

**CHAPTER lxxxii.**

An Act for conferring further powers upon the urban district council of Handsworth with reference to their tramway undertaking to authorise the construction of new streets and widenings and for other purposes.

A.D. 1911.

[18th August 1911.]

WHEREAS the urban district of Handsworth in the county of Stafford (in this Act called "the district") is under the jurisdiction of the urban district council of Handsworth (in this Act called "the Council"):

And whereas the Council have by virtue of the several Acts and Orders relating to tramways in the district and the Handsworth Urban District Council Act 1901 (in this Act referred to as "the Act of 1901") purchased and now own the tramway undertaking in the district and it is expedient that new tramways should be constructed therein for the purpose of connecting and extending the existing tramways of the Council and that all necessary powers for that purpose should be conferred upon the Council:

And whereas it is expedient that the Council should be empowered to construct the new streets and street widenings within the district and to acquire the lands in this Act respectively mentioned or referred to:

And whereas estimates have been prepared by the Council in relation to the following purposes in respect of which they are by this Act authorised to borrow money and such estimates are as follows:--

For the purchase of lands for and for the construction of the new streets and widenings by this Act authorised	-	-	-	-	£17,000
[Price 3s. 6d.]	A				1

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For the construction and equipment of the
tramways by this Act authorised - - £67,500

And whereas the several works included in such estimates respectively are permanent works and it is expedient that the cost thereof should be spread over a term of years:

And whereas by the Local Government Board's Provisional Order Confirmation (No. 13) Act 1911 it is provided that from and after the ninth day of November one thousand nine hundred and eleven the district shall be added to and form part of the city of Birmingham and it is expedient that provision should be made as in this Act contained for empowering the lord mayor aldermen and citizens of the city of Birmingham from and after such date to exercise the powers of this Act or some of them:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

And whereas plans and sections showing the lines and levels of the proposed works authorised by this Act and a book of reference to the plans containing the names of the owners or reputed owners and lessees or reputed lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Stafford which plans sections and book of reference are in this Act respectively referred to as the deposited plans sections and book of reference:

And whereas an absolute majority of the whole number of the Council at a meeting held on the second day of December one thousand nine hundred and nine after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the *Handsworth Chronicle* a local newspaper published and circulating in the district (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 funds rates and revenues of the Council:

And whereas the said 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 A.D. 1911.
pursuance of a similar notice on the fifth day of January one
thousand nine hundred and ten being not less than fourteen
days after the deposit of the Bill in Parliament:

And whereas in relation to the promotion of the Bill for
this Act the requirements contained in the First Schedule to
the Borough Funds Act 1903 have been observed:

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

PART I.

PRELIMINARY.

1. This Act may be cited as the Handsworth Urban District Short title.
Council Act 1911.

2. This Act is divided into Parts as follows:—

Act divided
into Parts.

Part I.—Preliminary.

Part II.—New streets and widenings.

Part III.—Tramways.

Part IV.—General provisions as to lands and works.

Part V.—Finance.

Part VI.—Miscellaneous.

3. The Lands Clauses Acts (except section 127 of the Incorporation of general Acts.
Lands Clauses Consolidation Act 1845) and section 3 (Interpre-
tation of terms) 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 incor-
porated with and form part of this Act.

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

Terms to which meanings are assigned by enactments
incorporated with this Act or which have therein
special meanings have in this Act and for the purposes
of this Act the same respective meanings;

“The clerk” means the clerk duly appointed by the Council;

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“The district fund” and “the general district rate” respectively mean the district fund and the general district rate of the district;

“The tramway undertaking” means the tramway undertaking of the Council for the time being authorised;

“The tramways” means the tramways by this Act authorised;

“The Council’s tramways” includes the tramways by this Act authorised and any tramways for the time being belonging or demised to or worked or run over by the Council;

“Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government Department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

“Revenues of the Council” includes the revenues of the Council from time to time arising from any land undertakings or other property for the time being of the Council and rates or contributions leviable by or on the order or precept of the Council.

PART II.

NEW STREETS AND WIDENINGS.

Power to
construct
new streets
and widen-
ings.

5. Subject to the provisions of this Act the Council may wholly in the district and in the lines and situation and upon the lands in that behalf delineated on the deposited plans and sections and described in the deposited book of reference make and maintain the new streets and widenings hereinafter described together with all proper works and conveniences connected therewith (that is to say):—

Work No. 1. A new street commencing at the junction of Soho Road and Villa Road and terminating in Rose

Hill Road at a point 2 chains or thereabouts south of the south side of Ivy Road: A.D. 1911.

Work No. 2 A widening of Saint Michael's Road on the north-west side thereof between Soho Road and a point 2·3 chains or thereabouts west of the existing corner of Soho Road and Saint Michael's Road:

Work No. 3 A new street commencing at the junction of Grove Lane and Church Lane and terminating in Grove Lane at a point 2·1 chains or thereabouts measured in a south-easterly direction from the junction of Grove Lane and Antrobus Road:

Work No. 4 A widening of Villa Road and Heathfield Road on the north-west sides thereof between a point 9 chains or thereabouts south-west of the west side of Heathfield Avenue and a point 0·3 chain or thereabouts east of the east side of that avenue:

Work No. 5 A widening of Heathfield Road on the north-west side thereof between points 0·6 chain or thereabouts on either side of the junction of Saint Peter's Road and Heathfield Road:

Work No. 6 A widening of Heathfield Road on the north side thereof between a point 2·4 chains or thereabouts west of the west side of Birchfield Road and Birchfield Road:

Work No. 7 A widening of Heathfield Road on the south-east side thereof between a point opposite the western side of Heathfield Avenue and a point 1 chain or thereabouts west of the west side of Finch Road:

Work No. 8 A widening of Hamstead Road on the east side thereof between points 0·5 chain or thereabouts on either side of the junction of Weston Road and Hamstead Road:

Work No. 9 A widening of Rookery Road on the west side thereof between a point 0·1 chain or thereabouts south of the south side of Trafalgar Road and Regent Road:

Work No. 10 A widening of Rookery Road on the west side thereof from Soho Road to a point 0·12 chain or thereabouts north of the north side of Soho Road:

A.D. 1911.

Work No. 11 A widening of Rookery Road on the east side thereof between Soho Road and Albert Road :

Work No. 12 A widening of Murdock Road on the west side thereof between a point 1 chain or thereabouts south of the south side of Albert Road and Albert Road :

Work No. 13 A widening of Albert Road on the south side thereof from Murdock Road for a distance of 1 chain or thereabouts in a westerly direction :

Work No. 14 A widening of Albert Road on the north side thereof between a point opposite the centre of Murdock Road and Rookery Road :

Work No. 15 A widening of Rookery Road on the west side thereof between a point 4·2 chains or thereabouts north of the north side of Aylesford Road and Newcombe Road :

Work No. 16 A widening of Rookery Road on the east side thereof between a point 2 chains or thereabouts south of the junction of Rookery Road and Oxhill Road and Oxhill Road :

Work No. 17 A widening of Oxhill Road on the north side thereof between points respectively 2 chains or thereabouts and 0·5 chain or thereabouts west of the western side of College Road :

Work No. 18 A widening of Grove Lane on the east side thereof between a point 7 chains or thereabouts north of the northern side of Hinstock Road and Hinstock Road :

Work No. 19 A widening of Grove Lane on the east side thereof between Holly Road and Mostyn Road :

Work No. 20 A widening of Grove Lane on the east side thereof between Union Row and Soho Road :

And the Council may maintain plant replant and renew trees shrubs and plants on the lands lying between the said new street (Work No. 3) and Grove Lane.

Limits of deviation for new streets and widenings.

6. In the construction of the works authorised by this Part of this Act the Council may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plan thereof respectively and may deviate vertically

from the levels shown on the deposited section thereof respectively to any extent not exceeding two feet upwards and two feet downwards. A.D. 1911.

7. In constructing the works by this Part of this Act authorised or any of them the Council may raise sink or otherwise alter the position of any sewer drain water pipe or gas pipe belonging to or connected with any building adjoining or near to the said works and also any main or other pipe laid down or used for carrying a supply of water or gas and also any pipe tube cable wire or other conductor or apparatus laid down for the conduct of electricity for any purpose and may remove any other obstruction to the convenient execution of the said works causing as little detriment and inconvenience as circumstances will admit and making compensation for all damage loss cost and expenses caused by or in consequence of such alteration Provided that nothing in this section shall authorise any interference with electric lines and works of any undertakers under the Electric Lighting Acts 1882 to 1909 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section Provided further that the Council shall not raise sink or otherwise alter the position of any pipe tube wire cable conductor or other apparatus belonging to or used by His Majesty's Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

Power to
alter sewers
gas and
water pipes
&c.

8. The Council may stop up and cause to be discontinued so much of Rose Hill Road as lies between the termination of the new street Work No. 1 by this Act authorised and Soho Road but such stopping up shall not take place until the said new street is completed to the satisfaction of the Council and is open for public use As and from the completion and opening for public use of the said new street all rights of way over or along the said existing portion of Rose Hill Road shall be extinguished and the Council may appropriate and use the site of the portion of road stopped up:

Power to
stop up
portion of
Rose Hill
Road.

Provided that the Council shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

A.D. 1911.

Power to
stop up
footpath at
Grove Lane.

9. The Council may stop up and cause to be discontinued the footpath leading from Grove Lane to Hinstock Road between a point seven chains or thereabouts measured in a north-westerly direction along Grove Lane from the junction of Grove Lane and Hinstock Road and a point one furlong one chain or thereabouts measured in a north-easterly direction along Hinstock Road from the said junction of Grove Lane and Hinstock Road but such stopping up shall not take place until a new road between Grove Lane and Hinstock Road is completed to the satisfaction of the Council and is open for public use. As and from the completion and opening for public use of the said new road all rights of way over or along the said footpath shall be extinguished:

Provided that the Council shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

PART III.

TRAMWAYS.

Power to
construct
tramways.

10. Subject to the provisions of this Act the Council may wholly in the district make form lay down work use and maintain the tramways hereinafter described in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates works and conveniences connected therewith. Provided that nothing in this Act shall authorise any interference with electric lines and works of any undertakers under the Electric Lighting Acts 1882 to 1909 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

The tramways hereinbefore referred to and authorised by this Act are—

Tramway No. 1 (1 mile 0 furlongs 5.45 chains or thereabouts in length whereof 1 mile 0 furlongs 0.3 chain or thereabouts will be double line and 0 miles 0 furlongs 5.15 chains or thereabouts will be single line)

commencing in Soho Hill at or near the junction of Hamstead Road with Soho Hill by a junction with the Council's tramways in Soho Hill passing thence into and along Hamstead Road Villa Road Heathfield Road and Birchfield Road and terminating in such last-mentioned road by a junction with the Council's tramways therein at a point 0·5 chain or thereabouts north of the north side of Heathfield Road: A.D. 1911.

Tramway No. 1A (double line 0 miles 0 furlongs 2·3 chains or thereabouts in length) commencing in Villa Road by a junction with Tramway No. 1 at a point 1·7 chains or thereabouts west of the junction of Villa Road and Barker Street passing thence along Villa Road and Lozells Road and terminating in the latter road at the boundary of the district 0·6 chain or thereabouts from the junction of Lozells Road and Barker Street:

Tramway No. 2 (1 furlong 8·0 chains or thereabouts in length whereof 7·4 chains or thereabouts will be double line and 1 furlong 0·6 chain or thereabouts will be single line) commencing in Soho Road at or near the junction of Villa Road and Soho Road by a junction with the Council's tramways in Soho Road passing thence into and along Villa Road and terminating at or near the junction of Villa Road and Hamstead Road by a junction with Tramway No. 1:

Tramway No. 2A (double line 1·5 chains or thereabouts in length) commencing in Soho Hill at a point 1·5 chains or thereabouts from the junction of Villa Road and Soho Hill by a junction with the Council's tramways in Soho Hill passing thence into and terminating in Villa Road at a point 1·4 chains or thereabouts from the junction of Villa Road and Soho Hill by a junction with Tramway No. 2:

Tramway No. 3 (0 miles 5 furlongs 6·8 chains or thereabouts in length whereof 0 miles 2 furlongs 7·9 chains or thereabouts will be double line and 0 miles 2 furlongs 8·9 chains or thereabouts will be single line) commencing in Soho Road at or near the junction of Rookery Road and Soho Road by a junction with the Council's tramways in Soho Road passing thence into and along Rookery Road and Oxhill Road and terminating in Oxhill Road

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by a junction with Tramway No. 4 and Tramway No. 8 at a point 1·5 chains or thereabouts eastward of the junction of Rookery Road and Oxhill Road :

Tramway No. 3A (0 miles 3 furlongs 1·0 chain or thereabouts in length whereof 0 miles 1 furlong 5·2 chains or thereabouts will be double line and 0 miles 1 furlong 5·8 chains or thereabouts will be single line) commencing in Soho Road at or near the junction of Murdock Road and Soho Road by a junction with the Council's tramways in Soho Road passing thence into and along Murdock Road Albert Road and Rookery Road and terminating in such last-mentioned road by a junction with Tramway No. 3 at a point 0·8 chain northward of the junction of Albert Road and Rookery Road :

Tramway No. 4 (double line 0 miles 1 furlong 6·8 chains or thereabouts in length) commencing in Oxhill Road at a point 1·5 chains or thereabouts from the junction of Rookery Road and Oxhill Road by a junction with Tramway No. 3 and Tramway No. 8 passing thence along Oxhill Road and terminating in that road by a junction with Tramway No. 5 and Tramway No. 5A at a point 0·8 chain or thereabouts from the junction of Grove Lane and Oxhill Road :

Tramway No. 5 (0 miles 4 furlongs 9·5 chains or thereabouts in length whereof 0 miles 3 furlongs 4·0 chains or thereabouts will be double line and 0 miles 1 furlong 5·5 chains or thereabouts will be single line) commencing in Oxhill Road at a point 0·8 chain or thereabouts from the junction of Oxhill Road and Grove Lane by a junction with the southern track of Tramway No. 4 passing thence into and along Grove Lane and terminating in that lane by a junction with Tramway No. 6 and Tramway No. 7 at a point 0·6 chain or thereabouts northward of the junction of Mostyn Road and Grove Lane :

Tramway No. 5A (single line 0 miles 1 furlong 6·6 chains or thereabouts in length) commencing in Oxhill Road at the point of commencement of Tramway No. 5 by a junction with the northern track of Tramway No. 4 passing thence into and along the new street Work

No. 3 by this Act authorised and Grove Lane and terminating in Grove Lane by a junction with Tramway No. 5 at a point 2·1 chains or thereabouts south-east of the junction of Grove Lane and Antrobus Road: A.D. 1911.

Tramway No. 6 (single line 0 miles 1 furlong 5·75 chains or thereabouts in length) commencing in Grove Lane at a point 0·6 chain or thereabouts north of the junction of Mostyn Road and Grove Lane by a junction with the western track of Tramway No. 5 passing thence along Grove Lane and Soho Road and terminating in that road by a junction with the Council's tramways therein at a point 0·8 chain or thereabouts eastward of the junction of Grove Lane and Soho Road:

Tramway No. 7 (single line 0 miles 2 furlongs 0·7 chain or thereabouts in length) commencing in Grove Lane at the point of commencement of Tramway No. 6 by a junction with the eastern track of Tramway No. 5 passing thence into and along Mostyn Road and Stafford Road and Soho Road and terminating in Soho Road by a junction with the Council's tramways at a point 0·8 chain or thereabouts eastward of the junction of Stafford Road and Soho Road:

Tramway No. 8 (double line 0 miles 1 furlong 6·0 chains or thereabouts in length) commencing in Oxhill Road at the point of termination of Tramway No. 3 passing thence into and along Stockwell Road and terminating in that road at a point 1 chain or thereabouts south of the junction of Stockwell Road and College Road:

Tramway No. 9 (double line 0 miles 0 furlongs 1·5 chains or thereabouts in length) commencing in Rookery Road at a point 0·7 chain or thereabouts southward of the junction of Rookery Road and Oxhill Road by a junction with Tramway No. 3 passing thence into Stockwell Road and terminating therein by a junction with Tramway No. 8 at a point 0·9 chain or thereabouts northward of the junction of Oxhill Road and Stockwell Road.

11.—(1) Notwithstanding anything contained in this Act or shown upon the deposited plans and sections the Council shall not except with the approval of the Board of Trade open for traffic as a double line so much of Tramway No. 1 by this Act Certain widenings to be completed before tramways opened.

A.D. 1911. authorised as is situate in Heathfield Road unless and until they have completed the widenings (Works Nos. 4 6 and 7) of that road by this Act authorised except—

- (A) So much of the said widening (Work No. 4) as lies to the east of Heathfield Avenue ;
- (B) So much of the said widening (Work No. 4) as extends into Heathfield Avenue on the west side thereof and is at a greater distance than six feet nine inches from the north-west side of Heathfield Road as now existing ; and
- (C) So much of the said widening (Work No. 7) as extends into Mayfield Road and is at a greater distance than two feet seven inches from the south-east side of Heathfield Road as now existing.

(2) Notwithstanding anything contained in this Act or shown upon the deposited plans and sections the Council shall not except with the approval of the Board of Trade open for traffic any portion of any tramway (other than Tramway No. 1) by this Act authorised unless and until they have completed the widenings by this Act authorised of the part of the road in which that portion of tramway is situate except—

- (A) So much of the widening (Work No. 9) as is situate at the corners of Trafalgar Road and Rookery Road ;
- (B) So much of the said widening (Work No. 9) as extends into Oakland Road and is at greater distance than forty-four feet from the east side of Rookery Road as now existing ;
- (C) So much of the widening (Work No. 11) as is situate at the corners of Warstone Terrace ;
- (D) So much of the said widening (Work No. 11) as extends into Alfred Road on its south side and is at a greater distance than six feet two inches from the east side of Rookery Road as now existing ;
- (E) So much of the said widening (Work No. 11) as extends into Alfred Road on its north side and is at a greater distance than eight feet from the east side of Rookery Road as now existing ;

(F) So much of the said widening (Work No. 11) as extends into Albert Road on the south side thereof and is at a greater distance than four feet seven inches from the east side of Rookery Road as now existing; A.D. 1911.

(G) The widening (Work No. 17); and

(H) So much of the widening (Work No. 19) as extends into Osborne Road Leyton Road and Holly Road and is at a greater distance than two feet two inches from the east side of Grove Lane as now existing.

12. If the tramways be not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Council for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed. Period for completion of tramways.

13. The provisions contained in the sections of the Act of 1901 the numbers and marginal notes of which are set forth in this section are so far as applicable hereby incorporated with this Act and this Act shall be read and construed as if those provisions had been expressly re-enacted herein (that is to say):— Incorporation of certain provisions of Part II. (Tramways) of Act of 1901.

Section 7 (Temporary tramways to be made where necessary);

Section 8 (Junctions with tramways which can be worked in connection with Council's tramways);

Section 10 (Council may reduce width of footways);

Section 11 (Provisions as to motive power);

Section 12 (Special provisions as to use of electrical power);

Section 13 (Power to adapt tramways for use by mechanical power);

Section 14 (Power to attach brackets &c. to buildings);

Section 15 (Mechanical power works to be subject to Section 30 of Tramways Act 1870);

Section 16 (Agreements for working &c.);

Section 17 (Power to Council to work tramways);

Section 18 (As to fares on Sundays and holidays);

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- Section 19 (Cheap fares for labouring classes);
Section 22 (Orders &c. of Board of Trade);
Section 27 (Power to use omnibuses); and
Section 28 (Power to hold patent rights).

Power to
make addi-
tional cross-
overs and
to double
tramway
lines.

14.—(1) The Council may subject to the provisions of this Act with the consent of the Board of Trade make maintain alter and remove such cross-overs 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 Council.

(2) Notwithstanding anything shown on the deposited plans the Council 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 any of the tramways and may with the like consent at any time alter the position in the road of any of the tramways or any part thereof.

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

As to elec-
trical works
&c.

15. The Council may in under or over the surface of the streets or roads in which the Council's tramways are or will be situate or in which it may be necessary so to do in order to connect the said tramways with any generating station depôt or car-shed construct lay down erect maintain renew and repair electric wires conductors posts tubes boxes and other electrical apparatus and may make, and maintain openings and ways for the purpose of working the tramways by electrical power and

may for that purpose subject to the provisions contained in Part II. of the Tramways Act 1870 and to the provisions of this Act open and break up any such street or road and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder Provided that no post or other apparatus shall be erected on the carriageway except with the consent of the Board of Trade. A.D. 1911.

16.—(1) The tramways shall be constructed on a gauge of three feet six inches or such other gauge as may from time to time be approved by the Board of Trade but carriages or trucks adapted to run on railways shall not be run thereon. Gauge of tramways.

(2) In the event of the tramways being constructed on a less gauge than four feet eight and a half inches so much of section 34 of the Tramways Act 1870 as limits the extent of the carriage used on any tramway beyond the edge of the wheels of such carriage shall not apply to carriages used on the tramways but no carriage or engine shall exceed six feet three inches in width or such other width as may from time to time be prescribed by the Board of Trade.

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

18. In addition to the requirements of section 26 of the Tramways Act 1870 the Council shall lay before the Board of Trade a plan showing the proposed mode of constructing laying down and renewing the tramways and a statement of the materials intended to be used therein and the Council shall not commence the construction laying down and renewal of any of the tramways or part of any of the tramways respectively 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. Plan of proposed mode of construction.

19.—(1) The Council 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 Council's tramways and the sub-structure upon which the same rest and if the Council at any time fail to comply with this provision or with the provisions of section 28 of the Tramways Act 1870 they shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding five pounds. Penalty for not maintaining rails and roads.

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(2) In case it is represented in writing to the Board of Trade by the road authority of any district in which the Council's tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of such district that the Council 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 the officer reports 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 Council to such penalty or penalties in respect thereof as is or are by this section imposed.

Tramways
to be kept
on level of
surface of
road.

20. If and whenever after the passing of this Act any road authority alters the level of any road along or across which any part of the tramways is laid or authorised to be laid the Council 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.

Inspection
by Board of
Trade.

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

For protec-
tion of
Postmaster-
General.

22.—(A) Notwithstanding anything in the Act of 1901 or in this Act contained if any of the works authorised to be executed by the Act of 1901 or by this Act involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration.

(B) In the event of any of the Council's tramways being worked by electricity the following provisions shall have effect:—

(1) The Council shall construct their electric lines and other works of all descriptions and shall work the tramway 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 the tramway 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 Council as to compliance with this subsection shall be determined by arbitration:

- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Council of their electric lines and works or by the working of the tramway undertaking the Council 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 Council's tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Council 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 Council 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 Council as to any requirement so made shall be determined by arbitration:
- (4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Council is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Council's works or to the working of the tramway 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

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being generated by the Council enter any of the Council's works for the purpose of inspecting the Council's plant and the working of the same and the Council 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 Council pursuant to the Board of Trade regulations:

- (5) In the event of any contravention of or wilful non-compliance with this section by the Council or their agents the Council 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 Council or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice:
- (7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work:
- (8) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act:

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

(10) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 (both inclusive) of the Regulation of Railways Act 1868 shall apply in like manner as if the Council 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 Council by indictment action or otherwise in relation to any of the matters aforesaid:

(12) In this section the expression "the Council" includes their lessees and any person owning working or running carriages on any of the Council's tramways:

(13) Section 20 (For protection of Postmaster-General) of the Act of 1901 is hereby repealed.

23.—(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 Council 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 Council 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

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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 Council 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 Council 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 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 Council 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 Council their officers or servants: A.D. 1911.

(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 Council 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 Council or failing agreement determined as hereinafter provided:

(I) The Council 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 Council of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Council 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 Council the value of the same Provided that if the Council 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 Council from using their posts standards or brackets for the support of any of their electric wires and apparatus whether

A.D. 1911: in connection with their tramways or other municipal undertakings or shall take away any existing right of the Council 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.

(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 "the Council" 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.

For protection of
Birmingham
Corporation.

24. Notwithstanding anything contained in this Act the following provisions for the protection and benefit of the lord mayor aldermen and citizens of the city of Birmingham (in this section called "the corporation") shall except in so far as may be otherwise agreed between the corporation and the Council apply and have effect in addition to any other provisions for their protection contained in this Act or in the enactments incorporated therewith (that is to say):—

(1) In this section the expression "apparatus" includes the gas and water mains pipes and other appliances belonging to the corporation and used in or for the purposes of supplying gas or water and the expression "the engineer" means the engineer of the corporation or a person appointed by him:

(2) Before commencing to execute any work authorised by Part II. of this Act in any street in which any apparatus is situate the Council shall whether they contemplate altering the position of any such apparatus or not give fourteen days' notice to the corporation of their intention to execute such work and shall at the same time deliver a plan and section of the

proposed work. If it should appear to the corporation that owing to the execution of such work as proposed any such apparatus would be endangered or the supply of gas or water would be interfered with or impeded the corporation may give notice to the Council to lower or otherwise alter the position of such apparatus in such manner as may be considered necessary and any difference as to the necessity of any such lowering or alteration shall be settled by arbitration and all alterations to be made under this subsection shall be made with as little detriment and inconvenience to the corporation or to the inhabitants of the district as the circumstances will admit and under the superintendence of the engineer if he think fit to attend after receiving not less than forty-eight hours' notice for that purpose which notice the Council are hereby required to give :

- (3) The Council shall not in the exercise of the powers of Part II. of this Act remove or displace any apparatus or do anything to impede the passage of gas or water into or through any apparatus without the consent of the corporation or in any other manner than the corporation shall approve until good and sufficient apparatus and other works necessary or proper for continuing the supply of gas or water as sufficiently as the same was supplied by the apparatus proposed to be removed or displaced shall at the expense of the Council have been first made and laid down in lieu thereof and ready for use and to the reasonable satisfaction of the engineer or in case of disagreement between the engineer and the Council as an engineer appointed by the Board of Trade shall direct :
- (4) The Council shall make good all damage done by them in the exercise of the powers of Part II. of this Act to property belonging to the corporation and shall make full compensation to all parties for any loss or damage which they may sustain by reason of any interference in the exercise of the powers of Part II. of this Act with such property or with the private service pipes of any person supplied with gas or water :

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- (5) If by any such operations as aforesaid the Council interrupt the supply of gas or water in or through any apparatus they shall be liable to a penalty not exceeding twenty pounds for every day upon which such supply shall be so interrupted:
- (6) If the Council shall under the provisions of this Act permanently stop up any part of any street in which any apparatus shall be situate the corporation shall take up and remove such apparatus and for that purpose enter upon and break up the site of the street so stopped up and may relay such apparatus or lay down other apparatus in lieu thereof in such other street as they may deem desirable and any expense reasonably incurred by the corporation under this subsection shall be repaid to them by the Council Provided that the Council shall—
- (A) Give notice to the corporation immediately any part of any such street shall be stopped up; and
- (B) Give to the corporation all reasonable facilities to enable them to execute the works mentioned in this subsection:
- (7) If under the provisions of this Act or of any enactment incorporated therewith the position of any apparatus is to be altered the corporation may by notice in writing to the Council require that such alteration shall be effected by the corporation and thereupon the corporation shall effect such alteration and execute all necessary works in connection therewith and the Council shall repay to the corporation the expenses reasonably incurred by them under this subsection:
- (8) Any notice to be given by the Council in pursuance of this Act or of the enactments incorporated therewith of the intention of the Council to effect any alterations of the apparatus shall as nearly as may be state the time at which such alteration will actually be commenced:
- (9) Any additional expense reasonably incurred by the corporation by reason of the existence in any street within the district of any tramways owned by the Council in obtaining access to or in repairing renewing

replacing enlarging or inspecting any apparatus now existing in any such street or in laying down repairing renewing replacing enlarging or inspecting any branch gas or water main or service pipe from such apparatus shall be repaid to them by the Council:

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- (10) Any question which may arise between the corporation and the Council under the provisions of this section shall be determined by arbitration under the provisions of the Arbitration Act 1889 and unless otherwise agreed the arbitrator shall be appointed by the Board of Trade.

25. Notwithstanding anything contained in any Act or Order relating to the Council's tramways the Council may demand and take for every passenger travelling upon the Council's tramways or any part or parts thereof including every expense incidental to such conveyance a fare not exceeding one penny per mile and in computing the said fare the fraction of a mile shall be deemed a mile but in no case shall the Council be bound to charge a less sum than one penny:

Passengers' fares.

Provided that the Council may appoint stages upon the Council's tramways each of not less than half-a-mile in length and may demand and take for every passenger travelling upon such 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.

26. Every passenger travelling upon the Council's 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.

Passengers' luggage.

27. The Council shall not carry on the Council's tramways any goods animals or other things other than passengers and passengers' luggage not exceeding the weight in this Act in that behalf mentioned and small parcels.

Council not to carry animals and goods.

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Rates for
small parcels.

28. The Council may take in respect of parcels conveyed by them on the Council's tramways including every expense incidental to such conveyance any rates or charges not exceeding the following:—

	Any distance.
For any parcel not exceeding in weight seven pounds	s. d. 0 3
For any parcel exceeding seven but not exceeding fourteen pounds in weight	0 5
For any parcel exceeding fourteen but not exceeding twenty-eight pounds in weight	0 7
For any parcel exceeding twenty-eight but not exceeding fifty-six pounds in weight	0 9
For any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight such sum as the Council think proper:	

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.

Periodical
revision of
rates and
charges.

29. 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 Council's 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 Council's tramways or such portion are or is wholly or partly situate or by twenty inhabitant ratepayers of that district or by the Council that under the circumstances then existing all or any of the fares or other charges demanded and taken in respect of the traffic on the Council's 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 the referee reports that it has been proved to his satisfaction that all or any of the fares or charges should be revised the said Board may subject to the maximum fares and charges authorised by this Act by order in writing alter modify reduce

or increase all or any of the fares or charges to be taken in respect of the Council's tramways or on any portion thereof and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section. A.D. 1911.

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

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

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

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

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

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

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

31. 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 Council's tramways shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed than that authorised by this Act or 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. Byelaws by
local authority.

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Shelters or
waiting-
rooms.

32.—(1) The Council may in connection with their tramway undertaking erect and maintain shelters or waiting-rooms for the accommodation of passengers and of the Council's servants and may with the consent of the local authority and road authority use for that purpose portions of the public streets or roads.

(2) The Council shall not without the consent in writing of the Great Western Railway Company under the hand of their secretary or general manager erect any shelter or waiting-room in front of or in close proximity to the stations and other premises of the Great Western Railway Company so as to impede or interfere with the traffic to and from those stations and premises.

Penalty for
malicious
damage.

33. If any person wilfully does or causes to be done with respect to any apparatus used for or in connection with the working of any of the Council's tramways anything which is calculated to obstruct or interfere with the working of any such tramway or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence or of any offence under section 50 of the Tramways Act 1870 with respect to any such tramway shall be liable to a penalty not exceeding twenty pounds.

Purchase of
additional
lands by
agreement.

34. The Council in addition to any lands which they are otherwise authorised to acquire may from time to time by agreement purchase take on lease and acquire and hold for the purposes of the tramway undertaking any lands not exceeding in the whole two acres but nothing in this section shall authorise the Council to create or permit the creation or continuance of any nuisance on any such lands.

Running
powers.

35.—(1) The mayor aldermen and burgesses of the borough of Aston Manor (in this section called respectively "the corporation" and "the borough") and any body or person being lessees of any tramways owned by the corporation (in this section called "the corporation lessees") may forthwith run over and use with their cars officers and servants for the purpose of carrying passengers and parcels the existing tramway of the Council situate in Birchfield Road and extending from the boundary between the borough and the district to near the London and

North Western Perry Barr Railway Station and may exercise thereon the same rights powers and privileges with respect to the running of cars thereover as are exerciseable thereon by the Council including the power to demand and take tolls and charges and the Council shall at all times maintain and keep in good condition and repair the said existing tramway and provide such supply of electrical energy as may be requisite or necessary for working any cars of the corporation or the corporation lessees used on such tramway. A.D. 1911.

(2) The Council and any body or person being lessees of any tramways owned by the Council (in this section called "the Council's lessees") may run over and use with their cars officers and servants for the purpose of carrying passengers and parcels so much of the tramways belonging to the corporation now worked by the City of Birmingham Tramways Company Limited (hereinafter called "the city company") and situate in Birchfield Road and High Street Aston Manor as extends from the boundary between the borough and the district to the boundary between the borough and the city of Birmingham and may exercise thereon the same rights powers and privileges with respect to the running of cars thereover as are exerciseable thereon by the corporation or the corporation lessees including the power to demand and take tolls and charges and the corporation shall (but so long as the city company work the said tramway at the expense of that company) at all times maintain and keep in good condition and repair the said tramway and the corporation or the corporation lessees as the case may be shall provide such supply of electrical energy as may be requisite or necessary for working any cars of the Council or the Council's lessees used on such tramway.

(3) The through fare on the tramways between the boundary of the borough and the city of Birmingham and the terminus of the tramways near the Perry Barr Railway Station (hereinafter called "the Birchfield route") shall be one penny halfpenny and all receipts from through fares on such route shall be divided equally between the Council or the Council's lessees on the one hand and the corporation or the corporation lessees on the other hand. The through services of cars on the Birchfield route shall be controlled and arranged by the engineer of the Council or during the continuance of any lease by the tramway manager of the Council's lessees and the engineer of the corporation or during the continuance of any lease by the tramway manager

A.D. 1911. of the corporation lessees and if any difference shall arise as to such services the same shall be determined by arbitration as hereinafter set forth:

Provided that during the continuance of the agreement made the ninth day of June one thousand nine hundred and three between the urban district council of Aston Manor (the predecessors of the corporation) of the first part the city company of the second part and the British Electric Traction Company of the third part or of the term of the lease therein provided to be granted the tramway manager of the corporation lessees shall act as mentioned in this subsection under the direction of the joint working committee provided by such agreement or any lease granted pursuant thereto.

(4) The Council shall subject as hereinafter provided construct and equip for electric traction and open for public traffic on or before the first day of December one thousand nine hundred and eleven Tramways Nos. 1A and 2 and such portions of Tramway No. 1 authorised by this Act as are situate in Villa Road Handsworth and the said Tramways Nos. 1A and 2 and the said portions of Tramway No. 1 (including a junction between Tramway No. 1A and the existing tramways of the corporation in Lozells Road) are in this section referred to as "the Villa Road Tramways."

(5) As from the date on which the Villa Road Tramways shall be first opened for public traffic the corporation and the corporation lessees may run over and use with their cars officers and servants for the purpose of carrying passengers and parcels the Villa Road Tramways and the tramways in Holyhead Road Handsworth belonging to the Council and now leased to and worked by the South Staffordshire Tramways (Lessee) Company Limited (in this section called "the lessee company") and also the tramways in Holyhead Road and Soho Road now worked by the city company and may exercise thereon the same rights powers and privileges with respect to the running of cars thereover as are exercisable thereon by the Council or the lessee company as the case may be including the power to demand and take tolls and charges and the Council or the Council's lessees shall at all times maintain and keep in good condition and repair the said tramways and provide such supply of electrical energy as may be requisite or necessary for working any cars of the corporation or of the corporation lessees used thereon.

(6) As from the date on which the Villa Road Tramways shall first be opened for public traffic the Council and the Council's lessees may run over and use with their cars officers and servants for the purpose of carrying passengers and parcels all tramways now existing within the borough and may exercise thereon the same rights powers and privileges with respect to the running of cars thereover as are exerciseable thereon by the corporation or the corporation lessees as the case may be including the power to demand and take tolls and charges and the corporation shall at all times maintain and keep in good condition and repair such tramways and provide such supply of electrical energy as may be requisite or necessary for working any cars of the Council or the Council's lessees used on the said tramways :

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Provided that as regards the said maintenance and keeping in good condition and repair the tramways of the corporation the provisions of this subsection shall not affect any provision relating thereto contained in the agreement and any lease granted thereunder mentioned in subsection (3) hereof.

(7) As from the date on which the Villa Road Tramways shall first be opened for public traffic the lessee company may so long as they are lessees of or using the tramways in the district or tramways elsewhere connected with such tramways run over and use with their cars officers and servants for the purpose of carrying passengers and parcels the Villa Road Tramways and all tramways now existing in Soho Road and Holyhead Road Handsworth belonging to the Council and may exercise thereon the same rights powers and privileges with respect to the running of cars thereover as are exerciseable thereon by the Council including the power to demand and take tolls and charges and the Council shall at all times maintain and keep in good condition and repair the said tramways and provide such supply of electrical energy as may be requisite or necessary for working any cars of the lessee company used thereon.

(8) The running powers and the rights in respect thereof provided for by this section shall save as otherwise in this section provided continue in force till the expiration of a period of three years from the date on which the Villa Road Tramways shall be opened for public traffic and shall also continue after the expiration of that period until determined by six months' previous

A.D. 1911. notice in writing either by the corporation the Council or the lessee of either of them to the others or other of them.

(9) During the term demised by any lease of any of the tramways over which running powers may be exercised as in this section provided granted to the city company and the lessee company respectively by the corporation and the Council respectively and subsisting at the expiration of the aforesaid period of three years the lessor of such demised tramways shall not without the consent of the lessee thereof give any notice to determine any running powers as aforesaid over such demised tramways Provided that from and after the ninth day of November one thousand nine hundred and eleven the lord mayor aldermen and citizens of the city of Birmingham as successors of the Council shall have the same rights and be subject to the same obligations as the Council would have had or been subject to under this section notwithstanding that the said lord mayor aldermen and citizens have also become the successors of the corporation.

(10) Subject to the provisions of this section relating to the Birchfield route the through fares to be charged as aforesaid and the terms and conditions of and the running of cars in the exercise of such running powers and the payments to be made in respect thereof and any question as to the division of any tramway receipts of any of the said parties between the body or persons exercising any such running powers and the body or person being the owner or lessee of the tramways over which the same are exercised shall be controlled and arranged or determined by arbitration as hereinbefore provided in subsection (3) hereof as regards the through services mentioned in that subsection Provided that the receipts accruing from fares other than through fares shall belong and be paid to the owner or during the continuance of any lease to the lessee of the tramways or tramway or portion of tramway upon or in respect of which such fares have been taken and that in the case of the receipts accruing from through fares the proportion of the through fare attaching to each tramway or portion of tramway forming part of the through route shall be ascertained and paid to the owner or during the continuance of any lease to the lessee of such tramway or portion of tramway.

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(11) Nothing contained in this section shall authorise any alteration of the existing through fares on the Birchfield route or any alteration of the division hereinbefore provided for between the corporation or the corporation lessees as the case may be on the one hand and the Council or the Council's lessees as the case may be on the other hand of the receipts from such through fares.

(12) The corporation the Council the city company the lessee company or the corporation lessees or the Council's lessees respectively may at any time after the expiration of two years after the commencement of the exercise of any running powers authorised by this section (other than over the Birchfield route) request any one or more of the others of them with whom the body or person so requesting may be then dividing tramway receipts in respect of through fares to alter or vary the through fares for the time being in force or the division of receipts in respect of such fares and failing agreement as to any question on such alteration or division the matter in difference shall be determine by arbitration as hereinafter provided:

Provided always that on any division of any tramway receipts in respect of through fares being so revised by arbitration the arbitrator shall in determining the division of such receipts have regard to the ordinary fares for the time being charged by the respective parties among whom such receipts are divisible on the respective tramways belonging or leased to or worked by such parties respectively:

Provided also that any such through fares or any division of tramway receipts may be altered or varied in like manner at any time after the expiration of any or every period of two years after the same were last altered or varied.

(13) If the Council shall fail otherwise than by reason of accidents strikes or circumstances which due care and management could not have prevented to complete and equip for electric traction and open for public traffic the Villa Road Tramways on or before the first day of December one thousand nine hundred and eleven the Council shall pay to the corporation the sum of two thousand pounds as liquidated damages and that sum shall be treated by the corporation as revenue of their tramway undertaking of the year in which such sum is paid.

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(14) The Council shall not before the first day of December one thousand nine hundred and nineteen lay down or construct any tramway along Trinity Road Handsworth without the consent in writing of (A) the corporation and (B) the city company so long as that company shall remain lessees of the existing tramways of the corporation.

(15) Proper books shall be kept and accounts rendered by any body or person exercising any running powers under the provisions of this section showing inter alia all moneys received in respect of fares on cars used by them in the exercise of such powers and any body or person being the owners or lessees of any tramways over which any such powers are exercised shall have full access to the books and accounts of the body or persons exercising the same at all convenient times.

(16) The Council the Council's lessees the corporation the corporation lessees the city company and the lessee company may all or any two or more of them from time to time with the approval of the Board of Trade enter into and carry into effect agreements for any period not exceeding seven years with respect to the running over and use by the contracting parties of any tramways or light railways from time to time owned by or leased to or worked by them or any part or parts thereof respectively.

(17) Any matter which under the provisions of this section is to be determined by arbitration and any difference which may arise between the corporation the Council the city company the lessee company the corporation lessees or the Council's lessees or any two or more of them with reference to any question arising under the provisions of this section shall be referred to an arbitrator to be agreed upon by the parties in difference or failing agreement to be appointed by the Board of Trade on the application of any of the parties in difference and subject thereto the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

Provision as
to general
Tramway
Acts.

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

PART IV.

A.D. 1911.

GENERAL PROVISIONS AS TO LANDS AND WORKS.

37. Subject to the provisions of this Act the Council may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for the purposes of Parts II. and III. of this Act or for the purpose of providing space for the erection of buildings adjoining or near to any street work authorised by this Act.

Power to
acquire
lands.

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

Period for
compulsory
purchase of
lands.

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

Persons un-
der disability
may grant
easements
&c.

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

Owners may
be required
to sell parts
only of cer-
tain lands
and build-
ings.

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

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- (2) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Council that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Council such portion only without the Council being obliged or compellable to purchase the whole the Council paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise :
- (3) If within such twenty-one days the owner shall by notice in writing to the Council allege that such portion cannot be so severed the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted (hereinafter referred to as "the tribunal") shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Council have compulsory powers of purchase) can be so severed :
- (4) If the tribunal determine that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Council the portion which the tribunal shall have determined to be so severable without the Council being obliged or compellable to purchase the whole the Council paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal :
- (5) If the tribunal determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be

A.D 1911.

severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner :

- (6) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Council may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice :
- (7) If the tribunal determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Council in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

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

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

41. In estimating the amount of purchase-money and compensation to be paid by the Council in respect of lands acquired for the purposes of or in connection with the new streets and street widenings by this Act authorised the benefits accruing to any other property of the person to whom the same shall be

Benefit of improvement to be taken into consideration in fixing compensation for lands required for new streets

A.D. 1911.
and street
widening.

paid by reason of the construction of the new streets and street widenings shall be fairly estimated and shall be set off against the said purchase-money and compensation.

Compensa-
tion in case
of recently
altered
buildings.

42. In settling any question of disputed purchase-money or compensation under this Act the tribunal settling the same shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the lands created after the thirtieth day of November one thousand nine hundred and nine if in the opinion of such tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Act.

Costs of ar-
bitration &c.
in certain
cases.

43. The tribunal to whom any question of disputed purchase-money or compensation under this Act is referred shall if so required by the Council award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Council by the claimant giving sufficient particulars and in sufficient time to enable the Council to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Council has been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be paid by the claimant:

Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Council to amend the statement in writing of the claim delivered by him to the Council in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Council if they object to the amendment and such amendment shall be subject to such terms enabling the Council to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case:

Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation Act 1845 either contained or was endorsed with a notice of the effect of this section.

44. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Council after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Stafford for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Stafford and shall be kept by such clerk of the peace with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Council to take the lands and execute the works in accordance with such certificate.

A.D. 1911.
Correction of errors &c. in deposited plans and book of reference.

45. The Council may during the execution and for the purposes of any work by this Act authorised stop up any street and prevent all persons other than those bonâ fide going to or returning from any house in the street from passing along and using the same for any reasonable time The Council shall provide reasonable access for all persons so bonâ fide going to or returning from any such house.

Temporary stoppage of streets.

PART V.

FINANCE.

46. The Council may in addition to any moneys they are now authorised to borrow or which they may be authorised to borrow under the provisions of the Public Health Acts or any public general Act borrow at interest on the following securities and for the following purposes any sums not exceeding the following sums (that is to say):—

Power to borrow.

On the security of the district fund and general district rate—

- (A) For paying the costs charges and expenses of and in relation to this Act as hereinafter defined the sum requisite for the purpose;

A.D. 1911.

- (B) For the purchase of lands for and for the construction of the new street and widening Works Nos. 1 and 2 by this Act authorised the sum of two thousand pounds:

On the security of the tramway revenue and district fund and general district rate—

- (c) For the purchase of lands for and for the construction of the new street and widenings Works Nos. 3 to 20 by this Act authorised the sum of fifteen thousand pounds;
- (d) For the construction of the tramways by this Act authorised the sum of fifty-three thousand eight hundred pounds;
- (E) For the equipment of the tramways by this Act authorised the sum of thirteen thousand seven hundred pounds.

The Council may with the sanction of the Board of Trade borrow on the security of the tramway revenue and district fund and general district rate such further moneys as the Council may require for any of the purposes of Part III. (Tramways) of this Act and may with the sanction of the Local Government Board borrow on the security of the district fund and general district rate or such other security as that board may prescribe such further moneys as the Council may require for any other purposes of this Act.

In calculating the sums which the Council may borrow under the provisions of any other enactment any sums they may borrow under this Act shall not be reckoned and the powers of the Council as to borrowing and re-borrowing under this Act shall not be restricted by any of the provisions of the Public Health Acts.

Repayment
of borrowed
moneys.

47. All moneys borrowed under the powers of this Act shall be repaid within the respective periods (each of which is in this Act referred to as "the prescribed period") following (that is to say):—

As to moneys borrowed for the purpose (A) mentioned in the section of this Act of which the marginal note is "Power to borrow" within five years from the date of the passing of this Act;

As to moneys borrowed for the purposes (B) and (C) mentioned in the said section within fifty years from the date or dates of borrowing the same; A.D. 1911.

As to moneys borrowed for the purpose (D) mentioned in the said section within thirty years from the date or dates of borrowing the same;

As to moneys borrowed for the purpose (E) mentioned in the said section within fifteen years from the date or dates of borrowing the same;

As to moneys borrowed with the sanction of the Board of Trade or the Local Government Board as the case may be within such periods as those boards respectively may sanction:

And such repayments shall be made either—

By equal yearly or half-yearly instalments of principal or of principal and interest combined or partly by one of those methods and partly by the other;

Or by means of a sinking fund;

Or partly by such instalments and partly by a sinking fund.

48. The provisions contained in the sections of the Act of 1901 the numbers and marginal notes of which are set forth in this section are hereby incorporated with this Act and this Act shall be read and construed as if those provisions had been expressly re-enacted herein (that is to say):—

Section 37 (Provision as to mortgages);

Section 40 (Sinking fund);

Section 43 (Protection of lenders from inquiry);

Section 44 (Council not to regard trusts);

Section 45 (Annual return to Local Government Board with respect to sinking fund); and

Section 46 (Audit of accounts).

49.—(1) The Council shall have power—

(A) To borrow for the purpose of paying off any moneys previously borrowed under this Act or the Act of 1901 which are intended to be forthwith repaid; or

(B) To borrow in order to replace moneys which during the previous twelve months have been temporarily

Power to re-borrow.

A.D. 1911.

applied from other funds of the Council in repaying moneys previously borrowed under this Act or the Act of 1901 and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the prescribed period which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Council shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Council shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid—

(A) By instalments or annual payments; or

(B) By means of a sinking fund; or

(C) Out of moneys derived from the sale of land; or

(D) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

(5) Section 42 (Power to re-borrow) of the Act of 1901 is hereby repealed but without prejudice to anything which may have been done thereunder.

Power to
borrow under
Local Loans
Act 1875.

50. The Council if they think fit may borrow the moneys which they are by this Act authorised to borrow or any part thereof under the powers and subject to the provisions of the Local Loans Act 1875 by means of a loan or loans to be raised by the issue of debentures or annuity certificates or partly in one way and partly in another.

Any moneys borrowed in manner by this section authorised for any of the purposes of this Act shall be a charge upon and shall be paid out of the same funds rates and revenues as they would be charged upon and paid out of if raised by mortgage under this Act and such funds rates and revenues shall in each case be the local rate within the meaning and for the purposes of the Local Loans Act 1875.

Every such loan shall be discharged within the prescribed period; and A.D. 1911.

Section 40 (Sinking fund) and section 45 (Annual return to Local Government Board with respect to sinking fund) of the Act of 1901 shall apply to any sinking fund provided by the Council for the repayment of any moneys so borrowed by them under the Local Loans Act 1875 in lieu of the provisions of sections 15 and 16 of that Act.

51.—(1) Where the Council have for the time being any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section. Power to use one form of mortgage for all purposes.

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and the place of payment and shall be sealed with the common seal of the Council and may be made in the form contained in the Second Schedule to this Act or to the like effect.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever.

(4) The repayment of all principal sums and the payment of interest thereon secured by mortgages granted under this section shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Council.

(5) Nothing in this section contained shall alter or affect the obligations of the Council to provide for the repayment of the principal sums and interest secured by mortgages granted under this section and all such sums and interest shall be paid within the periods by the means and out of the funds rates or revenues within by and out of which they would have been payable respectively if this section had not been enacted.

(6) There shall be kept at the office of the Council a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed. Every such register shall be open to public

A.D. 1911. inspection during office hours at the said office without fee or reward and the clerk or other person having the custody of the same and refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

(7) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the Second Schedule to this Act or to the like effect.

(8) There shall be kept at the office of the Council a register of the transfers of mortgages granted under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Council shall not be in any manner responsible to the transferee.

(9) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his estate and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any money secured thereby.

(10) If the clerk wilfully neglects or refuses to make in the register any entry by this section required to be made he shall be liable to a penalty not exceeding twenty pounds.

Scheme for
fixing equa-
ted periods.

52.—(1) The Council may at any time hereafter and from time to time make a scheme for prescribing one or more uniform periods within which all or any loans contracted by them under statutory borrowing powers shall be discharged and such scheme may extend or vary the periods within which such loans shall be discharged and may make provision in regard to all matters incidental thereto.

(2) No scheme made by the Council under this section shall have any force or effect until confirmed by the Local Government Board who may by order confirm the same with or without modifications and when so confirmed the scheme shall notwithstanding any enactment order or sanction to the contrary have full force and effect and such scheme shall be deemed to be within the powers of this Act Provided that nothing in any scheme made under this section shall prejudice or affect the security rights and remedies of any mortgagee under any mortgage existing at the time of the confirmation of the scheme or of the holder of any stock existing at that time except with the consent of such mortgagee or holder.

A.D. 1911.

(3) The Council may with the sanction of the Local Government Board and on the security of the revenues funds or rates respectively on the security of which the moneys included in the scheme were respectively authorised to be borrowed borrow such sums as may be necessary for the purpose of giving effect to such scheme and for compensating the holders of securities of the Council for their consent thereto and any moneys so borrowed shall be repaid within such period as the Local Government Board may sanction.

(4) Any scheme confirmed under this Act may be altered extended amended or annulled by any other scheme prepared and confirmed in like manner as the original scheme.

53. All money borrowed under the provisions of this Act shall be appropriated to purposes for which it is authorised to be borrowed and shall be expended exclusively on works or objects on which capital may properly be expended.

Application
of money
borrowed.

54. Any expenses of the execution by the Council of this Act with respect to which no other provision is made may be defrayed by the Council out of the district fund and general district rate as the Council may in their discretion having regard to the object of the expenditure deem just.

Expenses
of execution
of Act.

PART VI.

MISCELLANEOUS.

55. The provisions contained in the sections of the Act of 1901 the numbers and marginal notes of which are set forth in this section are hereby incorporated with this Act and this Act

Incorporation
of certain
other

A.D. 1911. shall be read and construed as if those provisions had been expressly re-enacted herein (that is to say):—
 provisions of Act of 1901.

Section 49 (Power to sell &c. lands);

Section 50 (Application of moneys from sale &c. of land);

Section 51 (As to appeal); and

Section 52 (Inquiries by and expenses of Local Government Board).

Persons acting in execution of Act not to be personally liable.

56. No matter or thing done or contract entered into by the Council and no matter or thing done by the clerk or by any member or officer of the Council or any person whomsoever acting under the direction of the Council shall if the matter or thing be done or the contract be entered into bonâ fide for the purpose of executing this Act subject them or any of them personally to any action liability claim or demand whatsoever and any expense incurred by the Council or clerk member officer or person acting as last aforesaid shall be borne and repaid out of any funds at the disposal of the Council.

Authentication and service of notices &c.

57. Where any notice or demand under this Act or under any local Act Provisional Order or byelaw for the time being in force within the district requires authentication by the Council the signature of the clerk or other duly authorised officer of the Council shall be sufficient authentication Notices demands orders and other documents required or authorised to be served under this Act or under any local Act Provisional Order or byelaw for the time being in force within the district may be served in the same manner as notices under the Public Health Act 1875 are by section 267 of that Act authorised to be served Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their principal office or place of business.

Informations by whom to be laid.

58. Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any byelaws made thereunder may be laid and made by an officer of the Council authorised in that behalf or by the clerk.

Penalties to be paid over to treasurer.

59. All penalties recovered by the Council or any officer of the Council on their behalf whether under this Act or any byelaw thereunder shall be paid to the treasurer and be carried

by him to the credit of the district fund or to such other fund as the Council direct. A.D. 1911.

60. Where in any legal proceedings taken by or on behalf of the Council whether under this Act or under any general or local Act passed before or after this Act it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Council or of any committee of the Council or to prove any resolution of the Council or of any committee of the Council a certificate of such appointment authority or resolution purporting to be authenticated by the signature of the chairman of the Council or the clerk shall be *prima facie* evidence of such appointment authority or resolution without further proof of the holding of any meeting or the production of any minute book or other record or document. Evidence of appointments authority &c.

61. Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of any such matter from any penal or other consequences to which he would have been liable if such matter had not been made punishable by this Act. Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence. Saving for indictments &c.

62. Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner. Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts. Recovery of penalties &c.

63. A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate. Judges not disqualified.

64. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown. Crown rights.

65.—(1) Notwithstanding anything contained in this Act the Council shall not exercise any of the powers thereof (other than the powers of the section of this Act whereof the marginal note is "Costs of Act" and the borrowing powers necessary for exercising the powers of the said section) nor shall they enter Restriction on exercise of powers and transfer to Birmingham Corporation.

A.D. 1911. into any contract or agreement thereunder or with reference thereto except with the consent in writing of the lord mayor aldermen and citizens of the city of Birmingham (in this section called "the corporation") under the hand of the town clerk of that city and the corporation may give their consent to the exercise of any of such powers and to the entering into any such contract or agreement upon and subject to such terms and conditions as may be agreed between the corporation and the Council.

(2) On and after the ninth day of November one thousand nine hundred and eleven---

(A) All the powers duties and obligations conferred and imposed upon the Council by this Act (except by the provisions repealed on that date) shall by virtue of this Act be transferred to may be exercised by and shall attach to the corporation and a reference to the corporation shall throughout the provisions of this Act (except as aforesaid) be substituted for a reference to the Council:

(B) The tramway undertaking authorised by this Act shall for all purposes form part of the tramway undertaking of the corporation and the provisions of Part III. of the Birmingham Corporation Act 1903 and of the enactments incorporated with that Act of sections 16 17 18 and 19 of the Birmingham Corporation Act 1905 and any byelaws or regulations made in pursuance thereof respectively so far as the same may be applicable to the said undertaking shall extend and apply to that undertaking as if it had been authorised by the said Part III. and as if the tramways authorised by this Act were corporation tramways within the meaning of the said Acts of 1903 and 1905:

(c) The sections of this Act the marginal notes of which are set forth in the Third Schedule to this Act shall be by virtue of this Act repealed except so far as the same may have been acted upon and any reference in this Act to provisions contained in the Act of 1901 shall be deemed to be a reference to the corresponding provisions (if any) of the Birmingham Corporation Act 1903.

(3)—(A) In its application to the corporation the section of this Act whereof the marginal note is "Power to borrow" shall have effect as if the words "on the security of the district fund and general district rate" and "on the security of the tramway revenue and the district fund and general district rate" were omitted therefrom. A.D. 1911.

(B) The corporation may raise all or any of the sums which they are authorised by this Act to borrow either by the creation and issue of Birmingham Corporation stock or by mortgage.

(C) Any money so borrowed by way of mortgage shall be deemed to be principal moneys within the meaning of the Birmingham Corporation Act 1903 and shall be raised in accordance with and subject to the provisions of that Act and of section 43 of the Birmingham Corporation Act 1905.

(4) Any expenses of the execution by the corporation of this Act with respect to which no other provision is made may be defrayed by the corporation out of the borough fund and rate or improvement rate as the corporation may in their discretion having regard to the object of the expenditure deem just.

66. 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 Council out of the district fund or out of moneys to be borrowed under the provisions of this Act as hereinbefore provided. Costs of Act.

A.D. 1911.

The SCHEDULES referred to in the foregoing Act.

FIRST SCHEDULE.

DESCRIBING PROPERTIES OF WHICH PORTIONS ONLY MAY
BE TAKEN BY THE COUNCIL.

Works.	Nos. on deposited Plans.
Tramways Nos. 1 and 1A— Street widenings Nos. 4 5 6 7 and 8 -	3 4 6 to 12 inclusive 14 to 33 inclusive 35 37 to 62 inclusive 64 to 70 inclusive 72 to 90 inclusive and 92.
Tramway No. 3— Street widenings Nos. 9 10 11 15 and 16.	2 3 5 to 41 inclusive 43 to 63 inclusive 65 to 78 inclusive 80 82 to 104 inclusive.
Tramway No. 3A— Street widenings Nos. 12 13 and 14 -	109 to 137 inclusive.
Tramway No. 4— Street widening No. 17 - - -	106.
Tramway No. 5— Street widenings Nos. 18 and 19 - -	9 to 15 inclusive 17 to 25 inclusive 27 to 36 inclusive 44 to 56 inclusive.
Tramway No. 5A— New street No. 3 - - - -	3 5 6 and 7.
New street No. 1 and street widening No. 2.	2 3 4 and 8.

SECOND SCHEDULE.

FORM OF MORTGAGE.

THE URBAN DISTRICT OF HANDSWORTH.

By virtue of the Handsworth Urban District Council Act 1911 and of any other powers in that behalf them enabling the Handsworth Urban District Council (hereinafter referred to as "the Council") in consideration of the sum of _____ pounds paid to the treasurer of the Council by _____ (hereinafter called "the mortgagee") do hereby grant and assign unto the mortgagee

[his] executors administrators and assigns such proportion of the revenues of the Council in the said Act defined as the said sum of pounds so paid doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the said sum of pounds shall be fully paid and satisfied with interest for the same at the rate of per centum per annum from the day of one thousand nine hundred and until payment of the said principal sum such interest to be paid half-yearly [on the day of and the day of in each year]:

A.D. 1911.

And it is hereby agreed that the said principal sum of pounds shall be repaid at the office of the Council in the urban district of Handsworth [on the day of one thousand nine hundred and]:

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be mentioned and specified in an endorsement to be made hereon under the hands of the chairman and clerk of the Council for the time being respectively and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

In witness whereof the Council have caused their common seal to be hereunto affixed this day of one thousand nine hundred and

THE ENDORSEMENT WITHIN REFERRED TO.

The within-named consenting the within-mentioned time for repayment of the within-mentioned principal sum of is hereby extended to the day of one thousand nine hundred and [and the interest to be paid thereon on and from the day of one thousand nine hundred and is hereby declared to be at the rate of per centum per annum].

Dated this day of one thousand nine hundred and

[Ch. lxxxi.] *Handsworth Urban District* [1 & 2 GEO. 5.]
Council Act, 1911.

A.D. 1911.

FORM OF TRANSFER OF MORTGAGE.

I [the within-named] A. B. [of] in consideration of the sum of pounds paid to me by of (hereinafter called "the transferee") do hereby transfer to the transferee [his] executors administrators and assigns [the within-written security] [the mortgage number of the revenues of the Handsworth Urban District Council bearing date the day of] and all my right and interest under the same subject to the several conditions on which I hold the same at the time of the execution hereof and I the transferee for myself my executors administrators and assigns do hereby agree to take the said mortgage security subject to the same conditions.

Dated this day of one thousand nine hundred and

THIRD SCHEDULE.

MARGINAL NOTES OF SECTIONS REPEALED ON 9TH
NOVEMBER 1911.

Incorporation of certain provisions of Part II. (Tramways) of Act of 1901.

Power to make additional cross-overs and to double tramway lines.

As to electrical works &c.

Gauge of tramways.

Rails of tramways.

Plan of proposed mode of construction.

Penalty for not maintaining rails and roads.

Tramways to be kept on level of surface of road.

Inspection by Board of Trade.

For protection of Postmaster-General.

Passengers' fares.

Passengers' luggage.

Council not to carry animals and goods.

Rates for small parcels.

Periodical revision of rates and charges.

Byelaws.

Byelaws by local authority.

Shelters or waiting-rooms.

Penalty for malicious damage.

Provision as to general Tramway Acts.

Incorporation of certain financial provisions of Act of 1901.

A.D. 1911.

Power to re-borrow.

Power to borrow under Local Loans Act 1875.

Power to use one form of mortgage for all purposes.

Scheme for fixing equated periods.

Expenses of execution of Act.

Incorporation of certain other provisions of Act of 1901.

Authentication and service of notices &c.

Informations by whom to be laid.

Penalties to be paid over to treasurer.

Evidence of appointments authority &c.

Saving for indictments &c.

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