CHAPTER ccxiv.

An Act to authorise the Wakefield and District Light Railway Company to construct tramways and a tramroad and other works in the West Riding of the county of York and for other purposes. [15th August 1904.] A.D. 1904.

WHEREAS by the Wakefield and District Light Railway Order 1901 (in this Act called "the Order of 1901") the Wakefield and District Light Railway Company (in this Act called "the Company") were incorporated and authorised to make and maintain certain light railways in the West Riding of the county of York in that Order specifically described:

And whereas by the Wakefield and District Light Railways (Extensions) Order 1902 (in this Act called "the Order of 1902") the Company were authorised to make and maintain certain additional light railways in the said West Riding:

And whereas the said light railways are now being constructed and will shortly be opened for public traffic:

And whereas the construction of the tramways tramroad and other works in the said West Riding by this Act authorised would be of public advantage and it is expedient that the Company be authorised to construct the same:

And whereas it is expedient that the Company be empowered to raise additional capital for the purposes of this Act and for the general purposes of their undertaking and to apply their funds to any such purposes:

And whereas plans and sections showing the lines situations and levels of the tramways tramroad and other works by this Act authorised the plans showing also the lands which may be taken or used compulsorily under the powers of this Act with a book of

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reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands were duly deposited for public inspection with the clerk of the peace for the West Riding of the county of York and the said plans sections and book of reference respectively are in this Act referred to as "the deposited plans sections and book of reference":

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

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

Short title.

1. This Act may be cited as the West Riding Tramways Act 1904.

Incorporation of general Acts.

2. The following Acts and parts of Acts are so far as applicable to and except where expressly varied by or inconsistent with this Act incorporated with and form part of this Act (that is to say):—

The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say):—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing the payment of calls;

The forfeiture of shares for non-payment of calls;

The remedies of creditors of the Company against the shareholders;

The borrowing of money by the Company on mortgage or bond;

The conversion of the borrowed money into capital;

The consolidation of the shares into stock;

The making of dividends;

The giving of notices; and

The provision to be made for affording access to the special Act by all parties interested:

Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) of the Companies Clauses Act 1863:

The Lands Clauses Acts:

And section 3 (Interpretation of terms) and Parts II. and III. of the Tramways Act 1870:

Provided that the provisions of Part II. of the Tramways Act 1870 herewith incorporated shall not apply to any portion of the tramroad by this Act authorised which is not intended to be laid along the carriageway of any street or road.

Interpretation.

3. Subject as herein-after provided in this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Act have the same respective meanings unless there be something in the subject or context repugnant to such construction:

The expressions "the tramways" "the tramroad" and "the tramways and tramroad" respectively mean the tramways the tramroad and the tramways and tramroad by this Act authorised;

The expression "the street works" means the widenings and alterations of streets and roads by this Act authorised;

The expression "the undertaking" means the undertaking by this Act authorised;

And the word "contingencies" in section 122 of the Companies Clauses Consolidation Act 1845 shall with reference to the Company be construed to include the contingency of the undertaking being sold to the local authorities under section 43 of the Tramways Act 1870 at a sum less than the aggregate amount of the capital and debts of the Company:

And in this Act and for the purposes of this Act in the Tramways Act 1870 the expression "local authority" shall mean with reference to a rural district the district council of that district.

Recovery of demands under one hundred pounds.

4. Proceedings for the recovery of any demand not exceeding one hundred pounds made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in the county court.

Correction of errors &c. in deposited

5. If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands

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plans and book of reference.

shown on the deposited plans or specified in the deposited book of reference the Company after giving ten days notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the West Riding of the county of York for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the West Riding of the county of York and a duplicate thereof shall also be deposited with the town clerk of the city or borough or clerk to the council of the urban district or parish in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate.

Power to make tramways and tramroad.

6. Subject to the provisions of this Act the Company may make form lay down work use and maintain the tramways and tramroad herein-after described in the lines and according to the levels shown on the deposited plans and sections with all proper rails plates sidings junctions works and conveniences connected therewith.

The tramways and tramroad herein-before referred to and authorised by this Act are situate in the West Riding of the county of York and are—

Tramway No. 1 (2 furlongs and 6·35 chains or thereabouts in length double line) commencing in the roadway in the north-west corner of the Market Place Normanton and terminating in the Normanton and Castleford Road at a point 2·5 chains or thereabouts eastward of the junction of the said road with High Street Normanton:

Provided always that Tramway No. 1 shall be so constructed at the corner of High Street near its commencement and at the corner opposite the Black Swan as to give such a space between the kerb and the outside of the carriages used on the tramway as the Board of Trade may direct:

Tramway No. 2 (7 furlongs and 7 chains or thereabouts in length of which 6 furlongs and 8 chains are single and

9 chains are double line) commencing by a junction with Tramway No. 1 by this Act authorised at its termination and terminating in the Normanton and Castleford Road at the point at which the boundary between the parishes of Normanton and Whitwood crosses that road:

Tramway No. 3 (1 mile 5 furlongs and 0·40 chain or thereabouts in length of which 1 mile 2 furlongs and 9·40 chains are single and 2 furlongs and 1 chain are double line) commencing by a junction with Tramway No. 2 by this Act authorised at its termination and terminating in Lumley Street at or about the junction with that street of Ackton Road Castleford:

Provided always that in the construction of Tramway No. 3 over the level crossing of the mineral railway in Whitwood Common Lane the Company shall conform to such regulations for the safety of the public as the Board of Trade shall require:

Tramway No. 4 (2 furlongs and 9 chains or thereabouts in length of which 1 furlong and 6·40 chains are single and 1 furlong and 2·60 chains are double line) commencing at or about the junction of Ackton Road Castleford with Lumley Street and Oxford Street and terminating in Ackton Road aforesaid at a point 1·8 chains or thereabouts northward of the northern abutment of the bridge carrying the Lancashire and Yorkshire Railway over that road near Castleford Station:

Tramway No. 5 (4 furlongs and 9·55 chains or thereabouts in length of which 1 furlong and 5·55 chains are single and 3 furlongs and 4 chains are double line) commencing in Ackton Road aforesaid by a junction with Tramway No. 3 by this Act authorised at its termination and terminating at or about the junction of Carlton Street with Station Road Castleford:

Tramway No. 6 (4 furlongs and 3·65 chains or thereabouts in length of which 2 furlongs and 8·65 chains are single and 1 furlong and 5 chains are double line) commencing at or about the termination of Tramway No. 5 by this Act authorised and terminating in Leeds Road at or about the point at which the boundary between the parishes of Whitwood and Castleford crosses that road:

Tramway No. 7 (1 furlong and 4·38 chains or thereabouts in length of which 8·38 chains are single and 6 chains are

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double line) commencing at or about the termination of Tramway No. 6 by this Act authorised and terminating at or about the junction of Hunt Street Castleford with Leeds Road:

Tramway No. 8 (1 furlong and 7·30 chains or thereabouts in length double line) commencing at or about the termination of Tramway No. 5 by this Act authorised and terminating at or about the junction of Carlton Street with Bridge Street Castleford:

Tramway No. 9 (2 furlongs and 6 chains or thereabouts in length of which 1 furlong and 1 chain are single and 1 furlong and 5 chains are double line) commencing at or about the termination of Tramway No. 5 by this Act authorised and terminating at or about the junction of Aire Street with Bridge Street Castleford:

Tramway No. 10 (1 furlong and 3·58 chains or thereabouts in length double line) commencing at or about the junction of Bank Street Castleford with Aire Street and terminating in Albion Street Castleford at a point 0·5 chain or thereabouts south-westward of the junction of Carlton Street with Albion Street:

Tramway No. 10A (1 chain or thereabouts in length double line) commencing in Church Street Castleford by a junction with Tramway No. 10 by this Act authorised at a point 0·5 chain or thereabouts north-eastward of the junction of Carlton Street Castleford with Church Street and terminating in Carlton Street at a point 0·5 chain or thereabouts eastward of the junction of that street with Church Street:

Tramway No. 11 (4 furlongs and 3·88 chains or thereabouts in length of which 3 furlongs and 1·88 chains are single and 1 furlong and 2 chains are double line) commencing at or about the junction of Aire Street and Bridge Street Castleford and terminating in Wheldale Road at a point one chain or thereabouts westward of the westernmost abutment of the bridge carrying the North Eastern Railway over that road:

Tramway No. 12 (3 furlongs and 5·60 chains or thereabouts in length of which 2 furlongs and 8·10 chains are single and 7·50 chains are double line) commencing at or about the junction of Aire Street and Bridge Street Castleford and terminating in the Pontefract Road at or about the point at which the boundary between the parishes of Castleford and Glasshoughton crosses that road:

Tramway No. 13 (1 mile and 8·65 chains or thereabouts in length of which 7 furlongs and 3·65 chains are single and 1 furlong and 5 chains are double line) commencing in the Pontefract Road at the termination of Tramway No. 12 by this Act authorised and terminating in that road at or about the point at which the boundary between the parishes of Glasshoughton and Pontefract Park crosses that road:

Tramway No. 14 (1 mile 2 furlongs and 5·50 chains or thereabouts in length of which 1 mile 1 furlong and 0·50 chain are single and 1 furlong and 5 chains are double line) commencing in the Pontefract Road at or about the termination of Tramway No. 13 by this Act authorised and terminating in that road at or about the junction of Halfpenny Lane Pontefract with the Pontefract Road:

Tramway No. 15 (2 furlongs and 1·80 chains or thereabouts in length double line) commencing at or about the termination of Tramway No. 14 by this Act authorised and terminating at or about the junction of Beast Fair with Roper Gate Pontefract:

Tramway No. 16 (3 furlongs and 2·5 chains or thereabouts in length of which 1 furlong and 9 chains are single and 1 furlong and 3·5 chains are double line) commencing in the Market Place Pontefract at a point 0·25 chain or thereabouts north-west of the north-westernmost corner of the Town Hall and terminating in North Bailey Gate Pontefract at a point 0·5 chain or thereabouts north-eastward of the junction of Station Road with North Bailey Gate:

Tramway No. 17 (1 furlong and 2 chains or thereabouts in length double line) commencing at or about the junction of Beast Fair Pontefract with Roper Gate and terminating in Roper Gate at or about the junction of Newgate therewith:

Provided always that unless the Board of Trade shall otherwise order not more than one car shall be allowed on Tramway No. 17 at any one time:

Tramway No. 18 (1 mile and 0·61 chain or thereabouts in length of which 6 furlongs and 8·61 chains are single and 1 furlong and 2 chains are double line) commencing by a junction with Tramway No. 17 by this Act authorised at its termination and terminating in the Wakefield and Pontefract Road at or about the point at which the boundary between the parishes of Tanshelf and Purston Jaglin crosses that road:

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Tramway No. 19 (8·20 chains or thereabouts in length double line) commencing at or about the junction of Beast Fair Pontefract with Roper Gate and terminating by a junction with Tramway No. 16 by this Act authorised at its commencement:

Tramway No. 19A (0·5 chain or thereabouts in length double line) commencing by a junction with Tramway No. 15 by this Act authorised at a point 0·7 chain or thereabouts north-westward of the junction of Beast Fair Pontefract and Roper Gate and terminating by a junction with Tramway No. 19 by this Act authorised in the Market Place Pontefract:

Tramway No. 20 (1 mile 4 furlongs and 3·35 chains or thereabouts in length of which 1 mile 2 furlongs and 2·35 chains are single and 2 furlongs and 1 chain are double line) commencing in the Wakefield and Pontefract Road at or about the termination of Tramway No. 18 by this Act authorised and terminating at a point 0·8 chain or thereabouts southward of the southern abutment of the bridge carrying the Lancashire and Yorkshire Railway over the road in the village of Featherstone known as Station Lane near the Featherstone Station:

Tramway No. 21 (6 furlongs and 3·45 chains or thereabouts in length of which 4 furlongs and 0·65 chain are single and 2 furlongs and 2·80 chains are double line) commencing in North Bailey Gate Pontefract at a point 0·5 chain or thereabouts south-east of the junction of Station Road and North Bailey Gate and terminating in the high road from Pontefract to Knottingley at the point at which the boundary between the borough and parish of Pontefract and the parish of Ferry Fryston in the rural district of Pontefract crosses that high road:

Tramway No. 22 (7 furlongs and 2·90 chains or thereabouts in length of which 6 furlongs and 6·90 chains are single and 6 chains are double line) commencing by a junction with Tramway No. 21 by this Act authorised at its termination and terminating in the high road from Pontefract to Knottingley at the point at which the boundary between the parish of Ferry Fryston and the parish and urban district of Knottingley crosses that road:

Tramway No. 23 (1 mile and 4·80 chains or thereabouts in length of which 6 furlongs and 5·80 chains are single

and 1 furlong and 9 chains are double line) commencing by a junction with Tramway No. 22 by this Act authorised at its termination and terminating at a point 1·5 chains or thereabouts north of the north-west corner of the Town Hall Knottingley:

Tramway No. 24 (1 mile and 2 furlongs or thereabouts in length of which 1 mile and 5 chains are single and 1 furlong and 5 chains are double line) commencing in the Leeds and Pontefract Road (otherwise called the Leeds and Barnsdale Road) by a junction with the Railway No. 13 authorised by the Order of 1902 at or about the point at which the boundary between the township of Oulton-cum-Woodlesford and the parish of Methley crosses that road and terminating in that road at or about the point marked on the deposited plans as indicating 1 mile and 2 furlongs from the commencement of the said tramway:

Tramway No. 25 (3 furlongs and 7·23 chains or thereabouts in length of which 3 furlongs and 1·23 chains are single and 6 chains are double line) commencing in the said Leeds and Pontefract Road at a point 8 chains or thereabouts south of the centre of the bridge known as the Methley Bridge carrying the said road over the River Calder and terminating at or about the junction of Hunt Street Castleford with the Methley Road:

Tramway No. 26 (6 furlongs and 5·95 chains or thereabouts in length of which 5 furlongs and 3·95 chains are single and 1 furlong and 2 chains are double line) commencing in Northgate Wakefield by a junction with the Railway No. 6 authorised by the Order of 1901 at a point 0·6 chain or thereabouts southward of the junction of York Street with Northgate and terminating in Stanley Road (otherwise the Wakefield and Aberford Road) at or about the point at which the boundary between the parish and city of Wakefield and the parish and urban district of Stanley crosses that road:

Tramway No. 27 (1 mile 4 furlongs and 3·90 chains or thereabouts in length of which 1 mile 2 furlongs and 5·90 chains are single and 1 furlong and 8 chains are double line) commencing in Stanley Road aforesaid by a junction with the Tramway No. 26 by this Act authorised at its termination and terminating at a point 3·70 chains or thereabouts north of the junction of Water Lane with Stanley Road:

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Tramroad No. 28 (1 mile 6 furlongs and 7·60 chains or thereabouts in length of which 1·70 chains is intended to be laid along the carriageway of streets or roads) commencing in Stanley Road aforesaid by a junction with Tramway No. 27 by this Act authorised at its termination and terminating in Church Road Altofts at or about the point at which High Green Road joins Church Road:]

Tramway No. 29 (6 furlongs and 1·50 chains or thereabouts in length of which 5 furlongs and 2·50 chains are single and 9 chains are double line) commencing by a junction with Tramroad No. 28 by this Act authorised at its termination and terminating in Station Road Normanton at or about the point at which the boundary between the parishes and urban districts of Altofts and Normanton crosses that road:

Tramway No. 30 (1 furlong and 7·20 chains or thereabouts in length single line) commencing by a junction with Tramway No. 29 by this Act authorised at its termination and terminating by a junction with Tramway No. 1 by this Act authorised in or near the centre of the Market Place Normanton:

Tramway No. 31 (1 mile and 0·50 chain or thereabouts in length of which 7 furlongs and 1·50 chains are single and 9 chains are double line) commencing in the Leeds and Pontefract Road by a junction with Tramway No. 25 by this Act authorised at or about the junction of Methley Road with the Leeds and Pontefract Road and terminating at or about the point at which the boundary between the parish and urban district of Whitwood and the parish of Glasshoughton in the rural district of Pontefract crosses the Leeds and Pontefract Road:

Tramway No. 32 (1 furlong and 8·65 chains or thereabouts in length of which 1 furlong and 2·65 chains are single and 6 chains are double line) commencing in the Leeds and Pontefract Road by a junction with Tramway No. 31 by this Act authorised at its termination and terminating in that road at or about the point at which the Lancashire and Yorkshire Railway crosses that road.

Incorporation of certain provisions of Railways Clauses &c. Act.

7. The provisions of section 16 and of sections 68 to 73 of the Railways Clauses Consolidation Act 1845 and the provisions of that Act with respect to the temporary occupation of lands near the railway during the construction thereof and with respect

to mines lying under or near the railway shall be incorporated with this Act in relation to and shall apply to the tramroad (so far as the same is situate on private lands) and for the purposes of such provisions the tramroad shall be deemed to be a railway and the Company shall be deemed to be a railway company.

Period for completion of works.

8. If the tramways and tramroad are not completed within three years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for constructing the tramways and tramroad or otherwise in relation thereto shall cease except as to so much thereof as shall be then completed.

Tramway deposit fund not to be repaid except so far as tramways and tramroad are opened.

9. Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of ten thousand three hundred and sixty-three pounds thirteen shillings and eightpence two-and-a-half per centum consolidated stock has been transferred into the name of the Paymaster-General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act of which sum of stock nine thousand seven hundred and nineteen pounds fifteen shillings and tenpence represents five per centum upon the amount of the estimate in respect of the tramways and tramroad originally proposed to be authorised by this Act and the remainder viz. six hundred and forty-three pounds seventeen shillings and tenpence represents four per centum upon the amount of the estimate of the street works And whereas the works originally proposed to be authorised by this Act included certain tramways respectively described on the deposited plans as Tramways Nos. 24 and 25 and the powers to construct portions of such tramways were struck out of the Bill for this Act during its progress through Parliament And whereas of the said sum of nine thousand seven hundred and nineteen pounds fifteen shillings and tenpence stock the sum of five hundred and seventy-eight pounds seventeen shillings and eightpence stock represents five per centum on the estimated cost of the portions of Tramways Nos. 24 and 25 so struck out of the Bill and the sum of nine thousand one hundred and forty pounds eighteen shillings and twopence stock represents five per centum upon the estimated cost of the tramways and tramroad by this Act authorised which last-mentioned sum of nine thousand one hundred and forty pounds eighteen shillings and twopence stock is herein-after referred to as "the deposit fund" Be it enacted that notwithstanding anything contained in the said Act the deposit fund shall not be paid or transferred to

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or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as "the depositors") unless the Company shall previously to the expiration of the period limited by this Act for completion of the tramways and tramroad open the same for the public conveyance of passengers and if the Company shall make default in so opening the tramways and tramroad the deposit fund shall be applicable and shall be applied as provided by the next following section Provided that if within such period as aforesaid the Company open any portion of the tramways or tramroad for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the tramways and tramroad opened as aforesaid and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the tramways and tramroad so opened bears to the entire length of the tramways and tramroad the High Court shall on the application of the depositors order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified and it shall not be necessary to produce any certificate of this Act having passed anything in the above-mentioned Act to the contrary notwithstanding.

Application of tramways deposit fund.

10. If the Company do not previously to the expiration of the period limited for the completion of the tramways and tramroad complete the same and open them for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the tramroad or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property for the purpose of the tramroad conferred upon the Company by this Act and for which injury or loss no compensation or inadequate compensation has been paid and also in compensating all road authorities for the expense incurred by them in taking up any tramway or any

materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads by the construction or abandonment of such tramways and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit And if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent and has been ordered to be wound up or the undertaking has been abandoned be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or transferred to the depositors Provided that until the deposit fund has been repaid or retransferred to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall as and when the same become payable be paid to or on the application of the depositors. A.D. 1904.

Providing for release of part of stock transferred.

11. On the application of the depositors at any time after the passing of this Act the High Court may and shall order that the sum of one thousand two hundred and twenty-two pounds fifteen shillings and sixpence two-and-a-half per centum consolidated stock part of the said sum of ten thousand three hundred and sixty-three pounds thirteen shillings and eightpence two-and-a-half per centum consolidated stock so transferred as aforesaid together with any interest or dividends which may have accrued thereon shall be paid or transferred to the depositors or as they shall direct.

Power to make street works.

12. Subject to the provisions of this Act the Company may in the lines and situations and according to the levels shown on the deposited plans and sections make the widenings and alterations of streets and roads and other works in the West Riding of the county of York shown on those plans and herein-after described (that is to say) :—

(A) A widening of Front Street Pontefract on the southern side thereof between Halfpenny Lane and Corn Market:

(B) A widening of the Market Place Pontefract on the north side between points respectively 0·4 chain or thereabouts

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west and 0·6 chain or thereabouts north of the corner of the Market Place nearest to the north-west corner of the Town Hall:

(c) A widening of North Bailey Gate Pontefract on the northernmost side thereof between points respectively situate 2 chains and 7·5 chains or thereabouts eastward of the junction of Mill Dam with Northgate:

(d) A widening of High Street Normanton on the east side between Ashcap Lane and the Black Swan public-house:

(e) The alteration of the level of Station Road Castleford between points respectively situate 2 chains or thereabouts to the northward and 2 chains or thereabouts to the southward of the centre of the bridge carrying the North Eastern Railway and Lancashire and Yorkshire Railway over that road:

(f) The alteration of the level of Wheldale Road Castleford between points respectively situate 2 chains or thereabouts to the eastward and 2 chains or thereabouts to the westward of the centre of the bridge carrying the North Eastern Railway over that road:

(g) The alteration of the level of the high road from Pontefract to Knottingley between points respectively situate 2 chains or thereabouts to the eastward and 2 chains or thereabouts to the westward of the centre of the bridge carrying the Midland and North Eastern Railways over that road:

(h) The alteration of the level of the Wakefield and Pontefract Road between points respectively situate 12 chains or thereabouts and 26 chains or thereabouts to the eastward of the point at which the boundary between the parishes of Purston Jaglin and Tanshelf crosses that road:

Provided that the Company shall not open for public traffic Tramway No. 15 by this Act authorised until the widening in Front Street Pontefract above described shall have been completed nor shall the Company construct (1) the portion of Tramway No. 19 by this Act authorised which will be situate opposite the west corner of the Town Hall Pontefract until the widening of the Market Place Pontefract above described shall have been completed or (2) any portion of Tramway No. 21 by this Act authorised until the widening of North Bailey Gate Pontefract

above described shall have been completed nor shall double-decked cars be used on Tramway No. 22 by this Act authorised until the alteration of the level of the high road from Pontefract to Knottingley above described shall have been completed.

As to repair of altered streets.

13. The aforesaid streets and roads as so widened and altered shall (subject to the provisions of the Tramways Act 1870 and of this Act as to the repair by the Company of part of roads in which tramways are laid) be and continue vested in and repairable by and under the control and management in all respects of the authority company or body having now the control and management of or being liable to maintain and repair such streets and roads.

Power to make subsidiary works in connexion with street works.

14. Subject to the provisions of this Act and within the limits defined on the deposited plans the Company in connexion with the street works and as part and for the purposes thereof may make junctions and communications with any existing streets which may be intersected or interfered with by or contiguous to the street works and may make diversions or alterations of the lines or levels of any existing streets for the purpose of connecting the same with the altered street or road or of crossing under or over the same or otherwise but full compensation shall be made to the owners and occupiers (if any) whose property shall be injuriously affected by the exercise of the powers of this section.

Power to alter drains pipes &c.

15. The Company may for any purpose in connexion with the street works upon any lands acquired by them under the powers of this Act and also in any street within the limits of deviation shown on the deposited plans raise sink or otherwise alter the position of any sewer drain channel water pipe gas pipe or hydraulic pipe belonging to or connected with any house or building adjoining or near to such works and also any main or other pipe for carrying a supply of gas or water or for hydraulic purposes or any pipe tube wire or apparatus laid down or used for telegraphic telephonic or electric purposes and may remove any other obstruction making proper substituted works during any alteration and causing as little detriment and inconvenience as circumstances admit and making reasonable compensation to any company or person who suffers damage by such alteration:

Provided that the Company shall not raise sink or otherwise alter or interfere with any pipe tube wire or other apparatus laid down or used for telegraphic or telephonic purposes by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878 Provided also that nothing

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in this section shall extend to 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.

Power to deviate.

16.—(1) The Company in constructing any portion of the tramroad which will not be laid along the carriageway of any street or road may deviate from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown on those plans and they may deviate from the levels thereof shown on the deposited sections to the extent and subject to the conditions prescribed in the case of a railway by sections 11 12 14 and 15 of the Railways Clauses Consolidation Act 1845 as amended by section 4 of the Railways Clauses Act 1863 and those sections shall apply to the tramroad as if the same were a railway within the meaning of that Act.

(2) The Company in making the street works may deviate from the levels thereof respectively shown on the deposited sections to any extent not exceeding two feet and may deviate from the line of any of such works to any extent within the limits of deviation defined on the deposited plans Provided that the Company shall not without the consent in writing of the local authority make any lateral deviation from the line of the street widenings (A) (B) (C) and (D) by this Act authorised in such manner as to decrease the width to which the street is shown on the deposited plans as intended to be widened.

Power to acquire lands.

17. Subject to the provisions of this Act the Company may enter upon take hold and use the following lands in the West Riding of the county of York respectively shown on the deposited plans and described in the deposited book of reference (that is to say) :—

(A) The lands required for the purposes of the tramroad :

(B) The lands required for the purposes of the street works :

(C) For car sheds and other general purposes of the Company's undertaking—

(1) The lands in the parish and urban district of Castleford lying on the south-west side of the Leeds Road opposite the junction therewith of Savile Road which lands extend for a distance of 4·5 chains or thereabouts in a south-westwardly

direction from the Leeds Road and have a frontage to that road of 2·5 chains or thereabouts;

(2) The lands in the parish and urban district of Whitwood situate on the east side of the Leeds and Pontefract Road and the north side of the Methley Road which lands are numbered on the Ordnance map (scale $\frac{1}{2500}$ edition 1892) 44 in the said parish.

As to removal of human remains.

18.—(1) If and when the Company shall acquire the portion of the disused burial ground of the parish of All Saints Pontefract which the Company are by this Act authorised to acquire they shall before applying or using any part thereof for any of the purposes of this Act remove or cause to be removed the remains of all deceased persons interred in such portion of the said burial ground.

(2) Before proceeding to remove any such remains the Company shall publish a notice for three successive days in two local newspapers circulating in the borough of Pontefract to the effect that it is intended to remove such remains and such notice shall have embodied in it the substance of subsections (3) (4) (5) (6) and (7) of this section.

(3) Any time within two months after the first publication of such notice any person who is an heir executor administrator or relative of any deceased person whose remains are interred in such portion of the said burial ground may give notice in writing to the Company of his intention to undertake the removal of such remains and thereupon he shall be at liberty without any faculty for the purpose but subject as herein-after mentioned to any regulations made by the Archbishop of the diocese of York to cause such remains to be removed to and reinterred in any consecrated burial ground or cemetery in which burials may legally take place.

(4) If any person giving such notice as aforesaid shall fail to satisfy the Company that he is such heir executor administrator or relative as he claims to be the question shall be determined on the application of either party in a summary manner by the registrar of the consistory court of the diocese of York who shall have power to make an order specifying who shall remove the remains.

(5) The expense of such removal and reinterment (not exceeding in respect of remains removed from any one grave the sum of ten pounds) shall be defrayed by the Company such sum

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to be apportioned if necessary equally according to the number of remains in the grave.

(6) If within the aforesaid period of two months no such notice as aforesaid shall have been given to the Company in respect of the remains in any grave or if after such notice has been given the persons giving the same shall fail to comply with the provisions of this section and with any regulation of the Archbishop the Company may without any faculty for that purpose remove the remains of the deceased person and cause them to be interred in such other consecrated burial ground or cemetery in which burials may legally take place as the Company think suitable for the purpose subject to the consent of the Archbishop.

(7) All monuments and tombstones relating to the remains of any deceased person removed under this section shall at the expense of the Company be removed and re-erected at the place of reinterment of such remains or at such place within the borough of Pontefract as the Archbishop may direct on the application (if any) of such heir executor administrator or relative as aforesaid or failing such application on the application of the Company.

(8) The removal of the remains of any deceased person under this section shall be carried out under the supervision and to the satisfaction of the medical officer of health of the said borough.

For protection of county council of West Riding of York.

19. For the protection of the county council of the West Riding of York (in this section called "the county council") the following provisions shall unless otherwise agreed in writing between the county council and the Company apply and have effect:—

(1) Before commencing to construct any passing-places in any main road under the jurisdiction of the county council the Company shall deliver to the county council a plan showing the proposed position of such passing-places:

(2) If the county council within twenty-eight days of the delivery of the plan deliver to the Company a notice objecting to the construction of the said passing-places or any of them as shown in the said plan and notifying the alterations required by the county council therein the Company shall construct the said passing-places in accordance with such notification subject always to the approval of the Board of Trade

thereto or if the said Board modify the proposals contained in such plan and such notification in accordance with such modifications:

(3) No tramway shall be constructed in any main road as aforesaid in such position as to leave a less space than four feet six inches between any building wall or fence and the nearest rail of the tramway nor a less space than two feet six inches between the kerb of any footpath and such rail:

(4) All portions of such main roads which the Company are liable to pave and of which the gradient is one in sixteen or steeper shall be paved and maintained with a rough-surfaced stone approved by the surveyor of the county council:

(5) The Company shall not make any alteration in the level of any main road as aforesaid except as expressly provided in this Act without the consent of the county council which may be given subject to terms and conditions but such consent shall not be unreasonably withheld and any questions as to whether any such consent is unreasonably withheld shall be determined by an arbitrator to be agreed upon or failing agreement to be appointed on the application of either party by the Board of Trade:

(6) The Company shall at all times during the construction of the tramways or any part thereof in any main road as aforesaid keep unobstructed as much thereof as the surveyor of the county council may deem adequate for the free and safe passage thereon of vehicles and foot passengers and shall until completion of the part of the tramway under construction maintain that portion of the road so required to be kept unobstructed in substantial repair and proper condition to the satisfaction of the said surveyor and all other portions of the road shall after completion of the tramway or part thereof be left in the like state of repair and condition:

(7) The Company shall at the same time as they lay before the Board of Trade the plan and statement referred to in the section of this Act of which the marginal note is "Further provisions as to construction" lay before the county council a copy of so much of such plan and statement as relates to such main roads as aforesaid:

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(8) The Company shall to the satisfaction of the county council and in accordance with plans sections and specifications to be previously submitted to and approved by the county council form with proper foundations macadamise and otherwise level and make up so much of the waste land between the existing carriageway and the boundary of the road as is indicated by a red colour on the plan signed by Vivian Bolton Douglas Cooper on behalf of the Company and by Frederick George Carpenter on behalf of the council to the extent and on the sides indicated on that plan and make proper provisions where necessary for the drainage and fencing of such roads and the alteration of footpaths at the sides thereof and the Company shall not open for traffic any tramway upon the line of which any such widening is by this subsection required to be made until the widenings shown on the said plan in relation to that tramway have been completed as aforesaid :

(9) The Company shall not open for traffic (A) so much of the Tramway No. 13 by this Act authorised as is situate between the points respectively situate 5 furlongs 2·30 chains and 5 furlongs 5·30 chains measured from the commencement of such tramway unless or until they shall have completed to the satisfaction of the county council the widening D indicated by a blue colour on the said signed plan between those points or (B) so much of the Tramway No. 20 by this Act authorised as is situate between the points respectively situate 3 furlongs 5 chains and 4 furlongs 3·5 chains measured from the commencement of such tramway unless or until they shall have completed to the satisfaction of the county council the widening Q indicated by a blue colour on the said signed plan between those points :

Provided that if the Company shall not be able to acquire the lands required for the said widenings D and Q or either of them upon terms which they consider reasonable it shall be lawful for the Company to give notice to the county council requiring them to take such steps as may be necessary for acquiring such lands and the county council shall unless they waive the requirement for the widening in question acquire such lands and convey them to the Company

for the purpose of such widening The Company shall upon demand repay to the county council the purchase money for such lands and all costs charges and expenses incurred by them in or about the acquisition and conveyance to the Company of such lands including the application for and obtaining any necessary parliamentary powers:

(10) Notwithstanding anything in this Act or shown on the deposited plans the Company shall not construct Tramway No. 20 between the points respectively situate 7 furlongs 8·6 chains and 1 mile 0 furlongs 1·6 chains measured from the commencement of the said tramway otherwise than as a single line in the centre of the road but it shall be lawful for them to construct the said tramway between the points respectively situate 1 mile 0 furlongs 2 chains and 1 mile 0 furlongs 5 chains measured from the commencement of the said tramway as a double line.

For protection of local authorities.

20. For the protection of the local authorities in whose districts the tramways will be situated the following provisions shall apply and have effect:—

(1) The Company shall at the request of the local authority appoint stations for local traffic upon the tramways not exceeding half a mile apart such stations to be agreed between the local authority and the Company and the distance from any station to the next station but one shall be deemed a stage If such stations are so appointed the Company may demand and take for every passenger travelling upon the tramways within such district any fare not exceeding one penny per stage subject to the provisions of this Act as to periodical revision of rates and charges:

(2) The Company shall cause an electric lamp of not less than sixteen candle-power to be erected on the posts at every interior angle of the road on which the tramways are laid of one hundred and twenty degrees or less and at every stopping-place on the tramways:

(3) Every post or pillar which the Company may require to erect shall be hollow and so constructed as to be convertible by the local authority for use as a sewer ventilator as and when required by them:

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(4) Any matter in difference under this section between the Company and any local authority shall be referred to the arbitration of a person nominated by the Board of Trade and the provisions of this Act as to arbitration shall apply accordingly.

For protection of corporation of Wakefield.

21. For the protection of the mayor aldermen and citizens of the city of Wakefield (in this section called "the corporation") the following provisions shall extend and apply and unless otherwise agreed between the Company and the corporation have effect :—

(1) The Company shall not commence the construction of any of the tramways or works by this Act authorised within the city of Wakefield until they shall have given to the corporation twenty-eight days notice in writing of their intention to commence the same by leaving such notice at the office of the corporation with plans showing the proposed positions of the lines of rails and passing-places and plans elevations sections and other necessary particulars of the construction of the said tramways and works nor until the corporation shall have signified their approval of the same unless the corporation fail to signify such approval or their disapproval or other directions within twenty-eight days after service of the said notice and delivery of the said plans elevations sections and other particulars as aforesaid in which event the Company may proceed forthwith with the works according to the said plans elevations and sections and in case such plans elevations sections and other particulars are not agreed upon any difference between the Company and the corporation with reference to any of the matters aforesaid shall be settled by arbitration under this section :

(2) All the said works affecting any street or road shall be executed by the Company in manner in this Act directed under the superintendence and to the satisfaction of the corporation and every portion of such street or road paved by the Company shall be deemed to be the road which is to be at all times afterwards maintained and kept in good condition and repair by the Company within the intent and meaning of this Act and the Tramways Act 1870 and the reasonable

expense to which the corporation is put on account of such superintendence shall be paid by the Company:

(3) No part of any road within the city of Wakefield opened by the Company for the purpose of constructing the tramways shall without the consent of the corporation be kept open more than twenty-one days and during that time the Company shall complete their works and shall provide proper means of ingress and egress for vehicles to all premises along the line of route now provided therewith In default the Company shall be liable for each offence to a penalty of twenty shillings for every day during which such default continues and such penalty shall be recovered by and payable to the corporation:

(4) So much of section 26 of the Tramways Act 1870 as provides that the promoters shall not do certain things therein mentioned except under the superintendence and to the reasonable satisfaction of the road authority unless that authority refuses or neglects to give such superintendence at the time specified in the notice or discontinues the same during the works and that the promoters shall pay all reasonable expenses to which the road authority is put on account of such superintendence shall extend and apply also to the works referred to in the twenty-seventh and twenty-eighth sections of the said Act and subsection (3) of this section so far as the same are situate within the city of Wakefield:

(5) The Company on the one hand and the corporation on the other hand may from time to time enter into and carry into effect agreements with respect to the cost of widening and improving by the corporation of any streets roads courts passages and footpaths and as to the contribution by the Company towards the moneys to be expended on such works and such contribution and any other sums payable under this section by the Company to the corporation shall be deemed purposes of this Act to which the Company are by this Act authorised to apply moneys:

(6) In addition to other provisions of this Act the Company shall maintain and keep the tramways by this Act authorised within the city of Wakefield and all other

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tramways and light railway lines within that city belonging to or leased by the Company in good condition and repair to the reasonable satisfaction of the corporation and if the Company at any time fail to maintain and keep the same in good condition and repair to such satisfaction as aforesaid they shall for every such default be subject to a penalty of twenty shillings for every day on which such default continues such penalty to be recoverable by and payable to the corporation:

(7) Notwithstanding anything in this Act contained the carriages to be used on the tramways in the city of Wakefield shall be moved by electrical power except in case of emergency when they may be moved by animal power and any difference arising under this subsection as to what is an emergency shall be referred to arbitration under this section but no mechanical power other that electrical power shall be used in the said city except with the consent of the corporation:

(8)—(A) For the protection of the water mains pipes and apparatus (in this section called "waterworks") of the corporation the provisions of sections 30 and 32 of the Tramways Act 1870 shall for the purposes of this Act extend and apply to the waterworks and shall be construed as if the corporation were a water company:

(B) The tramways shall be so constructed maintained and used as not to cause damage to the waterworks and if at any time hereafter any damage be in any manner caused thereto in consequence of the construction non-repair or user of the tramways all loss costs damages and expenses which the Corporation may reasonably incur or be put to in respect thereof shall be paid to them by the Company:

(9) The Company shall not (after the passing of this Act) in the city of Wakefield lay down any cables electric mains wires conductors tubes boxes or other apparatus or appliances by this Act authorised or authorised to be laid down in connexion with all other tramways and light railway lines in the city of Wakefield belonging to or leased by the Company in or under the footway of any street or road nor where otherwise practicable within three feet from the kerb of any such footway

and where impracticable they shall be laid in such other position as may be agreed upon between the engineer of the Company and the electrical engineer of the corporation or as shall be settled by arbitration under this section:

(10) The corporation shall upon giving not less than fourteen days notice to the Company of their desire to do so have the right without payment to use any posts standards and brackets erected in the streets within their district for the support of any electric wires or lamps or any gas lamps belonging to the corporation or to any contractor with them for the lighting of street lamps Provided that the said notice shall be accompanied by sufficient plans to be approved by the Company (such approval not to be unreasonably withheld) showing the method and position in which it is proposed that such wires or lamps should be supported and that in placing maintaining or altering such wires or lamps no obstruction shall be caused to the working by the Company of the undertaking and no unnecessary damage shall be caused to such posts standards or brackets and that if any damage be caused thereto the corporation shall be responsible for and shall make good the same to the Company:

Before commencing to erect any posts standards or brackets and before any wires or lamps of the corporation are supported on any such posts standards or brackets under this subsection plans showing the position design and construction of the posts standards or brackets and where wires or lamps of the corporation are to be supported on any such posts standards or brackets the method and position in which they are to be so supported must be sent by the Company to the Board of Trade and the posts standards or brackets shall not be erected nor shall wires or lamps be supported on any such posts standards or brackets except according to plans approved by the Board of Trade:

Advertisements shall not be displayed upon any such posts standards or brackets:

(11) Any difference which may arise between the Company and the corporation with reference to the provisions

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of this section shall be referred to the arbitration of a person to be appointed (unless agreed on) by the Board of Trade on the application of either party after notice to the other of them and the provisions as to arbitration of this Act shall apply in every case as if such person were a person nominated by the said Board.

For protection of corporation of Pontefract.

22. For the protection of the mayor aldermen and burgesses of the borough of Pontefract (in this section called "the corporation") the following provisions shall (unless otherwise agreed between the Company and the corporation) apply and have effect:—

(1) The provisions of sections 30 and 32 of the Tramways Act 1870 shall for the purposes of this Act extend and apply to the water mains pipes and apparatus of the corporation whether being within or without the district of the corporation and shall be construed as if the corporation were a water company:

(2) The tramways shall be so constructed maintained and used as not to cause damage to the water mains pipes and apparatus of the corporation and if at any time hereafter any damage be in any manner caused thereto in consequence of the construction non-repair or user of the tramways all loss costs damages and expenses which the corporation may reasonably incur or be put to in respect thereof shall be paid to them by the Company:

(3) Notwithstanding anything in this Act otherwise contained the Company shall when constructing the tramways in the borough of Pontefract pave with granite setts to the reasonable approval of the corporation the following places:—

(A) The whole of that portion of Roper Gate in which the tramways shall be laid;

(B) The spaces between the rails in the streets in which the portion of Tramway No. 14 from its termination to a point four chains north thereof and Tramway No. 15 shall be laid;

(C) So much of the roadway of Front Street in which Tramway No. 15 shall be laid as lies between the rails of such tramway and also a space of eighteen inches beyond and on either side thereof:

(4) Any matter in difference under this section between the Company and the corporation shall be referred to the arbitration of a person to be nominated by the Board of Trade on the application of either party and the provisions as to arbitration of this Act shall apply accordingly. A.D. 1904.

For protection of Normanton Urban District Council.

23. For the protection of the urban district council of Normanton (in this section called "the council") the following provisions shall extend and apply and unless otherwise agreed between the Company and the council have effect:—

(1) The Company shall not commence the construction of any of the tramways or works by this Act authorised within the urban district of Normanton until they shall have given to the council seven days notice in writing of their intention to commence the same by leaving such notice at the office of the council with plans showing the proposed position of the lines of rails and passing-places and plans elevations sections and other necessary particulars of the construction of the said tramways and works nor until the council shall have signified their approval of the same unless the council fail to signify such approval or their disapproval or other directions within seven days after service of the said notice and delivery of the said plans elevations sections and other particulars as aforesaid in which event the Company may proceed forthwith with the works according to the said plans elevations and sections and in case such plans elevations sections and other particulars are not agreed upon any difference between the Company and the council with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act 1870 with respect to difference between the promoters and any road authority:

(2) So much of the roadway as lies between the rails and so much of the roadway as extends at least eighteen inches beyond the outer rails of and on each side of all the tramways of the Company within the urban district of Normanton shall be paved by the Company at their own expense with similar setts of a non-slippery character to those already used in the said district grouted with boiled pitch and tar and gravel and sand such paving

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to be laid on a foundation of six inches of Portland cement concrete mixed in the proportions of four of ballast and two of sand to one of the best Portland cement or in such other manner as may be agreed upon between the Company and the council:

(3) No part of any road opened by the Company for the purpose of constructing the tramways within the urban district of Normanton shall without the consent of the council be kept open more than twenty-one days and during that time the Company shall complete their works and shall provide proper means of ingress and egress for vehicles to all premises along the line of route now provided therewith:

In default the Company shall be liable for each offence to a penalty of forty shillings for every day during which such default continues and such penalty shall be recovered by and payable to the council:

(4) So much of section 26 of the Tramways Act 1870 as provides that the promoters shall not do certain things therein mentioned except under the superintendence and to the reasonable satisfaction of the road authority unless that authority refuses or neglects to give such superintendence at the time specified in the notice or discontinues the same during the works and that the promoters shall pay all reasonable expenses to which the road authority is put on account of such superintendence shall extend and apply also to the works referred to in the twenty-seventh and twenty-eighth sections of the said Act and subsection (3) of this section:

(5) The Company on the one hand and the council on the other hand may from time to time enter into and carry into effect agreements with respect to the cost of widening and improving by the council of any streets roads courts passages and footpaths and as to the contribution by the Company towards the moneys to be expended on such works and such contributions and any other sums payable under this section by the Company to the council shall be deemed purposes of this Act to which the Company are by this Act authorised to apply moneys:

(6) If in the exercise of any of the powers contained in subsection (2) of the section of this Act whereof the

marginal note is "Power to deviate" so far as the same refers to the street widening (d) by this Act authorised it shall in the opinion of the council be necessary for the better laying down and construction of the tramways or in consequence of the construction of the tramways to alter the width level or formation of the roadway or footpath in any road or street to the extent referred to in the said subsection and such alteration is effected by the council the expense thereof including the kerbing repairing channelling and raising or lowering the roadway or footpath the shifting of sewer entrances gullies and lamp columns and all other works in connexion with such alteration shall be paid by the Company to the council:

(7)—(a) For the protection of the water mains pipes and apparatus (in this section called "waterworks") of the council the provisions of sections 30 32 and 33 of the Tramways Act 1870 shall for the purposes of this Act extend and apply to the waterworks and shall be construed as if the council were a water company:

(b) The Company shall not in the urban district of Normanton lay down any cables electric mains wires conductors tubes boxes or other apparatus or appliances by this Act authorised or authorised to be laid down in connexion with any other tramway in the urban district of Normanton belonging to or leased or purchased by the Company in or under the footway of any street or road nor where otherwise practicable within three feet of any water main and where impracticable they shall be laid at such distances or in such other position as may be agreed upon between the engineer of the Company and the council:

(8) The council shall upon giving not less than fourteen days notice to the Company of their desire to do so have the right without payment to use any posts standards and brackets erected in the streets within their district for the support of any electric wires or lamps or any gas lamps belonging to the council or to any contractor with them for the lighting of street lamps Provided that the said notice shall be accompanied by sufficient plans to be approved by the Company (such approval not to be unreasonably withheld)

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showing the method and position in which it is proposed that such wires or lamps should be supported and that in placing maintaining or altering such wires or lamps no obstruction shall be caused to the working by the Company of the undertaking and no unnecessary damage shall be caused to such posts standards or brackets and that if any damage be caused thereto the council shall be responsible for and shall make good the same to the Company Provided always that if the council use the posts standards or brackets for any of the purposes aforesaid they shall not have any claim upon the Company in respect of any damage caused by the user of electricity by the Company for the purposes contained in this section:

Provided also that any difference arising under this section between the Company and the council shall be referred to arbitration under this Act Before commencing to erect any posts standards or brackets and before any wires or lamps of the council are supported on any such posts standards or brackets under this section plans showing the position and design and construction of the posts standards or brackets and where wires or lamps of the council are to be supported on any such posts standards or brackets the method and position in which they are to be supported must be sent by the Company to the Board of Trade and the posts standards or brackets shall not be erected nor shall wires or lamps be supported on any such posts standards or brackets except according to plans approved by the Board of Trade Advertisements shall not be displayed upon any such posts standards or brackets:

(9) Subsection (2) of the section of this Act whereof the marginal note is "For protection of local authorities" shall with respect to the urban district of Normanton be read as if "thirty-two" were substituted for "sixteen":

(10) If the tramways by this Act authorised to be constructed within the urban district of Normanton are not completed within two years from the passing of this Act or within such further period not exceeding three

years from the passing of this Act as the council may in writing agree the powers by this Act granted to the Company for constructing such tramways or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

For protection of Knottingley Urban District Council.

24. For the protection of the urban district council of Knottingley (in this section called "the council") the following provisions shall (unless otherwise agreed between the Company and the council) apply and have effect:—

(1) The tramways shall be so constructed maintained and used as not to cause damage to the water and sewerage pipes belonging to the council and if at any time any damage be in any manner caused thereto in consequence of the construction non-repair or user of the tramways all loss costs damages and expenses which the council may reasonably incur or be put to in respect thereof shall be repaid to them by the Company:

(2) Where the tramways or the tramroad are constructed or intended to be constructed or reconstructed over any water hydrant water valve or stop tap in connexion with any water pipe belonging to the council thereby closing or otherwise preventing the use of any such hydrant valve or stop tap the Company shall at their own expense if required by the council alter the position of any such water hydrant water valve or stop tap in such a manner as may be reasonably necessary or as may be approved by the council or the council may at their option at the reasonable expense of the Company make such alteration as may be reasonably necessary in the position of such water hydrant water valve or stop tap If the council intend to execute such work themselves they shall commence and execute the same with all reasonable despatch:

(3) Any difference which may arise between the Company and the council under this section shall be referred to the arbitration of a person to be nominated by the Board of Trade on the application of either party and the provisions of this Act as to arbitration shall apply accordingly.

For protection of Altofts Urban

25. For the protection of the urban district council of Altofts (in this section called "the council") the following provisions

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District Council.

shall (unless otherwise agreed between the Company and the council) apply and have effect:—

(1) If before the construction of Tramway No. 29 the council acquire the necessary land for widening the roadway (A) between the Ship Inn and a point one hundred and sixty feet east thereof and (B) between Brook Street and a point one hundred feet west thereof and shall widen the roadway at such places the Company shall pay to the council the cost thereof Provided that the amount to be paid by the Company shall not in any event exceed the sum of one hundred and five pounds:

(2) The Company shall when constructing the first passing-place to the east of the commencement of Tramway No. 29 increase the metalled portion of the road for the length of such passing-place to such a width as will allow a clear way of nine feet six inches on one side or the other when two cars are standing on such passing-place at the same time:

(3) The Company shall when constructing Tramway No. 29 in Station Road increase the metalled portion of the roadway to such a width as will allow on one side of the road of a space of four feet between the edge of the kerb and the cars intended to be used on the tramway and on the other side a space of ten feet:

(4) Any difference which may arise between the Company and the council under this section shall be referred to the arbitration of a person to be nominated by the Board of Trade on the application of either party and the provisions of this Act as to arbitration shall apply accordingly.

For protection of Castleford Urban District Council.

26. For the protection of the urban district council of Castleford (in this section called "the council") the following provisions shall (unless otherwise agreed between the Company and the council) apply and have effect:—

(1) The provisions of sections 30 and 32 of the Tramways Act 1870 shall for the purposes of this Act extend and apply to the water mains pipes and apparatus of the council and shall be construed as if the council were a water company:

(2) The tramways shall be so constructed maintained and used as not to cause damage to such mains pipes and apparatus and if at any time hereafter any damage

shall be in any manner caused thereto in consequence of the construction or non-repair of the tramways all loss costs damages and expenses which the council may reasonably incur or be put to in respect thereof shall be paid to them by the Company :

(3) If within two years after the date on which the Company shall break ground in Aire Street the council shall by acquiring the old post office property in Aire Street be in a position to widen and shall widen the roadway in Aire Street in front of such property to thirty-six feet the Company will repay to the council two-thirds of the cost of acquiring the property and widening the roadway Provided that the Company shall not in any event be liable to pay to the council in respect thereof more than the sum of three hundred pounds :

(4) If the council shall effect an improvement of the curve at the corner of Oxford Street and Beancroft Road when Tramway No. 5 is constructed the Company shall contribute the sum of fifty pounds towards the cost of such improvement :

(5) If and when the Company constructs that portion of Tramway No. 5 which will be in Station Road and carries out the alteration of the level of Station Road by this Act authorised the Company shall lower the crown of the roadway between Carlton Street and the bridge carrying the North Eastern Railway and the Lancashire and Yorkshire Railway over Station Road to such an extent as may be necessary to make the gradient of such roadway between those points not worse than the existing gradient there and shall extend the retaining wall now existing on the west side of Station Road so far as may be necessary for the protection of the public and to the reasonable approval of the council who shall afford to the Company all necessary facilities in that behalf :

(6) If the alteration of the level of Station Road by this Act authorised would bring the sewer now laid therein so near the surface of the road as to imperil its safety the Company shall when carrying out such alteration of level relay such sewer at a sufficient depth so that it shall discharge into the main sewer in Carlton Street if there will be sufficient fall for that purpose :

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(7) If the council by notice in writing given to the Company before the commencement of Tramway No. 8 in Carlton Street between Station Road and Bridge Street shall require that tramway to be laid as a single line instead of as a double line as shown on the deposited plans the same shall when constructed be so laid accordingly:

(8) When the Company construct the tramways by this Act authorised in Albion Street and Leeds Road such tramways shall be laid in the true centre of the road and so as except at passing-places to leave a distance of not less than nine feet six inches between the kerb and the nearest rail of the tramway on both sides of the road:

(9) If before the construction of Tramway No. 12 in Bridge Street and Pontefract Road between Carlton Street and Ferrybridge Road the roadway shall not be improved the tramway between those points shall be laid as a double line if the council shall so require:

(10) The Company shall before commencing the construction of Tramway No. 11 in Wheldale Road widen the roadway to a width of twenty-four feet between the kerbs or such tramway shall if so required by the council be constructed as a double line:

(11) The Company shall before constructing Tramway No. 4 acquire so much of the land fronting to Ackton Road not then built on as may be required to make the roadway of the average width of twenty-four feet between the kerbs if they can obtain such land on reasonable terms and shall dedicate the land so acquired to the public use:

(12) If the Company shall with the approval of the council's surveyor make any alteration of the levels of the roads at junctions or elsewhere the Company shall at the same time alter the level of the whole of the roadway between the kerbs at such place:

(13) The Company shall notwithstanding anything in this Act to the contrary pave with hard Lancashire setts the portion of the roads within the urban district of Castleford which by section 28 of the Tramways Act 1870 the Company are liable to maintain:

(14) If the tramways by this Act authorised to be constructed within the urban district of Castleford are not completed within two years from the passing of this Act or within such further period not exceeding three years from the passing of this Act as the council may in writing agree the powers by this Act granted to the Company for constructing such tramways or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed:

(15) Any difference which may arise between the Company and the council under this section shall be referred to the arbitration of a person to be nominated by the Board of Trade on the application of either party and the provisions of this Act as to arbitration shall apply accordingly.

For protection of certain gas companies.

27. For the protection of the Castleford and Whitwood Gas Light and Coke Company the Normanton Gas Company the Pontefract Gas Company the Knottingley Gas Company and the Ackworth Featherstone Purston and Sharlston Gas Company (in this section respectively referred to as "the gas company") the following provisions shall (unless otherwise agreed between the gas company and the Company) apply and have effect:—

(1) Should it appear to the gas company at any time that the making of the tramways or the working thereof renders it necessary to alter the position of or otherwise to alter remove or duplicate any gas mains pipes apparatus or other works of any kind or description whatsoever belonging to or controlled by the gas company the gas company may on giving thirty days notice to the Company of their intention alter remove or duplicate the same and the Company shall repay to the gas company the reasonable cost of the work and the superintendence thereof and shall indemnify the gas company against any claims for compensation or damages which the gas company shall reasonably incur in consequence of the carrying out of such work:

(2) If in the construction placing or maintaining of the tramways or the working thereof the Company omit to take all necessary precautions so as to prevent fusion or injurious electrolytic interference with the gas mains pipes or other metallic pipes structures or

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substances of the gas company or if they fail to comply with the Board of Trade regulations for the time being made under the provisions of the section of this Act the marginal note whereof is "Special provisions as to use of electrical power" and by reason of such omission or failure injury is caused to any gas mains pipes or other metallic pipes structures or substances of the gas company the Company shall make compensation to the gas company for any such injury which the gas company shall be proved to have sustained :

(3) Any matter in difference between the Company and the gas company under this section as to what is necessary or reasonable shall be referred to the arbitration of a person nominated by the Board of Trade and the provisions as to arbitration of this Act shall apply accordingly.

For protection of Aire and Calder Navigation.

28. The following provisions shall unless otherwise agreed between the Company and the undertakers of the Aire and Calder Navigation (in this section called "the undertakers") apply and have effect for the protection of the undertakers (that is to say) :—

(1) In constructing laying down and maintaining Tramway No. 23 and Tramroad No. 28 by this Act authorised across the bridges over the Knottingley and Goole Canal and the main line of navigation of the undertakers and Calder Cut known respectively as Gaggs Bridge in the parish and urban district of Knottingley and Birkwood Bridge in the parish and urban district of Altofts and across the new bridge to be constructed by the Company over the River Calder near Lake Lock in the parishes and urban districts of Stanley and Altofts or any works connected with such tramway and tramroad including any cables mains posts tubes boxes or other apparatus or appliances for working the tramways or tramroad by electrical power the Company shall not interfere with or injure the permanent structure or steel work of the said Gaggs Bridge and Birkwood Bridge or cause any damage to the said canal navigation cut or river or the towing-paths thereof respectively or reduce or diminish the span or headway under any of such bridges or cause

any interruption to or interference with the passage or conduct of traffic on the said canal navigation cut or river or the towing-paths thereof respectively:

(2) The Company shall not construct erect lay down or place any cables mains wires conductors posts tubes or other apparatus or works for working the tramways and tramroad by electrical power (herein-after called "mechanical works") along or across the said canal navigation cut or river or the towing-paths thereof respectively or any property of the undertakers except in on or over the roadways (including footways) of any such bridges and subject to the other provisions of this section:

(3) The Company shall pave with granite setts on concrete the space between the tram rails and for eighteen inches on each side thereof where the tramways and tramroad cross Gaggs and Birkwood bridges and they shall maintain such paving in good repair and condition:

(4) Tramroad No. 28 shall be carried over the River Calder in the said parishes and urban districts of Stanley and Altofts near Lake Lock and the towing-path thereof by a bridge (in this section called "the new bridge") having a clear span over the said river and towing-path of not less than one hundred and thirty-five feet measured at right angles to the piers or abutments of the bridge and such piers or abutments shall be placed parallel to the centre line of the river at the point of crossing and in such positions as shall be agreed upon between the Company and the undertakers and the under side of the arch or girders of such span shall be straight throughout and shall at the western end thereof not be lower than twenty-nine feet and at the eastern end thereof not lower than twenty-six feet above the ordinary top water level of the said river at the point of crossing such top water level being forty-seven feet above Ordnance datum The Company shall construct and at all times thereafter maintain and keep open through the embankment to be formed by them on the western side of the new bridge and adjoining the same an archway having a span of not less than thirty feet and a clear headway of not less

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than fourteen feet above the present level of the ground through which archway the existing footpath along the western or southern bank of the said river shall pass The Company shall also construct and at all times thereafter maintain and keep open through the embankment to be formed by them on the eastern side of the new bridge two flood openings each having a span of not less than thirty-six feet and the westernmost opening having a headway of not less than thirteen feet and the easternmost opening having a headway of not less than ten feet above the present level of the ground:

The Company shall in constructing the new bridge and works re-make and put into good condition the towing-path on the eastern bank of the said river under and for a distance of ten yards on each side of the new bridge to the reasonable satisfaction of the undertakers:

(5) The new bridge and works connected therewith so far as they affect the waterway and towing-path of the said river shall be completed within two years from the time when the same is commenced and at all times during the construction and during any subsequent repair thereof the Company shall leave open and uninterrupted a navigable waterway of sufficient width depth and headway to conveniently accommodate the passage of any vessels then requiring to use the said river with a towing-path of not less than ten feet in width which towing-path shall at all times during the construction and repair of the new bridge and works remain open for traffic without any obstruction between the same and the waterway and the waterway shall at all times during such construction and repair be provided with such mooring posts dolphins leading fenders and lights as shall be reasonably required by the undertakers:

(6) No persons other than passengers conveyed on the said Tramroad No. 28 and the officers servants or workmen of the Company and of the undertakers and the Honourable Emily Charlotte Meynell-Ingram her heirs and assigns and her or their agent and the lessees and the tenants of the Birkwood and Top Farms and the

members of their respective families and their servants shall be entitled to use the new bridge and the persons so entitled to use the bridge shall be entitled to do so free of charge:

(7) In constructing the said Tramroad No. 28 the Company shall not purchase or acquire any of the land or property of the undertakers numbered on the deposited plans 126 in the parish and urban district of Altofts or any other property of the undertakers at or near the northern end of the said Birkwood Bridge:

(8) The Company shall in making the said Tramroad No. 28 along the north and north-east sides of the River Calder in the parish and urban district of Altofts construct the same so that no part thereof shall be less than ten feet from the centre of the flood bank of that river except with the consent of the undertakers:

(9) In constructing maintaining and working Tramway No. 27 by this Act authorised where it crosses on the level the Stanley Railway of the undertakers numbered on the deposited plans 116 in the parish and urban district of Stanley and any sidings connected therewith the Company shall so carry out their works as not to injure or interfere with the use of the said railway and sidings for railway traffic either during or after the construction of the tramway and shall at their own expense make all such alterations in the rails and permanent way of the said railway and sidings at such level crossing to the reasonable satisfaction of the engineer of the undertakers as may be necessary to enable the tramway to cross the same Provided that the said tramway shall be constructed and worked at the level crossing aforesaid subject to such requirements as may be agreed upon or as the Board of Trade may prescribe but the traffic on the said railway and sidings shall at all times have precedence over the traffic of the tramway Provided also that nothing herein contained shall interfere with or restrict the right of the undertakers to maintain and repair the said railway and sidings without being liable to the Company or any parties working or using the said tramway for any interference with the tramway or the works thereof or any interruption of the traffic thereon but the undertakers shall carry out all such

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operations in such manner as to cause as little interference as possible with the said tramway and the traffic thereon:

(10) If the Board of Trade shall be of opinion that it is necessary in consequence of the construction and use of the said Tramway No. 27 to make any provision for the regulation and protection of the traffic on the railway and sidings at the said level crossing beyond that which at present exists all works and apparatus necessary for that purpose shall be provided and maintained by and at the expense of the Company who shall repay to the undertakers any additional costs or expenses to which they may be put in connexion with the working of the traffic at the said crossing in consequence of any requirement of the Board of Trade under this section:

(11) If any difference shall arise between the Company and the undertakers with respect to the conduct of the traffic on the tramway and the said railway and sidings respectively such difference shall be determined by the Board of Trade:

(12) Before the Company commence to construct the new bridge or to construct lay down erect or place the said tramways or tramroad or any works connected therewith (including any mechanical works) in on or over any of the said bridges or across the said railway and sidings of the undertakers they shall submit plans and sections of the intended works to the undertakers for their approval and if within twenty-eight days from such submission the undertakers disapprove the said plans and sections the said works shall not be commenced until the plans and sections have been agreed or settled by arbitration and such works shall be constructed according to the plans and sections approved agreed or settled as aforesaid and under the superintendence and to the reasonable satisfaction of the engineer of the undertakers and shall thereafter be maintained and repaired by the Company under the like superintendence and to the like satisfaction Provided that if the undertakers do not signify in writing their approval or disapproval of or their requirements with reference to any such plans and sections within twenty-eight

days after the same shall have been submitted to them they shall be deemed to have approved the same: A.D. 1904.

(13) Nothing in this Act contained shall prevent the undertakers from maintaining repairing and when necessary altering or reconstructing any of the said bridges or converting the said Gaggs Bridge or Birkwood Bridge into opening bridges and working the same as opening bridges without being liable to the Company or any parties working or using any such tramways tramroad and works for any loss injury damage expense or interruption of traffic which may arise in connexion therewith but in so doing the undertakers shall afford to the Company such facilities for carrying on the traffic on such tramways and tramroad and otherwise performing their obligations under this Act as the Board of Trade may direct so that however the traffic of the waterway shall at all times have precedence at any such opening bridge over the traffic of the tramways or tramroad and any additional expense reasonably incurred by the undertakers in the maintenance repair alteration reconstruction or conversion of any of the said bridges or the roadways over the same respectively by reason or in consequence of the works of the Company shall be repaid to the undertakers by the Company Provided that all such operations shall be executed by the undertakers in such manner as to cause no unnecessary interruption or inconvenience to the traffic of the tramways or tramroad and that in the case of the conversion of Gaggs Bridge or Birkwood Bridge into an opening bridge the undertakers shall afford to the Company reasonable facilities for carrying their electric cables and wires under the canal navigation or river at the site of such bridge:

(14) If any injury damage interruption or interference as in the first subsection hereof mentioned shall arise or be occasioned at any time by the works or operations of the Company the Company shall forthwith make good such injury or damage or remove the cause of such interruption or interference at their own expense or the undertakers may do so at the expense of the Company and the Company shall repay to the undertakers on demand all costs and expenses incurred by

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them in so doing and shall make good all loss or damage sustained by the undertakers in consequence of such injury damage interruption or interference:

(15) The Company shall not in constructing Tramway No. 23 alter in any way the line or level of Forge Hill Lane Knottingley or of the main road leading from Pontefract to Knottingley at the junction therewith of Forge Hill Lane:

(16) Notwithstanding anything in this Act or shown on the deposited plans Tramway No. 9 shall be constructed and at all times thereafter maintained where the same passes along the road in front of the Castleford Mills of the undertakers in the parish and urban district of Castleford so that a space of not less than nine feet shall intervene between the southern boundary of the property of the undertakers and the nearest rail of the tramway and the Company shall not make in the said portion of Tramway No. 9 any stopping-place siding or junction or use or permit to be used as a stopping-place any part of such portion of tramway:

(17) If any difference shall arise between the Company and the undertakers or their respective engineers with respect to any plans or sections to be submitted as aforesaid or the mode of executing any of the proposed works or as to any additional expense incurred by the undertakers as aforesaid or any costs expenses loss or damage or other matter (not involving a question of law or not being otherwise provided for in this section) such difference shall be referred to and determined by an engineer to be appointed by the Board of Trade on the application of the Company or the undertakers.

For protection of Wakefield Gas Light Company.

29. For the protection of the Wakefield Gas Light Company (in this section referred to as "the gas company") the following provisions shall (unless otherwise agreed between the gas company and the Company) apply and have effect:—

(1) For the purpose of making forming laying down maintaining repairing or renewing the tramways the Company may where and as far as it is necessary or may appear expedient for the purpose of preventing frequent interruption of the traffic by repairs or works in con-

nexion with the same alter the position of any mains pipes or apparatus of the gas company:

(2) Before laying down or altering any part of the tramways in a road or place in which any mains pipes or apparatus of the gas company are laid the Company shall whether they contemplate altering the position of any such mains pipes or apparatus or not give seven days notice to the gas company of their intention to lay down or alter such part of the tramways and shall at the same time deliver a plan and section of the proposed work If it should appear to the gas company that the laying down or alteration of the tramways as proposed would endanger any such mains pipes or apparatus or interfere with or impede the supply of gas the gas company may give notice to the Company to lower or otherwise alter the position of the said mains pipes or apparatus in such manner as may be considered necessary and all alterations to be made under this section shall be made with as little detriment and inconvenience to the gas company or to the inhabitants of the district as the circumstances will admit and under the superintendence of the gas company if they think fit to attend after receiving not less than forty-eight hours notice for that purpose which notice the Company are hereby required to give:

(3) The Company shall not remove or displace any mains pipes or apparatus or other works belonging to the gas company or do anything to impede the passage of gas into or through such mains pipes or apparatus without the consent of the gas company or in any other manner than the gas company shall approve until good and sufficient mains pipes or apparatus and other works necessary or proper for continuing the supply of gas as sufficiently as the same was supplied by the mains pipes or apparatus proposed to be removed or displaced shall (at the expense of the Company) have been first made and laid down in lieu thereof and ready for use and to the satisfaction of the gas company:

(4) The Company shall not lay down any mains pipes or apparatus contrary to the regulations of any Act of Parliament relating to the gas company:

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(5) The Company shall make good all damage done by them to property belonging to the gas company and shall make full compensation to all parties for any loss or damage which they may sustain by reason of any interference with such property or with the private service pipes of any person supplied by the gas company with gas:

(6) If by any such operations as aforesaid the Company interrupt the supply of gas in or through any main or main pipe belonging to the gas company they shall be liable to a penalty not exceeding twenty pounds for every day upon which such supply shall be so interrupted:

(7) Any works to be executed pursuant to this section in relation to the lowering or altering the positions of any mains pipes or apparatus of the gas company shall if that company so desire be executed by them at the reasonable expense of the Company and in that case the gas company shall within seven days of receiving notice from the Company as aforesaid give notice of their intention so to execute such work and shall commence execute and complete the same with all reasonable despatch:

(8) Any difference arising under this section between the Company and the gas company shall be referred to the arbitration of a person nominated by the Board of Trade and the provisions of this Act as to arbitration shall apply accordingly:

(9) The provisions of section 30 subsection (5) of the Tramways Act 1870 shall not apply to any works in connexion with the tramways affecting the mains pipes or apparatus of the gas company.

For protection of Henry Briggs Son and Company Limited.

30. For the protection of Henry Briggs Son and Company Limited (in this section called "the colliery company") the following provisions shall unless otherwise agreed between the Company and the colliery company apply and have effect (that is to say):—

(1) Tramway No. 3 where it crosses on the level the mineral railway in Whitwood Common Lane belonging to the colliery company shall notwithstanding anything to the contrary shown on the deposited plans be laid and maintained as a single line of tramway only:

(2) The construction or relaying of the portion of Tramway No. 3 crossing the rails of the said railway of the colliery company and the works in connexion therewith authorised by this Act shall be carried out by and at the cost of the Company in accordance with a plan to be agreed upon by the respective engineers for the time being of the colliery company and of the Company or to be settled by arbitration as herein-after provided and under the superintendence and to the reasonable satisfaction of the engineer for the time being of the colliery company (unless after seven days notice given by the Company of their intention to commence such works such superintendence is refused or withheld) and the said tramway at such crossing and the works in connexion therewith shall be maintained and kept in constant and efficient repair by and at the expense of the Company to the reasonable satisfaction of the colliery company's engineer for the time being and in default thereof the colliery company may effect the necessary repairs and recover from the Company the cost thereof and any damages losses costs and expenses sustained by the colliery company by reason of such default:

(3) The Company shall not stop their carriages on the said level crossing or otherwise interfere with or obstruct the traffic on the railway of the colliery company over the same:

(4) If on application made to the Board of Trade by the Company or the colliery company the Board of Trade shall be of opinion that it is necessary in consequence of the construction and use of the said tramway to make any provision for the regulation and protection of the traffic on the said railway or the said tramway at the said level crossing beyond that which at present exists all works necessary for that purpose shall be provided by and at the expense of the Company:

(5) The Company shall at all times at the request of the colliery company give them all reasonable facilities for access to their water and gas and compressed air and other pipes now laid under the said crossing and shall bear any extra cost reasonably and properly incurred by the colliery company in the maintenance thereof

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through or by reason of the powers conferred by this Act :

(6) If by reason of the execution of any of the works or any proceedings of the Company or of the failure of any such works or any act or omission of the Company or of their servants the said railway or any of the works of the colliery company shall be injured or damaged such injury or damage shall be forthwith made good by the Company at their own expense or in the event of their failure so to do then the colliery company may make good the same and recover the expense thereof against the Company in any court of competent jurisdiction :

(7) If any difference shall arise between the Company and the colliery company or between their respective engineers as to anything arising under this section the same shall be and is hereby referred to the determination of an engineer to be agreed upon by the Company and the colliery company or failing agreement to be nominated on the application of either party by the Board of Trade as arbitrator.

For protection of colliery owners.

31.—(1) Notwithstanding anything contained in this Act the owner lessee or occupier of any colliery desiring to construct a colliery railway across any road along which any of the tramways are by this Act authorised to be constructed and having the consent and approval of the local authority and the road authority may with the consent of the Company (which consent shall not be unreasonably withheld) construct the same across the tramways in such position and manner and at such times as the Company may reasonably require and upon and subject to such terms and conditions as they may reasonably impose.

(2) It shall be lawful for the owner lessee or occupier of any colliery railway constructed in pursuance of this section across the tramways from time to time to reconstruct repair and maintain the same and to execute and do such works as may be reasonably necessary in that behalf Provided that--

(A) The powers of this subsection shall be exercised only in such manner and at such times as the Company may reasonably approve and upon and subject to such terms and conditions as they may reasonably impose ; and

(B) Except in cases of emergency any such owner lessee or occupier shall give to the Company seven days notice

of any work of reconstruction or repair about to be undertaken.

(3) In carrying out the works necessary for any such construction reconstruction or repair such owner lessee or occupier shall execute the same with the utmost despatch and in such manner as to cause the least possible damage to or interference with the tramways or works of the Company or delay to the traffic thereon and all such damage and interference shall forthwith be made good to the Company by the owner lessee or occupier crossing the same.

(4) If any difference shall arise under this section between the owner lessee or occupier of any colliery or colliery railway and the Company as to whether the Company's consent is unreasonably withheld or as to the reasonableness of their requirements or of the terms or conditions sought to be imposed the same shall be determined by arbitration.

For protection of Honourable Mrs. Meynell-Ingram.

32. For the protection of the Honourable Emily Charlotte Meynell-Ingram of Temple Newsam near Leeds in the county of York her heirs and assigns (all of whom are in this section included in the expression "the owner") the following provisions shall (unless otherwise agreed between the owner and the Company) apply and have effect and be binding on the Company their successors and assigns in the exercise of any of the powers of this Act and upon the owner respectively (that is to say):—

(1) Notwithstanding anything in this Act the Company shall not purchase or take any lands belonging to the owner shown on the deposited plans But the Company may acquire and the owner shall grant an easement only in or upon such lands (in this section called the "acquired lands") for the purpose of constructing maintaining repairing and using the tramroad and any subsidiary works connected therewith Provided always that if at any time after the opening of the tramroad for traffic the Company shall discontinue the working of the same or any part thereof for the space of twelve months or if at any time hereafter the Company are or become insolvent within the meaning of sections 41 and 42 respectively of the Tramways Act 1870 the owner may thereupon and as often as any or either of the circumstances aforesaid shall happen have and be entitled to exercise all or any of the rights and

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powers and do and perform all or any of the acts matters and things which a road authority in the said Act mentioned may have or be entitled to do and perform in or about or in consequence of any such discontinuance or insolvency And further that upon the happening of any or either of the said events and the exercise by the owner of any of the rights and powers hereby granted or reserved to her the easements and other rights powers and privileges (if any) of the Company in over or through the acquired lands shall thereupon cease and determine and the owner may retake possession thereof as if this Act had not been passed or any such grant been made and without any payment or other compensation being made by the owner to the Company by reason of the premises :

(2) The owner and her agent and the lessees and tenants of the lands now included in and forming part of her Birkwood and Top Farms and the members of their families and their servants shall at all times but at their own risk have full and free right to use pass and repass on foot only on or over the new bridge to be erected under the powers of this Act across the River Calder near Stanley Road in this Act mentioned and shown upon the deposited plans :

(3) The Company shall at their own costs and charges as and when required by the owner construct and for ever after maintain the following works and things (that is to say) :—

(A) Works for the protection of the river bank of the River Calder adjoining or near to the tramroad ;

(B) Four private sidings of sufficient size adjacent to the tramroad and properly connected therewith for the exclusive use of the owner her lessees and tenants and seven level crossings with gates at each end thereof respectively and in such positions respectively as the owner or her agent may prescribe :

(4) The Company shall make and thereafter maintain the road over Birkwood Bridge shown on the deposited plans and the approaches thereto to the reasonable satisfaction of the owner or her agent and they shall

also lay the rails thereon in such manner and position as may be reasonably prescribed by the owner or her agent The Company shall also from time to time provide a suitable box with flag and socket thereto at or near Birkwood Bridge aforesaid for the use of the owner her lessees and tenants as a signal that the said bridge and approaches are or are about to be used by her or them who shall use all due expedition in passing or repassing along or over the said bridge and approaches And the Company shall regulate their traffic over the tramroad so as not unduly to restrict or interfere with the rights and powers hereby reserved to the owner and her lessees and tenants:

(5) The owner shall be at liberty from time to time and at any time hereafter to make and maintain such bridge or bridges over and subways under the tramroad and acquired lands together with approaches and other works in connexion therewith as she may deem expedient:

Every such bridge subway or approach shall be constructed of such height above or depth below the tramroad and of such dimensions as may be agreed between the owner and the Company or failing agreement may be determined by the Board of Trade and according to detailed plans and sections to be approved in writing by the engineer of the Company before the commencement of the works or in the event of difference between such engineer and the owner to be approved by the Board of Trade and the owner shall at all times maintain every such bridge and subway in substantial repair and good order and condition:

(6) In the construction of the said works the owner shall not cause any undue interference with the working of the tramroad and shall make good all damage directly caused thereto by the exercise by her of the said powers herein contained:

(7) Nothing in this section contained shall relieve the Company from any statutory or other liability in respect of their undertaking or from the construction and maintenance of any works or the execution or performance of any other matters or things by this Act or any Acts or parts of Acts incorporated therewith

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or otherwise required to be made done performed or observed by the Company for or in favour of the owner her lessees and tenants:

(8) If any question shall arise between the owner and the Company with reference to any of the matters herein provided or referred to or for anything to be done or observed or not to be done as required by this Act such difference shall except where otherwise provided be referred to and settled by an arbitrator to be agreed upon by the said parties or failing agreement to be appointed by the President of the Surveyors' Institution on the application of either of the parties and the provisions of the Arbitration Act 1889 shall apply to every such reference.

For protection of Midland Railway Company.

33. For the protection of the Midland Railway Company (herein-after in this section called "the Midland Company") the following provisions shall apply and have effect:—

(1) So much of Tramway No. 29 as will pass over the bridge carrying Station Road and Altofts Road over the Midland Railway and so much of Tramway No. 24 as will pass under the bridge carrying the Midland Railway over the Leeds and Pontefract Road shall be so constructed and maintained as not injuriously to affect the structure of the said bridges or the approaches piers and abutments thereof:

(2) In the event of any injury being caused to the structure of any of the said bridges or the approaches piers or abutments thereof by the construction maintenance repairing existence or removal of any of the tramways by this Act authorised or the works in connexion therewith the Midland Company may at the expense of the Company restore the structure of such bridges or the part or parts thereof which may be injured to as good a state and condition as they were in before such injury was occasioned and the reasonable costs of so doing shall be repaid them by the Company:

(3) Whenever and so often as the Midland Company shall require to widen lengthen strengthen reconstruct alter or repair such bridges or to widen or alter their railways thereunder or thereover or to lift or support any such bridge owing to the subsidence thereof caused by the minerals thereunder having been or

being worked or gotten and it shall be necessary for effecting any of such purposes that the working and user of the tramways over or under such bridges should be wholly or partially stopped or delayed or that such tramways should be temporarily diverted and the Midland Company shall give to the Company fourteen clear days notice in writing requiring such stoppage delay or diversion the working and user of such tramways shall be stopped or delayed or such tramways shall be diverted accordingly at the expense of the Company and under the superintendence of their engineer (if such engineer shall give such superintendence) but only for so long as may be absolutely necessary for effecting such purpose and the Midland Company shall not be liable for any compensation claims and demands charges costs and expenses for or in respect of such stoppage or delay or in any way relating thereto :

(4) In case it shall be found that any such strengthening is necessary owing to the carriages or other vehicles on any of the tramways being or being intended to be moved by electrical power such strengthening shall be effected at the reasonable expense of the Company who shall also pay the Midland Company all additional expense which they may reasonably incur or be put to in effecting any reconstruction alterations repairs lifting or supporting of any such bridge by reason of the existence of the tramways so passing or any of the works connected therewith :

(5) If having regard to the proposed position of any works by this Act authorised when considered in relation to the works of the Midland Company at the point where the proposed tramways will be constructed over and under the railway and works of the Midland Company it becomes advisable in order to avoid danger from the breaking or falling of wires that the electric telegraphic telephonic or signal wires or apparatus of the Midland Company should be altered the Midland Company may execute any works reasonably necessary for such alteration and the reasonable expense of executing such works shall be borne by the Company :

(6) All works which may be necessary in constructing and maintaining the tramways or working the same by

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electrical power over or under any bridge works or property of the Midland Company shall be constructed and maintained in all things at the expense of the Company and to the reasonable satisfaction of the principal engineer of the Midland Company in such manner and according to plans sections and specifications to be previously submitted to and reasonably approved by him or in case of difference to be approved by an arbitrator to be appointed as herein-after provided :

(7) Notwithstanding anything contained in the section of this Act the marginal note whereof is "Power to attach brackets &c. to buildings" no brackets wires or apparatus shall without the consent in writing of the Midland Company under the hand of their secretary be affixed or attached to any of the said bridges (which consent shall not be unreasonably withheld) :

(8) If any difference shall arise between the Midland Company and the Company as to anything to be done or not to be done under the provisions of this section or the reasonableness of any requirements or of any charges under this section the matter in difference shall unless otherwise agreed be referred to an arbitrator to be appointed by the Board of Trade on the application of either party.

For protection of North Eastern Railway Company.

34. For the protection of the North Eastern Railway Company (in this section called "the railway company") the following provisions shall unless otherwise agreed between the Company and the railway company be observed and have effect (that is to say) :—

(1) In this section the word "apparatus" includes posts electric mains wires cables tubes and any similar appliances to be used for the purposes of a motive power for the carriages running on the tramways and includes also any subways tunnels openings excavations channels and pipes for the purposes of such apparatus :

(2) Where any tramway by this Act authorised to be constructed is laid along a road which is carried by means of a bridge over any railway of the railway company the Company shall so construct maintain and use the said tramway and apparatus as not to alter or

interfere with the structure of such bridge or of the approaches thereto:

(3) In the event of any injury being caused to any such bridge or the approaches thereto by the construction maintenance or existence of the tramways or apparatus the railway company may at the expense in all things of the Company after giving (except in cases of emergency when they shall give the longest notice possible) not less than seven clear days notice in writing of their intention so to do restore such bridge and approaches or the part or parts thereof which may be so injured to as good a condition as they were in before such injury was occasioned:

(4) All works which may be necessary in constructing and maintaining the tramways or apparatus over any such bridge and the approaches thereto shall be carried out in all things at the expense of the Company and under the superintendence if the same be given and to the reasonable satisfaction of the engineer of the railway company:

(5) In case it shall become necessary in consequence of the existence or user of the tramways or apparatus to strengthen the fabric of any such bridge the railway company may after giving to the Company fourteen clear days notice thereof in writing execute such works as may be reasonably necessary in that behalf and the reasonable expense of so doing shall be repaid to them by the Company:

(6) The materials forming the substructure of the tramways where the same cross any such bridge over the railway or are laid along the approaches thereto shall subject to the provisions of this section be such as shall be reasonably approved of by the railway company:

(7) Whenever the railway company shall require to lengthen strengthen reconstruct alter or repair any bridge over which any tramway of the Company is laid or the approaches thereto and shall find it necessary for effecting any of such purposes that the working and user of any of the said tramways over any such bridge or approaches shall be wholly or partly stopped or delayed or that the tramways or any apparatus connected therewith shall be wholly or in part temporarily

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diverted and shall (except in cases of emergency when they shall give the longest notice practicable) give to the Company seven clear days notice in writing requiring such stoppage delay or diversion the working of the tramway shall be stopped or delayed or the tramways or apparatus shall be diverted accordingly by and at the expense in all things of the Company and under the superintendence of the engineer of the railway company (if such engineer shall give such superintendence) but only for so long as it shall be absolutely necessary for effecting such purpose and the railway company shall not be liable for any compensation in respect of such stoppage or delay or in any way relating thereto If the Company after such notice make default in diverting or removing any such tramway or apparatus the railway company may at the expense of the Company effect such diversion or removal:

(8) If having regard to the relative position of the works of the Company and the works of the railway company at any point where the tramways will be constructed over or under the railway of the railway company it becomes advisable in order to avoid danger from the breaking or falling of wires that the electric telegraphic telephonic or signal wires or apparatus of the railway company shall be altered the railway company may execute any works reasonably necessary for such alterations and the reasonable expense of executing such works shall be borne by the Company:

(9) Notwithstanding anything contained in the section of this Act the marginal note whereof is "Power to attach brackets &c. to buildings" no apparatus shall be attached to any bridge belonging to the railway company without their previous consent in writing (which consent shall not be unreasonably withheld):

(10) Before commencing the execution of any works connected with the alteration of the level of roads under bridges belonging to the railway company and the underpinning and other interference with such bridges and with the laying of the tramways under such bridges the Company shall give to the railway company notice of their intention so to do and if within fourteen days

after receipt thereof the railway company serve upon the Company notice that they so desire the railway company shall execute such works at the reasonable expense in all things of the Company:

Provided that if the railway company shall not serve such notice within the time aforesaid or shall fail to commence and complete such works with all reasonable despatch the Company may themselves proceed to execute the same:

(11) The Company shall not under the powers of this Act compulsorily acquire any property of the railway company:

(12) If any difference shall arise under this section between the Company and the railway company touching anything to be done or omitted to be done or not to be done or the reasonableness of any requirements or of any charges or in any manner in connexion with the foregoing provisions of this section the matter in difference shall unless otherwise agreed be determined by a single arbitrator to be appointed in case of difference by the Board of Trade on the application of either party.

For protection of Midland and North Eastern Railway Companies.

35. For the protection of the Midland and North Eastern Railway Companies (herein-after called "the two companies") the following provisions shall apply and have effect:—

In constructing and maintaining so much of tramways numbers 21 and 22 by this Act authorised in the parish and borough of Pontefract as will pass under the bridges carrying the Swinton and Knottingley joint line belonging to the two companies over the Pontefract and Knottingley Road the Company shall in all respects be bound to observe and conform to the provisions of the section of this Act the marginal note whereof is "For protection of Midland Railway Company" so far as the same are applicable:

The alteration of the level of the said Pontefract and Knottingley Road by this Act authorised under and adjoining the bridge carrying the railway of the two companies over the said road shall be executed so as not to injure or affect the stability of the said bridge or the piers or abutments thereof and such alteration and any underpinning that may be rendered necessary shall be

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executed according to plans sections and specifications to be previously submitted to and reasonably approved by the principal engineer of the two companies or in case of difference to be approved by an arbitrator to be appointed as herein-after provided:

The works of such alteration shall be so carried out as to cause no injury to the said bridge or the piers or abutments thereof or interruption to the traffic on the said railway and if any injury be caused to the said bridge or interruption be caused to the traffic on the said railway the Company shall make full compensation to the two companies in respect thereof:

If any difference shall arise between the Company and the two companies as to anything to be done or not to be done under the provisions of this section or the reasonableness of any requirements or of any charges under this section the matter in difference shall unless otherwise agreed be referred to an arbitrator to be appointed by the Board of Trade on the application of either party.

For protection of Lancashire and Yorkshire Railway Company.

36. For the protection of the Lancashire and Yorkshire Railway Company (in this section called "the Lancashire Company") the following provisions shall unless otherwise agreed between the Company and the Lancashire Company be observed and have effect in relation to the construction and maintenance of the tramways and the works connected therewith and of any works for the purpose of working the tramways by mechanical power where the same are intended to cross any bridge carrying any road over any railway siding or works belonging to the Lancashire Company or to pass under any bridge of the Lancashire Company (that is to say):—

(1) In this section the word "apparatus" includes electric mains wires conductors tubes boxes posts apparatus and any similar appliances to be used as or for the purposes of a motive power for the carriages running on the tramway and includes also any brackets wires and apparatus for the purposes of such apparatus:

(2) All works by this Act authorised where the same shall be made upon across under or over any bridge or the approaches thereto or other work belonging to or maintainable by the Lancashire Company shall be executed so as not to interfere with the structure of any such bridge approaches or other work and

according to plans sections and specifications to be previously submitted to and reasonably approved by the Lancashire Company or in case of difference between them and the Company by an arbitrator to be appointed as herein-after provided Provided that if the Lancashire Company do not within twenty-one days after such submission signify their approval or disapproval of such plans sections and specifications they shall be deemed to have approved thereof All such works shall be executed according to the plans sections and specifications so approved and under the superintendence and to the reasonable satisfaction of the Lancashire Company The Company shall so maintain and use the tramway works as not to injuriously affect any such bridge approaches or other work and in the event of any injury being occasioned to the structure of such bridge approaches or work by the construction maintenance user or removal of the tramways works and apparatus upon across under or over the same the Lancashire Company may make good the injury and may recover from the Company the reasonable expenses of so doing:

(3) If by reason of the construction of the tramway over any such bridge or other work or the user thereof it becomes necessary to strengthen or reconstruct the same the Lancashire Company shall give notice accompanied by sufficient plans and specifications to the Company of such works as may be reasonably necessary and may after fourteen days from the date of the notice or forthwith in case of emergency proceed with all due despatch to execute such works as may be reasonably necessary in that behalf and the reasonable expense of so doing shall be repaid to them by the Company:

(4) The Company shall on demand pay to the Lancashire Company the reasonable expense of lighting and watching the works of the Lancashire Company if and so far as necessary during the execution or repair by the Company under this Act of any work or apparatus affecting any bridge railway or other work belonging to the Lancashire Company:

(5) The Company shall not in any manner in the execution maintenance user or repair of any of their works or

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apparatus obstruct or interfere with the free uninterrupted and safe user of any railway or other work belonging to the Lancashire Company or any traffic thereon :

(6) If the Lancashire Company hereafter require to widen lengthen strengthen reconstruct alter or repair any such bridge under or upon which the tramway is laid or the approaches thereto or to widen or alter any railway thereunder or thereover and shall find it necessary for such purpose that the working or user of any part of the tramway under or upon such bridge or approaches be wholly or in part stopped or delayed or that such part of the tramway be temporarily taken up or diverted and if the Lancashire Company accordingly give to the Company fourteen days notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such stoppage delay taking up or diversion then the working or user of such part of the tramway shall be stopped or delayed or such part of the tramway shall be taken up or diverted as stated in such notice at the reasonable expense of the Company and under their superintendence (if they shall give such superintendence) but no such working or user shall be stopped or delayed for a longer period than may be necessary for effecting such purpose as aforesaid and such part of the tramway shall be restored with all possible despatch and in such case the Lancashire Company shall not be liable to pay compensation in respect of such stoppage delay or taking up or diversion :

(7) The Company shall from time to time pay to the Lancashire Company any additional expense which the Lancashire Company may reasonably and properly incur in effecting such widening lengthening strengthening reconstructing altering or repairing as is mentioned in the last preceding subsection or in the maintenance of any bridge or approach of the Lancashire Company by reason of the existence or user of the tramway or any of the works or apparatus connected therewith :

(8) If and when the Lancashire Company shall require to reconstruct alter repair or paint any bridge under which any electric wire of the Company has been placed the Company shall in order to ensure the safety of the workmen employed in such reconstruction alteration

repairing or painting cut off the electric current from the trolley wires under such bridge at such time as shall be reasonably required by the engineer of the Lancashire Company unless the Company shall have previously adopted some other means of protection to workmen approved by the said engineer:

(9) If having regard to the proposed position of any works of the Company by this Act authorised when considered in relation to the position of the works of the Lancashire Company at any point where the tramway will be constructed over or under the railway or other works of the Lancashire Company it becomes advisable in order to avoid danger from the breaking or falling of wires that the electric telegraphic telephonic or signal wires or apparatus of the Lancashire Company shall be altered the Lancashire Company may execute any works reasonably necessary for such alteration and the reasonable expense of executing such works shall be borne by the Company:

(10) Where any tramway will pass in front of the entrances to any passenger or goods stations or in front of the approach roads to any of the stations of the Lancashire Company no additional crossing or passing-place siding junction turnout or other work shall be made for or in connexion therewith for the distance thereon extending in front of the said entrances or approach roads to such stations and for a length of ten yards at each end of such distance without the consent of the Lancashire Company and without such consent no carriage used on the tramways shall be stopped or permitted to be stopped within such distance and lengths except only for so long as shall be reasonably necessary for the purposes of discharging and taking up passengers:

(11) If any difference arises under this section between the Company and the Lancashire Company the same shall unless otherwise agreed be settled by an arbitrator to be appointed by the Board of Trade on the application of either party:

(12) The protection afforded to the Lancashire Company by this section shall not extend to the case of any interference with or effect upon any gas or water pipes or other metallic pipes structures or substances or any

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wires lines and apparatus of the Lancashire Company or the currents therein to which the section of this Act the marginal note of which is "Special provisions as to use of electrical power" applies but the Company shall not by reason of being specially protected as regards other matters under this section lose as regards any such interference any protection to which they are otherwise entitled.

Owners may be required to sell parts only of certain properties.

37. And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Company of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Company and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

(1) The owner of and persons interested in any of the properties whereof the whole or part is described in the schedule to this Act and whereof a portion only is required for the purposes of the Company or each or any of them are herein-after included in the term "the owner" and the said properties are herein-after referred to as "the scheduled properties":

(2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Company that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Company such portion only without the Company being obliged or compellable to purchase the whole the Company paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:

(3) If within such twenty-one days the owner shall by notice in writing to the Company allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (herein-after referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine

whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Company have compulsory powers of purchase) can be so severed :

(4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Company the portion which the tribunal shall have determined to be so severable without the Company being obliged or compellable to purchase the whole the Company paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :

(5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner :

(6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Company may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :

(7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Company in case they shall not withdraw the notice to treat shall pay to the owner

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all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845.

The provisions of this section shall be stated in every notice given thereunder to sell and convey any premises.

Period for compulsory purchase of lands.

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

Power to take easements &c. by agreement.

39. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to acquire additional lands by agreement.

40.—(1) The Company may by agreement purchase and acquire for the purposes of their undertaking such lands as they may require and may sell or dispose of any such lands not required for any such purpose provided that they shall not at any time hold for such purposes more than ten acres of land in addition to any lands which they are otherwise authorised to acquire and hold and that nothing in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land acquired by them under this section.

(2) The provisions of section 23 of the Order of 1901 shall extend and apply to any lands which the Company are by this Act authorised to purchase or acquire.

Saving rights of Duchy of Lancaster.

41. Nothing contained in this Act shall extend or operate to authorise the Company to take use enter upon or in any manner interfere with any land soil water or hereditaments or any land parcel of any manor or any manorial rights or any other rights of whatsoever description belonging to His Majesty in right of His Duchy of Lancaster without the consent in writing of the Chancellor for the time being of the said Duchy first had and obtained (which consent the said Chancellor is hereby authorised to give) or take away prejudice or diminish any estate right privilege power or authority vested in or enjoyed or exerciseable by His Majesty His heirs or successors in right of His said Duchy.

Extending section 13 of Order of 1901.

42. Section 13 of the Order of 1901 shall be read and have effect as if the tramways and tramroad had been referred to therein as well as the railways authorised by that Order.

As to electrical works &c.

43.—(1) The Company may construct lay down erect maintain renew and repair on in under or over the surface of any street or road (including footways) bridge or public place in which the tramways or tramroad will be situate or in which it may be necessary so to do in order to form connexions between such tramways or tramroad and any generating station and on in under or over any lands acquired by the Company under this Act or on in under or over which the Company may acquire the right so to do cables electric mains wires conductors posts tubes boxes apparatus and appliances and may make and maintain openings and ways for the purpose of working the tramways and tramroad by electrical power and may for that purpose subject to the provisions contained in Part II. of the Tramways Act 1870 and to the provisions of this Act open and break up any such street or road (including footways) bridge or place and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder.

(2) Nothing in this section 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.

Power to attach brackets &c. to buildings.

44. The Company may with the consent of the owner of any building attach to that building such brackets wires and apparatus as may be required for the working by electrical power of the tramways and tramroad Provided that—

(1) Where in the opinion of the Company any consent under this section is unreasonably refused they may appeal

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to a petty sessional court who shall have power having regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid:

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

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

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

As to posts standards and brackets.

45. Subject to the provisions of this Act and of any regulations made under this Act by the Board of Trade the size position design and construction of all posts (including boxes or other erections above the surface of a road) standards and brackets and their several attachments erected in the district of any road authority shall be such as the road authority and where the district council for the district are not the road authority as such district council and the Company may respectively agree or as in case of difference between them may be determined by the Board of Trade Provided that—

(A) Before the erection of any such posts boxes standards brackets and attachments in the district of a road authority the Company shall deliver to the road authority or to the road authority and such district council as aforesaid as the case may be a drawing and a description of the same and a plan showing

the proposed position thereof and if any such authority or district council do not within twenty-eight days give notice to the Company of any objection such authority or district council shall be taken to have agreed to the size position design and construction of such posts boxes standards brackets and attachments as shown by the said drawing description and plan; and

(b) If any post box or overhead wire becomes owing to the construction of any new road or otherwise in the opinion of the road authority an obstruction the Company shall alter the position thereof in such manner as the road authority direct but the Company may appeal against such direction to the Board of Trade and the decision of the Board shall be final; and

(c) The Company shall properly maintain and keep in good order and repair to the reasonable satisfaction of the road authority or of the road authority and district council as the case may be all such posts boxes standards brackets and attachments and if any difference arises as to the reasonable satisfaction of any such authority or district council that difference shall be determined by the Board of Trade.

Gauge and mode of formation of tramways &c.

46. The tramways and tramroad shall be constructed with two rails on the gauge of four feet eight and a half inches and shall where laid along the carriageway of any public road be laid and maintained in such a manner that the uppermost surface of the rails shall be on a level with the surface of such carriageway.

As to rails of tramways and tramroad.

47. The rails of the tramways and of the tramroad where laid along any public road shall be such as the Board of Trade may approve and the Board of Trade may from time to time require the Company to adopt and apply such improvements in the tramways and the tramroad so far as the same are laid along the carriageway of any public road including the rails thereof as experience may from time to time suggest having regard to the greater security of the public and advantage to the ordinary traffic of such road and the Company shall with all reasonable despatch comply with any order made by the Board of Trade for the purpose of carrying out such improvements.

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Inspection by Board of Trade.

48. The tramways and tramroad 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.

Repair of part of road where tramway &c. is laid.

49. The materials with which and the manner in which any portion of the road which under section 28 of the Tramways Act 1870 the Company are liable to maintain and keep in good condition and repair shall be maintained and kept in good condition and repair shall be such as may be agreed between the road authority and the Company or in case of difference between them as may be determined by the Board of Trade on the application of either party Provided that such portion of the roads as is repairable by the Company as aforesaid shall unless otherwise agreed between the Company and the road authority be made repaired and maintained with similar materials to those used in each case by the road authority in repairing and maintaining the other portions of such roads in the same place except that the road authority may in all cases require the road on each side of each rail to be paved repaired and maintained with one row of granite setts laid transversely to an average width on each side of each rail of at least six inches.

Further provisions as to construction.

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

Penalty for not maintaining rails in proper order.

51. The Company shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways and of the tramroad where laid along the carriageway of any street

or road and the substructure upon which the same rest and if the Company at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 as modified by this Act they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues 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 such portion of tramroad or any part thereof respectively are or is situate or by twenty inhabitant ratepayers of such district that the Company have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 as modified by this Act the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Company to such penalty or penalties in respect thereof as is or are by this section imposed.

Tramways to be kept on level of surface of roads.

52. If and whenever after the passing of this Act any road authority alters the level of any road along which any part of the tramways or tramroad is laid or authorised to be laid the Company may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

Application of road materials excavated in construction of works.

53. Any paving metalling or material excavated by the Company in the construction of the tramways or tramroad or in the exercise of the powers of this Act from any road under the jurisdiction or control of any road authority may be applied by the Company so far as may be necessary in or towards the reinstating of the road and the maintenance for six months after completion of any of the tramways or the tramroad within the district of such road authority of so much of the roadway on either side of such tramways or tramroad as the Company are by section 28 of the Tramways Act 1870 required to maintain and the Company shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid at such place within the district not being more than one mile from the place of excavation as the road authority shall appoint Provided that if within seven days after the setting

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aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given the road authority shall not appoint a place for delivery thereof such surplus paving metalling or material shall absolutely vest in and belong to the Company and may be dealt with removed and disposed of by them in such manner as they may think fit Any difference between the Company and any road authority with reference to any of the matters aforesaid shall be settled by an arbitrator to be nominated by the Board of Trade on the application of either party.

Power to make additional crossovers and to double tramway lines.

54.—(1) The Company may subject to the provisions of this Act with the consent of the local and road authorities make maintain alter and remove such crossovers passing-places sidings junctions and other works in addition to those particularly specified in and authorised by this Act as they find necessary or convenient for the efficient working of the tramways or for providing access to any warehouses stables or carriage-houses or works of the Company.

(2) Notwithstanding anything shown on the deposited plans the Company may with the consent of the Board of Trade and the road authority lay down double lines in lieu of single or interlacing lines or single lines in lieu of double or interlacing lines or interlacing lines in lieu of double or single lines on any of the tramways and if at any time the road in which any tramway or any part thereof is authorised to be laid or is laid has been or shall be altered or widened the Company may with the like consent construct such tramway or part thereof or (as the case may be) take up or reconstruct the same in such position as they may think fit.

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

Temporary tramways or tramroad may be made when necessary.

55. When by reason of the execution of any work affecting the surface or soil of any road along the carriageway of which any of the tramways or the tramroad are or is laid it shall in the opinion of the road authority be necessary or expedient temporarily to remove or discontinue the use of such tramway or tramroad or any part thereof the Company may with the consent of the road authority and subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make construct in the same or any adjacent road and with the like consent subject to the like conditions and in accordance with the like regulations maintain so long as occasion may require a temporary tramway or tramroad in lieu of the tramway or tramroad or part of the tramway or tramroad so removed or discontinued.

If any difference arises between the Company and the road authority with respect to the reasonableness of any conditions or regulations or with respect to the mode of constructing any temporary tramway or tramroad under the authority of this section the same shall be settled in the manner specified in section 33 of the Tramways Act 1870 for the settlement of differences in the said section mentioned.

Company may reduce footpath.

56. The Company may with the consent of the local and road authorities increase the roadway of any street in which any of the tramways or the tramroad are or is to be laid to such extent as may be necessary to leave a space of nine feet and six inches between the outside of the footpath on each or either side of such street and the nearest rail of the tramway or tramroad by reducing the width of the footpath on each or either side of such street Provided that no footpath be so reduced in width as to be less than six feet wide.

Sanitary authority to have access to sewers

57. Every sanitary authority shall at all times have free access to and communication with all their sewers and drains whether being within or without the district of such authority and power to lay lateral and private drains to communicate therewith without the consent or concurrence of the Company and the provisions contained in sections 32 and 33 of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain of or under the control of such sanitary authority whether being within or without the district of such authority as if the same were a pipe for the supply of gas or water.

As to manholes.

58. Where the tramways or the tramroad are constructed or intended to be constructed or reconstructed over any manhole

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or entrance into any sewer of the local authority or so close to such manhole or entrance as to make the use thereof dangerous the Company shall at their own expense if required by the local authority alter the position of such manhole or entrance in such manner as may be reasonably necessary and approved by the local authority or the local authority may at their own option at the reasonable expense of the Company make such alteration in the position of such manhole or entrance If such authority intend to execute such work themselves they shall commence execute and complete the same with all reasonable despatch If any difference arises under this section between the Company and the local authority that difference shall be referred to arbitration under this Act.

As to crossing of public roads.

59. The Company may in the construction of the tramroad carry the same with a single line only whilst the tramroad shall consist of a single line and afterwards with a double line only across and on the level of the roads next herein-after mentioned (that is to say) :—

Nos. on deposited Plans.	Parish.	Description of Road.
114	Stanley - - - -	Stanley Road (otherwise Wakefield and Aberford Road).
139	Altofts - - - -	Church Road (otherwise Birkwood Road).

As to fencing of tramroad.

60. If either before or within two years of the opening of the tramroad for public traffic the owner of any land adjoining the same shall by notice in writing require the Company to erect a fence or fences between the line of the tramroad and the land of such owner or any part thereof the Company shall erect and thereafter maintain sufficient post and rail hedge ditch or fence for separating the tramroad from such lands Provided that if the fencing shall not be continuous throughout the whole of the line of the tramroad then cattle guards or other suitable contrivances shall where necessary be erected or constructed and maintained at the ends of the fencing so as to prevent cattle or horses from entering upon the tramroad.

Provisions as to motive power.

61. The carriages used on the tramways and tramroad may be moved by animal power or subject to the following provisions by electrical power supplied by means of the overhead system or

such other system as the Board of Trade may from time to time sanction (that is to say) :— A.D. 1904.

(1) The Board of Trade shall make regulations (in this Act referred to as "the Board of Trade regulations") for securing to the public all reasonable protection against danger arising from the use under this Act of electrical power on the tramways and tramroad and for regulating the use of such power:

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

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

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

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

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

Byelaws.

62. Subject to the provisions of this Act the Board of Trade may make byelaws with regard to any of the tramways or the tramroad upon which electrical 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 providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such

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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 tramroad 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 and tramroad by exhibition of the same in conspicuous places on the carriages and elsewhere.

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

Recovery of penalties.

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

Byelaws by local authority.

64. 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 tramways shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed than that authorised by the Board of Trade regulations but the byelaws of the local authority may restrict the rate of speed to a lower rate than so authorised.

As to removal of snow &c.

65. If the Company at any time find it necessary or desirable to remove snow or other matter impeding the traffic on the tramways or the tramroad where laid along any public road the Company shall at their own cost remove the snow or other matter to the side of the road but so as not to impede or obstruct the ordinary traffic on the road and the Company shall not use salt or other unsuitable material for thawing the snow on any road Provided that any dirt or other matter removed by the Company from the grooves of the rails of the tramways or the tramroad where laid along any public road shall not be allowed to remain on the road but shall be at once taken away by the Company.

Local authorities and road authorities may use tramways for certain purposes.

66. Subject to the provisions of this Act and of any regulations made under this Act by the Board of Trade and of any byelaws for the time being in force with respect to the tramways any local authority or road authority may at such times and in such manner as they think fit between the hours of twelve at

night and five in the morning but so as not to unduly impede obstruct or interfere with the ordinary traffic on the tramways and after giving due notice to the Company of their intention so to do use any portion of the tramways within their district by carriages moved by horses or otherwise for the removal of night soil and house refuse and for the conveyance of scavenging stuff road metal and other materials required by the works of such authority free of all tolls and charges in respect of such use Subject as aforesaid any local authority or road authority may enter into agreements with the Company for the purposes of this section and such authority shall have power to form connexions between the tramways and any yards or works belonging to such authority provided that in the construction of any such connexion no damage shall be done to the tramways and they shall have first submitted to the Company plans showing such connexions or works and the mode of constructing the same and if any difference arises as to such plans or the mode of constructing such works that difference shall be referred to arbitration under this Act Provided that such authority shall not save by agreement with the Company be entitled to use or employ for such purposes any carriages trucks horses electric current or other motive power or officers and servants of the Company Provided also that such authority shall indemnify the Company against any damage done to the permanent way by such use.

Orders &c. of Board of Trade.

67. All orders regulations and byelaws made by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of the Board.

Alteration of telegraph lines of Postmaster-General.

68. Notwithstanding anything in this Act contained if any of the works authorised to be executed by this Act involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration and in case such alteration be made a telegraphic line of the Postmaster-General shall not be altogether removed from any highway without his consent.

For protection of Post Office telegraph lines.

69. In the event of any tramways or tramroads or light railways of the Company being worked by electrical power the following provisions shall have effect :—

(1) The Company shall construct their electric lines and other works of all descriptions and shall work their

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undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by the Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein Any difference which arises between the Postmaster-General and the Company as to compliance with this subsection shall be determined by arbitration :

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

(3) Before any electric line is laid down or any act or work for working the tramways or the tramroad by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Company or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work Any difference which arises between the Postmaster-General and the Company as to any requirement so made shall be determined by arbitration :

(4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Company is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Company's works or to the working

of the undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated by the Company enter any of the Company's works for the purpose of inspecting the Company's plant and the working of the same and the Company shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Company pursuant to the Board of Trade regulations:

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

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

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

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

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

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

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

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

Special provisions as to use of electrical power.

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

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

(2) The Company shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working the 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 injuriously interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus:

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

substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return:

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

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

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

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

Fares for passengers.

71. The Company may demand and take for every passenger travelling upon the tramways and tramroad or any part thereof

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including every expense incidental to such conveyance any rates and charges not exceeding those authorised to be taken by section 66 of the Order of 1901 upon the light railways authorised by that Order.

Passengers' luggage.

72. Every passenger travelling upon the tramways and tramroad may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof all such luggage to be carried by hand and 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.

As to use of tramways and tramroad and rates for goods &c.

73. The tramways and tramroad may be used for the carriage of passengers goods animals and things but the Company shall not be bound unless they think fit to carry passengers luggage exceeding the weight in this Act in that behalf mentioned nor any goods animals or other things and in the event of the Company carrying any such goods animals or other things they may demand and take in respect of such conveyance including every expense incidental to such conveyance (except a reasonable sum for loading and unloading and for delivery and collection of such goods animals and things and any other service incidental to the business of a carrier when such service is performed by the Company) any rates or charges not exceeding the rates and charges specified in the schedule to the Order of 1901 subject to the regulations in that behalf therein contained Provided that the Company shall not convey or permit to be conveyed on the tramways or tramroad any goods animals or things in competition with the traffic on the lines now belonging either solely or jointly with any other company to the Great Northern Railway Company or the Lancashire and Yorkshire Railway Company except with the consent in writing of the Great Northern Railway Company or the Lancashire and Yorkshire Railway Company as the case may be which consent shall not be unreasonably withheld but this proviso shall not apply to—

(A) Parcels not exceeding fifty-six pounds in weight; or

(B) Traffic arising and terminating in the same urban or rural district; or

(C) Traffic arising on or destined for the estate now belonging or reputed to belong to the Honourable Emily Charlotte Meynell-Ingram situate in the parish of Altofts.

If any difference arises under this section as to what is competitive traffic that difference may be referred to the Railway

and Canal Commissioners in accordance with section 8 of the Regulation of Railways Act 1873. A.D. 1904.

For purposes of fares &c. tramways and tramroad to be part of undertaking authorised by Order of 1901.

74. For the purpose of calculating the fares rates and charges which the Company are entitled to demand and take the tramways and tramroad shall be deemed to be part of the undertaking authorised by the Order of 1901.

Payment of rates.

75. The fares rates and charges shall be paid to such persons and at such places upon or near to the tramways and tramroad by this Act authorised or the light railways authorised by the Orders of 1901 and 1902 and in such manner and under such regulations as the Company may by byelaws made under section 46 of the Tramways Act 1870 appoint and in addition to the regulations for the purposes mentioned in that section the Company may in accordance with the provisions of that section and of section 47 of that Act make regulations for regulating the loading and unloading receipt and delivery of goods animals and other things the weights which any trucks or carriages may carry and generally for the user working and management of the tramways and tramroad and the provisions of the said Act of 1870 with respect to regulations and the enforcement thereof shall extend and apply to such regulations.

Promoters to run regular daily service of cars.

76.—(1) The Company shall run over the entire system of tramways by this Act authorised a sufficient and regular daily service of cars.

(2) Any matter in difference between the local authorities or any of them and the Company as to the sufficiency of the service upon the system or any part of the system shall from time to time be referred to the arbitration of a person nominated by the Board of Trade and the provisions of this Act as to arbitration shall apply accordingly.

(3) The Company shall be liable to a penalty of five pounds for every day during which they fail to give effect to any decision of a referee under this section and such penalty may be recovered as by this Act provided by any local authority interested.

Cheap fares for labouring classes.

77.—(1) The Company at all times after the opening of the tramways and tramroad or any part or parts thereof for public traffic shall and they are hereby required to run a proper and sufficient service of carriages for artizans mechanics and daily labourers each way every morning and every evening (Sundays Christmas Day Good Friday and bank and other public holidays always excepted) at such hours not being later than eight in the

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morning or earlier than five in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one halfpenny for every mile or fraction of that distance On Saturdays the Company in lieu of running such carriages after five o'clock in the evening shall run the same at such hours between noon and two o'clock in the afternoon as may be most convenient for the said purposes.

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

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

(4) The liability of the Company under any claim to compensation for injury or otherwise in respect of each passenger travelling by such carriages shall be limited to a sum not exceeding one hundred pounds.

Prohibiting raising of fares on Sundays and holidays.

78. It shall not be lawful for the Company to take or demand on Sunday or on any public holiday any higher fares for passengers travelling on the tramways and tramroad than those levied by them on ordinary week days.

Restrictions not to apply to special carriages.

79. The restrictions contained in this Act or in section 66 of the Order of 1901 as to charges to be made for passengers shall not extend to any special carriages run upon the tramways and tramroad or to any special service of carriages on race days or any other extraordinary occasions in respect of which the Company may make such charges as they shall think fit but shall apply only to the ordinary carriages or service of carriages appointed from time to time by the Company for the conveyance of passengers on the tramways and tramroad.

Periodical revision of rates and charges.

80. If at any time after three years from the opening for public traffic of the tramways and tramroad or any portion thereof or after three years from the date of any order made in pursuance of this section in respect of the tramways and tramroad or any portion thereof it is represented in writing to the Board of Trade by the local authority of any district in which the tramways and tramroad or such portion are or is wholly or partly situate or by twenty inhabitant ratepayers of that district or by the Company that under the circumstances then existing all or any of the fares

or other charges demanded and taken in respect of the traffic on the tramways and tramroad or on such portion should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if the referee reports that it has been proved to his satisfaction that all or any of the fares or charges should be revised the said Board may subject to the maximum fares and charges authorised by this Act by order in writing alter modify reduce or increase all or any of the fares or charges to be taken in respect of the tramways and tramroad or on any portion thereof 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.

Agreements with respect to traffic.

81. The Company may subject to the provisions of this Act and with the consent of the Board of Trade enter into agreements with any local or road authority company or person with respect to the receiving from or forwarding to such local or road authority company or person any passengers animals goods minerals parcels or merchandise and the fixing collection and apportionment of rates charges or other receipts in respect of such traffic.

As to purchase of undertaking in borough of Pontefract urban districts of Normanton Whitwood Castleford Featherstone and Knottingley and rural district of Pontefract.

82. Notwithstanding anything in this Act or in the Tramways Act 1870 contained the powers of purchase given by section 43 of the last-mentioned Act shall not be exerciseable by any of the local authorities of the borough of Pontefract the urban districts of Normanton Whitwood Castleford Featherstone and Knottingley and the rural district of Pontefract until the expiration of a period of forty-two years from the date of the passing of this Act The period of twenty-one years in the said section 43 mentioned shall in respect of the tramways in such borough and districts be deemed to be the period of forty-two years from the date of the passing of this Act and the periods of seven years in such section mentioned shall be deemed to be periods of seven years subsequent to such period of forty-two years.

Any expenses incurred by the Pontefract Rural District Council under the said section 43 for the purposes of this Act shall be defrayed in manner directed by the Public Health Act 1875 either as general or special expenses within the meaning of that Act according as the Local Government Board may require.

As to purchase of undertaking

83. Section 43 of the Tramways Act 1870 shall in its application to so much of the tramways and the tramroad as

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in urban districts of Methley Stanley and Altofts.

will be situate in the urban districts of Methley Stanley and Altofts and to the Company in relation thereto be modified as follows (that is to say):—

(1) The Company shall not be required to sell any part of the said tramways and tramroad unless each of the local authorities in whose districts such tramways and tramroad are situate shall pass a resolution as provided by the said section and shall have given notice to the Company under that section to purchase the part of the said tramways and tramroad which is situate within the district under their jurisdiction;

(2) The period of twenty-five years shall be substituted for the period of twenty-one years mentioned in the said section 43 of the Tramways Act 1870:

(3) The terms upon which the Company may be required to sell the said tramways and tramroad or any part thereof shall be the terms of paying the fair market value thereof as a going concern but without any allowance for compulsory purchase:

And for the purposes of the said section 43 of the Tramways Act 1870 the tramroad whether laid in public roads or not shall be deemed to be a tramway within the meaning of that Act.

As to purchase of undertaking in city of Wakefield.

84. Notwithstanding anything in this Act or in the Tramways Act 1870 contained the provisions of section 90 of the Order of 1901 as to future purchase of undertaking by local authorities shall apply to the portion of the tramways authorised by this Act which is situate in the city of Wakefield in the same manner as if the undertaking in such Order mentioned included such portion of the tramways authorised by this Act.

As to working of tramways &c. after sale of part.

85. On any sale to any local authority of the portion of the undertaking situate within their district such arrangements as may be approved by the Board of Trade shall be made for vesting such portion in the said local authority and for a scheme or schemes for the future maintenance management and working of the tramways and tramroad and such other tramways tramroads and light railways as may at the time of purchase be worked in connexion with the tramways or the tramroad and the sale shall not take effect until an instrument has been properly executed in a form approved by the Board of Trade for carrying into effect such arrangements.

Penalty for malicious damage.

86. If any person wilfully does or causes to be done with respect to any apparatus used for or in connexion with the

working of any of the tramways or the tramroad or any of the light railways authorised by the Orders of 1901 and 1902 or any tramway tramroad or light railway leased to worked run over or used by the Company under the powers of this Act anything which is calculated to obstruct or interfere with the working of such tramway tramroad or light railway or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence or of any offence under section 50 of the Tramways Act 1870 with respect to any such tramway shall be liable to a penalty not exceeding twenty pounds.

Consents of local or road authority.

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

Power to lop trees.

88. The Company may cut and lop any trees planted in or near any highway along which the tramways or the tramroad or any of them are laid which may in any way interfere with the construction or working of such tramways or tramroad or the trolley wires or with the clear and safe passage of the carriages and the passengers thereon doing no unnecessary damage to the trees and making compensation to any persons who may sustain damage by the exercise of the powers conferred by this section.

Working agreements.

89.—(A) The Company on the one hand and any local authority company or person owning or working any tramway tramroad or light railway with which any tramway tramroad or light railway of or leased to or worked run over or used by the Company connects or any of them on the other hand may enter into and carry into effect agreements for all or any of the following matters and all matters incidental thereto (that is to say) :—

(1) The lease to the Company for any period not exceeding forty-two years of any tramways tramroads or light railways of any such body authority company or person :

(2) The working running over use management and maintenance by the contracting parties of all or any of their respective tramways tramroads light railways and works or any part or parts thereof respectively :

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(3) The making of all necessary junctions:

(4) The supply by any of the contracting parties to the other or others of them under and during the continuance of any such agreement of rolling stock plant machinery electrical energy or any motive power necessary for the purposes of such agreement and the employment and appointment and removal of officers and servants:

(5) The payments to be made and conditions to be performed in respect of such working use management and maintenance and the interchange accommodation and conveyance transmission and delivery of traffic coming from or destined for the respective undertakings of the contracting parties:

(6) The payment collection division and apportionment of the tolls rates or other receipts arising from the respective undertakings:

And in accordance with the terms of any such agreement and to the extent provided thereby the Company or any such local authority company or person as the case may be may lease work run over use manage and maintain the tramway tramroad or light railway or works agreed to be leased worked run over used managed or maintained by them and shall have and may exercise in relation thereto all such and the like powers rights authorities and privileges as are for the time being vested in or exercisable by the owner or lessor thereof.

(B) Nothing in any such agreement shall prejudice or affect the right of any local authority not being a party to such agreement to purchase any tramway thereby agreed to be leased worked run over used managed or maintained.

Power to hold patents.

90. The Company may subject to the provisions of this Act (but only for the purposes of their undertaking and not so as to acquire any exclusive right 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.

Provisions as to arbitration.

91. Where under the provisions of the Tramways Act 1870 and this Act 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.

Power to apply existing funds.

92. The Company may from time to time apply towards any of the purposes of this Act to which capital is properly applicable any moneys which they have raised or may hereafter raise under the Order of 1901 as amended by the Order of 1902 and which may not be required for the purposes of such Orders.

Power to raise additional capital.

93. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise any additional capital not exceeding in the whole one hundred and sixty-five thousand pounds by the creation and issue at their option of ordinary shares or stock or preference shares or stock or wholly or partially by any one or more of those modes respectively but the Company shall not issue any share nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one-fourth of the amount of such share shall have been paid in respect thereof Any such preference shares or stock may be issued with such rights as between such preference shares or stock and any ordinary shares or stock of the Company to priority in distribution of assets as may be fixed by the meeting of the Company at which it shall be determined to issue any portion of such additional capital as preference capital Provided always that the terms and conditions on which such preference shares or stock are or is issued shall be stated on the certificates thereof and provided also that no more than one half of the capital of the Company shall be issued as preference capital.

As to new shares or stock.

94. The capital in new shares or stock so created shall form part of the capital of the Company and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the Company of the same class or description and the new shares or stock were shares or stock in that capital.

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Receipts on behalf of incapacitated persons.

95. If any money be payable to any holder of shares or stock in the capital of the Company or to any mortgagee of the Company being a minor idiot or lunatic the receipt of the guardian or committee of his estate as the case may be shall be a sufficient discharge to the Company.

Power to borrow.

96. The Company may in respect of the additional capital of one hundred and sixty-five thousand pounds which they are by this Act authorised to raise borrow on mortgage of the undertaking any sum or sums not exceeding in the whole fifty-five thousand pounds and of that sum they may borrow eleven thousand pounds in respect of each thirty-three thousand pounds of such additional capital Provided that no part of any such sum of money shall be borrowed unless and until shares for so much of the portion of capital by this Act authorised in respect of which it is to be borrowed as is to be raised by means of shares are issued and accepted and one-half of such portion of capital is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 (before he so certifies) that shares for the whole of such portion of capital have been issued and accepted and that one-half of such portion of capital has been paid up and that not less than one-fourth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one-half of so much of the said portion of additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid (before he so certifies) that such shares or stock as the case may be were issued and accepted and to the extent aforesaid paid up bonâ fide and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as such portion of additional capital is raised by shares that such persons or corporations or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

Repealing existing provisions as to receiver.

97. The provisions of section 80 of the Order of 1901 and of subsection (5) of section 3 of the Order of 1902 are hereby repealed but without prejudice to any appointment heretofore made or proceedings now pending.

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For appointment of a receiver.

98. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than ten thousand pounds in the whole.

Company not to create debenture stock.

99. The Company shall not create debenture stock.

Mortgage to comprise purchase-money paid on compulsory sale.

100. Every mortgage granted under this Act shall be deemed to comprise all purchase-money which may be paid to the Company in the event of a compulsory sale to a local authority under section 43 of the Tramways Act 1870 and may comprise all or any moneys carried to the contingency fund according to the terms of the mortgage.

Indorsement of notice of power of future purchase by local authority.

101. Every mortgage deed granted by the Company under this Act shall be indorsed with notice that such mortgage will not be a charge upon the undertaking in the event of purchase by a local authority under the forty-third section of the Tramways Act 1870 or the Orders of 1901 or 1902.

Priority of mortgages.

102. Every mortgage granted by the Company before the passing of this Act in pursuance of the powers of the Orders of 1901 and 1902 and which shall be subsisting at the time of the passing of this Act shall (unless otherwise provided by such mortgage) during the continuance thereof have priority over any mortgages to be granted by virtue of this Act and subject as aforesaid all moneys borrowed on mortgage by the Company under the powers of the Orders of 1901 and 1902 and this Act shall rank pari passu as regards both principal and interest and shall have priority against the Company and all the property from time to time of the Company over all other claims on account of any debts incurred or to be incurred or engagements entered into or to be entered into by them.

Application of moneys.

103. All moneys raised under this Act whether by shares stock or borrowing shall be applied for the purposes only of this Act and other the general purposes of the Company being in all cases purposes to which capital is properly applicable.

Deposits for future Bills not to be paid out of capital.

104. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any

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application to Parliament for the purpose of obtaining an Act authorising the Company to construct any tramway or tramroad or to execute any other work or undertaking.

Provision as to general Tramway Acts.

105. Nothing in this Act contained shall exempt the Company or the tramways from the provisions of any general Act relating to tramways passed before or after the commencement of this Act or from any future revision or alteration under the authority of Parliament of the maximum fares rates or charges authorised by this Act.

Costs of Act.

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

The SCHEDULE referred to in the foregoing Act.

PROPERTIES WHEREOF PORTIONS ONLY ARE REQUIRED TO BE TAKEN.

Parish.	Nos. on deposited Plans.
Normanton	3 4 5 6 7 8 9 10 11
Tanshelf	48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68
Pontefract	77 78 82 83 84 85 86 87 88 89 90 91 92 93
Stanley	120
Altofts	138 138A

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