



CHAPTER xciv.

An Act to empower the Mayor Aldermen and Burgesses of the Borough of Halifax to construct Tramways in the Borough and for other purposes. [15th July 1897.] A.D. 1897.

**W**HEREAS the borough of Halifax in the West Riding of the county of York (herein-after in this Act referred to as "the borough") is a municipal county borough under the government of the mayor aldermen and burgesses thereof (in this Act referred to as "the Corporation") :

And whereas the laying down of tramways within the borough would be of local and public advantage and it is expedient that the Corporation be authorised to lay down construct and maintain the same accordingly :

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

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

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

And whereas estimates have been prepared by the Corporation for the execution of the works by this Act authorised and for other the purposes of this Act and such estimates amount to nineteen thousand three hundred and sixty-eight pounds :

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

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Act, 1897.

A.D. 1897.      And whereas it is expedient that the Corporation should be authorised to raise moneys for the purposes herein-before mentioned in manner by this Act provided :

And whereas an absolute majority of the whole number of the council at a meeting held on the seventh day of October one thousand eight hundred and ninety-six after ten clear days notice by public advertisement of such meeting and of the purpose thereof in the *Halifax Courier* a local newspaper published and circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund and rates leviable within the borough :

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

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

And whereas the owners and ratepayers of the borough by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to the promotion of the Bill for this Act :

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

Short title.      **1.** This Act may be cited as the *Halifax Corporation Tramways Act 1897*.

Incorporation of Acts.      **2.** The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) and of section 3 (Interpretation of terms) section 19 (Local authority may lease or take tolls) and Parts II. and III. of the *Tramways Act 1870* so far as the same are applicable for the purposes of and not varied by or inconsistent with this Act are hereby incorporated with this Act.



3. In this Act unless the subject or context otherwise requires— A.D. 1897.

“The borough” means the municipal county borough of Halifax ; Interpreta-  
tion.

“The Corporation” means the mayor aldermen and burgesses of the borough ;

“The council” means the council of the borough ;

“The borough fund” and “the borough rate” mean respectively the borough fund and borough rate of the borough ;

“The tramways” mean the tramways and works by this Act authorised ;

“The tramways undertaking” means the tramways undertaking by this Act authorised :

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

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

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

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

Tramway No. 1 (a double line) 3 furlongs 2·5 chains in length commencing in Church Street at a point about six yards east of the junction of Church Street and Horton Street passing thence along Horton Street Wards End Commercial Street and terminating in Commercial Street at a point about seven yards south of the junction of that street with Silver Street :

Tramway No. 2 1 mile 6 chains in length commencing in Commercial Street by a junction with Tramway No. 1 at a point about fifty yards south-west from the point of termination of that tramway passing thence along George Street Bull Green King Cross Street and King Cross Road and

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terminating at King Cross at a point about fifty yards west of the south-west corner of Saint Paul's Churchyard :

Tramway No. 2 shall be laid as a single line except between the following points where it shall be laid as a double line namely :—

In Bull Green and King Cross Street between points eighty-three yards and one hundred and forty-nine yards respectively west of the junction of Barum Top with Bull Green Provided that notwithstanding anything shown on the deposited plans and sections the Corporation if and when they construct Tramway No. 2 shall construct the same so that between the junctions of Little Lane and Carlton Place respectively with Bull Green no portion of the said Tramway shall be nearer to the southern side of the roadway of Bull Green than the line shown in pink upon the plan signed in duplicate by James William Lowther the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred of which one copy has been deposited in the Private Bill Office ;

In King Cross Street between points twelve yards and seventy-eight yards respectively west of the junction of Archer Street with King Cross Street and between points twenty-eight yards and ninety-four yards respectively east of the junction of Park Road with King Cross Street ;

In King Cross Road between points five yards and seventy-one yards respectively west of the junction of Parkinson Lane with King Cross Road between points thirty-three yards and ninety-nine yards respectively west of the junction of Woodbine Street with King Cross Road and between points twenty yards east of the south-west corner of Saint Paul's Churchyard and forty-six yards west of the said corner :

Tramway No. 3 1 mile 3 furlongs 7 chains in length commencing at the north end of Commercial Street by a junction with Tramway No. 1 at the point of termination of that tramway passing thence along Hall End in a north-westerly direction thence along Crown Street Swine Market Gibbet Street and terminating in Gibbet Street at a point about thirty-seven yards west of the north-east corner of the Golden Lion public-house :

Tramway No. 3 shall be laid as a single line except between the following points where it shall be laid as a double line namely :—

In Gibbet Street between points two hundred and thirty-three yards and two hundred and ninety-nine yards respectively



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from the commencement of the tramway between points thirteen yards and seventy-nine yards respectively west of the junction of Clarence Street with Gibbet Street between points twenty-seven yards and ninety-three yards respectively west of the junction of Hume Street with Gibbet Street between points seventy yards and one hundred and thirty-six yards respectively west of the junction of Francis Street with Gibbet Street between points four yards and seventy yards respectively west of the junction of Leafland Street with Gibbet Street between points fourteen yards and eighty yards respectively west of the junction of Harrow Street with Gibbet Street between points one hundred yards and one hundred and sixty-six yards respectively west of the junction of Thrum Hall Lane with Gibbet Street and between points twenty-seven yards and ninety-three yards respectively west of the junction of Thackeray Street with Gibbet Street :

Tramway No. 4 (a single line) 9·5 chains in length commencing at the north end of Commercial Street by a junction with Tramway No. 1 at the point of termination of that tramway passing thence along Silver Street and Bull Green and terminating in Bull Green by a junction with Tramway No. 2 at a point about twenty-seven yards west of the junction of Barum Top with Bull Green :

Tramway No. 5 (a single line) one chain in length commencing in Commercial Street by a junction with Tramway No. 1 at a point about twenty-seven yards south of the junction of Commercial Street with Cheapside passing thence across George Street and terminating in that street by a junction with Tramway No. 2 at a point about thirty-seven yards south-west from the commencement of Tramway No. 2 :

All which said tramways will be situate in the township parish and borough of Halifax in the West Riding of the county of York.

6. In addition to any other provisions contained in or made applicable by this Act the following provisions for the protection of the Great Northern and Lancashire and Yorkshire Railway Companies (in this section referred to as "the two Companies") shall have effect (that is to say) :—

For protec-  
tion of Great  
Northern  
and Lanca-  
shire and  
Yorkshire  
Railway  
Companies.

(a) The Corporation shall not unless with the previous consent in writing of the two Companies make any crossings passing places sidings turnout junctions or other works so as to impede access to and from any station goods yard or depôt of the two Companies and shall not stop their tramcars opposite

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or adjoining any of the said stations goods yards or depôts so as to impede the traffic to or from the said stations goods yards or depôts or longer than may be reasonably necessary for the taking up and setting down of passengers :

(b) Any additional expense in the maintenance of the bridge carrying Gibbet Street over the railway of the two Companies or of the roadway on the same or of the approaches thereto occasioned by the construction use and maintenance of the tramways shall be borne by the Corporation :

(c) Notwithstanding anything in this Act or shown on the deposited plans and sections Tramway No. 1 shall commence in Horton Street at its junction with Church Street at a point in line with the face of the buildings on the west side of Church Street.

Inspection  
by Board of  
Trade.

**7.** The tramways shall not be open for public traffic until they have been inspected and certified to be fit for such traffic by the Board of Trade.

Tramways  
to be kept  
on level of  
surface of  
road.

**8.** If and whenever after the passing of this Act the Corporation alter the level of any road along or across which any part of the tramway is laid or authorised to be laid they may and shall alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered.

Provisions  
as to con-  
struction of  
tramways.

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

Gauge of  
tramways.

**10.** The tramways shall be constructed on a gauge of three feet and six inches Provided always that so much of section 34 of the Tramways Act 1870 as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of such



carriage shall not apply to carriages used on the tramways but no carriage or engine used on the tramways shall exceed six feet six inches in width. A.D. 1897.

**11.** The rails of the tramways shall be such as the Board of Trade may approve. As to rails of tramways.

**12.** The Corporation shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways and the sub-structure upon which the same rest and if the Corporation at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues and such penalty shall be a penalty within the meaning of section 56 of the said Act. In case it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the borough that the Corporation have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit 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 Corporation to such penalty or penalties in respect thereof as is or are by this section imposed. Penalty for not maintaining rails and roads.

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

**14.** The Corporation may subject to the provisions of this Act make maintain alter and remove such crossings passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Act as they find necessary or convenient for the efficient working of the tramways or for providing access to any warehouses stables or carriage-houses or works of the Corporation or their lessees or licencees or for or in connection with standing places in any street Power to make additional crossings &c.

A.D. 1897. — contiguous to the tramways or any of them. Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if one-third of the owners or one-third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Corporation within three weeks after receiving from the Corporation notice in writing of their intention express their objection thereto.

Temporary tramways may be made where necessary.

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

Reconstruction of tramways.

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

Application of road materials excavated in construction of works.

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

Period for completion of works.

**18.** The tramways shall be completed within three years from the passing of this Act and on the expiration of that period the powers by this Act granted to the Corporation for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Power to Corporation to work tramways.

**19.—(1.)** Notwithstanding anything in the Tramways Act 1870 to the contrary the Corporation may place or run carriages



on and may work and may demand and take tolls and charges in respect of the tramways and in respect of the use of such carriages and may provide such stables buildings carriages motor cars trucks harness engines machinery apparatus horses steam cable electric and other plant appliances and conveniences as may be requisite or expedient for the convenient working or user of the said tramways by animal or mechanical power. A.D. 1897.

(2.) The Corporation or any company or person using any mechanical power on any of the tramways shall use such system only of mechanical power as shall for the time being be approved of in writing by the Board of Trade and if at any time the Board of Trade are satisfied that the use of such system cannot be continued without danger the Board of Trade may by order direct the Corporation or such company or person to cease to use such system and the Corporation or such company or person shall thereupon cease to use such system and shall not again use the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

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

(4.) Nothing in this section shall empower the Corporation to construct any station for generating electric power nor to create or permit a nuisance.

**20.** The Corporation may demand and take for every passenger travelling upon the tramways or any part or parts thereof including every expense incidental to such conveyance any rates or charges not exceeding one penny per mile and in computing the said rates and charges the fraction of a mile shall be deemed a mile but in no case shall the Corporation be bound to charge a less sum than one penny. Rates for passengers.

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

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Animals  
goods &c.

**22.** The Corporation may demand and take in respect of any animals goods materials articles or things conveyed by them on the tramways including every expense incidental to the conveyance any rates or charges not exceeding the following :—

ANIMALS.

For every horse mule or other beast of draught or burden fourpence per head per mile ;

For every ox cow bull or head of cattle threepence per head per mile ;

For calves pigs sheep and small animals three half-pence per head per mile.

GOODS.

For all coals coke culm charcoal cannel limestone chalk lime salt sand fireclay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways twopence per ton per mile ;

For all iron ironstone iron ore pig iron bar iron rod iron sheet iron hoop iron plates of iron slabs billets and rolled iron bricks slag and stone stones for building pitching and paving tiles slates and clay (except fireclay) and for wrought iron not otherwise specially classed herein and for heavy iron castings including railway chairs two and a half pence per ton per mile ;

For all sugar grain corn flour hides dyewoods earthenware timber staves deals and metals (except iron) nails anvils vices and chains and for light iron castings threepence per ton per mile ;

For cotton wools drugs manufactured goods and all other wares merchandise fish articles matters or things not otherwise specially classed herein fourpence per ton per mile ;

For every carriage of whatever description under one ton in weight tenpence with the additional charge of twopence per quarter of a ton over one ton in weight.

SMALL PACKAGES.

For any parcel not exceeding seven pounds in weight threepence ;

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight fivepence ;



For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight sevenpence; A.D. 1897.

For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight ninepence;

For any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight such sum as the Corporation may think fit:

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

For the carriage of single articles of great weight:—

For the carriage of any iron boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage shall exceed four tons but shall not exceed eight tons such sum as the Corporation may think fit not exceeding one shilling per ton per mile;

For the carriage of any single piece of timber stone machinery or other single article the weight of which with the carriage shall exceed eight tons such sum as the Corporation may think fit.

#### REGULATIONS AS TO RATES.

For the fraction of a ton the Corporation may demand rates according to the number of quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton;

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

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

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

**24.** The Corporation shall not be bound to carry unless they think fit on the tramways any goods animals minerals parcels or other things other than passengers' luggage not exceeding the weight in this Act in that behalf mentioned. Corporation not bound to carry animals goods &c.

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Heavy  
traffic con-  
fined to cer-  
tain hours.

**25.** No goods animals articles or things other than passengers and passengers' luggage and parcels not exceeding fifty-six pounds in weight shall be conveyed on the tramways between the hours of eight in the morning and eight in the evening without the consent of the Corporation.

Cheap fares  
for labouring  
classes.

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

Payment of  
tolls.

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

Periodical  
revision of  
rates and  
charges.

**28.** If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the borough that under the circumstances then existing all or any of the rates and charges demanded and taken in respect of the traffic on the tramways or on such portion of the tramways should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870 and if such referee report that it has been proved to his satisfaction that all or any of such rates and charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any of the rates and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit and thenceforth such order shall be observed until the same is revoked or modified by an order of



the Board of Trade made in pursuance of this section Provided A.D. 1897.  
always that the rates and charges prescribed by any such order  
shall not exceed in amount the rates and charges by this Act  
authorised Provided also that a copy of this section shall be  
annexed to every table or list of rates published or exhibited by  
the Corporation.

**29.** The carriages used on any of the tramways may subject Motive power.  
to the provisions of this Act be moved by animal power or by  
any system of mechanical power specially approved by the Board  
of Trade in writing :

Provided always that the exercise of the powers hereby  
conferred with respect to the use of such mechanical power  
shall be subject to such regulations (herein-after referred to as  
“the prescribed regulations”) which the Board of Trade may and  
which they are hereby empowered to make for securing to the  
public all reasonable protection against danger in the exercise of  
the powers by this Act conferred with respect to the use of such  
mechanical power.

**30.** The Corporation or any company or person using any Penalty for using mechanical power contrary to Act or regulations.  
mechanical power on any of the tramways contrary to the  
provisions of this Act or to any of the prescribed regulations  
shall for every such offence be subject to a penalty not exceeding  
ten pounds and also in the case of a continuing offence to a  
further penalty not exceeding five pounds for every day during  
which such offence continues after conviction thereof Provided  
always that whether any such penalty has been recovered or not the  
Board of Trade in case in their opinion the Corporation or any com-  
pany or person using any mechanical power on the tramways under  
the authority of this Act have or has made default in complying  
with the provisions of this Act or with any of the prescribed  
regulations may by order direct the Corporation or such company  
or person to cease to exercise the powers aforesaid and thereupon  
the Corporation or such company or person shall cease to  
exercise the powers aforesaid and shall not again exercise the  
same or any of the same unless with the authority of the Board  
of Trade and in every such case the Board of Trade shall make  
a special report to Parliament notifying the making of such  
order.

**31.** For the purposes of this Act the expression mechanical Definition of mechanical power and power to generate electricity.  
power shall include steam electrical cable pneumatic gas oil and any  
other mechanical power and for the purposes of working any of  
their tramways the Corporation may erect construct maintain

A.D. 1897. — and use dynamos and other electrical apparatus steam-engines works and buildings and may construct erect lay down make and maintain on above or below the surface of any street road or place posts electric conductors wires apparatus subways tunnels cables tubes and openings and may with the consent of the owner lessee and occupier of any house or building affix to any such house or building and maintain posts brackets electric conductors wires and apparatus.

Restrictions  
on use of  
electric  
power.

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

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

(2.) The Corporation shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances :

(3.) The powers by this Act conferred with respect to the use of electric power shall be exercised only in accordance with the prescribed regulations which shall for the purpose of this section include regulations with respect to the employment of insulated returns or of uninsulated metallic returns of low resistance for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :

(4.) If the Corporation use electric power contrary to the provisions of this Act or to any of the prescribed regulations they shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence continues after conviction thereof Provided always that whether any such penalty has been recovered or not the Board of Trade if in their opinion the Corporation in the use of electric power under the authority of this Act have made default in complying with the provisions of this Act or the prescribed regulations may by order direct the Corporation to cease to use electric power and thereupon the Corporation shall cease to use



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electric power and shall not again use the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order :

(5.) The Corporation shall take all reasonable and proper precautions in constructing placing and maintaining their electric lines circuits and other works of any description and in using their electric lines circuits and other works so as not injuriously to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus Provided always that the Corporation shall be deemed to take all such reasonable and proper precautions as aforesaid if and so long as they adopt and employ at the option of the Corporation either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as the Board of Trade shall direct and in giving such directions the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking Provided also that at the expiration of a period of two years from the passing of this Act nothing in this sub-section shall operate to give any right of action in respect of or to protect any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents If any difference arises between the Corporation and any other party with respect to anything in this sub-section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be :

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

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Power to  
acquire  
patent  
rights.Byelaws by  
Board of  
Trade.

**33.** For the purpose of using mechanical power it shall be lawful for the Corporation to acquire hold and exercise patent and other rights or licences (not being exclusive) relating to motive power or otherwise.

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

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

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

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

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

For providing for the due publicity of all regulations and bye laws in force for the time being in relation to the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere :

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

As to re-  
covery of  
penalties.

**35.** The provisions of the Summary Jurisdiction Acts shall apply to the recovery of any penalty under this Act and to any penalty for non-observance of any regulation or byelaw made by the Board of Trade under the authority of this Act.

Amendment  
of the Tram-  
ways Act  
1870 as to  
byelaws by  
local autho-  
rity.

**36.** The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramway shall not authorise the Corporation to make any byelaw sanctioning a higher rate of speed than that authorised by this Act or by any regulation or byelaw made by the Board of Trade under the authority of this Act at which engines and



carriages are to be driven or propelled on the tramways under the authority of this Act but the Corporation may if they think fit make byelaws under the provisions of the Tramways Act 1870 for restricting the rate of speed to a lower rate than that so prescribed. A.D. 1897.

**37.** All orders and byelaws made and certificates given by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of the Board of Trade. Orders and byelaws to be signed &c.

**38.** No carriages or trucks adapted for use upon railways shall be used upon the tramways. Railway carriages not to be used on tramways.

**39.** The Corporation may at such times and in such manner as they think fit (but subject to the provisions of this Act and to any byelaws for the time being in force with respect to the tramways) use the tramways for sanitary purposes and for the conveyance of scavenging stuffs road metal and other materials required for the works of the Corporation free of all tolls and charges in respect of such use. Corporation may use tramways for sanitary purposes.

**40.** 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. Provisions as to arbitration.

**41.** With respect to notices and to the delivery thereof by or to the Corporation the following provisions shall have effect (that is to say) :— Form and delivery of notices.

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

(2.) Any notice to be delivered by or to the Corporation to or by any local authority or any road authority or other body or company may be delivered by being left at the principal office of that authority body or company or at the town hall in the borough as the case may be or by being sent by post addressed to their respective clerk or secretary at their principal office or to the town clerk at the town hall.

**42.** It shall not be lawful for the Corporation or their lessees or any company or person working or using the tramways to take or demand on Sunday or on any bank or public holiday Prohibiting the raising of fares on Sundays and holidays.

A.D. 1897.      any higher tolls or charges than those levied by them on ordinary  
— week days.

For the pro-  
tection of the  
Postmaster  
General.

**43.** In the event of any tramways of the Corporation being worked by electricity the following provisions shall have effect :—

- (1.) The Corporation shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. If any question arises as to whether the Corporation have constructed their electric lines or other works or work their undertaking in contravention of this sub-section such question shall be determined by arbitration and the Corporation shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator :
- (2.) If any telegraphic line of the Postmaster General is injuriously affected by the construction by the Corporation of their electric lines and works or by the working of the undertaking of the Corporation the Corporation shall pay the expense of all such alterations in the telegraphic lines of the Postmaster General as may be necessary to remedy such injurious affection :
- (3.) — (A.) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster General (other than repairs or the laying of lines crossing the line of the Postmaster General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Corporation or their agents not more than twenty-eight or less than fourteen days before commencing the work shall give written notice to the Postmaster General specifying the course of the line and the nature of the work including the gauge of any wire and the Corporation and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster General for the purpose of preventing any telegraphic line of the Post-



master General from being injuriously affected by the said act or work ; A.D. 1897.

(B.) Any difference which arises between the Postmaster General and the Corporation or their agents with respect to any requirements so made shall be determined by arbitration :

- (4.) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :
- (5.) Provided that nothing in this section shall subject the Corporation or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :
- (6.) For the purposes of this section a telegraphic line of the Postmaster General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :
- (7.) For the purposes of this section and subject as therein provided sections 2, 8, 9, 10, 11, and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Corporation were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section 7 of the Telegraph Act 1878 in relation to the matters mentioned in that section :
- (8.) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :
- (9.) Any question or difference arising under this section which is directed to be determined by arbitration shall be

A.D. 1897.

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 1863 shall apply in like manner as if the Corporation or their agents were a company within the meaning of that Act:

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

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

Lands by  
agreement.

**44.** The Corporation may with the consent of the Local Government Board appropriate and use for the purposes of the tramways undertaking any lands for the time being belonging to the Corporation and forming part of their corporate estates and they may also by agreement purchase take on lease and acquire for the purposes of the said undertaking such lands as they may require and may sell or dispose of any such lands which may not be necessary for such purposes provided that they shall not at any time hold for such purposes more than twelve acres of land but nothing in this Act shall exonerate the Corporation from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon lands appropriated or taken under the powers of this section.

Restriction  
on taking  
houses of  
labouring  
class.

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

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



**46.** The Corporation may from time to time independently of any other borrowing power borrow at interest for the execution of the works by this Act authorised any sum or sums of money not exceeding the sum of twenty thousand pounds and with the approval of the Board of Trade such further sums as may be necessary for the purposes of this Act or otherwise in relation to the tramways undertaking and in order to secure the repayment of moneys so borrowed and the payment of the interest thereon the Corporation may mortgage or charge the borough fund and borough rate and the revenue of the tramways undertaking.

A.D. 1897.

Power to  
borrow.

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

Periods of  
repayment.

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

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

As to moneys borrowed with the approval of the Board of Trade within such period as such Board may think fit to sanction.

**48.** The following sections of the Halifax Corporation Waterworks Act 1888 shall (with the necessary modifications and subject to the provisions of this Act) extend and apply mutatis mutandis to and in relation to the tramways by this Act authorised namely :—

Application  
of sections  
of Halifax  
Corporation  
Waterworks  
Act 1888.

Section 14 (Proceeds of sale of surplus lands to be treated as capital).

Section 34 (Mode of raising moneys).

Section 35 (Provisions of Public Health Act as to mortgages to apply).

Section 37 (Mode of repayment of moneys borrowed on mortgage).

Section 38 (Power to re-borrow).

Section 39 (Protection of lender from inquiry).

Section 40 (As to moneys raised by stock).

Section 41 (Application of money borrowed).

Section 42 (Annual return to Local Government Board with respect to sinking fund).

Section 43 (Saving for existing charges).

A.D. 1897.

Application  
of revenue.

**49.** The Corporation shall keep separate accounts of their receipts and expenditure from or in respect of the tramways undertaking on capital and revenue account and such accounts shall be subject to the same provisions as to audit as the other accounts of the Corporation and the Corporation shall apply all money from time to time received by them in respect of the tramways undertaking except money borrowed and money derived from the sale of surplus lands or other moneys received on capital account as follows (that is to say) :—

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

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

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

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

And the Corporation shall carry to the borough fund and borough rate so much of any balance remaining in any year as may in the opinion of the Corporation not be required for carrying on the tramways undertaking and paying the current expenses connected therewith.

Provision in  
case of de-  
ficiency of  
revenue of  
tramways  
undertaking.

**50.** If in any year the amount of the revenue of the tramways undertaking actual or estimated shall be insufficient for the payment of the charges thereon the deficiency shall be made up out of the borough fund and borough rate by carrying an adequate sum therefrom to the credit of the tramways account and the Corporation in preparing the estimates of the amount required in their judgment to be raised by means of a borough rate for the purposes of the borough shall include therein such sum (if any) as in their judgment is necessary to be provided in aid of any deficiency arising or expected to arise as aforesaid in the revenue of the tramways undertaking.

Provision as  
to general  
Tramway  
Acts.

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



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

A.D. 1897.  
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Expenses of  
Act.

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