CHAPTER ccii.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act 1870 relating to East Ham Urban District Tramways Eccleshill Urban District Tramways Huddersfield Corporation Tramways and Linthwaite Tramway. A.D. 1898.

[2nd August 1898.]

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

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

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

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

1. This Act may be cited as the Tramways Orders Confirmation (No. 2) Act 1898. Short title.

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

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Protection of houses of labouring class.

3. The Promoters mentioned in the said Orders shall not in the exercise of the powers of this Act or of the said Orders purchase or acquire in any city borough or other urban district or in any parish or part of a parish not being within an urban district 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 purposes of this section the expression "labouring class" 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 such persons who may be residing with them.

SCHEDULE.

LIST OF ORDERS.

East Ham Urban District Tramways.—Order authorising the Urban District Council of East Ham to construct tramways in their district and for other purposes.

Eccleshill Urban District Tramways.—Order authorising the Urban District Council of Eccleshill to construct tramways in their district and for other purposes.

Huddersfield Corporation Tramways.—Order authorising the Mayor Aldermen and Burgesses of the County Borough of Huddersfield to construct additional tramways in the said borough.

Linthwaite Tramway.—Order authorising the Council for the Urban District of Linthwaite in the West Riding of the County of York to construct a tramway in the said urban district.

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Order authorising the Urban District Council of East Ham to construct Tramways in their District and for other purposes. *East Ham Urban District.*

Preliminary.

1. This Order may be cited as the East Ham Urban Council Tramways Order 1898. Short title.

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

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

The expressions "the tramways" and "the undertaking" shall mean respectively the tramways and works and the undertaking by this Order authorised:

The expression "the council" shall mean the Urban District Council of the Urban District of East Ham in the county of Essex:

The expression "the district" shall mean the district of the council:

The expression "mechanical power" includes steam electric and every other motive power not being animal power:

The expression "engine" includes motor.

Promoters.

4. The Council shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters." The Promoters.

5. The Promoters may— Lands by agreement.

(*a*) Subject to the sanction of the Local Government Board and under such conditions as they may prescribe from time to time appropriate and use for any of the purposes of this Act but subject to the provisions (if any) under which such lands were respectively acquired any lands from time to time vested in them being part of their corporate estates:

(*b*) By agreement from time to time purchase and acquire for the purposes of the 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 all sums received by the Promoters from the sale of such lands or from fines or premiums on leases of the same shall be applied solely in repayment of outstanding loans and that such moneys shall not be applied to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board:

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Provided that they shall not at any time hold for such purposes more than five acres of land Provided always that nothing in this Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon lands taken or appropriated under the powers of this section.

Construction of Tramways.

Construction of tramways.

6. The Promoters may construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited at the offices of the Board of Trade for the purposes of this Order (which plans and sections are in this Order referred to as "the deposited plans" and "the deposited sections") the tramways herein-after described with all proper rails plates offices weighbridges engines batteries dynamos accumulators stables carriage-houses warehouses works and conveniences connected therewith or for the purposes thereof Provided that nothing in this Order or in any Act wholly or in part incorporated therewith shall extend to or authorise any interference with any works of any undertakers within the meaning of 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 tramways authorised by this Order will be wholly situated within the district and are as follows (that is to say) :—

Tramway No. 1 of double line (6 furlongs and 6·40 chains in length) situate partly in the parish of East Ham and partly in the parish of Little Ilford and wholly in the urban district of East Ham commencing in Romford Road by a junction with the existing tramway of the North Metropolitan Tramways Company and proceeding thence in an easterly direction along Romford Road and terminating in such road at a point 10 yards east of the centre of Gordon Road or thereabouts :

Tramway No. 2 (2 miles 1 furlong and 2·50 chains in length) of which 1 mile 6 furlongs and 2·40 chains are single line and 3 furlongs and 0·10 chains are double line situate partly in the parish of Little Ilford and partly in the parish of East Ham and wholly in the urban district of East Ham commencing by a junction with Tramway No. 1 at the point of commencement thereof in Romford Road and proceeding thence in a southerly direction along White Post Lane High Street North and High Street South and terminating at a point upon the bridge over the Metropolitan Northern Outfall Sewer 17 yards north of the centre of Roman Road :

Tramway No. 3 of double line (6 furlongs in length) situate wholly in the parish of East Ham in the urban district of East Ham commencing in Barking Road opposite Green Street at the boundary of the parishes of East Ham and West Ham and proceeding thence in an easterly direction along Barking Road and terminating by a junction with Tramway No. 2 at a point opposite High Street North and High Street South :

Tramways Nos. 1 and 3 will be laid as double lines throughout :

Tramway No. 2 will be laid as a double line throughout except in the following places where it will be single lines (that is to say):— *East Ham Urban District.*

In White Post Lane—

(*a*) Between the junction with Tramway No. 1 and 23 yards or thereabouts north of the north side of Salisbury Road:

(*b*) Between 38 yards or thereabouts north of the centre of the bridge crossing the London Tilbury and Southend Railway Forest Gate branch and the centre of Berkeley Road or thereabouts:

(*c*) Between the north side of Stanley Road or thereabouts and 21 yards or thereabouts south of the south side of Goldsmith Avenue:

(*d*) Between 9 yards or thereabouts south of the south side of Rosebery Avenue and 9 yards north of the north side of Plashet Grove.

In High Street North—

(*a*) Between 25 yards or thereabouts north of the north side of Milton Avenue and 3 yards or thereabouts south of the south side of Heigham Road:

(*b*) Between 5 yards or thereabouts north of the south side of Lathom Road and 22 yards or thereabouts north of the north side of Barking Road.

In High Street South—

(*a*) Between 20 yards or thereabouts south of the south side of Barking Road and 80 yards north of the north side of Kelly Road:

(*b*) Between 14 yards or thereabouts north of the north side of Kelly Road and 57 yards or thereabouts south of the south side of White Horse Lane:

(*c*) Between 123 yards or thereabouts south of the south side of White Horse Lane and the south side of Holloway Road:

(*d*) Between 66 yards or thereabouts south of the south side of Holloway Road and 78 yards or thereabouts of the north side of Roman Road:

Provided that in the narrow place in High Street South to the south of Kelly Road the tramway shall be laid as interlacing double line unless and until the road is widened to 22 feet.

The Promoters may with the consent of the North Metropolitan Tramways Company make junctions or connections of the said tramways with the tramways belonging to the said company.

Further provisions as to construction of tramways.

7. In addition to the requirements of section 26 of the Tramways Act 1870 the Promoters shall before they proceed to open or break up any road for the purpose of constructing laying down maintaining and renewing any of the tramways lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining and renewing such tramways and a statement of the materials intended to be used therein and the Promoters shall not commence the construction laying down maintenance and renewal of any of the tramways or part of any of the tramways respectively except for the purpose of necessary repairs until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement.

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Rails to be such as Board of Trade may approve.

8. The rails of the tramways shall be such as the Board of Trade may approve and the space between the rails and for eighteen inches on each side of such rails shall be paved with granite sets or blocks or such other material as may from time to time be approved by the Board of Trade.

Penalty for not maintaining rails and road in good condition.

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

In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of the district that the Promoters have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit 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 assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Promoters to such penalty or penalties in respect thereof as is or are by this section imposed.

Tramways to be kept on a level with surface of road.

10. If the Promoters or any other road authority hereafter alter the level of any road along or across which any part of the tramways is laid or authorised to be laid the Promoters may and shall 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 crossings &c.

11. The Promoters may subject to the provisions of this Order from time to time make maintain alter and remove all such crossings passing-places sidings junctions and other works in addition to those particularly specified in and authorised by this Order as they find necessary or convenient for the efficient working of the tramways or for providing access to any stables or carriage-houses sheds or works of the Promoters or their lessees but in places where the Promoters are not the road authority the same shall only be made subject to the approval of the road authority Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if one third of the owners or one third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Promoters within three weeks after receiving from the Promoters notice in writing of their intention express their objection thereto.

Temporary tramways may be made where necessary.

12. Where by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways are laid it is in the opinion of the Promoters necessary or expedient temporarily to remove or discontinue

the use of such tramway or any part thereof the Promoters may construct in the same or any adjacent road and maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued subject in places in which the Promoters are not the road authority to the approval of the road authority and to such regulations as that authority may make.

Application of road materials excavated in construction of Promoters' works.

13. Any paving metalling or material excavated by the Promoters in the construction of any works under the authority of this Order from any road under their jurisdiction or control shall absolutely vest in and belong to the Promoters and may be dealt with removed and disposed of by them in such manner as they may think fit.

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

14. The tramways shall not be opened for public traffic until the same have been inspected and certified to be fit for such traffic by the Board of Trade.

Motive Power.

Provisions as to motive power.

15. The carriages used on the tramways 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 Order referred to as "the Board of Trade Regulations") for securing to the public all reasonable protection against danger arising from the use under this Order of mechanical power on the tramways and for regulating the use of electric power:

(3) The Promoters or any other company or person using any mechanical power on the tramways contrary to the provisions of this Order 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 Promoters or such other company or person have or has made default in complying with the provisions of this Order 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 Order is a danger to the passengers or the public;

may by order either direct the Promoters or such other company or person to cease to use such mechanical power or permit the same to be continued only subject to such condition as the Board of Trade may impose and the Promoters 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.

As to laying down and maintaining works

16. The Promoters may construct lay down place erect maintain renew and repair all such cables electric mains wires posts plates tubes grooves rails apparatus machinery works and appliances as may be requisite or

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necessary for using electrical power.

necessary for the purpose of the working by electrical power of any tramways which in accordance with the provisions of this Order it may for the time being be lawful to work by electrical power and may for that purpose subject to the restrictions and provisions of this Order open and break up any road in which the tramways so to be worked by electrical power or any of them may be situate and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder.

Mechanical power works to be subject to section 30 of Tramways Act 1870.

17. All works to be executed by the Promoters in any street or road for working the tramways by mechanical power in pursuance of the powers of this Order shall be deemed to be works of a tramway subject in all respects to the provisions of section thirty of the Tramways Act 1870 as if they had been therein expressly mentioned.

Byelaws.

18. Subject to the provisions of this Order the Board of Trade may make byelaws with regard to any of the tramways upon which mechanical power may be used for all or any of the following purposes (that is to say):—

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

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

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

For regulating the entrance to exit from and accommodation in the carriages used on the tramways and the protection of 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 tramways 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 Order shall be liable to a penalty not exceeding forty shillings.

Amendment of the Tramways Act 1870 as to byelaws by local authority.

19. 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 tramway shall not authorise the local authority to make any byelaw sanctioning a higher rate of speed than that authorised by this Order or by the Board of Trade Regulations at which engines and carriages are to be driven or propelled on the tramways under the authority of this Order but the local authority may if they think fit make byelaws under the provisions of the said Act for restricting the rate of speed to a lower rate than that so authorised.

Orders &c. of the Board of Trade.

20. All orders regulations and byelaws made by the Board of Trade under the authority of this Order shall be signed by a secretary or an assistant secretary of the Board of Trade and when purporting to be so signed the same shall be deemed to be duly made in accordance with the provisions of this Order and to be orders and regulations within the meaning of the Documentary Evidence Acts 1868 and 1882 and may be proved accordingly.

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Special provisions as to use of electric power.

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

(1) The Promoters shall employ either insulated returns or uninsulated metallic returns of low resistance :

(2) The Promoters 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 electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :

(3) The Promoters 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 Promoters 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 :

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

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

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

(7) The expression "the Promoters" in this section shall include any person owning working or running carriages over any tramways of the Promoters.

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For protection of the Postmaster-General.

22. In the event of the tramways of the Promoters or any part thereof being worked by electricity the following provisions shall have effect:—

(1) The Promoters 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 Promoters 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 Promoters shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator:

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Promoters of their electric lines and works or by the working of the undertaking of the Promoters the Promoters 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 Promoters 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 Promoters and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work:

(*b*) Any difference which arises between the Postmaster-General and the Promoters or their agents with respect to any requirements so made shall be determined by arbitration:

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

(5) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of

emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice:

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

(7) For the purposes of this section and subject as therein provided sections 2 8 9 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Order as if the Promoters were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted 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 Promoters 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 Promoters by indictment action or otherwise in relation to any of the matters aforesaid:

(11) In this section the expression "the Promoters" includes their lessees and any person owning working or running carriages over any tramway of the Promoters.

Traffic upon Tramways.

Traffic upon tramways.

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

Promoters not bound to carry animals goods &c.

24. The Promoters or any other persons for the time being using the Promoters' tramways shall not be bound to carry unless they think fit any animals goods minerals or parcels other than passengers luggage not exceeding twenty-eight pounds in weight.

Provisions as to carriage of animals goods &c.

25. In case the Promoters or any other persons for the time being using the Promoters' tramways carry animals goods minerals or parcels they may and when required by the Promoters shall carry the same in separate carriages or separate parts of carriages set apart for that purpose Provided that this provision shall not apply to the carriage of passengers' luggage.

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Promoters not to use carriages constructed for use on railways.

26. The Promoters or any other persons for the time being using the Promoters' tramways shall not use upon the tramways carriages or trucks constructed for use upon railways.

Interchange of traffic.

27. The Promoters or any other persons for the time being using the Promoters' tramways on the one hand and any company or person owning or lawfully working or using any tramways on the other hand may with the approval of the Board of Trade enter into and fulfil contracts and agreements for and in relation to the interchange accommodation and forwarding of carriages passengers and traffic on from or to any of such tramways on to or from the tramways and for and in relation to the use by the contracting parties or any or either of them of the whole or any part of their respective tramway undertakings or of any or either of them respectively.

Rates.

Rates and charges.

28. The Promoters' lessees may demand and take for every passenger travelling upon the tramways or any part thereof including every expense incidental to such conveyance any rates or charges not exceeding one penny per mile (and for this purpose a fraction of a mile beyond an integral number of miles shall be deemed a mile) but the Promoters may charge for any less distance than two miles any sum not exceeding twopence.

As to fares on Sundays and holidays.

29. The Promoters or any person working or using the tramways shall not take or demand on Sunday or any public holiday any higher rates or charges than those levied by them on ordinary week days.

Passengers' luggage.

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

Cheap fares for labouring classes.

31. The Promoters' lessees at all times after the opening of the tramways or any part or parts thereof for public traffic shall and they are hereby required to run at least two carriages each way every morning in the week and every evening in the week (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than seven in the morning or earlier than six in the evening respectively as the Promoters think most convenient for artisans mechanics and daily labourers at rates or charges not exceeding one halfpenny per mile (the Promoters nevertheless not being required to take any rate or charge less than one penny) Provided that in case of any complaint made to the Board of Trade of the hours appointed by the Promoters for the running of such carriages the said Board shall have power to fix and regulate the same from time to time.

Rates for animals goods &c

32. The Promoters' lessees may demand and take in respect of any animals goods minerals or parcels conveyed by them on the tramways including every expense incidental to such conveyance any rates or charges not

exceeding the rates and charges specified in the Schedule to this Order annexed subject to the regulations in that behalf therein contained.

Payment of rates.

33. The rates and charges by this Order authorised shall be paid to such persons and at such places upon or near to the tramways and in such manner and under such regulations as the Promoters' lessees may by notice to be annexed to the list of rates and charges appoint.

Periodical revision of rates.

34. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways it is represented in writing to the Board of Trade by the Promoters or by any persons for the time being using the Promoters' tramways or by twenty inhabitant ratepayers of the district that under the circumstances then existing all or any of the rates and charges demanded and taken in respect of the traffic on the tramways or on such portion of the tramways 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 such referee report that it has been proved to his satisfaction that all or any of such rates or charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any of the rates and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section Provided always that the rates and charges prescribed by any such order shall not exceed in amount the rates and charges by this Order authorised Provided also that a copy of this section shall be annexed to every table or list of rates published or exhibited by the Promoters or their lessees.

Miscellaneous.

Power to Council to work tramways.

35. Notwithstanding anything in the Tramways Act 1870 to the contrary the Council may place and run carriages on and may work and may demand and take rates and charges in respect of any of the tramways and may provide such plant materials and things as may be requisite or expedient for the convenient working or user of the said tramways by animal or mechanical power and in such case the several provisions relating to the working of the tramways and the taking of rates and charges therefor shall extend and apply mutatis mutandis to and in relation to the Council and the Council may work such tramways and demand and recover such rates and charges accordingly but nothing in this section shall empower the Council to construct any station for generating electric power nor to create or permit a nuisance.

Regulations.

36. The regulations authorised by the Tramways Act 1870 to be made by the promoters of any tramway and their lessees may with respect to the tramways or any portions of the tramways for the time being belonging to and worked by the Council be made by the Council alone.

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Council may borrow.

37. The Promoters may under and according to the provisions contained in section 20 of the Tramways Act 1870 or in manner provided by the Local Loans Act 1875 borrow for the purposes of this Order any sum or sums of money not exceeding in the whole the sum of thirty thousand pounds and such further sum or sums as the Board of Trade may from time to time sanction by order in writing The time for which such moneys may be borrowed shall be such period or periods not exceeding thirty years as the Board of Trade shall direct.

And for the purpose of such borrowing the Council may include in any mortgage of the local rate the moneys coming to them out of the rents reserved under any lease made under the authority of this Order and the rates charges and sums authorised to be taken or received by them under the provisions of this Order.

Audit of accounts.

38. Sections 246 and 250 of the Public Health Act 1875 shall apply to the audit of the accounts of the receipts and expenditure of the Promoters and their officers with respect to the tramways as if such accounts related to receipts and expenditure under that Act.

Protection of local authority.

39. Section 265 (Protection from personal liability) of the Public Health Act 1875 is hereby incorporated with this Order and in construing that section for the purposes of this Order the expression "this Act" where used in that section shall mean this Order.

Power to hold patents.

40. The Promoters may subject to the provisions of this Order (but only for the purposes of the undertaking and not so as to acquire any exclusive rights therein) acquire hold and use any patent or other rights and any licences to use patent rights relating to the construction or working of tramways or carriages used thereon.

Recovery of penalties.

41. Any penalty under this Order or under any bye-laws or regulations made under this Order may be recovered in manner provided by the Summary Jurisdiction Acts.

Provisions as to arbitration.

42. Where under the provisions of the Tramways Act 1870 and this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Arbitration Act 1889 shall apply to every such arbitration and the decision of the arbitrator shall be final and conclusive and binding on all parties and the costs of and incidental to the arbitration and award shall if either party so require be taxed and settled as between the parties by any one of the taxing masters of the High Court and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters and all those enactments including the enactments relating to the taking of fees by means of stamps shall extend to the fees in respect of the said taxation.

Form and delivery of notices.

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

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

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

Saving for general Acts.

44. Nothing in this Order contained shall exempt the Promoters or any person using the tramways or the tramways from the provisions of any general Act relating to tramways now in force or which may hereafter pass or come into force during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of rates or charges authorised by this Order.

SCHEDULE.

Tolls and Rates for Animals Goods &c.

		Per Mile.	
		s.	*d.*
Animals.			
For every horse mule or other beast of draught or burden -	per head	0	4
For every ox cow bull or head of cattle - - -	per head	0	3
For every calf pig sheep or other small animal - -	per head	0	1½
Goods and Minerals.			
For all coals coke culm charcoal cannel limestone chalk lime salt sand fireclay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways	per ton	0	2
For all iron iron-ore pig-iron bar-iron rod-iron sheet-iron hoop-iron plates of iron slabs billets and rolled iron bricks slag and stone stones for building pitching and paving tiles slates and clay (except fireclay) and for wrought iron not otherwise specifically classed herein and for heavy iron castings including railway chairs	per ton	0	2½
For all sugar grain flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings - - - - -	per ton	0	3
For cotton and other wools drugs and manufactured goods and all other wares merchandise fish articles matters or things	per ton	0	4
For every carriage of whatever description - - - -		1	0

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Parcels.	Any Distance. s.	d.
For any parcel not exceeding seven pounds in weight - -	0	3
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight - - - - - -	0	5
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight - - - - -	0	7
For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight - - - - -	0	9

For any parcel exceeding fifty-six pounds in weight such sums as the person conveying the same may think fit.

Provided always that articles sent in large aggregate quantities although made up in separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but that term shall apply only to single parcels in separate packages.

For the Carriage of Single Articles of Great Weight.	Per Mile. s.	d.
For the carriage of any iron boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage exceeds four tons but does not exceed eight tons such sums as the persons conveying the same may think fit not exceeding per ton - - -	2	0
For the carriage of any single piece of timber stone machinery or other single article the weight of which with the carriage exceeds eight tons such sum as the persons conveying the same may think fit.		

Regulations as to Rates.

A fraction of a mile beyond an integral number of miles shall be deemed a mile.

For a fraction of a ton rates and charges may be demanded and taken according to the number of the quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton.

With respect to all articles except stone and timber the weight shall be determined according to the imperial avoirdupois weight.

With respect to stone and timber fourteen cubic feet of stone forty cubic feet of oak mahogany teak beech or ash and fifty cubic feet of any other timber shall be deemed one ton weight and so in proportion for any smaller quantity.

ECCLESHILL URBAN DISTRICT.

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Order authorising the Urban District Council of Eccleshill to construct Tramways in their District and for other purposes. *Eccleshill Urban District.*

Preliminary.

Short title. 1. This Order may be cited as the Eccleshill Urban Council Tramways Order 1898.

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

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

The expressions "the tramways" and "the undertaking" shall mean respectively the tramways and works and the undertaking by this Order authorised:

The expression "the Council" shall mean the Urban District Council of the Urban District of Eccleshill in the West Riding of the county of York:

The expression "the district" shall mean the district of the council:

The expression "mechanical power" includes steam electric and every other motive power not being animal power:

The expression "engine" includes motor.

Promoters.

The Promoters. 4. The Council shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters."

Lands by agreement. 5. The Promoters may by agreement from time to time purchase and acquire for the purposes of the undertaking such lands as they may require and may from time to time sell let or dispose of any such lands which may not be necessary for such purposes Provided that all sums received by the Promoters from the sale of such lands or from fines or premiums on leases of the same shall be applied solely in repayment of outstanding loans and that such moneys shall not be applied to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board Provided also that they shall not at any time hold for such purposes more than five acres of land Provided always that nothing in this Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon lands taken under the powers of this section.

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Eccleshill Urban District.

Construction of Tramways.

Construction of tramways.

6. The Promoters may construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited at the offices of the Board of Trade for the purposes of this Order (which plans and sections are in this Order referred to as "the deposited plans" and "the deposited sections") the tramways herein-after described with all proper rails plates offices weigh-bridges stables carriage-houses warehouses works and conveniences connected therewith or for the purposes thereof Provided that nothing in this Order or in any Act wholly or in part incorporated therewith shall extend to or authorise any interference with any works of any Undertakers within the meaning of 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 tramways authorised by this Order will be wholly situated within the district and are as follows (that is to say):—

Tramway No. 1.—3 furlongs and 6 chains in length wholly in the urban district of Eccleshill in the parish of Bradford in the West Riding of the County of York commencing in Bolton Road at the boundary line of the city of Bradford with the said district passing thence in a north-easterly direction along Bolton Road Stonehall Road and Stoney Lane and terminating in the last-mentioned road at a point eighty-six yards north-east of the centre of the entrance to the Mechanics' Institute:

Tramway No. 2.—A passing-place 6 chains in length in the district of Eccleshill aforesaid commencing by a junction with Tramway No. 1 in Bolton Road at a point two hundred and thirty yards from the commencement of Tramway No. 1 and terminating by a junction with Tramway No. 1 in Stonehall Road at a point twenty-six yards north-east of the centre of Acre Lane:

Tramway No. 5.—A passing-place 3 chains in length in the district of Eccleshill aforesaid wholly in Stonehall Road commencing by a junction with Tramway No. 1 at a point fifty yards north-east of the centre of Stonehall Lane aforesaid and terminating at a point one hundred and sixteen yards north-east of the centre of Stonehall Lane aforesaid.

The whole of the above-mentioned tramways consist of single line save as is herein-after mentioned (that is to say):—

The whole of Tramway No. 2 and the portion of Tramway No. 1 between the points of commencement and termination of Tramway No. 2 form a double line The length of such double line is six chains The whole of Tramway No. 5 and the portion of Tramway No. 1 between the points of commencement and termination of Tramway No. 5 form a double line The length of such double line is three chains.

The Promoters may with the consent of the Corporation of Bradford make junctions or connections of the said tramways with the Tramway No. 2 authorised by the Bradford Corporation Tramways and Improvement Act 1897.

Gauge and width of carriages.

7. The tramways shall be constructed on a gauge of four feet Provided always that so much of section 34 of the Tramways Act 1870 as limits the extent of the carriages used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the tramways but no engine or carriage used on the tramways shall exceed six feet and six inches in width.

Further provisions as to construction of tramways.

8. In addition to the requirements of section 26 of the Tramways Act 1870 the Promoters shall before they proceed to open or break up any road for the purpose of constructing laying down maintaining and renewing any of the tramways lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining and renewing such tramways and a statement of the materials intended to be used therein and the Promoters shall not commence the construction laying down maintenance and renewal of any of the tramways or part of any of the tramways respectively except for the purpose of necessary repairs until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement.

As to rails of tramways.

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

Penalty for not maintaining rails and road in good condition.

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

In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of the district that the Promoters have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit 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 assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Promoters to such penalty or penalties in respect thereof as is or are by this section imposed.

Tramways to be kept on a level with surface of road.

11. If the Promoters or any other road authority hereafter alter the level of any road along or across which any part of the tramways is laid or authorised to be laid the Promoters may and shall 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.

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Power to make additional crossings &c. where necessary.

12. The Promoters may subject to the provisions of this Order from time to time make maintain alter and remove all such crossings passing-places sidings junctions and other works in addition to those particularly specified in and authorised by this Order as they find necessary or convenient for the efficient working of the tramways or for providing access to any stables or carriage-houses sheds or works of the Promoters or their lessees but in places where the Promoters are not the road authority the same shall only be made subject to the approval of the road authority Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if one third of the owners or one third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Promoters within three weeks after receiving from the Promoters notice in writing of their intention express their objection thereto.

Temporary tramways may be made when necessary.

13. Where by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways are laid it is in the opinion of the Promoters necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Promoters may construct in the same or any adjacent road and maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued subject in places in which the Promoters are not the road authority to the approval of the road authority and to such regulations as that authority may make.

Application of road materials excavated in construction of Promoters' works.

14. Any paving metalling or material excavated by the Promoters in the construction of any works under the authority of this Order from any road under their jurisdiction or control shall absolutely vest in and belong to the Promoters and may be dealt with removed and disposed of by them in such manner as they may think fit.

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

15. The tramways shall not be opened for public traffic until the same have been inspected and certified to be fit for such traffic by the Board of Trade.

Motive Power.

Provisions as to motive power.

16. The carriages used on the tramways 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 Order referred to as "the Board of Trade Regulations") for securing to the public all reasonable protection against danger arising from the use under this Order of mechanical power on the tramways and for regulating the use of electric power:

(3) The Promoters or any company or person using any mechanical power on the tramways contrary to the provisions of this Order 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 : A.D. 1898. *Eccleshill Urban District.*

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

(*a*) that the Promoters or such 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 Order is a danger to the passengers or the public ;

may by order either direct the Promoters or such company or person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Promoters or such company or person shall comply with every such Order In every such case the Board of Trade shall make a special report to Parliament notifying the making of such Order.

Byelaws.

17. Subject to the provisions of this Order the Board of Trade may make byelaws with regard to any of the tramways upon which mechanical power may be used for all or any of the following purposes (that is to say) :—

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

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

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

For regulating the entrance to exit from and accommodation in the carriages used on the tramways and the protection of 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 tramways 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 Order shall be liable to a penalty not exceeding forty shillings.

Amendment of the Tramways Act 1870 as to byelaws by local authority.

18. 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 tramway shall not authorise the local authority to make any byelaw sanctioning a higher rate of speed than that authorised by this Order or by the Board of Trade Regulations at which engines and carriages are to be driven or propelled on the tramways under the authority of this Order but the local authority may if they think fit make byelaws under the provisions of the said Act for restricting the rate of speed to a lower rate than that so authorised.

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Orders &c. of the Board of Trade.

19. All orders regulations and byelaws made by the Board of Trade under the authority of this Order shall be signed by a secretary or an assistant secretary of the Board of Trade and when purporting to be so signed the same shall be deemed to be duly made in accordance with the provisions of this Order and to be orders and regulations within the meaning of the Documentary Evidence Acts 1868 and 1882 and may be proved accordingly.

Special provisions as to use of electric power.

20. The following provisions shall apply to the use of electric power under this Order unless such power is entirely contained in and carried along with the carriages :—

(1) The Promoters shall employ either insulated returns or uninsulated metallic returns of low resistance :

(2) The Promoters 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 electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :

(3) The Promoters 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 Promoters 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 :

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

(5) If any difference arises between the Promoters 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 :

(6) The electric power shall be used only in accordance with the Board of Trade Regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as

far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return: A.D. 1898. *Eccleshill Urban District.*

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

21. In the event of the tramways or any part thereof being worked by electricity the following provisions shall have effect:— For protection of the Postmaster-General.

(1) The Promoters 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 Promoters 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 Promoters shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator:

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Promoters of their electric lines and works or by the working of the undertaking of the Promoters the Promoters 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 tramway by electricity is done within 10 yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Promoters or their agents not more than twenty-eight nor less than fourteen days before commencing 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 Promoters and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work:

(*b*) Any difference which arises between the Postmaster-General and the Promoters or their agents with respect to any requirements so made shall be determined by arbitration:

(4) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters shall be liable to

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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 Promoters or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith seryed 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 Order as if the Promoters were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted 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 Promoters 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 Promoters by indictment action or otherwise in relation to any of the matters aforesaid:

(11) In this section the expression "the Promoters" includes their lessees and any person owning working or running carriages over any tramway of the Promoters.

Traffic upon Tramways.

Traffic upon tramways.

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

Eccleshill Urban District.

23. The Promoters or any other persons for the time being using the Promoters' tramways shall not be bound to carry unless they think fit any animals goods minerals or parcels other than passengers' luggage not exceeding twenty-eight pounds in weight or any explosive or dangerous substance.

Promoters not bound to carry animals goods &c.

24. In case the Promoters or any other persons for the time being using the Promoters' tramways carry animals goods minerals or parcels they may and when required by the Promoters shall carry the same in separate carriages or separate parts of carriages set apart for that purpose Provided that this provision shall not apply to the carriage of passengers' luggage.

Provisions as to carriage of animals goods &c.

25. The Promoters or any other persons for the time being using the Promoters' tramways shall not use upon the tramways carriages or trucks constructed for use upon railways.

Promoters not to use carriages constructed for use on railways.

Rates.

26. The Promoters' lessees may demand and take for every passenger travelling upon the tramways or any part thereof including every expense incidental to such conveyance any rates or charges not exceeding one penny.

Rates and charges.

27. The Promoters or any person working or using the tramways shall not take or demand on Sunday or any public holiday any higher rates or charges than those levied by them on ordinary week days.

As to fares on Sundays and holidays.

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

Passengers' luggage.

29. The Promoters' lessees at all times after the opening of the tramways or any part or parts thereof for public traffic shall and they are hereby required to run at least two carriages each way every morning in the week and every evening except Saturday evening in the week (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than seven in the morning or earlier than half-past five in the evening respectively as the Promoters think most convenient for artisans mechanics and daily labourers at rates or charges not exceeding one halfpenny Provided that in case of any complaint made to the Board of Trade of the hours appointed by the Promoters for the running of such carriages the said Board shall have power to fix and regulate the same from time to time.

Cheap fares for labouring classes.

30. The Promoters' lessees may demand and take in respect of any animals goods minerals or parcels conveyed by them on the tramways including every expense incidental to such conveyance any rates or charges not exceeding the rates and charges specified in the Schedule to this Order annexed subject to the regulations in that behalf therein contained.

Rates for animals goods &c.

31. The rates and charges by this Order authorised shall be paid to such persons and at such places upon or near to the tramways and in such manner and under such regulations as the Promoters' lessees may by notice to be annexed to the list of rates and charges appoint.

Payment of rates.

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Eccleshill Urban District.

Periodical revision of rates.

32. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways or after three years from the date of any Order made in pursuance of this section in respect of the tramways or any portion of the tramways it is represented in writing to the Board of Trade by the Promoters or by their lessees or by twenty inhabitant ratepayers of the district that under the circumstances then existing all or any of the rates and charges demanded and taken in respect of the traffic on the tramways or on such portion of the tramways 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 such referee report that it has been proved to his satisfaction that all or any of such rates or charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any of the rates and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit and thenceforth such order shall be observed until the same is revoked or modified by an Order of the Board of Trade made in pursuance of this section Provided always that the rates and charges prescribed by any such Order shall not exceed in amount the rates and charges by this Order authorised Provided also that a copy of this section shall be annexed to every table or list of rates published or exhibited by the Promoters or their lessees.

Miscellaneous.

Power to Council to work tramways

33. Notwithstanding anything in the Tramways Act 1870 to the contrary the Council may place and run carriages on and may work and may demand and take rates and charges in respect of any of the tramways and in respect of the use of such carriages and may provide such stables buildings carriages trucks harness engines machinery apparatus horses steam cable electric and other plant appliances and conveniences as may be requisite or expedient for the convenient working or user of the said tramways by animal or mechanical power and in such case the several provisions herein-before contained relating to the working of the tramway and the taking of rates and charges therefor shall extend and apply mutatis mutandis to and in relation to the Council and the Council may work such tramway and demand and recover such rates and charges accordingly but nothing in this section shall empower the Promoters to construct any station for generating electric power nor to create or permit a nuisance.

Mechanical power works to be subject to section 30 of Tramways Act 1870.

34. All works to be executed by the Promoters in any street or road for working the tramways by mechanical power in pursuance of the powers of this Order shall be deemed to be works of a tramway subject in all respects to the provisions of section thirty of the Tramways Act 1870 as if they had been therein expressly mentioned.

Regulations.

35. The regulations authorised by the Tramways Act 1870 to be made by the Promoters of any tramway and their lessees may with respect to the tramways or any portions of the tramways for the time being belonging to and worked by the Council be made by the Council alone.

Council may borrow.

36. The Promoters may under and according to the provisions contained in section 20 of the Tramways Act 1870 or in manner provided by the Local Loans Act 1875 borrow for the purposes of this Order any sum or sums of money not exceeding in the whole the sum of three thousand two hundred pounds and such further sum or sums as the Board of Trade may from time to time sanction by Order in writing The time for which such moneys may be borrowed shall be :—

As to the said sum or sums amounting to three thousand two hundred pounds such period or periods not exceeding thirty years from the date or respective dates of borrowing the same as the Promoters may determine ; and

As to moneys borrowed with the sanction of the Board of Trade such period or periods not exceeding thirty years as the Board of Trade shall direct.

And for the purpose of such borrowing the Council may include in any mortgage of the local rate the moneys coming to them out of the rents reserved under any lease made under the authority of this Order and the tolls charges and sums authorised to be taken or received by them under the provisions of this Order.

Audit of accounts.

37. Sections 246 and 250 of the Public Health Act 1875 shall apply to the audit of the accounts of the receipts and expenditure of the Promoters and their officers with respect to the tramways as if such accounts related to receipts and expenditure under that Act.

Protection of local authority.

38. Section 265 (Protection from personal liability) of the Public Health Act 1875 is hereby incorporated with this Order and in construing that section for the purposes of this Order the expression "this Act" where used in that section shall mean this Order.

Interchange of traffic.

39. The Promoters or any other persons for the time being using the Promoters' tramways may with the approval of the Board of Trade enter into and fulfil contracts and agreements with any company or person owning or lawfully working or using any tramways for and in relation to the interchange accommodation and forwarding of carriages passengers and traffic on from or to any of such tramways on to or from the tramways and for and in relation to the use by the contracting parties or any or either of them of the whole or any part of their respective tramway undertakings or of any or either of them respectively.

Running powers to Corporation of Bradford.

40. When any tramway by this Order authorised has been constructed and opened for traffic and has a physical junction with any tramway belonging to the mayor aldermen and burgesses of the borough of Bradford (herein-after called "the Bradford Corporation") it shall be lawful for the Bradford Corporation by notice in writing to require the Promoters to grant licences to the Bradford Corporation or the lessees of any such tramway belonging to them to run engines and carriages with flanged wheels over and upon the rails of such tramway having such physical junction as aforesaid or over and upon the rails of any other tramway belonging to the Promoters at any time physically connected either directly or indirectly therewith and the Promoters

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shall grant such licences accordingly upon and subject to such terms and conditions as may be mutually agreed upon between the Promoters and the Bradford Corporation and the Bradford Corporation or their lessees may thereupon subject to the provisions of the Tramways Act 1870 and of this Order and to the rights and interests as the case may require of any other corporation company or person exercising the running powers granted in such licence.

Every company and person using or traversing any tramway of which they are not the lessees in accordance with the provisions herein-before contained shall at all times observe the regulations and byelaws and may charge the tolls and rates for the time being in force on such tramway so used so far as the same may be applicable to such company or person respectively in the exercise of the said powers and shall for their own acts and defaults in respect of such user incur all and the same liabilities as the lessees of such tramway respectively.

Power to hold patents.

41. The Promoters may subject to the provisions of this Order (but only for the purposes of the undertaking and not so as to acquire any exclusive rights therein) acquire hold and use any patent or other rights and any licences to use patent rights relating to the construction or working of tramways or carriages used thereon.

Recovery of penalties.

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

Provisions as to arbitration.

43. Where under the provisions of the Tramways Act 1870 and this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Arbitration Act 1889 shall apply to every such arbitration and the decision of the arbitrator shall be final and conclusive and binding on all parties and the costs of and incidental to the arbitration and award shall if either party so require be taxed and settled as between the parties by any one of the taxing masters of the High Court and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters and all those enactments including the enactments relating to the taking of fees by means of stamps shall extend to the fees in respect to the said taxation.

Form and delivery of notices.

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

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

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

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Saving for general Acts.

45. Nothing in this Order contained shall exempt the Promoters or any person using the tramways or the tramways from the provisions of any general Act relating to tramways now in force or which may hereafter pass or come into force during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of rates or charges authorised by this Order.

SCHEDULE.

Tolls and Rates for Animals Goods &c.

		Per Mile. s.	d.
Animals.			
For every horse mule or other beast of draught or burden	per head	0	4
For every ox cow bull or head of cattle - -	,,	0	3
For every calf pig sheep or other small animal - -	,,	0	1½
Goods and Minerals.			
For all coals coke culm charcoal cannel limestone chalk lime salt and fireclay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways - - - - - -	per ton	0	2
For all iron iron ore pig iron bar iron rod iron sheet iron hoop iron plates of iron slabs billets and rolled iron bricks slag and stone stones for building pitching and paving tiles slates and clay (except fireclay) and for wrought-iron not otherwise specifically classed herein and for heavy iron castings including railway chairs	per ton	0	2½
For all sugar grain flour hides dye-woods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings - - - -	per ton	0	3
For cotton and other wools drugs and manufactured goods and all other wares merchandise fish articles matters or things	per ton	0	4
For every carriage of whatever description - - -		1	0

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Parcels.	Any Distance. s.	d.
For any parcel not exceeding 7 lbs. in weight - - -	0	3
For any parcel exceeding 7 lbs. and not exceeding 14 lbs. in weight - - - - - - -	0	5
For any parcel exceeding 14 lbs. and not exceeding 28 lbs. in weight - - - - - - -	0	7
For any parcel exceeding 28 lbs. and not exceeding 56 lbs. in weight - - - - - - -	0	9
For any parcel exceeding 56 lbs. in weight such sums as the person conveying the same may think fit.		

Provided always that articles sent in large aggregate quantities although made up in separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but that term shall apply only to single parcels in separate packages.

For the Carriage of Single Articles of Great Weight.	Per Mile. s.	d.
For the carriage of any iron boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage exceeds four tons but does not exceed eight tons such sum as the persons conveying the same may think fit not exceeding - - per ton	2	0
For the carriage of any single piece of timber stone machinery or other single article the weight of which with the carriage exceeds eight tons such sum as the persons conveying the same may think fit.		

Regulations as to Rates.

For articles or animals conveyed on the tramways for a less distance than a mile the rates and charges as for one mile may be demanded.

A fraction of a mile beyond an integral number of miles shall be deemed a mile.

For a fraction of a ton tolls and charges may be demanded and taken according to the number of the quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton.

With respect to all articles except stone and timber the weight shall be determined according to the imperial avoirdupois weight.

With respect to stone and timber 14 cubic feet of stone 40 cubic feet of oak mahogany teak beech or ash and 50 cubic feet of any other timber shall be deemed one ton weight and so in proportion for any smaller quantity.

HUDDERSFIELD CORPORATION.

A.D. 1898.

Order authorising the Mayor Aldermen and Burgesses of the County Borough of Huddersfield to construct additional Tramways in the said Borough. *Huddersfield Corporation.*

Short title.

1. This Order may be cited as the Huddersfield Corporation Tramways Order 1898.

Order of 1897 and this Order to be construed together.

2. This Order and the Huddersfield Corporation Tramways Order 1897 (in this Order called "the Order of 1897") as amended by this Order shall be construed together as one Order.

Incorporation of Acts.

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

Interpretation.

4. In this Order unless the subject or context otherwise requires:—

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

"The tramways" means the tramways and works by this Order authorised:

"The tramway undertaking" includes the tramway undertakings respectively authorised by the Huddersfield Improvement Act 1880 the Huddersfield Corporation Act 1882 the Huddersfield Tramways and Improvement Act 1890 and the Order of 1897:

"The Linthwaite Council" means the Linthwaite Urban District Council:

"The Linthwaite tramways" means the tramways for the time being belonging to the Linthwaite Council:

"Mechanical power" includes steam electric and every other motive power not being animal power:

"Engine" includes motor.

The Promoters.

5. The mayor aldermen and burgesses of the county borough of Huddersfield shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters."

Lands by agreement.

6. The Promoters may—

(A) subject to the sanction of the Local Government Board and under such conditions as they may prescribe from time to time appropriate and use for the purposes of the tramway undertaking as extended by this Order but subject to the provisions (if any) under which such lands were respectively acquired any lands not dedicated to public use from time to time vested in the Promoters forming part of their corporate estates:

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(B) by agreement from time to time purchase and acquire for the purposes of the tramway undertaking as extended by this Order such lands as they may require and may from time to time sell let or dispose of any such lands which may not be necessary for such purposes Provided that all sums received by the Promoters from the sale of such lands or from fines or premiums on leases of the same shall be applied solely in repayment of outstanding loans and that such moneys shall not be applied to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board:

(C) erect or construct on any such lands any offices stables sheds workshops stores waiting rooms or other buildings yards works and conveniences:

Provided that they shall not at any time hold for such purposes more than one acre of land in addition to the lands they are already authorised to hold for those purposes Provided always that nothing in this Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon lands taken or appropriated under the powers of this section.

Construction of tramways.

7. Subject to the provisions of this Order the Promoters may make form lay down work use and maintain wholly within the borough the tramways herein-after described in the lines and according to the levels shown on the plans and sections deposited for the purposes of this Order at the office of the Board of Trade (in this Order referred to respectively as "the deposited plans" and "the deposited sections") and in all respects in accordance with those plans and sections with all such rails junctions crossing-places turnouts plates tubes channels offices weigh-bridges turn-tables power-stations engine-sheds stables carriage-houses works mechanical appliances plant and conveniences connected therewith as may be necessary or proper therefor and for connecting and using the same with the existing or authorised tramways of the Promoters.

Provided that nothing in this Order or in any Act wholly or in part incorporated therewith shall extend to or authorise any interference with any works of any undertakers within the meaning of 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 tramways authorised by this Order are the following:—

Tramway No. 1 (1 mile 2 furlongs 2·39 chains in length whereof 1 mile 1 furlong 6·39 chains is single line and 6 chains is double line) commencing in New Hey Road passing thence along or over the said New Hey Road and there terminating in the township of Lindley-cum-Quarmby by a junction with the existing tramway of the Promoters about 42 yards north-west of Raw Nook Road.

Tramway No. 1 will be laid as a single line except in the following cases that is to say between two points respectively 20 yards and 86 yards north-east of its said commencement and between two points respectively 129 yards and 63 yards north-west of Raw Nook Road where it will be laid as a double line.

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Tramway No. 2 (5 furlongs 4·63 chains in length whereof 3 chains is double line and 5 furlongs 1·63 chains is single line) commencing in Vicarage Road in the township of Longwood at a point about 23 yards south-east of the junction of that road with Thornhill Road passing thence along or over Vicarage Road Longwood Road and Quarmby Road and terminating in Quarmby Road in the said township of Lindley-cum-Quarmby by a junction with the existing tramway of the Promoters at the junction of Lowergate and Quarmby Road.

Tramway No. 2 shall not be laid until Vicarage Road and Longwood Road respectively have been widened under the powers in that behalf contained in section 15 of the Huddersfield Corporation Act 1897 and when laid it shall be laid as a single line except between two points respectively 15 yards and 81 yards south-east of its said commencement where it will be laid as a double line and at the narrow place in Quarmby Road at the termination of the tramway where it shall be laid as double-single line.

Tramway No. 3 (5 furlongs 3·11 chains in length whereof 3 chains is double line and 5 furlongs ·11 chain is single line) commencing at the boundary of the borough in Marsden Road passing thence along or over that road and terminating in Thornton Road by a junction with the existing tramway of the Promoters about 7 yards west of the Lancashire and Yorkshire Railway Viaduct.

Tramway No. 3 will be laid as a single line except between two points respectively 20 yards and 86 yards east of its said commencement where it will be laid as a double line.

Tramways to form part of tramway undertaking for all purposes.

8. Subject to the provisions of this Order the tramways shall for all purposes form part of the tramway undertaking and the Promoters and their lessees and licencees may in respect of the tramways exercise and enjoy all and the like powers rights privileges and authorities which they now may or are empowered to exercise and enjoy and shall be subject and liable to the like penalties conditions restrictions and stipulations as they are subject and liable to with respect to the tramway undertaking or any part thereof and may demand take and recover in respect of the tramways or any part or parts thereof the like tolls rates and charges for the use thereof and for the conveyance thereon of traffic of all kinds and for the use of carriages placed and run thereon by them as they are authorised to demand and take in respect of the tramways authorised by the Order of 1897.

For the protection of the Corporation of Wakefield.

9. In constructing Tramway No. 1 by this Order authorised the following provisions for the protection of the mayor aldermen and citizens of the city of Wakefield (in this section called "the Corporation of Wakefield") shall have effect (that is to say):—

(1) Before commencing to in any way alter or interfere with any of the water mains or pipes and valves of the Corporation of Wakefield the Promoters shall give reasonable notice thereof in writing to the Corporation of Wakefield together with plans and sections of the proposed works and the works consequent upon such alteration or interference shall be carried out to the reasonable approval of and under the superintendence

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and control of the Corporation of Wakefield or their engineer The Corporation of Wakefield shall approve or disapprove of the said plans and sections within fourteen days after receipt thereof and if they do not approve or disapprove thereof within that period then at the end of that period they shall be taken to have approved :

(2) The works shall be so constructed as not to cause damage to the said water mains or pipes and valves and if at any time hereafter any damage be in any manner caused to such water mains or pipes or valves in consequence of the execution of the said works all loss costs damage and expenses which the Corporation of Wakefield may reasonably incur or be put unto in respect thereof shall be paid to them by the Promoters :

(3) No works shall be constructed so as to prevent the Corporation of Wakefield having sufficient and convenient access to the said water mains or pipes and valves for the purpose of reparation and renewal as the same at present exist :

(4) The Promoters shall and will at all times afford to the Corporation of Wakefield their servants and workmen facilities for carrying out any works of reparation and renewal of the said water mains or pipes and valves and for that purpose will whenever thereunto required by the Corporation of Wakefield take up so much of the said tramways and other works connected therewith belonging to them as may be necessary and such works of reparation and renewal shall be carried out by the Corporation of Wakefield with the utmost despatch :

(5) If any difference arise between the Promoters and the Corporation of Wakefield touching anything to be done or not to be done or any moneys to be paid under the provisions of this section such difference shall be settled by an engineer to be appointed (unless otherwise agreed upon) upon the application of either of the parties in difference by the President of the Institution of Civil Engineers.

Agreements with Linthwaite Council.

10. The Promoters may with the approval of the Board of Trade from time to time enter into and carry into effect agreements and arrangements with the Linthwaite Council for and with respect to—

(1) the formation of a junction or junctions between any of the tramways and any tramway belonging to the Linthwaite Council :

(2) the working running over using maintaining and managing by either of the contracting parties of the tramways or any of the tramways of the other of them and the fixing apportionment and distribution of the rates and profits arising therefrom or of a rent for the same :

(3) the supply under any agreement for the tramways or any of the tramways of either of the contracting parties being worked and used by the other of them of motive power or of engines carriages and plant necessary for the purposes of such agreement :

(4) The appointment of officers and servants and generally all such matters as may be deemed desirable for enabling the tramways of the contracting parties to be worked in connection.

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Promoters may borrow.

11. The Promoters may under and according to the provisions contained in section 20 of the Tramways Act 1870 or in manner provided by the Local Loans Act 1875 borrow for the purposes of this Order in addition to any sum or sums of money they are already authorised to borrow any sum or sums of money not exceeding in the whole the sum of fifteen thousand three hundred pounds and such further sum or sums as the Board of Trade may from time to time sanction by order in writing The times for which such moneys may be borrowed shall be such period or periods not exceeding thirty years as the Board of Trade shall direct.

And for the purpose of such borrowing the Promoters may include in any mortgage of the local rate the moneys coming to them out of the rents reserved under any lease made under the authority of this Order and the tolls charges and sums authorised to be taken or received by them under the provisions of this Order.

As to conveyance of mails.

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

Saving for general Acts.

13. Nothing in this Order contained shall exempt the Promoters or any person using the tramways or the tramways from the provisions of any general Act relating to tramways now in force or which may hereafter pass or come into force during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of tolls or charges by this Order authorised.

Costs of Order.

14. The costs charges and expenses of applying for and obtaining this Order shall be paid by the Promoters.

LINTHWAITE.

Linthwaite.

Order authorising the Council for the Urban District of Linthwaite in the West Riding of the County of York to construct a Tramway in the said Urban District.

Short title.

1. This Order may be cited as the Linthwaite Tramway Order 1898.

Incorporation of Acts.

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

Interpretation.

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

The expressions "the tramway" and "the undertaking" shall mean respectively the tramway and works and the undertaking by this Order authorised

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The expression "the Council" shall mean the urban district council for the urban district of Linthwaite in the West Riding of the county of York:

The expression "the district" shall mean the urban district of Linthwaite:

The expression "mechanical power" includes steam power and electrical power and means any power (other than animal power) which can be used or applied directly or indirectly for the purpose of moving carriages or trucks upon the tramway:

The expression "engine" includes motor.

Promoters.

The Promoters.

4. The Council shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters."

Lands by agreement.

5. The Promoters may—

(A) subject to the sanction of the Local Government Board and under such conditions as they may prescribe from time to time appropriate and use for the purposes of the undertaking but subject to the provisions (if any) under which such lands were respectively acquired any lands not dedicated to public use from time to time vested in them forming part of their corporate estates;

(B) by agreement from time to time purchase and acquire for the purposes of the undertaking such lands as they may require and may from time to time sell let or dispose of any such lands which may not be necessary for such purposes Provided that all sums received by the Promoters from the sale of such lands or from fines or premiums on leases of the same shall be applied solely in repayment of outstanding loans and that such moneys shall not be applied to the payment of instalments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board:

Provided that they shall not at any time hold for such purposes more than five acres of land Provided always that nothing in this Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon lands taken or appropriated under the powers of this section.

Construction of Tramway.

Construction of tramway.

6. The Promoters may construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited for the purposes of this Order at the office of the Board of Trade (which plans and sections are in this Order referred to as "the deposited plans" and "the deposited sections") the tramway herein-after described with all proper rails points junctions plates offices weighbridges stables carriage-houses sheds warehouses waiting-rooms works and conveniences connected therewith or for the purposes thereof.

The tramway authorised by this Order will be wholly situated within the district and is as follows (that is to say):—

A tramway three miles and one chain in length whereof two miles seven furlongs and three chains will be single line and eight chains will be

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double line commencing at a point in the Manchester Road about three yards east from the point at which the boundary between the townships of Linthwaite and Slaithwaite crosses that road thence passing along the aforesaid road and terminating in the said road at the boundary between the county borough of Huddersfield and the urban district:

The tramway will be laid as a single line except in the following instances where it will be double :—

(*a.*) Between two points respectively twenty-two yards and eighty-eight yards north-east of its said commencement; and

(*b.*) Between two points respectively twelve yards west and ninety-eight yards east of the eastern end of Royds Terrace in Manchester Road.

Provisions as to construction of tramway.

7. In addition to the requirements of section 26 of the Tramways Act 1870 the Promoters shall before they proceed to open or break up any road for the purpose of constructing laying down maintaining and renewing the tramway or any part thereof lay before the Board of Trade a plan showing the proposed mode of constructing laying down maintaining and renewing such tramway and a statement of the materials intended to be used therein and the Promoters shall not commence the construction laying down maintenance and renewal of any part of the tramway except for the purpose of necessary repairs until such plan and statement have been approved by the Board of Trade and after such approval the works shall be executed in accordance in all respects with such plan and statement.

Rails to be such as Board of Trade may approve.

8. The rails of the tramway shall be grooved rails and such as the Board of Trade shall approve.

Penalty for not maintaining rails and road in good condition.

9. The Promoters shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramway and the substructure upon which the same rest and if the Promoters at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues.

In case it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the district that the Promoters have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit 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 assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Promoters to such penalty or penalties in respect thereof as is or are by this section imposed.

Tramway to be kept on level of surface of road.

10. If any road authority hereafter alter the level of any road along or across which any part of the tramway is laid or authorised to be laid the Promoters may and shall from time to time alter or (as the case may be) lay

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their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

Alteration of tramway.

11. The Promoters may with the consent of the Board of Trade lay down double lines in lieu of single or single lines in lieu of double lines on the tramway and if at any time after the construction of the tramway the road in which the same or any part thereof is laid shall be altered in level or widened the Promoters may take up and remove such tramway or part thereof and reconstruct the same in such position as they may think fit Provided that the uppermost surface thereof shall be on a level with the surface of the road as altered or widened And that in the exercise of the powers of this section no rail shall be so laid that for a distance of 30 feet or upwards a less space than 9 feet 6 inches shall intervene between the said rail and the outside of the footpath on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Promoters within three weeks after receiving from the Promoters notice in writing of their intention express their objection thereto.

Power to deviate.

12. In constructing and maintaining the tramway the Promoters may with the previous approval of the Board of Trade deviate laterally from the lines shown on the plans deposited to any extent not exceeding one foot but no such deviation shall be made so that for a distance of 30 feet or upwards a less space than 9 feet 6 inches shall intervene between the outer rail of the tramway and the outer edge of the footway on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Promoters within three weeks after receiving from the Promoters notice in writing of their intention express their objection thereto.

Additional crossings &c. may be made where necessary.

13. The Promoters may subject to the provisions of this Order from time to time make maintain alter and remove all such crossings passing-places sidings triangles junctions and other works in addition to those particularly specified in and authorised by this Order as they find necessary or convenient for the efficient working of the tramway or for providing access to any stables or carriages-houses sheds or works but in places where the Promoters may not be the road authority the same shall only be made subject to the approval of the road authority Provided that in the construction of any such works no rail shall be so laid that a less space than 9 feet 6 inches shall intervene between it and the outside of the footpath on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Promoters within three weeks after receiving from the Promoters notice in writing of their intention express their objection thereto.

Temporary tramways may be made when necessary.

14. Where by reason of the execution of any work affecting the surface or soil of any road along which the tramway is laid it is in the opinion of the Promoters necessary or expedient temporarily to remove or discontinue the use

of such tramway or any part thereof the Promoters may construct in the same or any adjacent road and maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of the tramway so removed or discontinued subject in places in which the Promoters may not be the road authority to the approval of the road authority and to such regulations as that authority may make.

Application of road materials excavated in construction of works.

15. Any paving metalling or material excavated by the Promoters in the construction of their works from any road under their jurisdiction or control shall absolutely vest in and belong to the Promoters and may be dealt with removed and disposed of by them in such manner as they may think fit.

Tramway not to be opened until certified by the Board of Trade.

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

Motive Power.

Provisions as to motive power.

17. The carriages used on the 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 Order referred to as "the Board of Trade Regulations") for securing to the public all reasonable protection against danger arising from the use under this Order of mechanical power on the tramway and for regulating the use of electric power :

(3) The Promoters or any company or person using any mechanical power on the tramway contrary to the provisions of this Order 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 Promoters or such company or person have or has made default in complying with the provisions of this Order 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 Order is a danger to the passengers or the public—

may by order either direct the Promoters or such company or person to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Promoters or such company or person shall comply with every such order In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Further provisions as to the use of mechanical power.

18. For the purpose of working the tramway by mechanical power the Promoters and their lessees may subject to the provisions of this Order erect construct maintain and use dynamos and other electric apparatus steam engines

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works and buildings and may construct erect lay down make and maintain on above or below the surface of any street or road posts brackets cables electric mains wires apparatus subways tunnels tubes boxes or openings and may for that purpose subject to the restrictions and provisions contained in Part II. of the Tramways Act 1870 open and break up any street or road or any sewer drain water or gas pipes tubes wires telephonic or telegraphic apparatus therein or thereunder.

Byelaws.

19. Subject to the provisions of this Order the Board of Trade may make byelaws with regard to any part of the tramway upon which mechanical power may be used for all or any of the following purposes (that is to say):—

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

For regulating the emission of smoke or steam from engines used on the 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 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 regulations and byelaws in force for the time being in relation to the 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 Order shall be liable to a penalty not exceeding forty shillings.

Recovery of penalties.

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

Amendment of the Tramways Act 1870 as to byelaws by local authority.

21. 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 tramway shall not authorise the local authority to make any byelaw sanctioning a higher rate of speed than that authorised by this Order or by the Board of Trade Regulations at which engines and carriages are to be driven or propelled on the tramway under the authority of this Order but the local authority may if they think fit make byelaws under the provisions of the said Act for restricting the rate of speed to a lower rate than that so authorised.

Orders and byelaws to be signed &c.

22. All orders and byelaws made (and consents and certificates given) by the Board of Trade under the authority of this Order shall be signed by a secretary or an assistant secretary of the Board of Trade and when purporting to be so signed the same shall be deemed to be duly made in accordance with the provisions of this Order and to be orders and regulations within the meaning of the Documentary Evidence Acts 1868 and 1882 and may be proved accordingly.

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Restrictions on use of electric power.

23. The following provisions shall apply to the use by the Promoters of electric power under the provisions of this Order unless such power is entirely contained in and carried along with the carriages:—

(1) The Promoters shall employ either insulated returns or uninsulated metallic returns of low resistance:

(2) The Promoters 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 electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus:

(3) The Promoters 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 Promoters 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:

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

(5) If any difference arises between the Promoters 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:

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

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

For protection of the Postmaster-General.

24. In the event of the tramway or any part thereof being worked by electricity the following provisions shall have effect:—

(1) The Promoters 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 Promoters 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 Promoters shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator:

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Promoters of their electric lines and works or by the working of the undertaking of the Promoters the Promoters 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 tramway 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 Promoters 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 Promoters and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work:

(*b*) Any difference which arises between the Postmaster-General and the Promoters or their agents with respect to any requirements so made shall be determined by arbitration:

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

contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues:

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

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

(7) For the purposes of this section and subject as therein provided sections 2 8 9 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Order as if the Promoters were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted 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 Promoters 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 Promoters by indictment action or otherwise in relation to any of the matters aforesaid:

(11) In this section the expression "the Promoters" includes their lessees and any person owning working or running carriages over any tramway of the Promoters.

Traffic upon Tramway.

Traffic upon tramway.

25. The tramway may be used for the purpose of conveying passengers animals goods minerals and parcels.

Promoters not bound to carry animals goods &c.

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

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Provisions as to carriage of animals goods &c.

27. In case the Promoters' lessees carry animals goods minerals or parcels they may and when required by the Council shall carry the same in separate carriages or separate parts of carriages set apart for that purpose Provided that this provision shall not apply to the carriage of passengers' luggage.

Junctions with works.

28. For the purpose of using the tramway for sanitary purposes and for the conveyance of scavenging stuff night soil ashes and other refuse coal coke gas-pipes road-metal and other materials required for their works the Council may with the consent of the Board of Trade make such junctions sidings and works as they may think necessary or convenient for making communication to the tramway from their depôts and yards but in places where the Promoters may not be the road authority the same shall only be made subject to the approval of the road authority Provided always that in the construction of such junctions sidings and works as aforesaid no rail shall be so laid that for a distance of thirty feet or upwards a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Promoters within three weeks after receiving from the Promoters notice of their intention express their objection thereto.

Rates.

Rates for passengers.

29. The Promoters' lessees may demand and take for every passenger travelling upon the tramway or any part thereof including every expense incidental to such conveyance any rates or charges not exceeding one penny per mile (and for this purpose a fraction of a mile beyond an integral number of miles shall be deemed a mile) but the Promoters may charge for any less distance than two miles any sum not exceeding twopence.

As to fares on Sundays and holidays.

30. The Promoters or any person working or using the tramway shall not take or demand on Sunday or any public holiday any higher rates or charges than those levied by them on ordinary week days.

Passengers' luggage.

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

Cheap fares for labouring classes.

32. The Promoters' lessees at all times after the opening of the tramway or any part or parts thereof for public traffic shall and they are hereby required to run at least two carriages each way every morning in the week and every evening in the week (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than seven in the morning or earlier than six in the evening respectively as the Promoters think most convenient for artizans mechanics and daily labourers at rates or charges not exceeding one halfpenny per mile (the lessees nevertheless not being required to take any fare less than

one penny) Provided that in case of any complaint made to the Board of Trade of the hours appointed for the running of such carriages the said Board shall have power to fix and regulate the same from time to time and the Promoters' lessees shall be liable to a penalty not exceeding one pound for every day except as aforesaid on which they do not run such number of carriages as aforesaid in accordance with the provisions of this section Provided always that the Promoters' lessees shall not be liable to any such penalty if the failure to run such number of carriages as aforesaid arises from circumstances over which the Promoters' lessees have no control.

Rates for animals goods &c.

33. The Promoters' lessees may demand and take in respect of any animals goods minerals or parcels conveyed by them on the tramway including every expense incidental to such conveyance any rates or charges not exceeding the rates and charges specified in the schedule to this Order annexed subject to the regulations in that behalf therein contained.

Payment of rates.

34. The rates and charges by this Order authorised shall be paid to such persons and at such places upon or near to the tramway and in such manner and under such regulations as the Promoters' lessees may by notice to be annexed to the list of rates and charges appoint.

Periodical revision of rates.

35. If at any time after three years from the opening for public traffic of the tramway or any portion of the tramway or after three years from the date of any order made in pursuance of this section in respect of the tramway or any portion of the tramway it is represented in writing to the Board of Trade by the Promoters or by their lessees or by twenty inhabitant ratepayers of the district that under the circumstances then existing all or any of the rates and charges demanded and taken in respect of the traffic on the tramway or on such portion of the tramway 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 such referee report that it has been proved to his satisfaction that all or any of such rates or charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any of the rates and charges to be demanded and taken in respect of the traffic on the tramway or on such portion of the tramway in such manner as they think fit and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section Provided always that the rates and charges prescribed by any such order shall not exceed in amount the rates and charges by this Order authorised Provided also that a copy of this section shall be annexed to every table or list of rates published or exhibited by the Promoters or their lessees.

Miscellaneous.

Council may work tramway.

36. Notwithstanding anything in the Tramways Act 1870 to the contrary the Council may place and run carriages on and may work and may demand and take rates and charges in respect of the tramway and may provide such stables buildings harness horses carriages trucks machinery apparatus plant

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appliances and conveniences as may be requisite or convenient therefor and in such case the several provisions herein-before contained relating to the working of the tramway and the taking of rates and charges therefor shall extend and apply mutatis mutandis to and in relation to the Council and the Council may work such tramway and demand and recover such rates and charges accordingly but nothing in this section shall empower the Council to construct any station for generating electric power nor to create or permit a nuisance.

Byelaws &c. may be made by Council alone.

37. The regulations authorised by the Tramways Act 1870 to be made by the Promoters of any tramway and their lessees may with respect to the tramway or any portion thereof for the time being belonging to and worked by the Council be made by the Council alone.

Agreements with Corporation of Huddersfield.

38. The Council on the one hand and the mayor aldermen and burgesses of the borough of Huddersfield (in this section called "the Corporation") on the other hand may from time to time enter into and carry into effect agreements and arrangements for and with respect to—

(1) The formation of a junction or junctions between the tramway and any tramway belonging to the Corporation:

(2) The working running over using maintaining and managing by either of the contracting parties of the tramways or any of the tramways of the other of them and the fixing apportionment and distribution of the rates and profits arising therefrom or of a rent for the same:

(3) The supply under any agreement for the tramways or any of the tramways of either of the contracting parties being worked and used by the other of them of motive power or of engines carriages and plant necessary for the purposes of such agreement:

(4) The appointment of officers and servants and generally all such matters as may be deemed desirable for enabling the tramways of the contracting parties to be worked in connection.

Mortgage may include rents.

39. The Council may include in any mortgage of the local rate made under section 20 of the Tramways Act 1870 the moneys coming to them out of the rents reserved under any lease made under the authority of the Tramways Act 1870 or this Order and the tolls charges and sums authorised to be taken or received by them under the provisions of this Order.

Protection of members of Council.

40. Section 265 of the Public Health Act 1875 is hereby incorporated with this Order and in construing that section for the purposes of this Order the expression "this Act" where used in that section shall mean this Order.

Power to enter into agreements with respect to traffic &c.

41. The Promoters' lessees may with the consent of the Board of Trade from time to time but subject to the provisions of this Order enter into agreements with any person with respect to the receiving from or forwarding to any such person any passengers animals goods minerals or parcels and the fixing collecting and apportionment of tolls charges rents or other receipts arising from the tramway upon such terms and conditions as may be agreed upon between such lessees and such person subject nevertheless to the control and supervision of the Promoters.

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Provisions as to arbitration.

42. Where under the provisions of the Tramways Act 1870 amd this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Arbitration Act 1889 shall apply to every such arbitration and the decision of the arbitrator shall be final and conclusive and binding on all parties and the costs of and incidental to the arbitration and award shall if either party so require be taxed and settled as between the parties by any one of the taxing masters of the High Court and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters and all those enactments including the enactments relating to the taking of fees by means of stamps shall extend to the fees in respect of the said taxation.

Form and delivery of notices.

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

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

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

Saving for general Acts.

44. Nothing in this Order contained shall exempt the Promoters or any person using the tramway or the tramway from the provisions of any general Act relating to tramways now in force or which may hereafter pass or come into force 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 by this Order.

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SCHEDULE.

Rates and Charges for Animals Goods &c.

		Per Mile. s.	d.
Animals.			
For every horse mule or other beast of draught or burden	per head	0	4
For every ox cow bull or head of cattle - - -	per head	0	3
For every calf pig sheep or other small animal - -	per head	0	1½
Goods and Minerals.			
For all coals coke culm charcoal cannel limestone chalk lime salt sand fireclay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways	per ton	0	2
For all iron iron-ore pig-iron bar-iron rod-iron sheet-iron hoop-iron plates of iron slabs billets and rolled iron bricks slag and stone stones for building pitching and paving tiles slates and clay (except fireclay) and for wrought iron not otherwise specifically classed herein and for heavy iron castings including railway chairs	per ton	0	2½
For all sugar grain flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings - - - - -	per ton	0	3
For cotton and other wools drugs and manufactured goods and all other wares merchandise fish articles matters or things -	per ton	0	4
For every carriage of whatever description - - - -		1	0

	Any Distance. s.	d.
Parcels.		
For any parcel not exceeding seven pounds in weight - -	0	3
For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight - - - - -	0	5
For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight - - - - - -	0	7
For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight - - - -	0	9
For any parcel exceeding fifty-six pounds in weight such sums as the person conveying the same may think fit.		

Provided always that articles sent in large aggregate quantities although made up in separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but that term shall apply only to single parcels in separate packages.

For the Carriage of Single Articles of Great Weight.	Per Mile. s.	d.
For the carriage of any iron boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage exceeds four tons but does not exceed eight tons such sums as the persons conveying the same may think fit not exceeding per ton per mile - - -	2	0
For the carriage of any single piece of timber stone machinery or other single article the weight of which with the carriage exceeds eight tons such sum as the person conveying the same may think fit.		

Regulations as to Rates.

A fraction of a mile beyond an integral number of miles shall be deemed a mile.

For a fraction of a ton rates and charges may be demanded and taken according to the number of the quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton.

With respect to all articles except stone and timber the weight shall be determined according to the imperial avoirdupois weight.

With respect to stone and timber fourteen cubic feet of stone forty cubic feet of oak mahogany teak beech or ash and fifty cubic feet of any other timber shall be deemed one ton weight and so in proportion for any smaller quantity.

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