



CHAPTER clxxi.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act 1870 relating to Dartford and District Tramways and Dewsbury Corporation Tramways. [18th August 1911.]

A.D. 1911.

WHEREAS under the authority of the Tramways Act 1870 the Board of Trade have made the several Provisional Orders set out in the schedule to this Act annexed:

33 & 34 Vict.
c. 78.

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

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

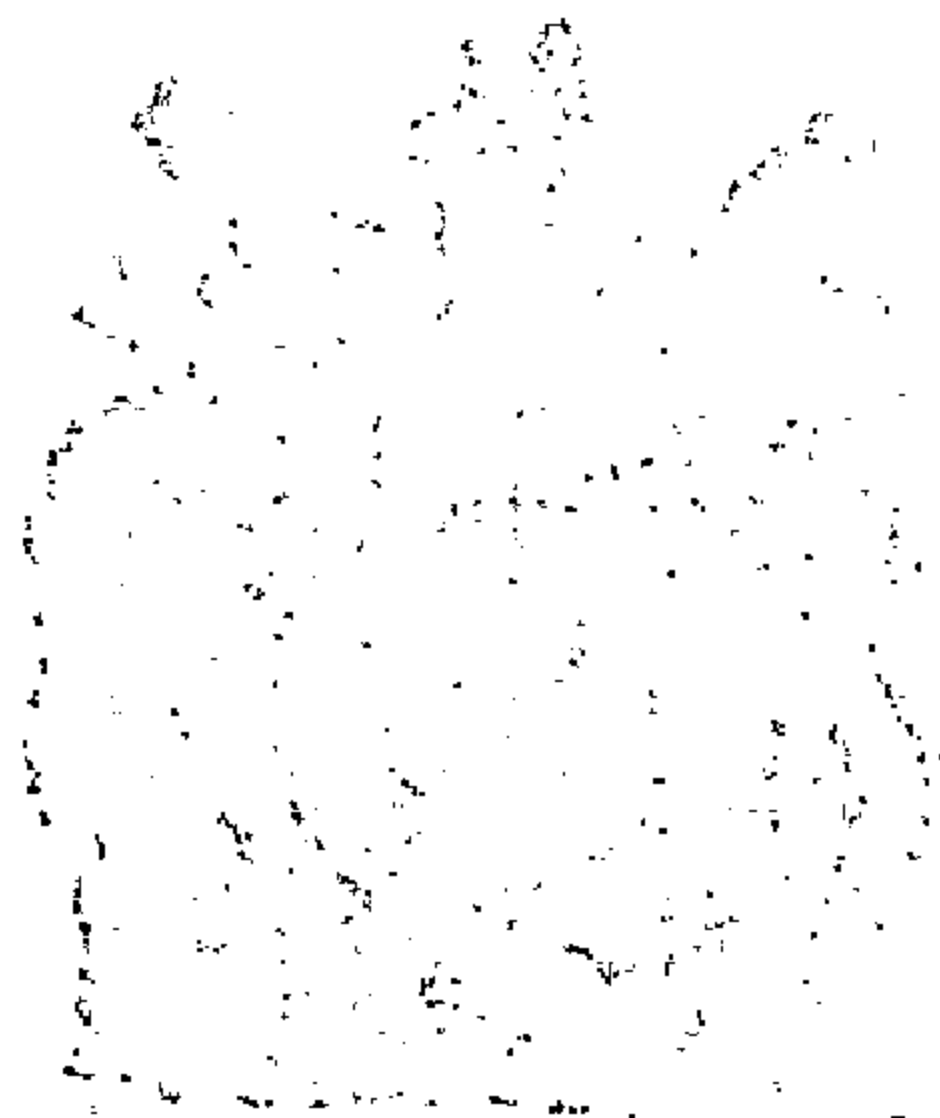
Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. This Act may be cited as the Tramways Orders Confirmation Act 1911.

Short title.

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

Confirmation
of Orders in
schedule.



A.D. 1911.

SCHEDULE.

LIST OF ORDERS.

DARTFORD AND DISTRICT TRAMWAYS.—Order authorising Balfour Beatty and Co. Limited to construct tramways in the Parishes of Stone and Swanscombe in the Rural District of Dartford in the county of Kent and for other purposes.

DEWSBURY CORPORATION TRAMWAYS.—Order authorising the Mayor Aldermen and Burgesses of the Borough of Dewsbury to construct an additional tramway in their borough.

DARTFORD AND DISTRICT.

A.D. 1911.

Order authorising Balfour Beatty and Co. Limited to construct Tramways in the Parishes of Stone and Swanscombe in the Rural District of Dartford in the County of Kent and for other purposes. *Dartford and District.*

Preliminary.

1. This Order may be cited as the Dartford and District Tramways Order 1911. Short title.

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

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

Provided that in this Order—

The expressions “the tramways” and “the undertaking” mean respectively the tramways and works and the undertaking by this Order authorised;

The expression “mechanical power” includes steam electrical and every other motive power not being animal power and the word “engine” includes motor.

Promoters.

4. Balfour Beatty and Co. Limited shall be the Promoters for the purposes of this Order and are in this Order referred to as “the Promoters.” Promoters.

Lands.

5. The Promoters may by agreement from time to time purchase take on lease and acquire for the purposes of the undertaking such lands as they may require and may from time to time sell let or otherwise dispose of any such lands not required for such purposes Provided that they shall not at any time hold for such purposes more than five acres of land Provided also that nothing in this Order shall exonerate the Promoters from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land acquired by them under this section. Lands by agreement.

A.D. 1911.

Construction of Tramways.

*Dartford and
District.
Construction
of tramways.*

6. The Promoters may subject to the provisions of this Order—

- (A) Construct and maintain in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order (which plans and sections are in this Order referred to respectively as “the deposited plans” and “the deposited sections”) the tramways hereinafter described with all proper rails points plates sleepers junctions turntables turnouts weighbridges crossings passing-places works and conveniences connected therewith and for the purposes thereof and may work and use the same ;
- (B) Erect or construct on any lands acquired under the powers of this Order any offices stables sheds carriage engine boiler and dynamo houses and other buildings for the purposes of the undertaking :

Provided that nothing in this Order or in any Act wholly or in part incorporated therewith shall extend to or authorise any interference with any works of any undertakers under the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the Act of 1882 apply except in accordance with and subject to the provisions of that section.

The tramways will be wholly situate within the parishes of Stone and Swanscombe in the rural district of Dartford in the county of Kent and are as follows (that is to say):—

Tramway No. 1 situate wholly in the parish of Stone commencing by a junction with the existing light railways of the Dartford Urban District Council at their termination in the London Road at Horns Cross opposite the Bull Inn continuing thence in an easterly direction along and terminating in the London Road at the point at which that road is crossed by the boundary between the parishes of Stone and Swanscombe near the Railway Inn :

Tramway No. 1 will be laid as a single line except at the following places where it will be laid as a double line (viz.):—

In the London Road—

- (A) Between two points respectively 9·1 chains or thereby and 1 furlong 2·6 chains or thereby measured in an easterly direction from the commencement of the said tramway ;
- (B) Between two points respectively 5·5 chains or thereby and 9 chains or thereby measured in an easterly direction from the centre of the gateway of the lodge of Stone Park on the south side of the London Road ;

[1 & 2 GEO. 5.] *Tramways Orders Confirmation* [Ch. clxxi.]
Act, 1911.

- (c) Between two points respectively fifteen feet or thereby and 8·4 chains or thereby measured in an easterly direction from the east corner of the Smithy on the north side of the London Road ; A.D. 1911:
Dartford and District.
- (d) Between two points respectively 0·6 chain or thereby measured in a westerly direction and 2·9 chains or thereby measured in an easterly direction from the intersection of the centre lines of King Edward Road and the London Road :

The total length of Tramway No. 1 is 5 furlongs 2·8 chains of which 3 furlongs 4·3 chains is single and 1 furlong 8·5 chains is double line.

Tramway No. 2 situate wholly in the parish of Swanscombe commencing by a junction with Tramway No. 1 at its termination hereinbefore described continuing thence in an easterly direction along and terminating in the London Road by a junction with the existing tramways of the Gravesend and Northfleet Electric Tramways Limited at their termination at a point thirty-nine feet or thereby measured in a westerly direction from the intersection of the London Road with Craylands Lane at Swanscombe Cross :

Tramway No. 2 will be laid as a single line except at the following places where it will be laid as a double line (viz.) :—

In the London Road—

- (A) Between two points respectively 1·06 chains or thereby measured in a westerly direction and 5·94 chains or thereby measured in an easterly direction from the intersection of the centre lines of the Avenue and the London Road ;
- (B) Notwithstanding anything shown upon the deposited plans between two points respectively 2·16 chains or thereby and 0·13 chain or thereby measured in a westerly direction from the west garden boundary of the property on the north side of the road known as Ingress House ;
- (c) Between two points respectively 1·06 chains or thereby measured in a westerly direction and 2·44 chains or thereby measured in an easterly direction from the intersection of the centre lines of Knockhall Road and the London Road :

Provided that notwithstanding anything in this Order Tramway No. 2 shall not be laid opposite the said property known as Ingress House so as to leave a less space than 9 feet 6 inches between the nearest rail of the tramway and the outside of the footpath or other

[Ch. clxxi.] *Tramways Orders Confirmation* [1 & 2 GEO. 5.]
Act, 1911.

A.D. 1911. road limit on the north side of the road unless the owner and the occupier of the said property agree in writing to the said tramway being so laid:
Dartford and District.

The total length of Tramway No. 2 is 7 furlongs 1·7 chains of which 5 furlongs 9·17 chains is single and 1 furlong 2·53 chains is double line.

Gauge and width of carriages.

7. The tramways shall be constructed on a gauge of four feet eight and a half inches but carriages and trucks adapted for use on railways shall not be run on the tramways.

Provisions as to construction of tramways.

8. In addition to the requirements of section 26 of the Tramways Act 1870 the Promoters 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 maintaining or renewing any of the tramways lay before the Board of Trade and the road authority a plan showing the proposed mode of constructing laying down maintaining or renewing such tramways and a statement of the materials intended to be used therein and the Promoters shall not commence the construction laying down maintenance or 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 the road authority 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.

For protection of County Council of County of Kent.

9. For the protection of the County Council of the County of Kent (hereinafter in this section called "the county council") the following provisions shall unless otherwise agreed upon in writing between the county council and the Promoters have effect (that is to say):—

(1) If and whenever the distance between the kerbstone or in places where there is no kerbstone then between the outer edge of the metalled portion of the roadway and the nearest rail of the tramway shall in the case of double lines be less than nine feet in width the Company shall at their own expense if and whenever required by the county council so to do and to their reasonable satisfaction pave the intervening space with materials similar to those of the adjacent tramway track:

(2) Any difference between the county council and the Company under this section shall be determined by an engineer to be appointed on the application of either party by the Board of Trade.

[1 & 2 GEO. 5.] *Tramways Orders Confirmation* [Ch. clxxi.]
Act, 1911.

10. Subject to the approval of the Board of Trade and to the provisions of the section of this Order whereof the marginal note is "For protection of County Council of County of Kent" the Promoters shall construct the tramways between Swanscombe Cross and Ingress House where the same are intended to pass the property belonging or reputed to belong to the Associated Portland Cement Manufacturers (1900) Limited with a longitudinal runner sett on each side of each rail with the between track portion and such portion on each side of the track as falls to be kept in repair by the Promoters consisting of road metal or other material similar to that in use on the present roadway.

A.D. 1911.
Dartford and District.
 For protection of Associated Portland Cement Manufacturers (1900) Limited.

11. The Promoters shall not in the construction of Tramway No. 2 interfere with or form a physical junction with the tramways of the Gravesend and Northfleet Electric Tramways Limited except with the consent of that company and in accordance with such plans and on complying with such conditions as may before the commencement thereof be agreed upon between the Promoters and the said company.

For protection of Gravesend and Northfleet Electric Tramways Limited.

12. For the protection of the Wall Paper Manufacturers Limited (hereinafter in this section called "the Company") the following provisions shall unless otherwise agreed upon between the Promoters and the Company have effect (that is to say):—

For protection of Wall Paper Manufacturers Limited.

- (1) The provisions of section 30 of the Tramways Act 1870 except subsection (5) thereof shall apply to the eighteen-inch water main and the six-way vitrified conduit for electric and telephonic cables the property of the Company and presently laid across and under the London Road near the junction thereof with the road known as "Knockhall Chase":
- (2) The Promoters in constructing the tramways shall lay thereunder and maintain to the reasonable satisfaction of the Company a solid bed of concrete supported by steel rails or joists not less than six inches in depth and of such further depth (if any) as may at any point be reasonably required by the Company above and for a distance of seven feet on either side of the said main and conduit and in such manner as will afford reasonable access for the purpose of repairing or renewing such main and conduit by the Company:
- (3) If by reason of the construction maintenance or working of the tramways the supply of water or electricity through the said main or conduit shall be interrupted the Promoters shall make to the Company such reasonable compensation for any loss or damage the Company may thereby sustain

[Ch. clxxi.] *Tramways Orders Confirmation* [1 & 2 GEO. 5.]
Act, 1911.

A.D. 1911:

*Dartford and
District.*

as shall be agreed upon or failing agreement be determined by arbitration as hereinafter provided:

- (4) The consent of the Promoters to the laying of any additional main or conduit by the Company with the consent of the road authority and of the owner of the subsoil across and under the tramways shall not be unreasonably withheld. Provided that for the protection of the Promoters the provisions of section 32 of the Tramways Act 1870 shall apply to any works executed by the Company under this subsection and that the Company shall make good any damage to the tramways arising from the execution of such works and shall compensate the Promoters for any loss incurred by them through any interruption of the traffic on the tramways occasioned by such works:
- (5) Any difference which may arise between the Promoters and the Company under this section shall be referred to and determined by an arbitrator to be agreed upon or failing agreement to be appointed on the application of either the Promoters or the Company by the Board of Trade and the provisions of the Arbitration Act 1889 shall apply to any such reference.

*Rails of
tramways.*

13. The rails of the tramways shall be such as the Board of Trade may approve and the Board of Trade may from time to time upon the application of the local authority or road authority of any district require the Promoters to adopt and apply such improvements in the tramways within such district 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 and the Promoters shall with all reasonable despatch comply with any order made by the Board of Trade for the purpose of carrying out any such improvements.

*Penalty for
not maintain-
ing rails and
road in good
condition.*

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

(2) In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof is situate or by twenty inhabitant ratepayers of such district that the Promoters have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit direct an inspection by an officer to be appointed by the said Board

[1 & 2 GEO. 5.] *Tramways Orders Confirmation* [Ch. clxxi.]
Act, 1911.

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 Promoters to such penalty or penalties in respect thereof as is or are by this section imposed.

A.D. 1911.

Dartford and District.

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

Sanitary authority to have access to sewers.

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

Tramways to be kept on level of surface of road.

17. 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 Promoters shall if and where required by the Board of Trade construct a crossover or crossovers connecting the one tramway with the other and by the means of such crossover or crossovers the traffic shall when necessary be diverted from one tramway to the other.

Crossover roads to be constructed in certain cases.

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

Additional crossover roads &c. may be made where necessary.

(2) Notwithstanding anything shown on the deposited plans the Promoters may with the consent of the Board of Trade 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 the tramways and may with the like consent at any time alter the position in the road of the tramways or any part thereof Provided that the uppermost surface thereof shall be on a level with the surface of the road.

(3) Provided that if in the construction of any such works under this section any rail is intended to be so laid that for a distance of

[Ch. clxxi.] *Tramways Orders Confirmation* [1 & 2 GEO. 5.]
Act, 1911.

A.D. 1911. *Dartford and District.* 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 Promoters shall not less than one month before commencing the works give notice in writing to every owner and occupier of houses shops and 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 Promoters within three weeks after receiving the notice from the Promoters express their objection thereto.

Temporary tramways may be made when necessary.

19. When by reason of the execution of any work affecting the surface or soil of any road along or across the carriageway of which any of the tramways are laid it is in the opinion of the road authority necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Promoters may 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 temporary tramways in lieu of the tramway or part of the tramway so removed or discontinued.

Shelters or waiting-rooms.

20. The Promoters may erect and maintain shelters or waiting-rooms for the accommodation of passengers and may with the consent of the local authority and road authority use for that purpose portions of the public streets or roads.

Application of road materials excavated in construction of works.

21. Any paving metalling or material excavated by the Promoters in the construction of the tramways from any road under the jurisdiction or control of any road authority may be applied by the Promoters 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 within the district of such road authority of so much of the roadway on either side of such tramways as the Promoters are by this Order required to maintain and the Promoters shall if so required deliver the surplus paving metalling or material not used or required to be retained for the purposes aforesaid to the surveyor of such road authority or to such person as he may appoint to receive the same and shall except as otherwise in this Order provided deposit the same at any place pointed out by the surveyor of the road authority within a distance of half a mile from the part of the roadway from which it shall have been excavated Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving metalling or material and notice duly given such surplus is not removed by such surveyor or by some other person named by

him for that purpose such surplus paving metalling or material shall absolutely vest in and belong to the Promoters and shall after such previous period of seven days be removed and disposed of by them within seven days. Provided also that all the above-mentioned materials shall be placed in such positions as the surveyor shall direct so as not to impede or endanger the traffic or persons using the said road. Any difference between the Promoters and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be settled by a referee to be nominated by the Board of Trade on the application of either party.

A.D. 1911.
*Dartford and
District.*

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

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

Motive Power.

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

Provisions as
to motive
power.

(1) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade:

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

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

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

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

(B) that the use of mechanical power as authorised under this Order is a danger to the passengers or the public;

[Ch. clxxi.] *Tramways Orders Confirmation* [1 & 2 GEO. 5.]
Act, 1911.

A.D. 1911.
*Dartford and
District.*

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

Mechanical
power works.

24. For the purpose of working any of the tramways by mechanical power the Promoters may subject to the provisions of this Order—

- (A) Construct provide maintain and use on any lands acquired under the powers of this Order stations for transforming electrical power with all necessary or proper machinery dynamos engines buildings works and conveniences;
- (B) Subject to the reasonable approval of the local and road authority and to such reasonable terms and conditions as those authorities may impose and subject to the approval of the local authority as to the design of works place construct erect lay down make and maintain on in under or over the surface of any street or road posts brackets electric conductors wires boxes apparatus subways tunnels cables tubes and openings;
- (c) With the consent of the owners and occupiers of any houses or buildings affix to such houses or buildings and maintain posts brackets wires and apparatus.

Mechanical
power works
to be subject
to Tramways
Act 1870.

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

Byelaws.

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

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

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

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and

in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety ;

A.D. 1911.

Dartford and District.

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

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

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

27. 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 that so authorised.

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

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

Special pro-
visions as to
use of elec-
trical power.

- (1) The Promoters shall employ either insulated returns or uninsulated metallic returns of low resistance :
- (2) The Promoters shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting 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

[Ch. clxxi.] *Tramways Orders Confirmation* [1 & 2 GEO. 5.]
Act, 1911.

A.D. 1911.

*Dartford and
District.*

currents therein whether such lines do or do not use the earth as a return :

- (4) The Promoters shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Promoters either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking :
- (5) At the expiration of two years from the passing of the Act confirming this Order the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintenance 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 Promoters and any other party with respect to anything hereinbefore in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be :
- (7) In this section the expression "the Promoters" shall include any person owning working or running carriages over any tramways of the Promoters.

Alteration of
telegraph
lines of Post-
master-
General.

29. Notwithstanding anything in this Order contained if any of the works by this Order authorised involves or is likely to involve any alteration of any telegraphic line belonging to or used by His Majesty's Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration.

For protec-
tion of Post
Office tele-
graph lines.

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

- (1) The Promoters shall construct their electric lines and other works of all descriptions and shall work their undertaking in

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

A.D. 1911.
Dartford and
District.

- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Promoters of their electric lines and works or by the working of the undertaking of the Promoters the Promoters shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection :
- (3) 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) the Promoters or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Promoters and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work. Any difference which arises between the Postmaster-General and the Promoters as to any requirements so made shall be determined by arbitration :
- (4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works by this Order authorised is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of any such 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 for the purposes of this Order at any works of the Promoters enter thereon for the purpose of inspecting the plant and the working of the same and the Promoters

[Ch. clxxi.] *Tramways Orders Confirmation* [1 & 2 GEO. 5.]
Act, 1911.

A.D. 1911.

*Dartford and
District.*

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 Promoters pursuant to the Board of Trade regulations :

- (5) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :
- (6) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of 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 Order :
- (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 referred to arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act :
- (11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed

against the Promoters by indictment action or otherwise in relation to any of the matters aforesaid : A.D. 1911.

Dartford and District.

- (12) In this section the expression "the Promoters" includes any person owning working or running carriages over the tramways (or any part thereof) of the Promoters.

31.—(1) It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in which he is authorised to place a telegraph to use for the support of such telegraph any posts and standards (with the brackets connected therewith) erected in any such street or public road by the Promoters in connection with the tramways and to lengthen adapt alter and replace such posts standards and brackets for the purpose of supporting any telegraph and from time to time to alter any telegraph so supported subject to the following conditions:—

Use of tramway posts by Postmaster-General.

- (A) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the tramways :
- (B) The Postmaster-General shall give to the Promoters not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain. Any difference as to any matter referred to in such notice shall be determined as hereinafter provided :
- (C) Unless otherwise agreed between the Postmaster-General and the Promoters the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expense of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the tramways or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Promoters or by any regulations which may from time to time be made by the Board of Trade arising through the exercise by the Postmaster-General of the powers conferred by this section :
- (D) Unless otherwise agreed or in case of difference determined as hereinafter provided all telegraphs shall be attached to the

[Ch. clxxi.] *Tramways Orders Confirmation* [[1 & 2 GEO. 5.]
Act, 1911.

A.D. 1911.

*Dartford and
District.*

posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires. Any difference as to the conditions of attachment shall be determined as hereinafter provided:

(E) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road:

(F) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper condition and state of repair:

(G) The Postmaster-General shall make good to the Promoters and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Promoters their officers or servants:

(H) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Promoters and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Promoters or failing agreement determined as hereinafter provided:

(I) The Promoters shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the tramways or by any accident arising thereon or by the authorised use by the Promoters of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Promoters their officers or servants:

(J) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days' notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket

and pay the Promoters the value of the same Provided that if the Promoters or the body having the control of the street or public road object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as hereinafter provided.

A.D. 1911.
Dartford and District.

(2) Nothing in this section contained shall prevent the Promoters from using their posts standards or brackets for the support of any of their electric wires and apparatus in connection with their tramways or shall take away any existing right of the local authority of using the posts standards or brackets of the Promoters in connection with the lighting of the streets or otherwise Provided that any difference between the Postmaster-General and the local authority in relation to the use of the posts standards or brackets by the Postmaster-General and the local authority respectively shall be determined as hereinafter provided.

(3) All differences arising under this section shall be determined in manner provided by sections 4 and 5 of the Telegraph Act 1878 for the settlement of differences relating to a street or public road.

(4) In this section—

The expression "Promoters" includes their lessees;

The expression "telegraph" has the same meaning as in the Telegraph Act 1869;

Other expressions have the same meaning as in the Telegraph Act 1878.

Traffic upon Tramways.

32. The tramways may be used for the carriage of passengers passengers' luggage and parcels but the Promoters shall not carry any animals goods minerals articles or things other than passengers' luggage and parcels not exceeding two hundred and fifty pounds in weight:

Traffic upon tramways.

Provided that nothing in this section shall be deemed to prevent or prohibit the Promoters from running on the tramways vehicles for the conveyance of materials for the construction alteration maintenance or repair of any of the tramways and the electrical equipment and other apparatus and works connected therewith or of the roadways on which the same are situate or of water for watering the tramways.

33. In case the Promoters carry parcels they may and when required by the local authority shall carry the same in separate carriages or in separate parts of carriages set apart for that purpose Provided that this provision shall not apply to the carriage of passengers' luggage not exceeding twenty-eight pounds in weight.

Provisions as to carriage of parcels.

[Ch. clxxi.] *Tramways Orders Confirmation* [1 & 2 GEO. 5.]
Act, 1911.

A.D. 1911.
Dartford and District.
Agreements with respect to traffic.

34. The Promoters may subject to the provisions of this Order 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 passengers' luggage or parcels and the fixing collection and apportionment of rates charges or other receipts in respect of such traffic.

Rates.

Passengers' fares.

35.—(1) The Promoters may demand and take for every passenger travelling upon the tramways or any part thereof including every expense incidental to such conveyance any rates or charges not exceeding one penny per mile and for this purpose a fraction of a mile shall be deemed a mile.

(2) Provided that the Promoters may appoint stages upon the tramways not less than half a mile in length and may demand and take for every passenger travelling upon the tramways including every expense incidental to the conveyance of such passenger any rates or charges not exceeding one penny for each two stages (or portion of that distance) travelled and for this purpose the fraction of a stage shall be deemed a stage.

As to fares on Sundays and holidays.

36. The Promoters shall not take or demand on Sunday or any public or local holiday any higher rates or charges than those levied by them on ordinary week days.

Passengers' luggage.

37. 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 luggage to be carried by hand and not to occupy any part of a seat nor to be of a form or description to annoy or inconvenience other passengers.

Cheap fares for labouring classes.

38.—(1) The Promoters at all times after the opening of the tramways or any part or parts thereof for public traffic shall and they are hereby required to run a proper and sufficient service of carriages for artisans mechanics and daily labourers each way every morning and every evening (Sundays Christmas Day Good Friday and public holidays always excepted) at such hours not being later than eight in the morning or earlier than five in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one halfpenny for every mile or fraction of that distance On Saturdays the Promoters 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.

[1 & 2 GEO. 5.] *Tramways Orders Confirmation* [Ch. clxxi.]
Act, 1911.

(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 Promoters to provide such service as may appear to the Board to be reasonable.

A.D. 1911.
Dartford and District.

(3) The Promoters 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.

39. With respect to parcels the Promoters may demand and take any rates and charges not exceeding the following (that is to say):—

Rates for parcels.

For any parcel not exceeding seven pounds in weight twopence;

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

For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight sixpence;

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 two hundred and fifty pounds in weight such sum as the Promoters may think fit.

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

Payment of rates.

41. If at any time after three years from the opening for public traffic of the tramways 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 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 or such portion are or is wholly or partially situate or by twenty inhabitant ratepayers of such district or by the Promoters 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 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 reports that it has been proved to his satisfaction that all or any of the rates or charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any of the rates and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit and thenceforth such order shall be observed until the same is revoked

Periodical revision of rates and charges.

[Ch. clxxi.] *Tramways Orders Confirmation* [1 & 2 GEO. 5.]
Act, 1911.

A.D. 1911. or modified by an order of the Board of Trade made in pursuance
Dartford and of this section. Provided always that the rates and charges prescribed
District. by any such order shall not exceed in amount the rates and charges
by this Order authorised. Provided also that a copy of this section
shall be annexed to every table or list of rates published or exhibited
by the Promoters.

Miscellaneous.

As to purchase of
undertaking
by local
authority.

42. Notwithstanding anything in this Order or in the Tramways
Act 1870 contained the powers of purchase given by section 43 of
that Act shall not be exercisable by the local authority of the district
through which the tramways shall pass until the expiration of a period
of forty-two years from the date of this Order. The period of twenty-
one years in the said section mentioned shall in respect of the under-
taking be deemed to be the period of forty-two years from the said
date and the periods of seven years in the said section mentioned shall
be deemed to be periods of seven years subsequent to such period of
forty-two years.

Working
agreements.

43.—(1) Subject to the provisions of this Order the Promoters
may—

(A) Enter into and carry into effect contracts and agreements with
any person authorised (whether expressly or otherwise) to
enter into such contracts or agreements and owning or
working any tramways connecting with any of the tram-
ways of the Promoters with respect to—

(i) the construction and equipment of the tramways
by this Order authorised;

(ii) the formation of junctions between the tramways
and the tramways belonging to such person;

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

(iv) the supply under any agreement for the tramways
of either of the contracting parties being worked and
used by the other of motive power or of engines carriages
and plant necessary for the purpose of such agreement;

(v) the management regulation interchange collection
transmission and delivery of traffic coming from or destined
for the undertakings of the contracting parties;

[1 & 2 GEO. 5.] *Tramways Order's Confirmation* [Ch. clxxi.]
Act, 1911.

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

A.D. 1911.
Dartford and District.

(B) Confirm subject to this section any such contracts and agreements entered into before the confirmation of this Order.

(2) Any contract or agreement under this section shall be submitted to and be subject to the approval of the Board of Trade.

(3) During the continuance of any agreement under this section for the working running over or user by one of the contracting parties of the tramways of the other the tramways of the parties so contracting shall for the purposes of calculating maximum rates and charges or fares in respect of conveyance partly over the tramways of one party and partly over those of the other be considered as one tramway and the maximum charge for conveyance over the tramways of each such party shall be calculated at the maximum rate or fare which would be applicable if the conveyance took place for the entire distance over those tramways only.

(4) In this section the word "tramways" includes light railways and parts of tramways and light railways.

44. The Promoters and any local authority duly authorised to supply electrical energy for the tramways in any district in which any part of the tramways is situate may enter into and carry into effect agreements for or with respect to the supply in such district to the Company by the local authority of such energy for working the tramways and the payments to be made or other consideration to be given in respect of any such supply.

Agreements as to supply of electrical energy.

45. The Promoters and any road authority may subject to the provisions of this Order and with the consent of the Board of Trade from time to time enter into any agreements with respect to the construction maintaining renewing repairing and using of the tramways situated within the district of such road authority and the rails plates sleepers and works connected therewith and the facilitating of the traffic over the same.

Agreements with road authorities.

46. Nothing in this Order or in the Tramways Act 1870 contained shall prevent the Promoters borrowing money on the security of mortgages of the undertaking or shall make the consent or approval of the Board of Trade necessary to the validity or effect of any such mortgage Provided that every mortgage of the undertaking shall be deemed to comprise all purchase money which may be paid to the

Saving as to powers of borrowing on mortgage.

[Ch. clxxi.] *Tramways Orders Confirmation* [1 & 2 GEO. 5.]
Act, 1911.

A.D. 1911. Promoters in the event of a compulsory sale of the undertaking or any part thereof to the local authority under section 43 of the *Dartford and District* Tramways Act 1870 as amended by this Order and that any mortgage granted by the Promoters shall not be a charge upon the undertaking or any part thereof in the event of the undertaking or such part being purchased by the local authority under the said section as so amended and that every mortgage deed granted by the Promoters shall be endorsed with notice to that effect.

Orders &c. of Board of Trade. 47. All orders regulations and byelaws made and consents and certificates given by the Board of Trade under the authority of this Order shall be signed by the secretary or an assistant secretary of the Board and when purporting to be so signed the same shall be deemed to be duly made in accordance with the provisions of this Order and to be orders and regulations within the meaning of the Documentary Evidence Acts 1868 and 1882 and may be proved accordingly.

Recovery of penalties. 48. Any penalty under this Order or under any byelaws or regulations made under this Order may be recovered in manner provided by the Summary Jurisdiction Acts.

Power to hold patents. 49. The Promoters may subject to the provisions of this Order (but only for the purposes of the undertaking and not so as to acquire any exclusive right therein) acquire and hold any patent or other rights and any licences to use patent rights relating to the use of electrical power.

Form and delivery of notices &c. 50. With respect to notices and to the delivery thereof by or to the Promoters the following provisions shall have effect (that is to say):—

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

(2) Any notice to be delivered by or to the Promoters to or by any authority or any person may be delivered by being left at the principal office of the Promoters or of the authority or person as the case may be or by being sent by post in a prepaid letter addressed to the respective secretary or clerk at such principal office.

Provisions as to arbitration. 51. Where under the provisions of the Tramways Act 1870 and this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Arbitration Act 1889 shall unless otherwise provided apply to every such arbitration as if the arbitration were pursuant to a submission.

52. Nothing in this Order contained shall exempt the Promoters or any person using the tramways or the tramways from the provisions of any general Act relating to tramways passed before or after the commencement of this Order or from any future revision or alteration under the authority of Parliament of the maximum rates and charges authorised by this Order.

A.D. 1911.
Dartford and District.
Saving for general Acts.

DEWSBURY CORPORATION.

Order authorising the Mayor Aldermen and Burgesses of the Borough of Dewsbury to construct an additional Tramway in their Borough.

Dewsbury Corporation.

1. This Order may be cited as the Dewsbury Corporation Tramways Order 1911 and the Dewsbury Corporation Tramways Orders 1904 and 1906 and this Order may be jointly cited as the Dewsbury Corporation Tramways Orders 1904 to 1911.

Short and collective titles.

2. The several words terms and expressions to which by the Order of 1904 or the Acts in whole or in part incorporated therewith meanings are assigned have in this Order the same respective meanings Provided that in this Order—

Interpretation.

The expression "the Order of 1906" means the Dewsbury Corporation Tramways Order 1906;

The expression "the Order of 1904" means the Dewsbury Corporation Tramways Order 1904 as incorporated in the Order of 1906;

The expression "the tramway" means the tramway and works authorised by this Order;

The expression "the tramway undertaking" means the tramway undertaking of the corporation so far as the same is authorised by the Order of 1904 the Order of 1906 and this Order.

3. The mayor aldermen and burgesses of the borough of Dewsbury acting by the council shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters."

Promoters.

4. The Promoters may subject to the provisions of this Order construct and maintain in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order (which plans and sections are in this Order referred to respectively as "the deposited plans" and "the deposited sections") the tramway hereinafter described with all proper rails plates sleepers channels junctions turntables turnouts crossings passing-places posts

Construction of tramway.

[Ch. clxxi.] *Tramways Orders Confirmation* [1 & 2 Geo. 5.]
Act, 1911.

A.D. 1911.

Dewsbury Corporation.

poles brackets wires stables carriage-houses engine-houses sheds buildings works and conveniences connected therewith or for the purposes thereof:

Provided that no post or other apparatus shall be erected on the carriageway of any street or road for the purposes of the tramway except with the consent of the Board of Trade:

Provided also that nothing in this Order or in any Act wholly or in part incorporated therewith shall extend to or authorise any interference with any works of any undertakers under the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the Act of 1882 apply except in accordance with and subject to the provisions of that section.

The tramway authorised by this Order will be laid as a double line and will be wholly situate within the borough and is as follows (that is to say):—

A tramway 1 mile 6 furlongs 1·5 chains or thereabouts in length commencing in Wakefield road by a junction with Tramway No. 1 authorised by the Order of 1904 at a point 73 yards or thereabouts from the commencement of that tramway passing along Leeds road and terminating in Leeds road at or near to the point where that road crosses the boundary of the borough.

Application of Order of 1904.

5. Subject to the provisions of this section the provisions of the Order of 1904 and of the Order of 1906 shall so far as the same are applicable and are not inconsistent with the provisions of this Order extend and apply to the tramway in like manner in every respect as if the tramway formed part of the tramways and the undertaking authorised by the Order of 1904 and as if the tramway undertaking had been wholly authorised by the Order of 1904 and for the purpose of such application the expression "the tramways" and "the undertaking" in the said provisions shall be construed to include the tramway as defined by this Order:

Provided always that the following sections of the Order of 1904 shall not extend or apply to the tramway (namely):—

Section 6 Construction of tramways;

Section 8 For protection of frontages in Vicarage Road and Long Causeway;

Section 9 For protection of Lancashire and Yorkshire Railway Company.

For protection of West Riding County Council.

6. The following provisions for the protection of the county council of the West Riding of Yorkshire (in this section called "the county council") shall unless otherwise agreed in writing between the Promoters and the county council apply and have effect with

respect to the tramway by this Order authorised to be constructed on the Leeds and Dewsbury main road (that is to say):—

A.D. 1911.

*Dewsbury
Corporation.*

(1) Before commencing to construct any part of the tramway in the said road the Promoters shall deliver to the county council a plan showing the proposed position thereof in the road. If the county council have any objection to the construction of the tramway in accordance with such plan they shall give notice thereof in writing to the Promoters and any difference arising between them in regard thereto shall be determined as hereinafter provided but if the county council do not give such notice within fourteen days after receiving the said plan they shall be taken to have agreed thereto :

(2) Before constructing the tramway the Promoters shall to the reasonable satisfaction of the surveyor of the county council extend the metalled portion of the carriageway of the road along which the tramway is to be constructed by adding thereto any available roadside waste. Provided that it shall not be necessary to make such extended carriageway of a greater width than thirty-three feet :

(3) The tramway shall be constructed in the said road in such a position as to leave not less than four feet six inches between any building wall or fence and the nearest rail and not less than two feet six inches between the kerb of any footpath and such rail :

(4) The Promoters shall pave the portion of road referred to in section 28 of the Tramways Act 1870 with such granite or other sett paving material as may be reasonably approved by the surveyor of the county council :

(5)—(a) Where any margin of the carriageway less than nine feet in width exists at either side of the tramway track between the edge of such tramway track and the kerb of the footpath or the fence or boundary as the case may be of the said road and the Promoters pave such margin or margins the cost of such paving shall be borne in equal shares by the Promoters and the county council ;

(b) The county council may require by written notice to be given within two years from the commencement of this Order that such paving shall be executed by the Promoters within a time to be specified in the notice (not being less than eighteen months after the completion of the tramway or the part thereof in respect of which such paving is required as aforesaid) and the cost thereof shall be borne as hereinbefore provided ;

[Ch. clxxi.] *Tramways Orders Confirmation* [1 & 2 GEO. 5.]
Act, 1911.

A.D. 1911.

*Dewsbury
Corporation.*

- (c) The said portions of the road so paved as aforesaid shall thereafter be maintained by the authority liable for the maintenance of main roads in the borough;
- (d) "Tramway track" means so much of the road whereon the tramway is laid as lies between the rails of the tramway and (where double lines are laid) the portion of the road between each tramway and in every case so much of the road as extends eighteen inches beyond the rails of and on each side of the tramway:
- (6) Where the gradient of the said road is one in sixteen or steeper any paving to be executed by the Promoters in pursuance of this section shall if so required by the county council be a non-slippery material reasonably approved by the said surveyor:
- (7) The Promoters shall put down at their own cost at such places along the tramway as may be necessary suitable grids or drains and drain boxes to prevent the accumulation of water on the tramway:
- (8) If in consequence of the construction existence or user of the tramway it becomes necessary to raise strengthen or reconstruct with suitable foundations any portion of the said road whether metalled or unmetalled at the sides of the tramway or to adjust in level or otherwise any such portions of the roads or any footpath or other work or to strengthen any retaining wall the cost of executing such work shall be borne by the Promoters:
- (9) If any difference arises between the Promoters and the county council under this section such difference shall be determined by the Board of Trade or by an arbitrator to be appointed by that Board.

For protection of
Postmaster-
General.

7. Notwithstanding anything in this Order contained if any of the works by this Order authorised involves or is likely to involve any alteration of any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply to any such alteration and in case any such alteration is made a telegraphic line of the Postmaster-General shall not be altogether removed from any highway (including the unmetalled or waste land by the side of the highway) without his consent.

Use of tram-
way posts by
Postmaster-
General.

8.—(1) It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in which he is authorised to place a telegraph to use for the support of such telegraph

any posts and standards (with the brackets connected therewith) erected in any such street or public road by the Promoters in connection with the tramway and to lengthen adapt alter and replace such posts standards and brackets for the purpose of supporting any telegraph and from time to time to alter any telegraph so supported subject to the following conditions:—

A.D. 1911.

*Dewsbury
Corporation.*

- (A) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the tramway:
- (B) The Postmaster-General shall give to the Promoters not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain Any difference as to any matter referred to in such notice shall be determined as hereinafter provided:
- (C) Unless otherwise agreed between the Postmaster-General and the Promoters the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expense of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the tramway or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Promoters or by any regulations which may from time to time be made by the Board of Trade arising through the exercise by the Postmaster-General of the powers conferred by this section:
- (D) Unless otherwise agreed or in case of difference determined as hereinafter provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires Any difference as to the conditions of attachment shall be determined as hereinafter provided:
- (E) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near the centre of any street or public road:
- (F) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of

[Ch. clxxi.] *Tramways Orders Confirmation* [1 & 2 GEO. 5.]
Act, 1911.

A.D. 1911.

*Dewsbury
Corporation*

this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper condition and state of repair:

(g) The Postmaster-General shall make good to the Promoters and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Promoters their officers or servants:

(h) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Promoters and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Promoters or failing agreement determined as hereinafter provided:

(i) The Promoters shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the tramway or by any accident arising thereon or by the authorised use by the Promoters of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Promoters their officers or servants:

(j) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket the Postmaster-General shall upon receiving twenty-eight days' notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the Promoters the value of the same. Provided that if the Promoters or the body having the control of the street or public road object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as hereinafter provided.

(2) Nothing in this section contained shall prevent the Promoters from using their posts standards or brackets for the support of any

[1 & 2 GEO. 5.] *Tramways Orders Confirmation* [Ch. clxxi.]
Act, 1911.

of their electric wires and apparatus whether in connection with the tramway or other municipal undertakings or shall take away any existing right of the Promoters of permitting the use by any company or person of their posts standards or brackets in connection with the lighting of the streets or otherwise Provided that any difference between the Postmaster-General and such company or person in relation to the use of the posts standards or brackets by the Postmaster-General and such company or person respectively shall be determined as hereinafter provided.

A.D. 1911.
—
*Dewsbury
Corporation.*

(3) All differences arising under this section shall be determined in manner provided by sections 4 and 5 of the Telegraph Act 1878 for the settlement of differences relating to a street or public road.

(4) In this section—

The expression "Promoters" includes their lessees ;

The expression "telegraph" has the same meaning as in the Telegraph Act 1869 ;

Other expressions have the same meaning as in the Telegraph Act 1878.

Printed by EYRE and SPOTTISWOODE, Ltd.,

FOR

ROWLAND BAILEY, Esq., C.B., M.V.O., the King's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
WYMAN AND SONS, LTD., FETTER LANE, E.C. ; or
OLIVER AND BOYD, TWEEDDALE COURT, EDINBURGH ; or
E. PONSONBY, LTD., 116, GRAFTON STREET, DUBLIN.

