);
Section 38 (certain provisions of the Tramways Act 1870 as to licencees extended to persons using the tramways when opened to the public);
Section 39 (carriages or horses unfit for use may be removed);
Section 40 (engines &c. to be approved by Corporation);
Section 45 (provisions as to arbitration);
Section 46 (form and delivery of notices);
Section 52 (saving for general Acts); and
Schedule A;

shall so far as the same are applicable in that behalf and are not inconsistent with the provisions of this Act extend and apply mutatis mutandis to and in relation to the tramways by this Act authorised and in construing the said sections for the purposes of this Act the expression "the promoters" shall mean the Corporation and the expression "the borough" shall mean the city and for the purposes of this Act section 45 of the said Order shall be read as if the Arbitration Act 1889 were referred to therein instead of the Common Law Procedure Act 1854.

Conveyance of mails.

16. The Conveyance of Mails Act 1893 shall extend and apply to the existing tramways of the Corporation as if such tramways had been authorised by an Act of Parliament passed after the 1st day of January 1893.

Section 50 of the Order of 1888 is hereby repealed.

Prohibiting the raising of fares on Sundays and holidays.

17. It shall not be lawful for the Corporation or their lessees or any company or person working or using the tramways to take or demand on Sunday or on any bank or public holiday any higher tolls or charges than those levied by them on ordinary week days.

Revival of powers of Order of 1888.

18. The powers conferred upon the Corporation by the Order of 1888 in relation to Tramway No. 2 thereby authorised and so much of Tramway No. 3 thereby authorised as has not been constructed are hereby revived and extended for a period of five years from the passing of this Act and on the expiration of that period the powers by the said Order granted to the Corporation for constructing the said tramways or otherwise in relation thereto shall cease except as to so much thereof respectively as shall then be completed Provided that no portion of such tramways shall be constructed unless or until the roadway in which the same will be situate is of such width that a space of nine feet six inches will intervene between the outside of the footpath on each side of the road and the nearest rail of the tramway.

Reconstruction of tramways.

19. Where any tramway belonging to the Corporation or any part thereof is laid as a single line the Corporation may at any time take up such tramway or part thereof and reconstruct the same as a double line and if at any time after the construction of any tramway belonging to the Corporation the road in which the same or any part thereof is laid has been or shall be altered or widened the Corporation may take up and remove such tramway or part thereof and reconstruct the same in such position as they may think fit Provided that in the exercise of the powers of this section no rail shall be laid so that a less space than nine feet six inches will intervene between the said rail and the outside of the footpath on either side of the road.

Power to work tramways.

20. Notwithstanding anything contained in the Tramways Act 1870 the Corporation may place and run carriages on and work and use the tramways and any other tramways now belonging to them and may provide such plant materials and things as may be requisite or convenient therefor and in such case the several enactments relating to the working of the said tramways and the taking of tolls rates and charges therefor shall so far as they are applicable extend and apply mutatis mutandis to and in relation to the Corporation.

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Lands by agreement.

21. The Corporation may appropriate and use for the purposes of the tramways undertaking any lands not dedicated to the public use now vested in them and they may also by agreement from time to time purchase take on lease and acquire for the purposes of the said undertaking such lands as they may require and may from time to time sell or dispose of any such lands which may not be necessary for such purposes provided that they shall not at any time hold for such purposes more than twenty acres of land but nothing in this Act shall exonerate the Corporation from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon lands appropriated or taken under the powers of this section.

Restriction on taking houses of labouring class.

22. The Corporation shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

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

Power to borrow.

23. The Corporation may from time to time independently of any other borrowing power borrow at interest for the execution of the works by this Act authorised and of the works in respect of which the powers of the Corporation are by this Act revived and for other the purposes of this Act and for re-laying the existing tramways of the Corporation any sum or sums of money not exceeding the sum of two hundred and thirteen thousand pounds and in order to secure the repayment of moneys so borrowed and the payment of the interest thereon the Corporation may mortgage or charge the city fund and city rate and the revenue of the tramways undertaking.

Periods of repayment.

24. The Corporation shall pay off all moneys borrowed by them under this Act within the respective periods following (that is to say):—

As to moneys borrowed for the purposes of this Act (other than the purpose next herein-after mentioned) within thirty years from the date or dates of the borrowing of the same;

As to moneys borrowed for the payment of the costs of this Act as herein-after provided within ten years from the date or dates of the borrowing of the same.

Application of sections of Leeds Improvement Act 1893.

25. The following sections of the Leeds Improvement Act 1893 shall (with the necessary modifications and subject to the provisions of this Act and of Articles II. and III. of the Leeds Order 1895 confirmed by the Local Government Board's Provisional Orders Confirmation (No. 15) Act 1895 Session 2) apply in respect of moneys borrowed by the Corporation under this Act (namely):—

Section 84 (mode of raising moneys);

Section 86 (provisions as to mortgages);

Section 88 (mode of payment off of moneys borrowed on mortgage);

Section 90 (power to reborrow);

Section 91 (protection of lender from inquiry);

Section 92 (annual return to Local Government Board with respect to sinking fund);

Section 93 (saving for existing charges).

Application of money borrowed.

26. Moneys borrowed or raised by the Corporation under this Act shall be applied only to the several purposes in respect of which they were respectively authorised to be borrowed or raised and to which capital is properly applicable.

Application of revenue.

27. The Corporation shall apply all money from time to time received by them in respect of the tramways undertaking except money borrowed and money derived from the sale of surplus lands or other moneys received on capital account as follows (that is to say):—

First.—In payment of the cost of maintenance of their tramways and works and working and establishment expenses;

Secondly.—In payment of the interest on moneys borrowed by the Corporation for tramway purposes;

Thirdly.—In providing the requisite instalments or sinking fund payments in respect of moneys borrowed for tramway purposes;

Fourthly.—In payment of all other the expenses of the Corporation in relation to the tramways undertaking not being expenses properly chargeable to capital:

And the Corporation shall carry to the city fund so much of any balance remaining in any year as may in the opinion of the Corpora-

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tion not be required for carrying on the tramways undertaking and paying the current expenses connected therewith.

As to deficiency in receipts.

28. Any deficiency in the revenues or receipts of the Corporation on account of the tramways undertaking shall be from time to time made good out of the city rate.

Amendment of Leeds Improvement Act 1893.

29. Sub-section (7) of section 83 of the Leeds Improvement Act 1893 is hereby repealed and in lieu thereof be it enacted as follows:—

(7) For purposes to which capital is properly applicable in connexion with the town hall public offices judges' lodgings police stations and places of public use or recreation acquired and maintained or to be acquired and maintained by the Corporation in pursuance of the powers conferred by any statutory provisions in that behalf and in purchasing lands by agreement for and for making new and widening or improving existing streets in pursuance of the like powers such sums as in each case may from time to time be sanctioned by the Local Government Board and subject to such conditions as to repayment or otherwise as that Board may prescribe.

Expenses of Act

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

The SCHEDULE.

Lands for the Generation of Electricity.

(1) A piece of land belonging or reputed to belong to the Corporation in the township of Wortley in the parish and city of Leeds containing 6,127 square yards or thereabouts bounded on the north-east by the Leeds and Liverpool Canal on the south-east partly by Canal Place and partly by premises occupied by Messrs. Kay and Company on the south-west by Armley Road and on the north-west by premises occupied by Mr. Thomas Richmond Leuty upon part of which land a destructor is erected and used by the Corporation.

(2) A piece of land belonging or reputed to belong to the Corporation in the township parish and city of Leeds containing 6,000 square yards or thereabouts upon part of which land a destructor is erected and used by the Corporation and which land is bounded on the north-east by the Meanwood Beck on the south-east by land belonging or reputed to belong to Messrs. Edward Kitchen and Sons on the south-west by Meanwood Road and on the north-west by land belonging to or occupied by the Corporation.

(3) A piece of land situate in the township parish and city of Leeds containing 8,421 square yards or thereabouts bounded on the north by a public highway called the Calls on the east partly by premises in the occupation of Mr. William Turton and partly by Crown Point Road on the south by the River Aire and on the west by a warehouse in the occupation of Messrs. Fox and Atkinson and others and part of which land is now used by the Corporation as a sanitary depôt.

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