CHAPTER cxxiii.

An Act to empower the Urban District Council for the District of Aston Manor in the County of Warwick to construct tramways and to confer various powers relating to tramways upon that District Council. A.D. 1900.

[30th July 1900.]

WHEREAS the parish of Aston Manor in the county of Warwick is an urban district (in this Act called "the district") within the meaning of the Local Government Act 1894 and is under the control and management of the Aston Manor Urban District Council (in this Act called "the Council"):

And whereas under the provisions of the Tramways Act 1870 the tramways of the City of Birmingham Tramways Company Limited so far as they are within the district will shortly become purchasable by the Council:

And whereas the tramways of the Birmingham and Aston Tramways Company Limited so far as the same are within the district will under the said Act shortly become purchasable by the Council:

And whereas in order to utilise the said tramways for the advantage of the district and to make the tramway system within the district more complete it is expedient that the Council should be empowered to construct the tramways described in this Act:

And whereas the tramways of the Birmingham and Aston Tramways Company and the City of Birmingham Tramways Company form continuous lines of route to and from the city of Birmingham into and through the district and for the purpose of preserving such continuous lines of route and for securing a continuous service thereon it is expedient that the Council should be empowered to enter into and carry into effect agreements with the said tramways companies and with the corporation of Birmingham and the local authorities of other districts:

And whereas it is expedient that the Council should be empowered upon the acquisition of any tramways within the district or by agreement with the company or persons owning any tramways

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within the district to reconstruct such tramways and adapt the same for electrical traction and to equip and work the same:

And whereas it is expedient to make such other provisions as are in this Act contained:

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

And whereas an absolute majority of the whole number of the members of the Council at a meeting held on the seventh day of November one thousand eight hundred and ninety-nine after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Aston Times a local newspaper published or 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 district fund or general district rate and other public funds and rates under the control of the Council or paid out of moneys to be raised under the authority of the intended Act or otherwise out of such public funds and rates as the Council might determine:

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

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

And whereas the owners and ratepayers of the district by resolution passed in the manner prescribed by the Public Health Act 1875 (Schedule III.) have consented to the promotion of the Bill for this Act:

And whereas an estimate has been prepared on behalf of the Council as to the amount which they will require to expend for the purposes of the new tramways by this Act authorised and electrical equipment of tramways and such estimate amounts to twenty-seven thousand pounds:

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

PART I.—Preliminary.

Short title.

1. This Act may be cited as the Aston Manor Tramways Act 1900.

Incorporation of Acts.

2. The provisions of section three (Interpretation of terms) and Parts II. and III. of the Tramways Act 1870 as far as the same are applicable for the purposes of and not varied by or inconsistent with this Act are hereby incorporated with and form part of this Act.

Interpretation.

3. In this Act unless the subject or context otherwise require—

"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 Council" means the Aston Manor Urban District Council;

"The tramways" means the tramways by this Act authorised and any part thereof;

"The Council's tramways" means the tramways and such of the existing tramways within the district as for the time being belong to the Council;

"Tramway revenue" means all revenue arising from the tramways;

"Mechanical power" includes every motive power other than animal power;

"Engine" includes motor.

PART II.—Construction of Tramways.

Power to make tramways.

4. Subject to the provisions of this Act the Council may make form lay down and maintain within the urban district of Aston Manor in the county of Warwick the tramways herein-after described in the lines and according to the levels shown on the deposited plans and sections with all such rails plates sleepers junctions turntables turnovers crossings passing places works and conveniences connected therewith as may be necessary or proper therefor.

The tramways herein-before referred to and authorised by this Act are—

Tramway No. 1 (single line with passing places 7 furlongs 3·5 chains in length of which 5 furlongs 9·7 chains will be single line and 1 furlong 3·8 chains will be double line) commencing in Birchfield Road at Six Ways by a junction with the existing tramway belonging to the City of Birmingham Tramways Company Limited and terminating in Lichfield Road by a junction with the existing tramway belonging to the Birmingham and Aston Tramways Company Limited at a point opposite the western end of Sandy Lane;

Tramway No. 2 (single line with a passing place 8·9 chains in length of which 5·9 chains will be single line and 3 chains double line) commencing in Witton Road by a junction with

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the existing tramway belonging to the City of Birmingham Tramways Company Limited at a point 0·50 chain south of Trinity Road and terminating in Trinity Road at a point near Bevington Road by a junction with the existing tramway belonging to the Birmingham and Aston Tramways Company Limited;

Tramway No. 3 (single line 3·4 chains in length) commencing in Lichfield Road by a junction with the existing tramway belonging to the Birmingham and Aston Tramways Company Limited at the termination thereof at a point 3·40 chains south-west of the centre of Salford Bridge and terminating in that road at the boundary between the parishes of Aston Manor and Erdington.

Period for completion of tramways.

5. 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 constructing the same or otherwise in relation thereto shall cease except as to so much of the tramways respectively as is then completed.

Gauge of tramways.

6. The tramways shall be constructed on a gauge of three feet and six inches Provided always that so much of section 34 of the Tramways Act 1870 as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the tramways but no engine or carriage shall be used upon the tramways of a greater width than six feet and six inches without the consent of the Board of Trade.

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

7. No part of the tramways shall be opened for public traffic until the same have been inspected by an officer of the Board of Trade and certified under the hand of a secretary or an assistant secretary of the said Board to be fit for such traffic.

As to rails of tramways.

8. The rails of the tramways shall be such as the Board of Trade approve and the Board of Trade may from time to time require the Council to adopt and apply such improvements in the tramways including the rails and substructure and formation thereof as experience may from time to time suggest having regard to the greater security of the public and advantage to the ordinary traffic and the Council shall with all reasonable despatch comply with any order made by the Board of Trade for the purpose of carrying into effect any such improvements.

Further provision as to construction of tramways.

9. In addition to the requirements of section 26 of the Tramways Act 1870 the Council before they proceed to open or break up any road for the purpose of laying down any of the tramways shall lay before the Board of Trade a plan showing the proposed mode of laying down such tramways and a statement of the materials

intended to be used therein and the Council shall not commence the laying down of any of the tramways or any part of the tramways 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.

Power to alter level of rails.

10. The Council shall alter and maintain the level of the rails of any part of the tramways so that they shall correspond with the level for the time being of the roadway wherein they are laid.

Penalty for not maintaining rails and roads in good condition.

11.—(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 tramways and the substructure 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 subject to a penalty not exceeding five pounds for every day on which such non-compliance continues.

(2) In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate or by twenty inhabitant ratepayers of the 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 such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Council to such penalty or penalties in respect thereof as is or are by this section imposed.

Power to make additional crossings &c.

12. The Council may subject to the provisions of this Act make maintain alter and remove such crossings passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Act as they find necessary or convenient for the efficient working of the tramways or for providing access to any buildings yards stables or carriage houses or works of the Council Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road if one third of the owners or one third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Council within three weeks after receiving from the Council notice in writing of their intention express their objection thereto.

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Council may reduce width of footway for constructing tramway.

13. For the purpose of constructing any of the tramways the Council may increase the width of the roadway of any street in which a tramway is to be laid by reducing the width of the footway on each or either side of such street Provided that no footway be so reduced to a less width than six feet.

For protection of Corporation of Birmingham.

14. If the Council desire under the authority of this Act to do any act which shall or may in the opinion of the engineer of the corporation of Birmingham having superintendence of the gas or water mains or pipes valves syphons plugs or apparatus or other works belonging to or under the control of the said corporation render necessary the removal or displacement of any such gas or water mains or pipes valves syphons plugs or apparatus or other works the Council shall give to the town clerk of Birmingham fourteen clear days' notice in writing of such desire and a similar notice to such engineer accompanied by plans and sections and other necessary particulars showing the works proposed to be executed by the Council so far as they affect the gas or water mains or pipes valves syphons plugs or apparatus or other works proposed to be interfered with and the said corporation may if they think fit make such removal or displacement as they may consider necessary and do all works incidental thereto and all expenses to be thereby incurred shall be defrayed by the Council and if the Council do not within twenty-eight days after demand pay to the said corporation the expenses so incurred by them the said corporation may recover the same by all and the same means as any simple contract debt of like amount may be recovered. And the certificate of such engineer under whose superintendence such displacement or removal shall have been made as to the expenses incurred by them as aforesaid shall be binding and conclusive upon the Council and the Council shall not be entitled to inquire into or question the propriety or necessity of any works executed by the said corporation for effecting any such displacement or removal as aforesaid.

The provisions of this section shall be in addition to and not in substitution for any of the provisions contained in the Tramways Act 1870 and sub-section 4 of section 30 of that Act in favour of the company or person therein mentioned shall be extended to and include the said corporation as the owners of gas and water undertakings.

For protection of Birmingham and Aston Tramways Company Limited.

15.—(A) Notwithstanding anything in this Act contained the Council shall not construct any of the proposed junctions with the tramways belonging to the Birmingham and Aston Tramways Company Limited without the consent in writing of that company first obtained unless or until they shall have acquired such tramways.

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(B) On applying to the Birmingham and Aston Tramways Company Limited for their consent to the construction of any junctions or works which will affect the tramways of the said company the Council shall lay before the company sufficient plans and sections of the proposed works and shall when such consent as aforesaid shall have been given carry out and thereafter maintain the works under the superintendence and in all respects to the reasonable satisfaction of the engineer for the time being of the said company and in such a manner as to cause the least possible interference with and interruption of the lines and traffic of the said company.

PART III.—Miscellaneous Tramway Powers.

Generating station.

16. The Council may erect continue and maintain on the lands described in the schedule to this Act (but not under the powers of this Act elsewhere than on such lands) a station for generating electricity and may retain and hold the said lands for that purpose and may erect maintain and use dynamos engines machinery and apparatus for generating electricity and distributing electrical power.

The Council shall charge to the account of their tramway undertaking such a sum of money in respect of the land to be used for the purposes of this section as may in their opinion fairly represent the value thereof.

Agreements with tramway companies.

17. The Council on the one hand and the Birmingham and Aston Tramways Company Limited and the City of Birmingham Tramways Company Limited or either of them on the other hand may at any time after the passing of this Act enter into and carry into effect agreements with respect to any of the following matters:—

The sale by the said companies or either of them and the purchase by the Council of the tramways belonging to those companies so far as the same are within the district;

The running over and use by the Council of the tramways of the companies or any of them;

The running over and use of the tramways by the said companies or either of them;

The interchange conveyance and delivery of and facilities for traffic on the respective tramways of the contracting parties;

The reconstruction and alteration of the tramways within the district either by the Council or by the company respectively owning the same;

The supply of motive power.

Adaptation of Council's tramways for

18. The Council may reconstruct alter and repair any of the Council's tramways in order to adapt the same for the use thereon

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electrical power.

of electrical power and the Council may subject to the provisions of this Act for the purpose of working the Council's tramways lay down construct erect and maintain on in under or over any street or highway such conduits wires and apparatus and may make and maintain such openings and ways in on or under any such street or highway as may be necessary or convenient either for the working of any of the Council's tramways or for forming connexions with any generating station engine machinery or apparatus and for those purposes may subject to and in accordance with the provisions of this Act raise alter remove and interfere with telegraphic and telephonic wires posts and apparatus.

Provisions as to motive power.

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

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

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

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

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

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

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

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

Special provisions as to use of electrical power.

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

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

(2) The Council shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus:

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

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

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

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

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

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

21. All works to be executed by the Council in any street or highway for working the Council's tramways by electrical power in pursuance of the powers of this Act shall be deemed to be works of a tramway subject in all respects to the provisions of section 30 of the Tramways Act 1870 as if they had been therein expressly mentioned.

Byelaws.

22. 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):—

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 such 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 Council's 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 Council's 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.

For protection of Postmaster-General.

23.—(A) Notwithstanding anything in this Act contained if any of the works authorised to be executed by this Act involves or is likely to involve any alteration of any telegraphic line belonging to

or used by the Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration.

(B) In the event of any of the Council's tramways being worked by electricity or of electrical power being supplied under this Act the following provisions shall have effect:—

(1) The Council shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. If any question arises as to whether the Council have constructed their electric lines or other works or work their undertaking in contravention of this sub-section such question shall be determined by arbitration and the Council shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator:

(2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Council of their electric lines and works or by the working of the undertaking of the Council 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)—(A) Before any electric line is laid down or any act or work for working the Council's tramways by electricity or for the supply of electrical power therefor is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the 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-

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General from being injuriously affected by the said act or work;

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

(4) In the event of any contravention of or wilful non-compliance with this section by the 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:

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

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

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

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

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

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

(11) 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 or supplying electrical power therefor under the provisions of this Act.

Council and local authorities &c. may contract to lease &c. tramways in neighbouring districts.

24. The Council may with respect to any tramways in any neighbouring district which can be worked with the Council's tramways enter into and carry into effect contracts and agreements with the owners and the lessees (if any) of such tramways with respect to all or any of the following matters (that is to say) :—

The lease working use management and maintenance by the contracting parties of all or any of the tramways in their respective districts and the works connected therewith ;

The making of all necessary junctions ;

The supply under any agreement for all or any of the respective tramways of the contracting parties being worked and used by the other of them of rolling stock plant machinery and electrical power necessary for the purposes of such agreement ;

The appointment and removal of officers and servants ;

The payments to be made and the conditions to be performed in respect of such working use management and maintenance ;

The interchange accommodation conveyance transmission and delivery of traffic coming from or destined for the respective tramways of the contracting parties ;

The division and apportionment of the revenue arising from such traffic.

Passing places to be constructed where less than a certain width left between footway and tramway.

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

Temporary tramway to be made where necessary.

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

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Power to lay down double or interlacing lines in place of single lines and vice versâ.

27. The Council in any street in which a single line of tramway is laid may with the consent of the Board of Trade in lieu thereof lay down a double line or an interlacing line of tramway and in any street in which a double line or an interlacing line of tramway is laid they may with the like consent of the Board of Trade in lieu thereof lay down a single line of tramway and if at any time after the construction of any tramway of the Council the street in which the same is laid has been or shall be altered or widened the Council may take up and remove such tramway or any part thereof and reconstruct the same in such position in the said street as they think fit Provided that in the exercise of the powers of this section no rail shall be so laid that for a distance of thirty feet or upwards a less space than nine feet six inches shall intervene between such rail and the outside of the footpath on either side of the road if one third of the owners or one third of the occupiers of the houses shops or warehouses abutting upon the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Council within three weeks after receiving from the Council notice in writing of their intention express their objection thereto Provided also that the Council shall not exercise the powers of this section in regard to any tramway not belonging to them without the consent of the owner of such tramway:

Provided that if at any time hereafter the Council shall require to lay a double line of rails upon the roadway of Salford Bridge they shall (in addition to the consent of the Board of Trade) obtain the previous written consent of the Warwickshire County Council under their common seal.

Power to Council to work tramways.

28. Notwithstanding anything in the Tramways Act 1870 to the contrary the Council may place and run carriages on and may work the Council's tramways and may demand and take in respect of such tramways and in respect of the use of such carriages tolls rates and charges not exceeding those fixed by the Birmingham and Suburban Tramways Order 1882 scheduled to and confirmed by the Tramways Orders Confirmation (No. 3) Act 1882.

Restriction on taking houses of labouring class.

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

If the Council acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provision they shall be liable to a penalty of five hundred pounds in respect

of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

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

PART IV.—Financial.

Power to borrow.

30. The Council may from time to time (in addition to any other moneys they are now authorised to borrow) borrow at interest on the security of the tramway revenue and the district fund and general district rate sums not exceeding the following for the following purposes respectively (that is to say):—

For the purpose of paying the costs of this Act the sum required for that purpose;

For the purpose of constructing the new tramways and electrical equipment and station by this Act authorised the sum of twenty-seven thousand pounds;

For the purpose of adapting and equipping other tramways in the district for electrical traction such sums as may be required for that purpose and as may be sanctioned by the Board of Trade:

Provided always that the powers of borrowing money by this Act conferred shall not be restricted by any of the regulations contained in the Public Health Act 1875 and that in calculating the sum the Council may borrow under any other enactment any sums they may borrow under this Act shall not be reckoned.

Provisions as to mortgages.

31. The following sections of the Public Health Act 1875 shall extend and apply mutatis mutandis to and in relation to all mortgages granted under the powers of this Act (that is to say):—

Section 236 (Form of mortgage);
Section 237 (Register of mortgages);
Section 238 (Transfer of mortgages); and
Section 239 (Receiver may be appointed in certain cases).

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Repayment of borrowed moneys.

32. The Council shall pay off all moneys borrowed by them under the powers of this Act within the following periods (that is to say):—

As regards money borrowed to defray the costs of this Act within any period not exceeding five years from the time of the borrowing thereof;

As regards money borrowed for the purpose of constructing new tramways and electrical equipment and station forty years from the time of the borrowing thereof;

As regards money borrowed for other purposes of this Act within any period not exceeding thirty years from the time of the borrowing thereof:

And such repayments shall be made either—

By equal yearly or half-yearly instalments of principal or of principal and interest;

Or by means of a sinking fund;

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

The sinking fund shall be formed by setting apart in every year out of the tramway revenue or the district fund and general district rate such equal annual sums as will with the accumulations thereof at compound interest (at a rate not exceeding three pounds per centum per annum) be sufficient after payment of all expenses to pay off the moneys borrowed (so far as they are repayable by means of a sinking fund) within the periods by this Act prescribed in relation thereto respectively.

The first payment by instalments or to the sinking fund for repayment of borrowed moneys shall be made within one year after the date of the borrowing of the money in respect of which such payment is to be made.

The Council may at any time apply the whole or part of the sinking fund in or towards the repayment of the borrowed moneys for the repayment of which the sinking fund was set apart in such order and manner as they deem proper:

Provided as follows:—

That in such case they pay into the sinking fund in each year afterwards and accumulate as herein-after prescribed until the whole of such borrowed moneys are discharged a sum equal to the interest which would have been produced by the sinking fund or part thereof so applied at the rate per centum on which the equal annual payments to the sinking fund are based;

That whenever and so long as the securities constituting any sinking fund shall be equal in value at the market price of the day to the principal moneys then outstanding and to be

paid off by means of such fund the Council may in lieu of investing the yearly income arising from such securities apply the same in payment of the interest on such principal and may during such periods discontinue the payment to such sinking fund of the yearly sums required to be so paid thereto;

That if and so often as the interest in any year derived from such investment is not equal to the income which would be derived therefrom at the rate per centum per annum on which the equal annual payments to the sinking fund are based such deficiency shall be made good out of the funds and rates on the security of which the moneys to be repaid have been borrowed but if and so often as the said interest in any year exceeds such income the difference between such interest and income shall be applicable in reduction of the sums which would otherwise be required to be paid into the sinking fund.

Power to reborrow.

33. If the Council pay off any moneys borrowed by them under this Act otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases or out of other moneys received on capital account not being borrowed moneys they may from time to time re-borrow the same; But all moneys so re-borrowed shall be paid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Council with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such re-borrowing.

Application of revenue of tramway undertaking and deficiency of receipts.

34.—(1) The Council shall apply all money received by them on account of revenue in respect of their tramway undertaking in manner and in the order following (that is to say):—

First In payment of the working and establishment expenses and cost of maintenance of the undertaking (including the maintenance of so much of the roads in which the tramways are laid as is required to be maintained and kept in good repair and condition by the promoters of tramways by section 28 of the Tramways Act 1870):

Secondly In payment of the interest on moneys borrowed by the Council for the purposes of the undertaking:

Thirdly In providing the requisite appropriations instalments or sinking fund payments for the purposes of the undertaking:

Fourthly In extending and improving (if the Council think fit) any works for the purposes of the undertaking:

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Fifthly In providing a reserve fund (if the Council think fit) by setting aside such money as they think reasonable and investing the same and the resulting income thereof in statutory securities and accumulating the same at compound interest until the fund so formed amounts to the maximum reserve fund for the time being prescribed by the Council not exceeding a sum equal to one fifth of the aggregate capital expenditure for the time being by the Council upon the undertaking which fund shall be applicable to answer any deficiency at any time happening in the income of the Council from the undertaking or to meet any extraordinary claim or demand at any time arising against the Council in respect of the undertaking or for payment of the cost of renewing any part of the Council's tramways or of the works connected therewith and so that if that fund be at any time reduced it may thereafter be again restored to the prescribed maximum and so from time to time as often as such reduction happens Provided that resort may be had to the reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum

And the Council shall carry to the general district fund so much of any balance remaining in any year of the income of their tramway undertaking (including the interest on the reserve fund when such fund amounts to the prescribed maximum) as may in the opinion of the Council not be required for carrying on the undertaking and paying the current expenses connected therewith.

(2) Any deficiency in the revenue of the tramway undertaking of the Council shall be forthwith made good out of the general district fund.

Sinking fund how to be invested.

35. All sums paid into the sinking fund and the annual income thereof shall be accumulated at compound interest and shall be as soon as may be invested in any manner in which trustees are by law for the time being authorised to invest trust moneys or in any debenture stock or other security issued under the authority of any Act of Parliament by any local authority as defined by section 34 of the Local Loans Act 1875 other than the Council and not being a rentcharge or an annuity or a security transferable by delivery.

Protection of lenders from inquiry.

36. A person lending money to the Council shall not be bound to inquire as to the observance by the Council of any provision of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent by him or of any part thereof.

Priority of existing mortgages.

37. All mortgages granted by the Council subsisting at the passing of this Act shall during their continuance have priority of charge on the security therein comprised over all mortgages granted or issued under this Act.

Application of money borrowed.

38. All money borrowed under this Act shall be applied for the purposes of this Act only for which it is authorised to be borrowed and to which capital is properly applicable and not otherwise.

Return respecting sinking fund to Local Government Board.

39.—(1) The clerk of the Council shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised thereunder and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of such clerk showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(2) If it appears to the Local Government Board by that return or otherwise that the Council have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Act or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that

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the sum in such order mentioned not exceeding double the amount in respect of which default shall have been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

PART V.—Miscellaneous.

Recovery of sums under fifty pounds.

40. Proceedings for the recovery of any sum not exceeding fifty pounds demanded under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in the county court.

Mails.

41. Notwithstanding any provision in any Act or Provisional Order relating to any of the Council's tramways the Conveyance of Mails Act 1893 shall extend and apply to all the Council's tramways as if the same had been authorised by an Act of Parliament passed after the first day of January one thousand eight hundred and ninety-three and to the Council as the body or person owning or working such tramways.

Provision as to general Tramway Acts.

42. 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 rates of fares or charges authorised by this Act.

Orders &c. of Board of Trade.

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

Costs of Act.

44. 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 the House of Commons shall be paid by the Council.

The SCHEDULE referred to in the foregoing Act.

Lands for Generating Station.

Certain lands in the district now belonging to the Council and forming the corner of Rocky Lane and Chester Street comprising 2304 square yards or thereabouts and situate between the Birmingham and Fazeley Canal and Chester Street and bounded on the north and north-east by Rocky Lane and on the south-west by lands belonging or reputed to belong to Josiah Yeomans Robins.

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