CHAPTER ciii.

An Act to confirm certain Provisional Orders made by the Board of Trade under "The Tramways Act, 1870," relating to Birmingham and Western Districts Tramways, Birmingham Central Tramways (Extension), and Birmingham Corporation Tramways. [22nd July 1885.]

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WHEREAS under the authority of the Tramways Act, 1870, the Board of Trade have made the several Provisional Orders set out in the Schedule to this Act annexed: 33 & 34 Vict. c. 78.

And whereas a Provisional Order made by the Board of Trade under the authority of the Tramways Act, 1870, is not of any validity or force whatever until the confirmation thereof by Act of Parliament:

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

Be it therefore enacted by the 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:

Short title.

1. This Act may be cited as the Tramways Orders Confirmation (No. 3) Act, 1885.

Confirmation of Orders in Schedule.

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

Protection of houses of labouring classes.

3. The promoters mentioned in the said Orders shall not under the powers of this Act or of the said Orders without the consent of the Local Government Board purchase or acquire in any city, borough,

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or other urban sanitary district, or in any parish or part of a parish not being within an urban sanitary district, ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

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

SCHEDULE.

LIST OF ORDERS.

Birmingham and Western Districts Tramways.—Order authorising the construction of Tramways in the Parishes or Places of Handsworth, Oldbury, Halesowen, Smethwick, Harborne, Rowley Regis, Coseley, and Sedgley in the Counties of Worcester and Stafford.

Birmingham Central Tramways (Extension).—Order authorising the construction of Tramways in the Borough of Birmingham and in the Parish of Handsworth in the County of Stafford, and amending the Birmingham and Suburban Tramways Order, 1882, the Birmingham and Western Districts Tramways Order, 1882, and the Birmingham and Western Districts Tramways Order, 1883.

Birmingham Corporation Tramways.—Order authorising the Mayor, Aldermen, and Burgesses of the Borough of Birmingham in the County of Warwick to alter the gauge of certain existing Tramways, and to construct further tramways in the said Borough.

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Order authorising the construction of Tramways in the Parishes or Places of Handsworth Oldbury Halesowen Smethwick Harborne Rowley Regis Coseley and Sedgley in the Counties of Worcester and Stafford.

Short title.

1. This Order may be cited as the Birmingham and Western Districts Tramways Order 1885.

Incorporation of Acts.

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

Interpretation.

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

The expressions "the tramways" and "the undertaking" shall mean respectively the tramways and works and the undertaking by this Order authorised;

The expression "the Order of 1881" shall mean the Birmingham and Western Districts Tramways Order 1881;

The expression "the Order of 1882" shall mean the Birmingham and Western Districts Tramways Order 1882;

The expression "the Order of 1883" shall mean the Birmingham and Western Districts Tramways Order 1883;

The terms "the Local Authorities" and "the Road Authorities" shall mean respectively the Local Authorities and the Road Authorities of all the districts within which the Tramways are by this Order authorised to be constructed; and

The term "person" shall include a Corporation.

The Promoters.

4. The Birmingham and Western Districts Tramways Company Limited shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters."

Lands by agreement.

5. The Promoters may by agreement from time to time purchase and take on lease and acquire for the purposes of the undertaking such lands as they may require and may from time to time sell or dispose of any such lands which may not be necessary for such purposes Provided that they shall not at any time hold for such purposes more than five acres of land.

Construction of Tramways.

Construction of tramways.

6. The Promoters may construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited at the office of the Board of Trade for the purposes of this Order as the same have been amended previous to the passing of the Act confirming this Order (which amended plans and sections are in this Order respectively referred to as "the

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deposited plans" and "the deposited sections") the tramways hereinafter described with all proper rails plates offices weigh-bridges turntables tubes wires ropes engines engine-sheds stables carriage houses warehouses works and conveniences connected therewith or for the purposes thereof and may work and use the same.

The tramways authorised by this Order are

Tramway No. 1 commencing in Cranford Street (Smethwick) at the borough and parish boundary by a junction with the termination of Tramway No. 9 authorised by the Order of 1881 thence passing in a north-westerly direction along Cranford Street and Soho Street and terminating in Rabone Lane at a point 1·40 chain north-east of the intersection of Soho Street with Rabone Lane;

Tramway No. 1 shall be laid as a single line of tramway except at the following places where it shall be laid as a double line namely in Cranford Street from a point 7·80 chains distant from the commencement of the tramway for a distance of 4 chains to the north-west also from a point 1·40 chain south-east of Moilliet Street for a distance of 3 chains to the north-west also from a point 1·80 chain south-east of Alma Street for a distance of 3 chains to the north-west in Soho Street from a point 1 chain north-west of the centre of the bridge over the Stour Valley Railway to the termination of the tramway in Rabone Lane;

Provided that Tramway No. 1 shall not be laid in any place where there is a less space than nine feet six inches between the kerb on either side of the road and the nearest rail of the tramway without the consent in writing of the Board of Trade.

The total length of Tramway No. 1 will be 4 furlongs 4·10 chains being 1 furlong 1·80 chain of double line and 3 furlongs 2·30 chains of single line;

Tramway No. 2 commencing at the termination of Tramway No. 1 and passing in a north-easterly direction along Rabone Lane and Booth Street and terminating therein at a point 0·75 chain south-west of the intersection of Station Road;

Tramway No. 2 shall be laid as a single line of tramway except at the following places where it shall be laid as a double line namely in Rabone Lane from the commencement of the tramway for a distance of 1 chain to the north-east from a point 4·90 chains south-west of Cornwall Road for a distance of 3 chains to the north-east in Booth Street from a point 2 chains south-west of Downing Street for a distance of 5 chains to the north-east;

Provided that Tramway No. 2 shall not except as herein-after provided with respect to so much thereof as passes under the Great Western Railway be laid in any place where there is a less space than nine feet six inches between the kerb on either side of the road and the nearest rail of the tramway without the consent in writing of the Board of Trade.

Provided further that so much of Tramway No. 2 as passes under the Great Western Railway shall be laid as a double line and shall be so constructed that one only of such lines can be used at one and the same time.

Provided also that notwithstanding the railway of the Great Western Railway Company is shown on the deposited sections as to be "crossed over" by Tramway No. 2 the said tramway shall be carried under the said railway in that street where it passes under such railway.

The total length of Tramway No. 2 will be 3 furlongs 5·65 chains being 9 chains of double line and 2 furlongs 6·65 chains of single line ;

Tramway No. 3 commencing in Booth Street at the termination of Tramway No. 2 and passing in a westerly and northerly direction along Station Road and terminating in Holyhead Road at a point 0·50 chain west of Station Road by a junction with the tramways authorised by the Wednesbury and West Bromwich Tramways Order 1881 ;

Provided always that the Promoters shall not construct so much of Tramway No. 3 as is situate in Station Road on the property belonging or reputed to belong to the Great Western Railway Company without the consent of that Company under their corporate seal.

Tramway No. 3 shall be laid as a single line of tramway except at the following places where it shall be laid as a double line namely in Station Road facing the Handsworth Railway Station from a point distant 6·40 chains from the commencement of the tramway for a distance of 3 chains to the west and north also from a point 1·50 chain south of Junction Road for a distance of 3 chains to the north also from a point 3·90 chains south of the Holyhead Road for a distance of 3 chains to the north ;

The total length of Tramway No. 3 will be 3 furlongs 6 chains being 9 chains of double line and 2 furlongs 7 chains of single line ;

Tramway No. 3A commencing in Station Road by a junction with Tramway No. 3 at a point 0·40 chain south of the Holyhead Road passing northerly along Station Road and terminating in Holyhead Road by a junction with Tramway No. 2 authorised by the Wednesbury and West Bromwich Tramways Order 1881 at a point 0·50 chain east of Station Road ;

Tramway No. 3A shall be laid as a single line of tramway for its whole length ;

The total length of Tramway No. 3A will be 0·65 chain ;

Tramway No. 4 commencing in Freeth Street (Oldbury) by a junction with Tramway No. 5 authorised by the Order of 1881 at a point 0·20 chain west of Church Street thence passing in a southerly direction east of the Weigh Bridge House then along Halesowen Street Church Bridge Birchfield Lane White Heath Gate Oldbury Road and terminating in Halesowen Street (Blackheath) at a point 2·10 chains south of High Street ;

Tramway No. 4 shall be laid as a single line of tramway except at the following places where it shall be laid as a double line namely from the commencement of the tramway for a distance of 23·40 chains to the south from a point 5·10 chains south of the south-western angle of Church Mission Tent for a distance of 3 chains to the south in Birchfield Lane from a point 1·50 chain north of Park Street for a distance of 3 chains to the south also from a point opposite the centre of "Holly Bush Inn" for a distance of 3 chains to the south from a point 2·90 chains north of the centre of the "Boat Inn" for a distance of 3 chains to the south also from a point 0·50 chain south of the "New Hotel" (No. 83) for a distance of 3 chains to the south in Whiteheath Gate from a point 3·10 chains south of Titford Road for a distance of 3 chains to the south also from a point 9·60 chains north of Cricket Lane for a distance of 3 chains to the south in Oldbury Road from a point 4·20 chains south of Cricket Lane for a distance of 3 chains to the south also from a point 2·30 chains south of the Smithy (No. 5) for a

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distance of 3 chains to the south also from a point 1·50 chain south-west of the centre of "New Inn" for a distance of 3 chains to the south-west.

Provided that if Halesowen Street be widened at any time so as to admit of Tramway No. 4 being so laid in the said street as a single line that a space of not less than nine feet six inches shall intervene between the kerb on either side of the road and the nearest rail of the tramway Tramway No. 4 shall be laid in that road as a single line.

Provided also that Tramway No. 4 shall not be constructed in Birchfield Lane between points situated respectively 7 furlongs 3 chains and 7 furlongs 8 chains from the commencement of the tramway (except with the written consent of the Board of Trade) until the gradients between the aforesaid points have been improved so as to be not steeper than one in seventeen.

Provided further that so much of Tramway No. 4 as lies between the junction of Freeth Street with Church Street and the boundary of the parish of Oldbury shall if required by the Local Board for the district of Oldbury be laid in a position central between the existing kerb on the south-east side of Church Bridge and Birchfield Lane and an imaginary line allowing a footway of six feet in width opposite thereto on the north-west side of Church Bridge and Birchfield Lane.

The total length of Tramway No. 4 will be 2 miles 2 furlongs 1·30 chain being 5 furlongs 3·40 chains of double line and 1 mile 4 furlongs 7·90 chains of single line;

Tramway No. 4A commencing in Halesowen Street by a junction with Tramway No. 4 at a point 1·55 chain north-east of the termination thereof thence passing in an easterly direction along High Street and terminating in Birmingham Road at a point therein by a junction with Tramway No. 4B (hereafter described) 0·60 chain south-east of the stone marking the boundaries of the parishes of Rowley Regis and Halesowen;

Tramway No. 4A shall be laid as a single line of tramway for its whole length;

The total length of Tramway No. 4A will be 3·75 chains;

Tramway No. 4B commencing in Birmingham Road at a point 1·60 chain south-east of the stone marking the boundaries of the parishes of Rowley Regis and Halesowen thence passing in a north-westerly direction along Birmingham Road and terminating in Oldbury Road by a junction with Tramway No. 4 at a point 0·40 chain north-east of Birmingham Road;

Tramway No. 4B shall be laid as a single line of tramway for its whole length;

The total length of Tramway No. 4B will be 4·40 chains;

Tramway No. 5 commencing in the Tipton Road (Sedgley) by a junction with the termination of Tramway No. 19 authorised by the Order of 1882 thence passing in a southerly and westerly and then in a north-westerly direction along the road diversion of the Tipton Road thence in a westerly direction along the Tipton Road and terminating therein at a point 3·40 chains north-west of Turl Street;

Tramway No. 5 shall be laid as a single line of tramway except at the following places where it shall be laid as a double line namely in the Tipton Road from a point distant 2 furlongs 4·50 chains from the commencement of the tramway for a distance of three chains to the west also from a point

0·35 chain east of the centre of the "Prince of Wales Inn" for a distance of three chains to the east also from a point 14·70 chains west of the entrance to the "Prince of Wales Inn" for a distance of 3 chains to the west also from the termination of the tramway for a distance of 3 chains to the east;

The total length of Tramway No. 5 will be 1 mile 2 furlongs 8·80 chains being 1 furlong 2 chains of double line and 1 mile 1 furlong 6·80 chains of single line;

Tramway No. 6 commencing at the termination of Tramway No. 5 thence passing in a north-westerly direction along Dudley Street and terminating in High Street otherwise Bull Ring at a point 1·70 chain north of Duck Lane;

Tramway No. 6 shall be laid as a single line of tramway for its whole length;

Tramway No. 6 shall be laid alongside the existing Dudley Sedgley and Wolverhampton Tramway and the said Dudley Sedgley and Wolverhampton Tramway shall with the consent of the Promoters thereof be shifted by the Promoters for this purpose to such an extent as the Board of Trade may approve and may be relaid in such manner as the Board of Trade may approve and with an extra rail if required by the said Board and consented to by the said Promoters;

Tramway No. 6 when so laid and the said existing tramway shall so far as they are laid alongside of each other be worked together as a double line unless otherwise authorised by the Board of Trade;

The total length of Tramway No. 6 will be 1 furlong 3·50 chains;

Tramway No. 6A commencing in Bull Ring by a junction with Tramway No. 6 at a point 0·60 chain south-east of the termination thereof thence passing along Bull Ring and terminating at the intersection of Gospel End Street and Dean Street;

Tramway No. 6A shall be laid as a single line of tramway for its whole length;

The total length of Tramway No. 6A will be 2·10 chains;

Tramway No. 6B commencing in Bull Ring by a junction with Tramway No. 6A at a point 0·50 chain north of the termination thereof thence passing in a north-easterly direction along and terminating in Dudley Street by a junction with Tramway No. 6 at a point 2·40 chains north-west of the centre of the "Shinglers' Arms" public-house;

Tramway No. 6B shall be laid as a single line of tramway for its whole length;

The total length of Tramway No. 6B will be 1·35 chain;

Tramway No. 7 commencing in Hamstead Road Handsworth at a point 1·10 chain north of the intersection of that road with Soho Hill thence passing in a northerly direction along Hamstead Road and terminating therein by a junction with Tramway No. 21 authorised by the Order of 1883 at a point 0·55 chain north of Western Road;

Tramway No. 7 shall be laid as a single line of tramway except at the following place where it shall be laid as a double line namely in the Hamstead Road from a point 2·10 chains north of the commencement of the tramway for a distance of 3 chains to the north;

The total length of Tramway No. 7 will be 1 furlong being 3 chains of double line and 7 chains of single line;

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Gauge of tramway.

7. The tramways shall be constructed on a gauge of three feet six inches Provided always that so much of Section thirty-four of the Tramways Act 1870 as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the tramways but no carriage or engine used on the tramways shall exceed five feet and nine inches in width or such other width as may from time to time be prescribed by the Board of Trade.

Extending to this Order certain provisions of the Order of 1881.

8. Save as herein otherwise expressly provided the following provisions of the Order of 1881 that is to say sections nine to twenty-nine (both inclusive) sections thirty-one thirty-two and thirty-five sections forty-six to fifty-two (both inclusive) section eighty-two sections eighty-four to eighty-eight (both inclusive) and sections ninety to ninety-four (both inclusive) shall so far as applicable extend and apply to the tramways and undertaking by this Order authorised in like manner in every respect as if the tramways and undertaking by this Order authorised were the tramways and undertaking authorised by the Order of 1881 and for the purposes of such application the expressions "the tramways" "the undertaking" "the local authorities" "the road authorities" "the Promoters" and "this Order" in the said provisions shall be construed to mean respectively the tramways and the undertaking and the Local Authorities and the Road Authorities as defined respectively by this Order the Promoters of this Order and this Order.

For protection of Dudley Sedgley and Wolverhampton Tramways Company.

9. Where any of the tramways cross on the level any of the tramways authorised by the Dudley Sedgley and Wolverhampton Tramways Order 1880 (in this section referred to as "the Dudley Tramways") the following provisions for the protection of the Promoters of the said Order of 1880 (in this section referred to as "the Dudley Promoters") shall apply and have effect that is to say :—

(1.) The Promoters shall give seven days' notice in writing to the Dudley Promoters of their intention to commence any works which affect or in anywise interfere with the structural works of any of the Dudley Tramways and all such crossings or other alterations of the Dudley Tramways shall be made to the reasonable satisfaction of the engineer for the time being of the Dudley Promoters and at the cost of the Promoters and so as to interfere as little as may be with the traffic passing over or along the Dudley Tramways.

(2.) The tramways authorised by this Order shall not be so worked or used as to occasion any avoidable interruption or impediment to the traffic on the Dudley Tramways or the use thereof and particularly (but without prejudice to the generality of this provision) the Promoters shall not cross or permit to be crossed any of the Dudley Tramways while any carriage or tramcar is passing or about to pass over the same at or near any such crossing as aforesaid and with the object of preventing accidents the carriages running on any of the tramways authorised by this Order shall stop immediately before crossing any of the Dudley Tramways at any point if any car of the Dudley Promoters is approaching.

(3.) If any difference arises between the Promoters and the Dudley Promoters with respect to any of the provisions of this section the same shall be settled in the manner specified in Section thirty-three of the Tramways Act 1870 for the settlement of the differences in the said section mentioned.

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For protection of the London and North-Western Railway Company.

10. In addition to any other provisions contained in or made applicable by this Order the following provisions for the protection of the London and North-Western Railway Company (in this section referred to as "the Company") shall have full force and effect and be binding upon the Promoters.

In constructing Tramway No. 1 where it is intended to be carried along Soho Street over the bridge over the Stour Valley Railway of the Company and in front of the entrance to the Soho station on that railway the Promoters shall notwithstanding anything to the contrary shown on the deposited plans or contained in this Order construct and place the same as far as reasonably practicable on the eastern side of the road over the said bridge and in front of the said station so as not to obstruct the traffic to and from the said station and no additional crossing passing-place siding junction or other work shall be made for and in connexion with the said Tramway No. 1 for the distance thereon extending in front of the entrance to that station and for a length of ten yards at each end of such distance and without the consent of the Company under their common seal no tramcar or other vehicle or carriage used on Tramway No. 1 shall be stopped or permitted to be stopped within such distance and lengths except for and only so long as shall be absolutely necessary for the purposes of discharging and taking up passengers.

In constructing Tramway No. 2 where it is intended to be carried in Rabone Lane in front of the property of the Company the Promoters shall notwithstanding anything to the contrary shown on the deposited plans or contained in this Order construct and place the same as far as reasonably practicable on the western side of that road.

Promoters to make deposit before opening roads in districts of road authorities.

11. Before the Promoters open or break up any road within the district of any of the road authorities they shall if required deposit in a bank to be approved by the road authority of such district to a joint account in the names of the Promoters and such road authority a sum of money (in this section referred to in relation to any road authority as "the deposit fund") to be calculated at the rate of one thousand pounds for every mile of tramway (and so in proportion for a part of a mile of tramway) by this Order authorised to be constructed within such district and of their intention to construct which the Promoters shall have given such road authority notice in writing.

The deposit fund shall at the request of the Promoters, but at their risk be from time to time invested in the joint names of the Promoters and of such road authority in such securities as such road authority may approve and the interest thereon shall from time to time be paid to the Promoters.

On the completion of the tramways in the district of any of the road authorities to the reasonable satisfaction of the surveyor of such road authority the deposit fund shall be paid out or the securities in which the same is invested shall be transferred to the Promoters by the said bank and the certificate of the surveyor for the time being of such road authority certifying that such tramways have been completed to his satisfaction as aforesaid shall be a sufficient authority to the said bank to make such payment or for such transfer.

If the tramways within the district of any of the road authorities having been commenced are not completed within the time limited by the Tramways Act 1870 or within such extended time as may be duly sanctioned the deposit fund shall be paid out or transferred by the said bank to the road authority of such district and the same may be applied in payment of the expenses incurred by

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them in the removal of so much of such tramways as shall have been laid down by the Promoters and in restoring the road to the satisfaction of their surveyor (the balance of the deposit fund being paid to the Promoters) and for the purpose of such restoration such road authority shall be at liberty to break up or use any part of the materials of such tramways and the Promoters shall join such road authority in any deed act matter or thing which may be necessary to effect such application of the deposit fund as aforesaid.

If the deposit fund is insufficient to reimburse such road authority the expenses so incurred the Promoters shall on demand pay to such road authority such deficiency and in case of non-payment the same may be recovered by such road authority by all and the same means as any simple contract debt of like amount may be recovered.

Breaking-up streets by local or road authorities.

12. Nothing in this Order contained shall obstruct hinder prejudice or prevent any of the local or road authorities from breaking up any road in their respective districts for any purpose for which they are respectively authorised to break up any road within their respective districts and for such purpose they may stop the traffic along the tramways within their respective districts and any extra cost occasioned by reason of such tramways being there and incurred by any such local or road authority in the exercise of their powers and in restoring the surface of any such road and any of the tramways laid by the Promoters shall be borne by the Promoters and be paid by them to such local or road authority and may be recovered by such local or road authority from the Promoters by all and the same means as any simple contract debt of like amount may be recovered.

Cost of reinstating roads.

13. The Promoters shall forthwith pay to the road authorities the costs of the repair and reinstatement of so much of the roads within their respective districts along which the tramways are laid as may be injured or damaged by reason of the traffic being concentrated thereon during the construction alteration or repair of the tramways or any part or parts thereof Provided nevertheless that such repairs and reinstatements may at the request of the Promoters and with the consent of the road authority be executed by the Promoters.

As to removal of manholes.

14. When any of the tramways is constructed or intended to be constructed over any manhole or entrance into any sewer of any of the local authorities or so close to such manhole or entrance as to make the use thereof dangerous or inconvenient in the opinion of such local authority the Promoters shall if required by such local authority construct a side entrance in lieu of such manhole or entrance in such position and according to such plan as may be approved by such local authority or such local authority may at their option construct such side entrance and the Promoters shall repay to such local authority the costs thereof.

Promoters not to have any claims in respect of interruption of traffic.

15. The Promoters shall have no claim whatever for any damage or interruption of traffic which may arise from any works executed by any of the road authorities in on under or over any road on which any of the tramways may be laid or from the use of any implements or materials they may use in the maintenance thereof.

For the protection of the Oldbury Local Board.

16. The following provisions for the protection of the Local Board for the District of Oldbury in the County of Worcester (in this section referred to as "the Oldbury Board") shall apply and have effect with respect to the tramways within the said district that is to say:—

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(Modification of certain provisions of Order of 1881 as applied to tramways in Oldbury District.)

(1.) The following Sections of the Order of 1881 shall so far as the same are by this Order made to extend and apply to the tramways and undertaking within the said district be read and construed subject to the following modifications namely :—

Section sixteen of the Order of 1881 shall so far as the same relates to the construction of Tramways Nos. 4 4A and 4B be read and construed as though after the words "or to such person or persons as he may appoint to receive the same" in the said section there were inserted the words "at such place within the district of the Oldbury Board not exceeding one mile from the point of removal from such road as may from time to time be directed by such surveyor."

Section twenty-one of the Order of 1881 shall be read and construed as if the words "and not otherwise upon the request and" in the last line of such section had been omitted therefrom.

Section twenty-three of the Order of 1881 shall be read and construed as though the following words were added thereto namely: "Provided also that the Promoters shall pay to the Oldbury Board all the extra cost and expense to which the said Board may at any time hereafter or shall incur in laying any sewers drains mains pipes or other works along across or under any of the roads upon which the tramways shall be laid or in repairing and reinstating such sewers drains pipes or other works which shall be caused by the tramways having been laid along such roads and that the Oldbury Board may for the purpose of laying such sewers drains mains pipes or other works or repairing or reinstating the same temporarily break up stop and remove any of such tramways."

Section twenty-five of the Order of 1881 shall be read and construed so as to extend to gutters and drains crossing the line of tramway upon the surface of any road.

(Certain provisions of Order of 1883 to apply to tramways in Oldbury District.)

(2.) The following provisions of the Order of 1883 that is to say Section nineteen and Sub-sections (*e*) and (*g*) of Section twenty-one and Section thirty-one shall as far as the same are applicable apply to the tramways and undertaking by this Order authorised within the district of the Oldbury Board in like manner in every respect as if the tramways and undertaking by this Order authorised within the said district were the tramways and undertaking authorised by the Order of 1883 and for the purposes of such application the expressions "the tramways" "the undertaking" "the road authorities" "the Promoters" and "this Order" in the said provisions shall be construed to mean respectively the tramways and the undertaking within the said district and the road authorities as defined respectively by this Order the Promoters of this Order and this Order.

(Oldbury Board may alter levels of roads &c.)

(3.) The Oldbury Board may previous to the construction of any of the tramways within their district alter the level of the surface of any road or part thereof or may prescribe the level at which such tramways shall be laid.

(Paving and repair of roads.)

(4.) In constructing any of the tramways within the district of the Oldbury Board the Promoters shall pave with setts of a paving material and of a quality and size not less than five inches in depth to be from time to time prescribed by the Oldbury Board unless the Board of Trade shall otherwise direct so much of the roads in which such tramways are to be laid down as is between the rails and for a distance of two feet three inches measured from the outside of each rail in the direction of the kerb and shall at all times maintain and keep in good condition and repair such part of the roads so paved to the reasonable satisfaction of the Oldbury Board or their surveyor Provided always that where any of such

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tramways shall be so laid that a less space than nine feet six inches will intervene between the outside of the footpath on either side of the road and the nearest rail of the tramway the whole of such space shall unless the Board of Trade shall otherwise direct be paved by the Promoters with granite or other stone approved by the surveyor of the Oldbury Board and by the Board of Trade and in such manner as the Oldbury Board may prescribe Provided always that the Oldbury Board and the Promoters may at any time by agreement and with the approval of the Board of Trade vary alter or repeal the obligation herein contained.

(Power to alter position of tramways in any road to facilitate traffic.)

(5.) In any case where it may appear to be more convenient to the general traffic and the public user of or to the frontagers of any road within the District of the Oldbury Board to have any of the tramways or any part thereof within the said district laid on one side of the centre of the roadway or laid as a double line on both sides of the centre of the roadway the Promoters may with the consent in writing of and shall if required by the Oldbury Board but subject always to the written consent of the Board of Trade lay and maintain such tramways or such part thereof on one side or on both sides of the centre of the roadway as the case may be Provided always that except in cases where any of such tramways is by this Order authorised to be so laid that a less space than nine feet six inches will intervene between the outside of the footpath on either side of the road and the nearest rail of such tramway the Promoters shall not alter the position of such tramway under the provisions of this Section so that a less space than nine feet six inches will intervene between any rail thereof and the outside of the footpath on either side of the road if any owner or occupier of premises abutting on the part of the road where such rail is proposed to be laid shall by writing under his hand addressed to the Promoters express his objection thereto.

(Promoters to pave whole width of certain roads in Oldbury.)

(6.) The Promoters shall pave and maintain with such materials as may be required by and in all respects to the satisfaction of the Oldbury Board the whole width of the roadway of Halesowen Street from the corner of Church Street to and including Whimsey Bridge and between those points the tramways shall if required by the Oldbury Board and with the consent of the Board of Trade be laid and maintained as a double line.

(Paving and materials of permanent way and roads.)

(7.) The permanent way of every tramway and so much of any road in the District of the Oldbury Board upon which any of the tramways are laid as the Promoters are under the provisions of the Tramways Act 1870 and this Order required to maintain and repair shall be paved with Leicestershire granite setts and the setts shall be five inches by four inches and shall be laid upon a bed of concrete not less than six inches in depth composed of macadamised stone and grouted with cement and the margins shall be two feet three inches and the rails shall be six inches deep with proper tie rods to be well jointed with the necessary fish plates nuts and bolts Such permanent way and such portions of roads shall be maintained by the Promoters in all respects to the satisfaction of the Surveyor of the Oldbury Board and all materials used shall be the best of their respective kinds and shall be subject to the approval of the said Surveyor who shall have power to reject any material or work which he may deem inferior or defective and if the Promoters make default in remedying the same the Oldbury Board may execute the same and charge the Promoters with the cost thereof.

(Promoters to pay to the Oldbury Board

(8.) The Promoters shall except as by this Order otherwise provided pay to the Oldbury Board on demand the amount of all reasonable costs charges and

expenses incurred by them in relation to this Order and the preparation of any agreements entered into between them and the Promoters as to this Order and to the confirmation thereof by Act of Parliament including parliamentary agent's and counsel's charges and fees and also surveyors' and solicitors' costs and charges and all other costs charges and expenses incurred by the Oldbury Board in connexion with or in opposing this Order either with a view to obtaining the insertion in this Order of any provisions or otherwise. (Promoters certain costs incurred by them.)

(9.) Notwithstanding anything to the contrary contained in Section twenty-six of the Tramways Act 1870 the Promoters shall not without the previous consent in writing of the Surveyor of the Oldbury Board open or break up at any one time for any of the purposes specified in the said section a greater length than sixty yards of any road and they shall leave an interval of at least a quarter of a mile between any two places at which they may open or break up such road. (Promoters not to break up more than 60 yards at once.)

(10.) During the construction of the tramways or any works by this Order authorised in any road within the district of the Oldbury Board the Promoters shall make such arrangements in relation to the construction of such tramways or the execution of such works as may from time to time be required by the Oldbury Board or their Surveyor for the time being for preventing the traffic along such road from being unnecessarily impeded. (Arrangements to be made during construction to prevent traffic being unnecessarily impeded.)

(11.) If by reason of the construction alteration or repair of the tramways or any part or parts thereof within the district of the Oldbury Board any damage or injury is caused to any road or if by reason of or consequent upon any such construction alteration or repair the traffic is diverted upon or over any road within the said district not actually occupied by the site of any of the tramways respectively the Promoters shall immediately make good all such damage or injury to such roads respectively to the satisfaction of the Surveyor of the Oldbury Board or at the option of the Oldbury Board they may themselves make good such damage or injury and in every such case the expenses incurred by the Oldbury Board in the repair and reinstatement of such roads or such part or parts thereof so far as such expenses are caused by such construction alteration or repair as aforesaid or are increased by the diversion of such traffic as aforesaid shall be borne and paid by the Promoters to the said Board within one calendar month next after the same have been incurred. (Increased expense of repair of roads consequent on diversion of traffic.)

(12.) The Oldbury Board in their district may cleanse any road without reference to the tramways but whatever cleansing owing to snow or other matter impeding the traffic is requisite for the proper working of the tramways shall be executed by the Promoters at their own risk and cost and they shall in performing the same remove the snow or other matter from the said tramways to such place as the Surveyor of the Oldbury Board may reasonably prescribe not exceeding half a mile from some part of the said tramways and the Promoters shall not use salt or other unsuitable material for the thawing of snow on any road within the said district. (Cleansing of tramways.)

(13.) The Promoters shall if required by the Oldbury Board provide and maintain in the District of the Oldbury Board on the route of the tramways by this Order the Order of 1881 and the Order of 1883 authorised at least two waiting-rooms and booking-offices in such situations of such construction and with such conveniences as the Oldbury Board shall approve. (Promoters to provide waiting-rooms.)

(14.) Notwithstanding anything in the Tramways Act 1870 or in this Order contained the time limited for the completion and opening for public traffic of Tramway No. 4 shall not commence to run until the said tramway has been (As to time for completion of Tramway No. 4.)

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actually commenced and so much of the deposit fund by this Order required to be deposited by the Promoters as relates to the said Tramway No. 4 shall not notwithstanding anything in this Order contained be paid out or transferred to the Local Board until the expiration of the time by this subsection prescribed for the completion and opening for public traffic of the said Tramway No. 4.

For the protection of the Smethwick Local Board.

17. The following provisions for the protection of the Local Board for the district of the hamlet of Smethwick in the county of Stafford (in this section referred to as "the Smethwick Board") shall apply and have effect with respect to the tramways within the said district that is to say :—

(Modification of certain provisions of Order of 1881 as applied to tramways in Smethwick District.)

(1.) The following Sections of the Order of 1881 shall so far as the same are by this Order made to extend and apply to the tramways within the said district be read and construed subject to the following modifications namely :—

Section sixteen of the Order of 1881 shall so far as the same relates to the construction of Tramways Nos. 1 and 2 be read and construed as though after the words "or to such person or persons as he may appoint to receive the same" in the said Section there were inserted the words "at such place within the "district of the Smethwick Board not exceeding one mile from the point of "removal from such road as may from time to time be directed by such "surveyor."

Section twenty-one of the Order of 1881 shall be read and construed as if the words "and not otherwise upon the request and" in the last line of such Section had been omitted therefrom.

Section twenty-three of the Order of 1881 shall be read and construed as though the following words were added thereto namely "Provided also that the "Promoters shall pay to the Smethwick Board all the extra cost and expense to "which the said Board may at any time hereafter or shall incur in laying "any sewers drains mains pipes or other works along across or under any of "the roads upon which the tramways shall be laid or in repairing and reinstating "such sewers drains pipes or other works which shall be caused by the tram-"ways having been laid along such roads and that the Smethwick Board may "for the purpose of laying such sewers drains mains pipes or other works or "repairing or reinstating the same temporarily break up stop and remove any "of such tramways."

Section twenty-five of the Order of 1881 shall be read and construed so as to extend to gutters and drains crossing the line of tramway upon the surface of any road.

(Certain provisions of Orders of 1881 and 1883 to apply.)

(2.) The provisions of Section forty-four of the Order of 1881 and the following provisions of the Order of 1883 namely Section nineteen and Sub-sections (*e*) and (*g*) of Section twenty-one and Section thirty-one shall as far as the same are applicable extend and apply to the tramways and undertaking by this Order authorised within the district of the Smethwick Board in like manner in every respect as if the tramways and undertaking by this Order authorised within the said district were the tramways and undertaking authorised by the Order of 1881 and the Order of 1883 respectively and for the purposes of such application the expressions "the tramways" "the undertaking" "the road authorities" "the Promoters" and "this Order" in the said provisions respectively shall be construed to mean respectively the tramways and the undertaking within the said district and the road authorities as defined respectively by this Order the Promoters of this Order and this Order.

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(Smethwick Board may alter levels of roads &c.)

(3.) The Smethwick Board may previous to the construction of any of the tramways within their district alter the level of the surface of any road or part thereof or may prescribe the level at which such tramways shall be laid.

(Tramways authorised to be laid as single lines may with consent of Smethwick Board be laid as double lines.)

(4.) Any of the tramways by this Order authorised to be laid within the district of the Smethwick Board as a single line may at the option and with the consent in writing of the said Board be laid as a double line Provided nevertheless subject to the provisions of this Order that in substituting such double line for such single line as aforesaid no rail shall be so laid that 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 any owner or occupier of any house shop or warehouse abutting on the place where such rail is proposed to be laid shall by notice in writing under his hand addressed to the Promoters express his objection thereto.

(Paving and repairs of roads.)

(5.) In constructing any of the tramways within the district of the Smethwick Board the Promoters shall pave with setts of a paving material and of a quality and size not less than five inches in depth to be from time to time prescribed by the Smethwick Board unless the Board of Trade shall otherwise direct so much of the roads in which such tramways are to be laid down as is between the rails and for a distance of two feet three inches measured from the outside of each rail in the direction of the kerb and shall at all times maintain and keep in good condition and repair such part of the roads so paved to the reasonable satisfaction of the Smethwick Board or their Surveyor Provided always that where any of such tramways shall be so laid that a less space than nine feet six inches will intervene between the outside of the footpath on either side of the road and the nearest rail of the tramway the whole of such space shall unless the Board of Trade shall otherwise direct be paved by the Promoters with granite or other stone approved by the surveyor of the Smethwick Board and by the Board of Trade and in such manner as the Smethwick Board may prescribe Provided always that the Smethwick Board and the Promoters may at any time by agreement and with the approval of the Board of Trade vary alter or repeal the obligation herein contained.

(Promoters to widen canal and railway bridges.)

(6.) Before commencing the construction of any part of Tramways Nos. 1 and 2 in the district of the Smethwick Board the Promoters shall at their expense in all things acquire the necessary property for widening and shall permanently widen to a uniform width (including the footways) of not less than the respective widths herein-after stated the several canal and railway bridges and the respective approaches thereto on each side thereof herein-after described.

The bridges and the approaches thereto herein-before in this Sub-section referred to are as follows:—

Tramway No. 1.—

The bridge carrying the public carriage road known as Cranford Street over the Birmingham Canal and the approaches thereto on the northerly side of the said bridge for a distance of 15 yards measured in a northerly direction from the centre of the said bridge and for a distance of 15 yards measured in a southerly direction from the centre of the said bridge. Such bridge and approaches respectively shall be widened to a uniform width of not less than 36 feet.

The bridge carrying the public carriage road known as Soho Street over the Stour Valley Railway near the Soho Station of such railway and the

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approaches thereto on the southerly side of the said bridge for a distance of 123 yards measured in a southerly direction from the centre of the said bridge and for a distance of 40 yards measured in a northerly direction from the centre of the said bridge Such bridge and approaches respectively shall be widened to a uniform width of not less than 36 feet.

Tramway No. 2.—

The bridge carrying the public carriage road known as Rabone Lane over the Birmingham Canal and the approaches thereto on the easterly side of the said bridge for a distance of 34 yards measured in an easterly direction from the centre of the said bridge and for a distance of 40 yards measured in a westerly direction from the centre of the said bridge Such bridge and approaches respectively shall be widened to a uniform width of not less than 36 feet.

And if necessary for those purposes respectively the Promoters shall pull down and remove the existing canal and railway bridges or any or either of them and re-erect new bridges or a new bridge in lieu thereof of not less than the like uniform width of 36 feet.

The widening or removal and re-erection (as the case may be) of the said bridges respectively shall be executed carried out and completed to the satisfaction of the Engineers for the time being of the Company of Proprietors of the Birmingham Canal Navigations and the London and North-Western Railway Company respectively and the widening of the said approaches to the said bridges respectively and the formation paving and channelling of the roadways and footways of such approaches and bridges respectively when widened or rebuilt shall be formed executed carried out and completed by the Promoters to the reasonable satisfaction of the Surveyor of the Smethwick Board to be expressed by him in writing Provided that in making such approach widenings respectively the Promoters shall not be required before laying down the said tramways therein to form pave or metal so much of the roadways thereof respectively as will be occupied by and lie between the rails of such tramways but such portions of the said approach widenings respectively shall be formed paved and metalled as aforesaid before the said tramways respectively are opened for public traffic Provided always that the widenings of the bridges or any of them may be effected by means of cantelevers carrying the footpaths.

Any consent of the Company of Proprietors of the Birmingham Canal Navigations and of the London and North-Western Railway Company or other Company in whom is vested the Stour Valley Railway which may be necessary to the proposed widening or removal or other work affecting the several bridges herein-before mentioned shall be obtained by and at the expense of the Promoters before the Promoters commence the construction of any part of Tramways Nos. 1 and 2 authorised by this Order in the district of the Smethwick Board or the interference with any of the said bridges of the said Canal Navigations Company or Railway Company respectively under this Section.

(Paving and materials of permanent way and roads.)

(7.) The permanent way of every tramway and so much of any road in the District of the Smethwick Board upon which any of the tramways are laid as the Promoters are under the provisions of the Tramways Act 1870 and this Order required to maintain and repair shall be paved with Leicestershire granite setts and the setts shall be five inches by four inches and shall be laid upon a bed of concrete not less than six inches in depth composed of macadamised stone and grouted with cement and the margin shall be two feet three inches and the

rails shall be six inches deep with proper tie rods to be well jointed with the necessary fish plates nuts and bolts Such permanent way and such portions of roads shall be maintained by the Promoters in all respects to the satisfaction of the Surveyor of the Smethwick Board and all materials used shall be the best of their respective kinds and shall be subject to the approval of the said Surveyor who shall have power to reject any material or work which he may deem inferior or defective and if the Promoters make default in remedying the same the Smethwick Board may execute the same and charge the Promoters with the cost thereof.

(Promoters to pay to the Smethwick Board certain costs incurred by them.)

(8.) The Promoters shall except as by this Order otherwise provided pay to the Smethwick Board on demand the amount of all reasonable costs charges and expenses incurred by them in relation to this Order and the preparation of any agreements entered into between them and the Promoters as to this Order and to the confirmation thereof by Act of Parliament including parliamentary agents' and counsel's charges and fees and also surveyors' and solicitors' costs and charges and all other costs charges and expenses incurred by the Smethwick Board in connexion with or in opposing this Order either with a view to obtaining the insertion in this Order of any provisions or otherwise.

(Promoters not to break up more than 60 yards at once.)

(9.) Notwithstanding anything to the contrary contained in Section twenty-six of the Tramways Act 1870 the Promoters shall not without the previous consent in writing of the Surveyor of the Smethwick Board open or break up at any one time for any of the purposes specified in the said section a greater length than sixty yards of any road and they shall leave an interval of at least a quarter of a mile between any two places at which they may open or break up such road.

(Provisions as to paving certain streets.)

(10.) The whole of Soho Street and Cranford Street respectively and so much of Rabone Lane as extends from the Soho station to a point situate forty yards west of the centre of the canal bridge in Rabone Lane shall be paved and maintained throughout by the Promoters with such materials as may be required by the Smethwick Board and approved by the Board of Trade and in all other respects to the satisfaction of the Surveyor of the Smethwick Board.

(Arrangements to be made during construction to prevent traffic being unnecessarily impeded.)

(11.) During the construction of the tramways or any works by this Order authorised in any road within the District of the Smethwick Board the Promoters shall make such arrangements in relation to the construction of such tramways or the execution of such works as may from time to time be required by the Smethwick Board or their Surveyor for the time being for preventing the traffic along such road from being unnecessarily impeded.

(Increased expense of repair of roads consequent on diversion of traffic.)

(12.) If by reason of the construction alteration or repair of the tramways or any part or parts thereof within the District of the Smethwick Board any damage or injury is caused to any road or if by reason of or consequent upon any such construction alteration or repair the traffic is diverted upon or over any road within the said district not actually occupied by the site of any of the tramways respectively the Promoters shall immediately make good all such damage or injury to such roads respectively to the satisfaction of the Surveyor of the Smethwick Board or at the option of the Smethwick Board they may themselves make good such damage or injury and in every such case the expenses incurred by the Smethwick Board in the repair and reinstatement of such roads or such part or parts thereof so far as such expenses are caused by such construction alteration or repair as aforesaid or are increased by

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the diversion of such traffic as aforesaid shall be borne and paid by the Promoters to the said Board within one calendar month next after the same have been incurred.

(13.) The Smethwick Board in their district may cleanse any road without reference to the tramways but whatever cleansing owing to snow or other matter impeding the traffic is requisite for the proper working of the tramways shall be executed by the Promoters at their own risk and cost and they shall in performing the same remove the snow or other matter from the said tramways to such place as the Surveyor of the Smethwick Board may reasonably prescribe not exceeding half a mile from some part of the said tramways and the Promoters shall not use salt or other unsuitable material for the thawing of snow on any road within the said district.

(Promoters to provide waiting rooms.)

(14.) The Promoters shall if required by the Smethwick Board provide and maintain in the district of the Smethwick Board on the route of the tramways by this Order and the Order of 1881 and the Order of 1883 authorised at least three waiting rooms and booking offices in such situations of such construction and with such conveniences as the Smethwick Board shall approve.

(As to time for completion of Tramways Nos. 1 2 and 3.)

(15.) Notwithstanding anything in the Tramways Act 1870 or in this Order contained the time limited for the completion and opening for public traffic of Tramways Nos. 1 2 and 3 shall not commence to run until the said tramways have been actually commenced and so much of the deposit fund by this Order required to be deposited by the Promoters as relates to the said Tramways Nos. 1 2 and 3 shall not notwithstanding anything in this Order contained be paid out or transferred to the Local Board until the expiration of the time by this sub-section prescribed for the completion and opening for public traffic of the said tramways.

For the protection of the Rowley Regis Local Board.

18. The following provisions for the protection of the Local Board for the District of Rowley Regis (in this section referred to as "the Local Board") shall apply and have effect with respect to the tramways within the said district that is to say:—

(Certain provisions of Order of 1883 to apply.)

(1.) The following provisions of the Order of 1883 that is to say: Sections nineteen and thirty-one and Section (9) of Part I. of the Schedule to the said Order annexed shall so far as applicable extend and apply to the tramways and undertaking by this Order authorised within the district of the Local Board in like manner in every respect as if the tramways and undertaking by this Order authorised within the said district were the tramways and undertaking authorised by the Order of 1883 and for the purposes of such application the expressions "the tramways" "the undertaking" "the road authorities" "the Promoters" and "this Order" in the said provisions shall be construed to mean respectively the tramways and the undertaking within the said district and the road authorities as defined respectively by this Order the Promoters of this Order and this Order.

(Provisions as to Tramway No. 4.)

(2.) Tramway No. 4 shall from the point of junction with Tramway No. 4B to the point of junction with Tramway No. 4A be laid as a single line (where a double line 4·3 chains is shown on the deposited plans) and no engine or car shall be allowed to stand or remain on this portion of the said tramway during the hours of any market being held in the immediate locality that is to say west of the junction of the said Tramway No. 4B.

(3.) Where according to the deposited plans it is proposed to lay down in any road in the district of the Local Board a single line of tramway and a less space than nine feet six inches intervenes between the outside of the footpath on either side of such road and the nearest rail of the tramway the Promoters shall if required by the Local Board and with the consent of the Board of Trade in lieu of such single line lay down a double line of tramway with proper passing-places.

(Double lines to be laid in certain places.)

(4.) Section twenty-eight of the Tramways Act 1870 and the provisions of this Order with respect to the paving and maintaining certain portions of the roadway of any road whereon any of the tramways is laid shall extend and apply to so much of any road within the district of the Local Board as extends two feet three inches beyond the rails of and on each side of any such tramway and shall also unless the Board of Trade shall otherwise direct extend and apply to the whole width of any such road where it is proposed that a less space than nine feet and six inches shall intervene between the outside of the footpath on either side of the road and the nearest rail of the tramway.

(Portions of road to be paved by Promoters.)

Subject to the provisions of this Order the Promoters shall in constructing such tramways pave with setts of a paving material and of a quality and size not less than five inches in depth to be from time to time prescribed by the Local Board so much of the roads on which such tramways are to be laid down as lies between the rails of such tramways and extends for a distance of one foot measured from the outside of each rail in the direction of the kerb and shall make good the road for a distance of one foot from the outside of the paving on each side in the direction of the kerb with macadam or such other material as may be agreed upon between the Local Board and the Promoters Provided always that subject as aforesaid the Local Board and the Promoters may by agreement at any time vary alter or repeal the obligation herein contained.

(5.) The Promoters shall compensate all occupiers of premises within the district of the Local Board for any extra expense they may incur (by reason of the tramways) in putting in gas or water service pipes or otherwise.

(Promoters to compensate occupiers.)

(6.) The Local Board may with their own carriages or trucks at any time between the hours of twelve at night and six in the morning use all or any of the tramways free of toll for sanitary purposes and for the conveyance of scavenging stuff road material and night soil and the Local Board may make such junctions sidings and works as they may think necessary or convenient for making communication to such tramways from their depôts and yards Provided that in the construction of such works no rail shall be laid by the Local Board so that 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 any owner or occupier of premises abutting on the place where such rail is proposed to be laid by writing under his hand addressed to the Clerk of the Local Board express his objection thereto the necessary sidings points turnouts bends or junctions to enable the Local Board to communicate with any of their yards depôts or stores excepted.

(Local Authorities may use tramways for sanitary purposes.)

(7.) If the Local Board hereafter alter the level of any road along or across which any of the tramways within their district is laid or authorised to be laid or otherwise exercise any of its powers over on under or through any such road the Promoters 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 without cost or expense to the Local Board.

(Promoters to alter levels of tramways if levels of road altered.)

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(Costs of supervision &c. by Local Board.)

(8.) The Promoters shall on demand repay to the Local Board all reasonable charges and expenses incurred by them for the supervision and inspection by them under this Order of any work done by the Promoters in connexion with the tramways and the Local Board are hereby authorised to order such supervision and inspection of such works within their district as the Local Board may deem proper but no such supervision or inspection shall relieve the Promoters from any liability whatever.

(Improvements to be adopted.)

(9.) The Board of Trade may from time to time upon the application of the Local Board require the Promoters to adopt and apply such improvements in the tramways within their district including the rails thereof and the carriages rolling stock break power and plant of the Promoters or used on or in connection with such tramways as experience may from time to time suggest having regard to the greater security or convenience of the public and persons using such tramways and the advantage to the ordinary traffic and the Promoters shall with all reasonable despatch comply with any order made by the Board of Trade for the purpose of carrying out any such improvements.

(Repairs to roads.)

(10.) If at any time any such part of any road in the district of the Local Board in which any of the tramways is laid as is by the Tramways Act 1870 or by this Order required to be maintained and kept in good condition and repair by the Promoters shall in the judgment of the Local Board be not maintained and kept in such good condition and repair and shall so remain out of such good condition and repair for the space of seven days after notice given by the Local Board to the Promoters then it shall be lawful for the Local Board to repair and amend the same and to recover the costs incurred by them in so doing from the Promoters by all and the same means as any simple contract debt of like amount may be recovered and it shall be lawful for the Local Board to stop the traffic along any part of the tramways where any such part of any road is in the judgment of the Local Board out of repair until such part of such road shall have been put into good condition and repair to the satisfaction of the Local Board.

The Promoters shall pay to the Local Board all costs charges and expenses incurred by them for the repair and reinstatement of any parts of the roads or streets in their district which may be injured or damaged in any way by reason of the traffic on such roads or streets being diverted during the construction alteration or repair of the tramways or any part or parts thereof.

(Waiting-rooms.)

(11.) The Promoters shall if required by the Local Board provide and maintain within the district of the Local Board in a situation on the route of the tramways to be approved by the Local Board two waiting rooms for passengers and booking offices.

As to time for completion of Tramways Nos. 4 4A and 4B.

(12.) Notwithstanding anything in the Tramways Act 1870 or in this Order contained the time limited for the completion and opening for public traffic of Tramways Nos. 4 4A and 4B shall not commence to run until the said tramways have been actually commenced and so much of the deposit fund by this Order required to be deposited by the Promoters as relates to the said Tramways Nos. 4 4A and 4B shall not notwithstanding anything in this Order contained be paid out or transferred to the Local Board until the expiration of the time by this sub-section prescribed for the completion and opening for public traffic of the said Tramways Nos. 4 4A and 4B.

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For the protection of the Handsworth Local Board.

19. The following provisions for the protection of the Local Board for the Urban Sanitary District of Handsworth in the County of Stafford (in this section referred to as "the Local Board") shall apply and have effect with respect to the tramways within the said district that is to say :—

(Interpretation).

(1.) The expression "mechanical appliances" shall in this section include the engines cables brake power fittings and all other appliances or things which shall form part of or be used in connection with the steam or mechanical power authorised to be used on such tramways.

(Application of certain provisions of Order of 1883.)

(2.) The following provisions of the Order of 1883 that is to say Sections eleven thirteen twenty and twenty-eight and Sub-sections (*a*) (*b*) (*c*) (*d*) (*e*) and (*g*) of Section twenty-one and Part I of the Schedule to the Order of 1883 annexed shall so far as applicable extend and apply to the tramways and undertaking by this Order authorised within the district of the Local Board in like manner in every respect as if the tramways and undertaking by this Order authorised within the said district were the tramways and undertaking authorised by the Order of 1883 and for the purposes of such application the expressions "the tramways" "the undertaking" "the local authorities" "the road authorities" "the Promoters" and "this Order" in the said provisions shall be construed to mean respectively the tramways and the undertaking within the said district and the local authorities and the road authorities as defined respectively by this Order the Promoters of this Order and this Order.

(Double instead of single lines of tramways to be laid if Local Board require.)

(3.) The tramways by this Order authorised to be constructed in Hamstead Road as single lines shall if the Local Board so require and the Board of Trade approve notwithstanding anything contained in this Order or shown on the deposited plans be constructed as double lines The position of all passing-places on single lines shall be fixed by the Local Board and the Engineer to the Promoters or in case of difference by the Board of Trade on the application of either party in manner provided by Section thirty-three of the Tramways Act 1870 for the settlement of the differences in the said section mentioned.

(As to Booth Street Railway Bridge.)

(4.) The tramway by this Order authorised to be laid in Booth Street Handsworth shall not be constructed until the bridge carrying the Great Western Railway over that street has been widened and the height increased if the Local Board shall so require and to such extent as they may require and the consent in writing of that Board has been given and obtained thereto and a double line of tramway shall be constructed by the Promoters to connect the passing places on the north and south sides of the said bridge if the Local Board so require.

(Mode of laying tramways to be approved by Local Board and Board of Trade and to be uniform throughout.)

(5.) Subject to the provisions of this Order the size and construction of all engines cables and carriages to be used on the tramways and the wheels and the brakes attached thereto and of all mechanical appliances and things appurtenant to the engines cables and carriages and the mode of laying down the tramways and the form of the rails sleepers fastenings and grooves if any shall be such as the Local Board and the Promoters may agree upon and as the Board of Trade may approve or failing agreement as shall be determined by the Board of Trade and shall be in accordance with designs plans sections and specifications to be previously submitted to and approved of by the Local Board but so that the form of the rails sleepers fastenings and grooves shall be the same throughout the whole length of the tramways within the said district and in case of difference as aforesaid they shall be such as the Board of Trade shall determine.

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(Length of passing-places.)

(6.) Notwithstanding anything in this Order contained no passing place in the district of the Local Board shall exceed three chains in length except with the consent of the Local Board.

(Costs of Local Board to be paid by Promoters.)

(7.) All costs and expenses incurred by the Local Board in connexion with or incident to the negotiation between them and the Promoters in relation to this Order or to the application for and obtaining this Order and to the confirmation thereof by Act of Parliament, or to the construction and subsequent repair and maintenance of the tramways or to any agreement or arrangement between the Promoters and the Local Board shall be paid by the Promoters to the Local Board within six months after the passing of the Act confirming this Order or within one month from the date on which payment of the same shall be demanded.

(Cost of reinstating roads.)

(8.) The Promoters shall forthwith pay to the Local Board the costs of the repair and reinstatement of so much of the roads within their district along which the tramways are laid as may be injured or damaged by reason of the traffic being concentrated thereon during the construction alteration or repair of the tramways or any part or parts thereof Provided nevertheless that such repairs and reinstatement may at the request of the Promoters and with the consent of the Local Board be executed by the Promoters.

(Local Board may maintain &c. roads at cost of the Promoters.)

(9.) The Local Board may at any time and from time to time take upon themselves the repairing maintaining or repaving of such portions of any road or roads whereon any of the tramways are laid within their district as the Promoters are under the Tramways Act 1870 or this or any other Order required to maintain and keep in good condition and repair for the whole or any part of the length of the tramways laid upon such road or roads and that notwithstanding the Promoters may have theretofore repaired or maintained the same or any part thereof provided that the Local Board shall by seven days' previous notice in writing to the Promoters state when the Local Board intend to take upon themselves such repairing maintaining or repaving and if the Local Board give such notice they shall execute such repairs maintenance or repaving from and after the time and for the period mentioned in that behalf in such notice The materials and means to be used in repairing maintaining or repaving the road or roads as aforesaid by the Local Board shall (subject to the provisions of this Order) be in the discretion of the Local Board and the Promoters shall not interfere in any way in the repair maintenance or repaving of such portions of any such roads as in pursuance of such provisions as aforesaid the Local Board are or may become liable to repair maintain or repave or be liable in any way for any neglect or default in or about such repairing maintaining or repaving.

The Promoters shall pay to the Local Board all expenses of and incidental to the repairing maintaining and repaving of such portions of such road or roads as shall be repaired maintained or repaved by the Local Board and as but for this and the other provisions in this behalf the Promoters would have been under the Tramways Act 1870 and this Order required to repair maintain or repave together with five pounds per centum on such expenses and the amount of such expenses to be paid from time to time by the Promoters under this subsection shall be ascertained in such manner as may from time to time be agreed upon between the Local Board and the Promoters or as failing such agreement in any case may be ascertained and certified from time to time by an engineer

or surveyor to be appointed by the Board of Trade on the application of either party and such amounts shall be paid by the Promoters on demand and the certificates and payments shall be so made in advance that the Local Board shall not in any way be required to furnish any money for such part of the works in hand as the Promoters may be liable to pay for.

(Deposit with Local Board of estimated cost of repairs &c.)

(10.) In order to secure the payments by the Promoters of the amounts to be paid by them to the Local Board under the last preceding sub-section the Promoters shall on or forthwith after each of the usual quarter-days deposit with the Local Board the amount which the engineer or surveyor for the time being of the Local Board may certify to be in his judgment the amount which will be required to be paid by the Promoters under the said sub-section for the works to be executed during the next ensuing quarter and the Local Board shall be at liberty to apply the moneys so deposited or any part thereof in or towards payment of any amount payable by the Promoters as aforesaid in respect of works executed during such quarter and at the end of each quarter the amount (if any) not so applied or so much thereof as may not be required shall be carried forward as or towards the deposit for the next quarter and any excess shall be paid to the Promoters and if any sum be so carried forward as aforesaid the Promoters shall for such quarter only deposit such an amount (if any) as will be required to make up the sum to be deposited as aforesaid.

(Cables &c. not to be laid down or used without consent of Local Board.)

(11.) The Promoters shall not without the consent in writing of the Local Board lay down construct use or maintain within the district of the Local Board any rails tubes wires ropes chains appliances works and conveniences for the purpose of enabling the tramways to be used by carriages moved by means of electric power or by haulage wires ropes cables or chains and fixed steam engines or other machinery and the Local Board are hereby authorised from time to time to give such consent upon and subject to such terms and conditions as they may think fit so that no such consent shall operate for a longer period than five years and that such terms and conditions shall not be inconsistent with the provisions of this Order.

(Electric power &c. not to be used without the consent of the Local Board.)

(12.) The Promoters shall not use electric or any mechanical power other than steam locomotive power nor work the tramways by cables without the consent in writing of the Local Board and the Local Board are hereby authorised from time to time to give such consent upon and subject to such terms and conditions as they may think fit so that no such consent shall operate for a longer period than five years, and that such terms and conditions shall not be inconsistent with the provisions of this Order.

(Local Board may require removal of engines &c.)

(13.) The Local Board may by order under its seal require the Promoters to remove any engines mechanical appliances harness or other things which may be deemed by the Local Board or their duly appointed officer to be unfit for use.

(Waiting-rooms.)

(14.) The Promoters shall if required by the Local Board provide and maintain within the District of the Local Board in situations on the route of the tramways to be approved by the Local Board two waiting rooms for passengers.

(Power to fix penny stages.)

(15.) Section seventy-six of the Order of 1881 (with respect to tolls for passengers) shall so far as the same is by this Order made to extend and apply to the tramways and undertaking within the district of the Local Board be read and construed as though the words "the Promoters nevertheless not being

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required to take any fare less than two pence" were omitted therefrom and the Promoters may with the approval of the Local Board and if required by the Board of Trade on the application of the Local Board shall appoint penny stages upon the tramways within the district of the Local Board not exceeding one mile in distance or length and the Promoters may notwithstanding anything in any Provisional Order confirmed by Act of Parliament or Act of Parliament demand and take for every passenger travelling upon such tramways including tolls and charges for the use of the tramways and of carriages and for motive power and every other expense incidental to such conveyance any tolls or charges not exceeding one penny per stage and for this purpose the fraction of a stage shall be deemed a stage.

For the protection of the Coseley Local Board.

20. The following provisions for the protection of the Local Board for the District of Coseley (in this section referred to as "the Coseley Local Board") shall apply and have effect with respect to the tramways within the said district that is to say:—

(As to paving of roads.)

(1.) Where there are passing-places the whole width of the road shall at such places be paved and maintained by the Promoters.

(Promoters to pay costs of superintendence.)

(2.) The reasonable costs and expenses incurred by the Coseley Local Board in relation to the superintendence of the construction of the tramways within their district shall be paid by the Promoters to the said Board.

(Promoters to pay Coseley Local Board's costs in relation to Order.)

(3.) The Promoters shall except as is by this Order otherwise provided pay to the Coseley Local Board on demand the amount of all reasonable costs charges and expenses incurred by them in relation to this Order and the preparation of any agreements entered into between them and the Promoters as to this Order and to the application for and obtaining this Order and to the confirmation thereof by Act of Parliament including Parliamentary agents' and counsel's fees and all costs charges and expenses incurred by the Coseley Local Board in connection with or in opposing this Order either with a view to obtaining the insertion in this Order of any provisions or otherwise.

(Promoters to haul road materials &c.)

(4.) The Promoters shall at the request in writing of the Coseley Local Board haul road and other materials for their use at such times and at such rates as may be mutually agreed upon or in case of difference as shall be settled by the Board of Trade on the application of either party.

(Coseley Local Board may use tramways for sanitary purposes.)

(5.) The Coseley Local Board may with their own carriages or trucks at any time between the hours of twelve at night and six in the morning use all or any of the tramways within their district free of toll for sanitary purposes and for the conveyance of scavengering stuff road material and night soil and the Coseley Local Board may make such junctions sidings and works as they may think necessary or convenient for making communication to such tramways from their depôts and yards Provided that in the construction of such works no rail shall be laid by the Coseley Local Board so that 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 any owner or occupier of premises abutting on the place where such rail is proposed to be laid by writing under his hand addressed to the clerk of the said Board express his objection thereto.

(Coseley Local Board not responsible

(6.) The Coseley Local Board shall not be responsible for any costs or expenses incurred by the Promoters in consequence of any alteration in the

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level position or condition of the roads on which the tramways are laid within their district caused by mining operations.

(for certain costs incurred by Promoters.)

21. The following provisions for the protection of the Local Board for the district of Upper Sedgley (in this section referred to as "the Sedgley Local Board") shall apply and have effect with respect to the tramways within the said district that is to say:—

For the protection of the Upper Sedgley Local Board.

(1.) Where there are passing-places the whole width of the road shall at such places be paved and maintained by the Promoters.

(As to paving of roads.)

(2.) The reasonable costs and expenses incurred by the Sedgley Local Board in relation to the superintendence of the construction of the tramways within their district shall be paid by the Promoters to the said Board.

(Promoters to pay costs of superintendence.)

(3.) The Promoters shall except as is by this Order otherwise provided pay to the Sedgley Local Board on demand the amount of all reasonable costs charges and expenses incurred by them in relation to this Order and the preparation of any agreements entered into between them and the Promoters as to this Order and to the application for and obtaining this Order and to the confirmation thereof by Act of Parliament including Parliamentary agents' and counsel's fees and all costs charges and expenses incurred by the Sedgley Local Board in connexion with or in opposing this Order either with a view to obtaining the insertion in this Order of any provisions or otherwise.

(Promoters to pay certain costs in relation to Order.)

(4.) The Promoters shall at their own cost pave with setts to be reasonably approved by the Sedgley Local Board and by the Board of Trade the whole or such parts of the Bull Ring as the Sedgley Local Board may require or as in case of difference shall be settled by the Board of Trade on the application of either party.

(As to paving of Bull Ring.)

(5.) The Promoters shall at the request in writing of the Local Board haul road and other materials for their use at such times and at such rates as may be mutually agreed upon or in case of difference as shall be settled by the Board of Trade on the application of either party.

(Promoters to haul road materials &c.)

(6.) The Sedgley Local Board may with their own carriages and trucks at any time between the hours of twelve at night and six in the morning use all or any of the tramways within their district free of toll for sanitary purposes and for the conveyance of scavengering stuff road material and night soil and the Sedgley Local Board may make such junctions sidings and works as they may think necessary or convenient for making communication to such tramways from their depôts and yards Provided that in the construction of such works no rail shall be laid by the Sedgley Local Board so that 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 any owner or occupier of premises abutting on the place where such rail is proposed to be laid by writing under his hand addressed to the Clerk of the said Board express his objection thereto.

(Sedgley Local Board may use tramways for sanitary purposes.)

(8.) The Sedgley Local Board shall not be responsible for any costs or expenses incurred by the Promoters in consequence of any alteration in the level position or condition of the roads on which the tramways are laid within their district nor shall they be responsible for anything arising out of the work of constructing the tramways or connecting them with the tramways of the Dudley Sedgley and Wolverhampton Tramway Company.

(Sedgley Local Board not responsible for certain costs.)

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Motive Power.

Carriages may be moved by animal steam or mechanical power.

22. The carriages used on the tramways may subject to the provisions of this Order be moved by animal power and with the consent in writing of the Board of Trade and subject to such conditions as they may from time to time impose during a period of seven years after the opening of the same for public traffic and with the like consent and subject to such conditions as aforesaid during such further periods of seven years as the said Board may from time to time specify in any Order to be signed by a secretary or an assistant secretary of the said Board by steam power or any mechanical power.

Save as by this Order expressly provided the provisions of Sections fifty-four to sixty both inclusive (with respect to the use of steam or any mechanical power on the tramways) of the Order of 1881 shall so far as applicable extend and apply to the tramways and undertaking by this Order authorised in like manner in every respect as if the tramways and undertaking by this Order authorised were the tramways and undertaking authorised by the Order of 1881 And for the purposes of such application the expressions "the tramways" "the undertaking" "the local authorities" "the road authorities" "the Promoters" and "this Order" in the said provisions shall be construed to mean respectively the tramways and the undertaking and the local authorities and the road authorities as defined respectively by this Order the Promoters of this Order and this Order.

Provided always that the exercise of the powers hereby conferred with respect to the use of steam or any mechanical power shall be subject to the regulations set forth in the Schedule A to the Order of 1881 annexed and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of the powers by this Order conferred with respect to the use of steam or any mechanical power on the tramways.

Provided always that the Promoters shall not use steam or any mechanical power upon any tramways constructed within the district of the Local Board for the district of Handsworth without the consent in writing of the Local Board for the said district and the said Local Board are hereby empowered to give such consent upon and subject to such terms and conditions as they may think fit so that no such consent shall operate for a longer period than five years and that such terms and conditions shall not be inconsistent with the provisions of this Order and in case steam shall be used as motive power in the said district the form make and construction in every respect of all engines used on the tramways within the said district shall be subject in addition to all other provisions of this Order to the reasonable approval of the Local Board of the said district.

Traffic and Tolls.

Tramways to form part of tramways authorised by Order of 1881.

23. The tramways by this Order authorised shall save as by this Order expressly provided for the purposes of traffic thereon and of the tolls and charges to be demanded and taken thereon be deemed to form part of the undertaking of the Promoters authorised by the Order of 1881 and Sections sixty-one to sixty- nine (both inclusive) and Sections seventy-six to eighty-one (both inclusive) of the Order of 1881 and Schedule B to that Order annexed shall as far as applicable apply to the tramways by this Order authorised and to the traffic

thereon and to the tolls and charges authorised to be demanded and taken in respect of such traffic in like manner in every respect as if the tramways by this Order authorised formed part of the tramways authorised by the Order of 1881.

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Miscellaneous.

Provisions as to arbitration.

24. Where under the provisions of the Tramways Act 1870 and this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Common Law Procedure Act 1854 shall apply to every such arbitration and the decision of the arbitrator shall be final and conclusive and binding on all parties and the costs of and incidental to the arbitration and award shall if either party so require be taxed and settled as between the parties by any one of the taxing masters of the High Court of Justice and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters and all those enactments including the enactments relating to the taking of fees by means of stamps shall extend to the fees in respect of the said taxation.

Limitation of provision in regard to Tramway No. 13 of the Order of 1881.

25. The operation of the proviso to Section six of the Order of 1881 at the end of the description of Tramway No. 13 shall apply to the parish of West Bromwich only.

Extension of time for completion of authorised tramways.

26. The times prescribed for the completion and opening for public traffic of the tramways authorised by the Order of 1881 the Order of 1882 and the Order of 1883 respectively shall be and the same are hereby respectively extended until the expiration of eighteen months from the first day August one thousand eight hundred and eighty-five. Provided always that such extension of time shall not apply to the tramways by any of the said Orders authorised within the districts of Balsall Heath and King's Norton.

Release of part of deposit in respect of tramways not constructed for want of consents.

27. Whereas the tramways or portions of the tramways Nos. 1 2 3 4A and 4B authorised by this Order cannot be constructed except with such consents as are in this Order provided therefore in case it is proved to the satisfaction of the Board of Trade that such consents have not been given in respect of any of the before-mentioned tramways or portions of tramways and that by reason of such consents not having been given such tramways or such portions of such tramways have not been completed and opened for public traffic within the times limited for such completion and opening respectively then and in every such case on the production of a certificate signed by a Secretary or an Assistant Secretary of the Board of Trade specifying the length of such tramways or of such portions of such tramways not so completed and opened for public traffic and the portion of the deposit made in pursuance of Section twelve of the Tramways Act 1870 and of the rules made by the Board of Trade under the powers of the said Act in respect of the application of the Promoters for this Order which bears to the whole of such deposit the same proportion as the length of such tramways or of such portions of such tramways not so completed and opened for public traffic bears to the entire length of the tramways authorised by this Order the Chancery Division of the High Court of Justice shall on the application of the Promoters order such portion of the deposit so specified in such certificate as aforesaid to be paid out or transferred to the Promoters or to be applied as they may direct and thereupon such portion of such deposit shall be so paid out transferred or applied as aforesaid.

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Audit of accounts in case of purchase of tramways by Local Authority.

28. In case any local authority purchase the tramways authorised by the Order of 1881 the Order of 1882 the Order of 1883 or this Order or any part of such tramways the provisions of the Public Health Act 1875 with respect to the audit of accounts of local authorities shall apply to the audit of the accounts of the receipts and expenditure of such local authority and their officers with respect to such tramways or such part of such tramways as if such accounts related to receipts and expenditure under that Act.

Carrying of mails by Promoters.

29. (1.) The Promoters if required by the Postmaster-General shall perform with respect to any tramway owned or worked by them all such reasonable services in regard to the conveyance of mails as Her Majesty's Postmaster-General from time to time requires provided as follows :—

(*a.*) Nothing in this section shall authorise the Postmaster-General to require mails in excess of the following weights to be carried by the Promoters in or upon any carriage that is to say,—

(i.) If the carriage is conveying or intended to convey passengers and not goods or parcels then in excess of the maximum weight for the time being fixed for the luggage of ordinary passengers ; and

(ii.) If the carriage is conveying or intended to convey parcels only then in excess of such maximum weight as is for the time being fixed for ordinary parcels or if that maximum appears to the Postmaster-General to be so low as to exclude him from availing himself of the use of any such carriage then as is for the time being fixed by agreement or in default of agreement by a referee to be appointed at the request of either party by the Lord Chief Justice of England ; and

(iii.) If the carriage is conveying or intended to convey both parcels and passengers but not goods then in excess of the maximum weight for the time being fixed for ordinary parcels or for the luggage of ordinary passengers whichever is the greater.

(*b.*) Mails when carried in or upon a carriage conveying passengers shall be so carried as not to inconvenience the passengers but so nevertheless that the custody of the mails by any officer of the Post Office in charge thereof shall not be interfered with.

(*c.*) Nothing in this section shall authorise the Postmaster-General to require any mails to be carried by the Promoters in or upon a carriage conveying or intended to convey passengers but not goods or parcels except in charge of an officer of the Post Office travelling as a passenger.

(*d.*) If the Promoters carry goods as well as passengers and parcels the enactments relating to the conveyance of mails by railway shall subject to the provisions of this section apply in like manner as if the Promoters were a railway company and the tramways were a railway.

(2.) The remuneration for any services which have been performed by the Promoters in pursuance of this section shall be such as may be from time to time determined by agreement between Her Majesty's Postmaster-General and the Promoters or in default of agreement by a referee to be appointed by the Lord Chief Justice of England at the request of either party and this provision shall have effect in lieu of any provisions respecting remuneration contained in the enactment relating to the conveyance of mails by railway which are applied by this section.

(3.) For the purposes of this section the expression "mails" has the same meaning as in the Regulation of Railways Act 1873 and includes parcels within the meaning of the Post Office (Parcels) Act 1882.

(4.) For the purposes of this section a requisition by Her Majesty's Postmaster-General may be signified by writing under the hand of any person who is at the time either such Postmaster-General or a Secretary or Assistant Secretary of the Post Office or the Inspector-General of Mails and any document purporting to be signed by any such person as aforesaid shall until the contrary is proved be deemed without proof of the official character of such person to have been duly signed as required by this section.

Saving for general Acts.

30. Notwithstanding anything in this Order contained the Promoters and any person using the tramways shall be subject and liable to the provisions of any general Act now in force or which may hereafter be passed during this or any future session of Parliament relating to tramways or by which any tax or duty may be granted or imposed for or in respect of tramways or the passengers or traffic conveyed thereon and to any future revision or alteration under the authority of Parliament of the maximum rates of tolls and charges authorised by this Order and to any condition regulation or restriction which may be imposed upon the use of tramways or upon the use on tramways of animal power steam power electrical power or any mechanical power by any such general Act as aforesaid.

BIRMINGHAM CENTRAL TRAMWAYS (EXTENSION).

Birmingham Central (Extension).

Order authorising the Construction of Tramways in the Borough of Birmingham and in the parish of Handsworth in the County of Stafford, and Amending the Birmingham and Suburban Tramways Order 1882, *the Birmingham and Western Districts Tramways Order* 1882, *and the Birmingham and Western Districts Tramways Order* 1883.

Short title.

1. The Order may be cited as the Birmingham Central Tramways (Extension) Order, 1885.

Incorporation of Acts.

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

Interpretation.

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

Provided that in this Order—

The expressions "the Tramways" and "the Undertaking" shall mean respectively the Tramways and works, and the undertaking by this Order authorised.

The expression "the Suburban Order, 1882," shall mean the Birmingham and Suburban Tramways Order, 1882.

The expressions "the Districts Order, 1882" and "the Districts Order, 1883," shall mean respectively the Birmingham and Western Districts Tramways Order, 1882, and the Birmingham and Western Districts Tramways Order, 1883.

The expression "the Districts Orders, 1882 and 1883," shall mean the Districts Order, 1882, and the Districts Order, 1883.

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The expressions "the Borough" and "the Corporation" shall mean respectively the Borough of Birmingham, in the County of Warwick, and the Mayor, Aldermen, and Burgesses of the said Borough acting by the Council.

The expressions "mechanical power" or "mechanical appliances" shall include the engines, cables, brake power, fittings, and all other appliances or things which shall form part of or be used in connection with the steam or mechanical power authorised to be used on the Tramways.

The terms "the local authorities" and "the road authorities" shall mean respectively the local authorities and the road authorities of all the districts within which the Tramways are by this Order authorised to be constructed; and

The term "person" shall include a Corporation.

Promoters.

The Promoters.

4. The Birmingham Central Tramways Company, Limited, shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters."

Lands by agreement.

5. The Promoters may, by agreement from time to time, purchase, take on lease, and acquire for the purposes of the Undertaking, such lands as they may require, and may from time to time sell and dispose of any such lands which may not be necessary for such purposes. Provided that they shall not at any time hold for such purposes more than five acres of land.

Construction of Tramways.

Construction of Tramways.

6. The Promoters may construct and maintain, subject to the provisions of this Order, and in accordance with the Plans and Sections deposited at the office of the Board of Trade for the purposes of this Order, as the same have been amended previous to the passing of the Act confirming this Order (which amended Plans and Sections are in this Order respectively referred to as "the deposited Plans" and "the deposited Sections,") the Tramways herein-after described, with all proper rails, plates, offices, weigh-bridges, turn-tables, tubes, wires, ropes, chains, engines, engine sheds, stables, carriage-houses, warehouses, works, and conveniences connected therewith, or for the purposes thereof, and may work and use the same.

The Tramways authorised by this Order are:—

A Tramway No. 1.—A single line throughout, one furlong 6·60 chains in length, commencing by a junction with the eastern line of rails of the existing Birmingham and Aston Tramway in Corporation Street, Birmingham, at a point 0·24 chain north-east of the intersection of Newton Street and Corporation Street, and passing thence along Newton Street and Masshouse Lane in a south-easterly direction, and terminating in Duddeston Row by a junction with the existing Birmingham Central Tramway at a point 0·60 chain east of the intersection of Park Street and Duddeston Row.

A Tramway No. 2.—A single line throughout 1·47 chains in length, commencing by a junction with the westerly line of rails of the Birmingham and Aston Tramway in Corporation Street at a point 1·50 chains south-west of the intersection of Newton Street with Corporation Street, passing thence in an easterly direction along Corporation Street into Newton Street, and

terminating in that street by a junction with Tramway No. 1 at a point 1·75 chains north-west of the intersection of London Apprentice Street with Newton Street.

A Tramway No. 3.—A single line throughout, 1·66 chains in length, commencing by a junction with Tramway No. 1 in Masshouse Lane at a point 1·10 chains west of the intersection of Park Street with Duddeston Row, passing thence in a south-easterly direction along Masshouse Lane, southerly along Park Street, and terminating in that street by a junction with the existing Birmingham Central Tramway at a point 0·80 chain north of the intersection of Albert Street and Park Street.

Provided always that Tramways Nos. 1, 2, and 3 shall not be used for passenger or goods traffic, but only for removing the rolling stock of the Promoters to or from their depôts.

A Tramway No. 25.—A single line throughout 2·69 chains in length, commencing in Lozells Road by a junction with the existing Birmingham Central Tramway at its point of termination, passing thence in a westerly direction along Lozells Road, and terminating in that road by a junction with the existing line of the Birmingham Tramways and Omnibus Company, Limited, herein-after called the Omnibus Company, at a point one chain west of the entrance to their depôt.

Provided always that the said Tramway No. 25 shall not be constructed without the consent of the Omnibus Company, nor until the Tramways of the Omnibus Company have been reconstructed under the powers of this Order on a gauge of 3 feet 6 inches.

A Tramway No. 26.—8·50 chains in length, of which 5·50 chains shall be laid as single line, and 3·00 chains shall be laid as double line, commencing in Birchfield Road, Handsworth, by a junction with the existing Birmingham Central Tramway at its termination, passing thence in a north-easterly direction along Birchfield Road, and terminating in that road at a point 3·35 chains north-east of the intersection of Aldridge Road with Birchfield Road.

Provided always that no engine or carriage shall be allowed to stand on Tramway No. 26 opposite Christ Church, in Birchfield Road, at any time on any Sunday, or during the hours of divine service on any other day.

The double portion of Tramway No. 26 will be between points respectively four chains and seven chains from its commencement.

The Tramways will be situate in the borough of Birmingham, and in the parish of Handsworth in the County of Stafford.

Gauge of Tramways.

7. The Tramways shall be constructed on a gauge of three feet six inches, provided always that so much of Section Thirty-four of the Tramways Act, 1870, as limits the extent of the carriage used on any Tramway, beyond the outer edge of the wheels of such carriage, shall not apply to carriages used on the Tramways; but no carriage or engine used on the Tramways shall exceed five feet nine inches in width, or such other width as may from time to time be prescribed by the Board of Trade.

For the protection of the London and North-Western Railway Company.

8. The following provisions for the protection of the London and North-Western Railway Company (in this Section referred to as "the Railway Company") shall have full force and effect and be binding upon the Promoters and their assigns, and such provisions shall, so far as the same are applicable, apply

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not only to the Tramways by this Order authorised but also to any Tramways acquired, leased, worked or run over or reconstructed by the Promoters in pursuance of any powers contained in this Order, and to the use of steam or other mechanical power over all or any of such Tramways.

(1) No additional crossing, passing place, siding, junction, turn-out, or other work shall be made for or in connexion with so much of Tramway No. 26 as will extend over the distance in front of the entrance to the Perry Barr Station of the Railway Company, and as will extend for a length of ten yards at each end of such distance, and no tramcar or other carriage or vehicle used on the said Tramway shall, without the consent of the Railway Company, under their Common Seal, be stopped, or permitted to be stopped, within such distance and lengths, except for and only for so long as may be absolutely necessary for the purposes of setting down and taking up passengers.

(2) The Promoters shall not in any way vary, alter, or interfere with the structure of any bridge carrying any road over any railway of the Railway Company, or of the approaches thereto, and they shall so construct and maintain the Tramways over such bridge, and the approaches thereto, as not injuriously to affect the same.

(3) In the event of any injury being caused to any such bridge or approaches by the construction, maintenance, repairing, user, or the removal of any of the Tramways, the Railway Company may, at the expense of the Promoters, restore such bridge and approaches, or the part or parts thereof which may be injured, to as good a state and condition as they were in before such injury was occasioned, and the Promoters shall indemnify the Railway Company against all sums, costs, and expenses which they may pay or be put to in repairing and maintaining so much of the road over such bridge and approaches as the Promoters are liable to maintain and repair under Section Twenty-eight of the Tramways Act, 1870, and the Railway Company may recover from the Promoters all such sums, costs, and expenses, with full costs and charges by all and the same means as any simple contract debt of like amount may be recovered.

(4) Whenever and so often as the Railway Company shall require to widen, lengthen, strengthen, reconstruct, alter or repair any such bridge or approaches, or to widen or alter their railways, or to lift or support any such bridge or approaches owing to the subsidence thereof caused by the minerals thereunder having been or being worked or gotten, and they shall find it necessary for effecting any of such purposes that the working and user of the Tramway over such bridge or approaches shall be wholly or partly stopped or delayed, or that the Tramway shall be temporarily diverted or be wholly or in part taken up or removed, and shall, except in cases of emergency, give to the Promoters seven clear days' notice in writing requiring such stoppage, delay, or diversion, taking up or removal, the working and user of such Tramway shall be stopped or delayed, or such Tramway shall be diverted or taken up or removed accordingly at the expense of the Promoters, and under the superintendence of their engineer, if such engineer shall give such superintendence, but only for so long as the Railway Company may find to be absolutely necessary for effecting such purpose, and without their being liable for any compensation, claims, demands, damages, costs, or expenses, for or in respect of such stoppage, or delay, or in any way relating thereto.

In case the principal Engineer of the Railway Company shall be of opinion that any such strengthening is desirable or necessary, owing to the carriages or other vehicles on any such Tramway being or being intended to be moved by steam or any mechanical power, such strengthening shall be effected in all things at the expense of the Promoters who shall also pay to the Railway Company all additional expense which they may incur or be put to in effecting any such widening, lengthening, strengthening, reconstruction, alterations, repairs, lifting or supporting by reason of the existence of the Tramway so passing, or any of the works connected therewith, the amounts of such expenditure to be recoverable as aforesaid by the Railway Company from the Promoters with full costs and charges by all and the same means as any simple contract debt of like amount may be recovered.

(5) Whenever any of the Tramways on either side of any such bridge or approaches is a single line, there shall only be a single line over such bridge and approaches, and no turnouts or passing places shall be constructed thereon.

(6) All works which may be necessary in constructing and maintaining any of the Tramways over any bridge, works, or property of the Railway Company, shall be constructed and maintained in all things at the expense of the Promoters and to the reasonable satisfaction of the principal Engineer of the Railway Company, or in case of difference of an Engineer to be appointed by the Board of Trade, on the application of the Railway Company or the Promoters.

(7) Nothing contained in this Order shall prejudice, lessen, take away, or interfere with the lands, property, rights, powers, and privileges of the Railway Company otherwise than is hereby expressly provided.

For the protection of the Birmingham and Aston Tramways.

9. When any of the Tramways by this Order authorised cross on the level or form junctions with any of the Tramways authorised by the Birmingham and Aston Tramways Order, 1880, or the Birmingham and Aston Tramways Order, 1882, or either of them (which Tramways are in this Section referred to as "The Aston Tramways"), the following provisions for the protection of the Owners and Lessees of the Aston Tramways (in this Section referred to as "the said Owners and Lessees") shall apply and have effect, that is to say:—

(1) The Promoters shall give fourteen days' notice, in writing, to the said Owners and Lessees of their intention to commence any works which may affect, or in anywise interfere with, the structural works of any of the Aston Tramways, and all such crossings and junctions shall be made and thereafter maintained to the reasonable satisfaction and under the superintendence of the Engineer or Engineers for the time being of the said Owners and Lessees, and where such crossings or junctions shall be situate in the Borough, to the reasonable satisfaction also of the Borough Surveyor for the time being, and at the cost of the Promoters, and shall be made and maintained so as to interfere as little as may be with the traffic passing over or along the Aston Tramways

(2) The Tramways authorised by this Order shall not be so worked or used as to occasion any interruption or impediment to the traffic on the Aston Tramways or the use thereof, and particularly (but without prejudice to the generality of this provision) the Promoters shall not cross or pass along,

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or permit to be crossed or passed along any of the Aston Tramways while any engine, carriage or tramcar is passing or about to pass over the same at or near any such crossing or junction as aforesaid, and with the object of preventing accidents, the engines and carriages running on any of the Tramways authorised by this Order, shall stop immediately before crossing or passing along any of the Aston Tramways at such crossing or junction.

(3.) If any difference arises between the Promoters and the said Owners and Lessees, or either of them, with respect to any of the provisions of this Section, the same shall be settled in the manner specified in Section Thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

Tramways authorised to be laid as single lines may with consent of Local and Road Authorities be laid as double lines.

10. Any of the Tramways by this Order authorised to be laid as a single line may, at the option and with the consent in writing of the Local Authorities and the Road Authorities and the Board of Trade, be laid as a double line; provided, nevertheless (subject to the provisions of this Order), that in substituting such double line for such single line as aforesaid no rail shall, except with the consent of the Board of Trade, be so laid that 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 any owner or occupier of any house, shop, or warehouse abutting upon the place where such rail is proposed to be laid shall, by notice in writing, under his hand, addressed to the Promoters, express his objection thereto.

Double lines to be laid in certain places.

11. Where, according to the deposited Plans, it is proposed to lay down in any road a single line of Tramway, and a less space than nine feet six inches intervenes between the outside of the footpath on either side of such road and the nearest rail of the Tramway, the Promoters shall, unless otherwise authorised by the Board of Trade, and the Local and Road Authorities respectively, lay down in lieu of such single line a double line of tramway, with proper passing places; and every such double line shall be so laid that only one of such lines can be used at one and the same time.

Extending to this Order certain provisions of the Suburban Order, 1882.

12. Save as by this Order otherwise expressly provided, the following provisions of the Suburban Order, 1882; that is to say—Sections nine to thirty-nine (both inclusive); Sections fifty-five to sixty-one (both inclusive); and Sections eighty-one to ninety-seven (both inclusive), and Schedule A to the Suburban Order, 1882, annexed; shall, so far as applicable, extend and apply to the Tramways and Undertaking by this Order authorised, in like manner in every respect as if the Tramways and Undertaking by this Order authorised were the Tramways and Undertaking authorised by the Suburban Order, 1882; and for the purposes of such application the expressions "the Tramways," "the Undertaking," "the Local Authorities," "the Road Authorities," "the Promoters," and "this Order," in the said provisions shall be construed to mean respectively the Tramways and the Undertaking, and the Local Authorities and the Road Authorities as defined respectively by this Order, the Promoters of this Order, and this Order.

Provided always that any of the above-mentioned Sections applicable to any therein specified Local or Road Authority shall be construed so as to be applicable to each of the Local Authorities or Road Authorities as defined by this Order and as though the same were therein specifically mentioned.

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Power to Corporation to elect to be substituted as Promoters as to Tramways within the Borough.

13. The powers in this Order contained for the construction and maintenance by the Promoters of such of the Tramways as are situate within the Borough, shall be suspended for three months from the passing of the Act confirming this Order, and the Corporation if they so decide by a resolution passed at a special meeting, may within a period of three months, after the passing of the Act confirming this Order, intimate to the Promoters by notice in writing the intention of the Corporation to be substituted in the place of the Promoters for the purposes of this Order, so far as the same relates to the Tramways within the Borough, and thereupon provided that the Corporation shall also cause a copy of such notice to be published within the like period once in the "London Gazette," all the rights, powers and authorities conferred by this Order upon the Promoters, as to the construction, maintenance and use of the Tramways within the Borough, and the works connected therewith or incidental thereto, shall subject to the provisions herein-after contained, be transferred to and vested in and may thenceforward be exercised by the Corporation in like manner as if the Corporation had been in the first instance authorised by this Order to construct such Tramways and works, and the Corporation shall as to the Tramways within the Borough, be deemed to be the Promoters of this Order, instead of the Promoters, and this Order shall be construed accordingly, and the Corporation may pay all expenses incurred by them in carrying into effect the provisions of this Order out of the local rate, and shall have the like powers to borrow on the same security as if such expenses were expenses incurred in carrying into effect the purposes of a Provisional Order applied for and obtained by them under the Tramways Act, 1870. Provided always that the provisions of this Order with respect to the traffic and tolls and charges by this Order authorised in relation to the Tramways shall be applicable to and shall be observed by and the said tolls and charges may be demanded and taken by the lessees of the Corporation, as though they were by this Order made specially applicable to and were authorised to be observed, demanded and taken on the Tramways within the Borough. Provided also that nothing in this Order contained shall authorise the Corporation to place or run carriages on any of the Tramways within the Borough, and to demand tolls or charges in respect of the use of such carriages.

Release of proportionate part of deposit if option exercised.

14. In case the Corporation elect as aforesaid to be substituted in place of the Promoters in respect of the tramways within the borough, then on the production of a certificate, signed by a Secretary or by an Assistant Secretary of the Board of Trade, specifying the length of such tramways, and the portion of the deposit made by the Promoters in pursuance of section twelve of the Tramways Act, 1870, and the rules made by the Board of Trade under the powers of the said Act in respect of the application for this Order, which bears to the whole of the said deposit the same proportion as the length of the tramways within the borough bears to the entire length of the tramways, the Chancery Division of the High Court of Justice shall, on the application of the Promoters, order such portion of the deposit so specified in such certificate as aforesaid to be paid or transferred to the Promoters, or as they shall direct, and the residue of the deposit shall be treated and dealt with as if it had been the deposit made in respect of the application for this Order with reference to the tramways outside the borough, and as if such last-mentioned tramways were the only tramways authorised by this Order.

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Payment of a security by Promoters to Corporation prior to commencing Tramways in Borough.

15. In case the Corporation elect to construct the tramways within the borough, they shall not be required to commence the same until the Promoters have paid to the Corporation a sum of money, to be calculated at the rate of two thousand five hundred pounds for every mile of single line of tramway by this Order authorised to be laid within the borough, and so in proportion for any length less than a mile (herein-after referred to as "the security fund"), to be paid and applied as herein-after mentioned, or have given to the Corporation a mortgage or other adequate security for a like sum, to be approved by the Corporation; but when such sum has been paid, as herein-after mentioned, or such mortgage or other security has been given, the Corporation shall forthwith thereafter commence to construct such tramways, and they shall complete the same within six months after the commencement of the same, and within two years from the passing of the Act confirming this Order.

Notice by Corporation of intention to construct Tramways in Borough.

16. The Corporation shall from time to time give notice in writing to the Promoters of their intention to begin to construct any of the tramways within the borough to be specified in such notice, and shall so construct such tramways that the same shall form a continuous line from the centre of the borough to the borough boundary, or as near thereto as such tramways may be authorised within the borough, and the Promoters shall within fourteen days from the date of receiving such notice pay to the Corporation on account of the security fund a sum, at the rate of two thousand five hundred pounds for every mile of single line of tramway to be laid along the route or routes specified in such notice, and so in proportion for any length less than a mile: Provided always that the Promoters may, on receipt of the first or any subsequent such notice, pay to the Corporation the whole of the balance then remaining unpaid of the security fund required to be paid as aforesaid.

Lease by Corporation to Promoters of Tramways in Borough.

17. If, and when such of the tramways as are situate within the borough have been completed by the Corporation, the Corporation shall, at the cost of the Promoters, cause to be prepared and execute a lease of the same to the Promoters for the term of twenty-one years, at the rent upon the terms and subject to the conditions specified in the form of the draft lease referred to in section forty-four of the Suburban Order, 1882, or as near thereto as circumstances will permit, subject to the approval of the Board of Trade; and the Promoters shall accept such lease and execute a counterpart thereof. The Corporation may, with the consent of the Board of Trade, if they think fit, in any lease granted by them of such tramways under the authority of this section, reserve the right to grant running powers over such tramways or any part thereof to any company or person duly authorised in that behalf, provided that the amount of the rent payable by the grantees of such running powers, the amount of abatement (if any) of rent payable by the lessees, and other the terms and conditions of the grant, shall be such as may be agreed upon between the Corporation and the Promoters, or the lessees for the time being of such tramways, or of such portion of such tramways over which such running powers are granted, or as failing such agreement may be settled by an arbitrator appointed by the Board of Trade on the application of either party, and the Promoters and lessees shall, so far as they can, facilitate the formation of all necessary and convenient junctions, crossings, and communications between such of the tramways as are situate within the borough, and any other tramway within the borough that the Corporation may require to be joined.

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Application of security fund, as to the Borough.

18. The security fund, or the mortgage, or other security for the same shall be retained by the Corporation as a security for the due payment of the rent and performance of the covenants and conditions contained in such lease as aforesaid with power to resort to such fund, or to raise money on such mortgage or other security for the payment of any arrears of rent or damages sustained by breach of any of the said covenants or conditions, and of any other deductions to be made under the terms of such lease. The said fund shall, at the request of the Promoters, but at their risk, be invested in such securities as the Corporation may approve, and the interest thereon shall be paid to the Corporation for their own use, but the Corporation shall pay half-yearly to the Promoters throughout the said term interest on the security fund, or the balance thereof, at the rate of three-and-a-half per centum per annum, and the balance, if any, of the security fund or such mortgage or other security, after payment of any moneys raised on the security of the same shall, at the expiration of such lease, be repaid to the Promoters, or shall cease to have any validity or effect.

Forfeiture of security fund as to Borough in case of default.

19. If the Promoters fail to accept such lease or to execute a counterpart thereof, or fail to work the tramways within the borough in accordance with the provisions of such lease, and of this Order, and of the Tramways Act, 1870, at any time during the period of two years from the completion and opening for public traffic thereof or within the same period make default in payment of the rent reserved by such lease the security fund or the amount secured by such mortgage or other security shall be forfeited to the Corporation, who may apply the same either to the reinstatement of the roads within the borough or otherwise for the general benefit of the borough.

Corporation to include in lease Tramways authorised by the Suburban Order, 1882, and the Districts Order, 1883.

20. If at the time when a lease of the tramways within the borough ought to be executed by the Corporation under the preceding provisions of this Order, such of the tramways authorised by the Suburban Order, 1882, as are situate within the borough, and such of Tramways Nos. 3, 4, 5, 6, 7, 7a, 8, 9, 10, 24, 24a, and 24b, authorised by the Districts Order, 1883, as are situate within the borough, or any of the aforesaid tramways shall have been constructed by the Corporation under the authority of any of the said Orders respectively and a lease thereof shall not have been executed, then and in such case the Corporation shall execute and the Promoters shall accept one lease comprising all such tramways within the borough and also the tramways within the borough constructed under this Order instead of separate leases (but so that the term of such lease do not exceed twenty-one years from the first day of January, one thousand eight hundred and eighty-five), and in such case the security funds, or the mortgages, or other securities, and the interest thereon respectively mentioned in the Suburban Order, 1882, and the Districts Order, 1883, or such parts thereof as relate to the tramways included in the lease shall be applied and dealt with in accordance with the provisions of this Order with respect to the application of the security fund as to the borough, as if such security funds, or mortgages, or other securities had been respectively paid or given in respect of the tramways within the borough authorised by this Order, and as if all such tramways had been authorised by this Order.

Substitution of Promoters for Promoters of the Districts

21. From and after the passing of the Act confirming this Order, the Promoters of this Order shall be deemed to be substituted for the Promoters of the Districts Orders, 1882 and 1883, so far as regards the following tramways

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Orders, 1882 and 1883, in respect of certain Tramways authorised by such Orders.

(in this Order referred to as "the transferred tramways") by such Orders respectively authorised, that is to say:—

The tramways respectively described or distinguished in the Districts Order, 1882, as Tramways Nos. 3, 4, 5, 6, 7, and 8, and

The tramways respectively described or distinguished in the Districts Order, 1883, as Tramways Nos. 3, 4, 5, 6, 7, 7a, 8, 9, 10, 24, 24a, and 24b.

And from and after the passing of the Act confirming this Order all the rights, powers, and authorities conferred by the said Orders respectively upon the Promoters thereof respectively in respect of the construction, maintenance, and use of the transferred tramways, and the works and things connected therewith or incidental thereto respectively (including the right to have a lease granted by the Corporation of such parts of the transferred tramways as are within the borough, if the same are constructed by the Corporation) and all the obligations and liabilities in respect thereto shall subject to the rights of the Corporation and to the provisions of this Order be transferred to, vested in, and may be exercised and enjoyed by and shall attach to the Promoters of this Order in like manner as if the Promoters of this Order had been the Promoters of the Districts Orders, 1882 and 1883, respectively. And the Districts Orders 1882 and 1883 shall be read and construed and have effect accordingly.

Powers contained in Districts Orders, 1882 and 1883, in relation to transferred Tramway to have effect as if such Tramways formed separate undertakings.

22. From and after the passing of the Act confirming this Order, the provisions respectively contained in the Districts Orders, 1882 and 1883, shall as regards the transferred tramways and the construction, maintenance, and use thereof, and the deposits or securities to be made or given with or to the Corporation and any other local or road authorities, and the rights and obligations of the Corporation as to the construction of such of the transferred tramways as are within the borough, and the execution of a lease thereof have effect as if the transferred tramways formed respectively separate undertakings, and the other portions of the tramways authorised by the Districts Orders, 1882 and 1883, respectively formed also separate undertakings, and in every or any case in which a sum is under the provisions of the said Orders respectively, to be paid or deposited or secured, the same (whether it is a specified amount or an amount to be calculated according to length of tramways) shall be apportioned between the undertakings according to the respective length of the tramways to which the sum or deposit or security relates, comprised in or forming part of the separate undertakings, and the apportioned sums and no more shall be required to be paid, deposited or secured in respect of each undertaking, and each or any sum so paid, deposited or secured, shall be treated and dealt with as if the provisions under which the same shall be paid, deposited or secured related to the tramways comprised in the separate undertaking, and to no others, and in like manner the Corporation shall, subject to the provisions herein-before contained, execute separate leases of the portions of the tramways authorised by the Districts Orders, 1882 and 1883, and constructed by the Corporation under the said Orders respectively within the borough, one lease to comprise the transferred tramways, and the other lease to comprise the others of the tramways authorised by the Districts Orders 1882 and 1883, the rents and any other payments being apportioned if necessary, in such manner as may be agreed upon, and in default of agreement as may be determined by arbitration.

Tramways authorised by Suburban Order, 1882,

23. The tramways authorised by the Suburban Order, 1882, and also the transferred tramways, may with the consent of the Board of Trade in writing, be constructed with all such tubes, wires, ropes, chains, engines, communications

with engines, and engine houses and other things, and otherwise in the same manner as the tramways authorised by this Order are authorised to be constructed, and the Promoters may as to the said tramways (including any of them already constructed), subject to the provisions of this Order, construct, execute and maintain all such works and things as aforesaid. But the Promoters shall not exercise the powers conferred by this section in regard to any tramways within the borough, except with the consent in writing of the Corporation.

and transferred Tramways may be constructed on cable system.

Provided always that such of the tramways in this section mentioned as are within the districts of the Manor of Aston Local Board, the Handsworth Local Board, the Balsall Heath Local Board, the King's Norton Board of Surveyors, and the King's Norton Rural Sanitary Authority, shall not be constructed or reconstructed in the mode in this section specified without the consent in writing of such local and road authorities respectively. And the said local and road authorities respectively are hereby empowered to give such consents upon and subject to such terms and conditions not being inconsistent with the provisions of this Order as they may think fit. And they are hereby empowered on the giving of such consents to make it a condition that such consents may be revoked at the end of three years from the date of the laying down or alteration of such tramways respectively, on the system set forth in this section in case at the expiration of such period, the surveyors of such local and road authorities respectively shall certify that such system is dangerous or inconvenient to the public, or that it is advisable that such tramways should be constructed or reconstructed upon a better or improved principle, and provided also that all the provisions of the Suburban Order, 1882, and of the Districts Orders, 1882 and 1883, whether for the protection of the local or road authorities or with respect to the depositing of a sum of money before opening the ground for the making, laying down, or renewing the tramways by the said Orders authorised, shall in all cases extend and apply to the opening of the ground for the laying down or introduction of cable or other mechanical appliances on such tramways as if such works were works for the laying down of an entirely new line of tramways.

Extension of time for completion of Tramways authorised by Suburban Order 1882 and of transferred Tramways.

24. The periods prescribed respectively for the completion and opening for public traffic of the tramways authorised by the Suburban Order, 1882, and of the transferred tramways shall respectively be six months from the first day of August, One thousand eight hundred and eighty-five, and the said several Orders shall be read and construed and have effect accordingly. Provided always that, except with the consent in writing of the local and road authorities respectively, no application shall be made for any further extension of time for the commencement or completion of such tramways.

Release of Promoters of Districts Orders from obligations, &c., in respect of transferred Tramways.

25. From and after the passing of the Act confirming this Order the Promoters of the Districts Orders, 1882 and 1883, respectively shall be absolutely released and discharged from all obligations and liabilities under or by virtue of the provisions of such Orders respectively so far as the same relate to or affect the transferred tramways, or the construction, maintenance, or use of such tramways.

Transfer of portions of deposits made in respect of

26. The sum of one hundred and ninety-eight pounds, forming part of the sum of five hundred and fourteen pounds three shillings and fourpence deposited in respect of the application for the Districts Order, 1882, in the Chancery Division

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of the High Court of Justice to the credit of "*Ex parte* the Birmingham and Western Districts Tramways, 1882," shall be treated and dealt with as if it had been deposited in respect of such only of the transferred tramways as are not within the borough, and as if they were the only tramways by the said Order authorised, and the said sum of one hundred and ninety-eight pounds, with the interest thereon due, and to accrue due, as from the fifth day of September, one thousand eight hundred and eighty-four, shall, subject to the conditions applicable to such deposits, be deemed to belong to, and shall, as and when the same shall become payable, be paid to the Promoters of this Order, or as they shall direct; and the sum of one hundred and seventy-two pounds, forming part of the sum of seven hundred and forty-four pounds deposited in respect of the application for the Districts Order, 1883, in the said Chancery Division to the credit of "*Ex parte* the Birmingham and Western District Tramways, 1883," shall be treated and dealt with as if it had been deposited in respect of such only of the transferred tramways as are not within the borough, and as if they were the only tramways by the said Order authorised, and the said sum of one hundred and seventy-two pounds, with the interest thereon due, and to accrue due, as from the fifth day of September, one thousand eight hundred and eighty-four, shall, subject to the conditions applicable to such deposits, be deemed to belong to, and shall, as and when the same shall become payable, be paid to the Promoters of this Order, or as they shall direct.

For protection of Handsworth and Aston Local Boards.

27. The following provisions for the protection of the local boards for the district of Handsworth and manor of Aston (in this section referred to as "The Local Boards") shall apply and have effect with respect to the tramways within the said district, that is to say—

(Mode of laying Tramways to be approved by Local Boards and Board of Trade and to be uniform throughout.)

(*a*.) Subject to the provisions of this Order the size and construction of all engines, cables, and carriages to be used on the tramways within the districts of the local boards, and the wheels and the brakes attached thereto, and of all mechanical appliances and things appurtenant to the engines, cables, and carriages and the mode of laying down the tramways, and the form of the rails, sleepers, fastenings, and grooves, if any, shall be such as the local boards and the Promoters shall agree upon and the Board of Trade approve, or failing agreement as shall be determined by the Board of Trade; and shall be in accordance with designs, plans, sections, and specifications to be previously submitted to and approved of by the local boards, but so that the form of the rails, sleepers, fastenings, and grooves shall be the same throughout the whole length of the tramways within the said district, and in case of difference, as aforesaid, they shall be such as the Board of Trade shall determine.

(Paving and materials of roads.)

(*b*) So much of any road within the district of the Local Boards upon which any of the tramways are laid as the Promoters are under the provisions of the Tramways Act, 1870, or this Order required to repair shall be paved and maintained by the Promoters with such paving materials and foundation as the Local Boards shall reasonably require, and the Local Boards may prescribe a particular material for paving any specified street, and a different material for paving any other street.

(Cost of re-instating roads.)

(*c*) The Promoters shall forthwith pay to the Local Boards the cost of the repair and re-instatement of such parts of the roads in the district of the Local Boards as may be injured or damaged, by reason of the traffic being

diverted to or concentrated thereon during the construction, alteration, or repair of the tramways, or any part or parts thereof.

(Local Boards may maintain, &c., roads at cost of the Promoters.)

(*d*) The Local Boards may at any time, and from time to time, take upon themselves the repairing, maintaining, or repaving of such portions of any road or roads whereon any of the tramways are laid within their district, as the Promoters are under the Tramways Act 1870, or this or any other Provisional Order confirmed by Act of Parliament bound to maintain and keep in good condition and repair for the whole or any part of the length of the tramways laid upon such road or roads, and that notwithstanding the Promoters may have theretofore repaired or maintained the same or any part thereof, provided that the Local Boards shall by notice in writing to the Promoters state when they intend to take upon themselves such repairing, maintaining, or repaving, and if the Local Boards give such notice they shall execute such repairs, maintenance, or repaving from and after the time and for the period (not being less than one year) mentioned in that behalf in such notice. The materials and means to be used in repairing, maintaining, or repairing the road or roads as aforesaid by the Local Boards shall (subject to the provisions of this Order) be in the discretion of the Local Boards, and the Promoters shall not interfere in any way in the repair, maintenance, or repaving of such portions of any such road, as in pursuance of such provisions as aforesaid, the Local Boards are or may become liable to repair, maintain, or repave, or be liable in any way for any neglect or default in or about such repairing, maintaining, or repaving.

The Promoters shall pay to the Local Boards all expenses of and incidental (including supervision) to the repairing, maintaining, and repaving of such portions of such road or roads as shall be repaired, maintained, or repaved by the Local Boards, and as but for this and the other provisions in this behalf the Promoters would have been under the Tramways Act 1870, and this Order bound to repair, maintain, or repave, and the amount of such expenses to be paid from time to time by the Promoters under this sub-section shall be ascertained in such manner as may from time to time be agreed upon between the Local Boards and the Promoters, or as failing such agreement in any case, may be ascertained and certified from time to time by the engineer or surveyor for the time being of the Local Boards, and such amounts shall be paid by the Promoters on demand, and the certificates and payments shall be so made in advance that the Local Boards shall not in any way be required to furnish any money for such part of the works in hand as the Promoters may be liable to pay for.

(Deposit with local boards of estimated cost of repairs, &c.)

(*e*) In order to secure the payments by the Promoters of the amounts to be paid by them to the Local Boards under the last preceding sub-section, the Promoters shall, on or forthwith after each of the usual quarter-days, deposit with the Local Boards the amount which the engineer or surveyor for the time being of the Local Boards may certify to be in his judgment the amount which will be required to be paid by the Promoters under the said sub-section for the works to be executed during the next ensuing quarter, and the Local Boards shall be at liberty to apply the moneys so deposited, or any part thereof, in or towards payment of any amount payable by the Promoters as aforesaid in respect of works executed during such quarter, and at the end of each quarter the amount (if any) not so applied, or so

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much thereof as may not be required, shall be carried forward as or towards the deposit for the next quarter, and any excess shall be paid to the Promoters, and if any sum be so carried forward as aforesaid, the Promoters shall for such quarter only deposit such an amount (if any) as will be required to make up the sum to be deposited as aforesaid.

(Improved motive-power to be used.)

(*f*) The Promoters shall from time to time use on the tramways, within the district of the Local Boards such new or improved motive power as the Board of Trade, upon the application of the Local Boards shall require for securing the greater security and convenience of the public.

(Cables, &c. not to be laid down or used without consent of local boards.)

(*g*) The Promoters, shall not within the said district, without the consent in writing of the Local Boards, lay down, construct, use, or maintain rails, tubes, wires, ropes, chains, appliances, works, and conveniences for the purpose of enabling the tramways to be used by carriages, moved by means of electrical power, or by haulage, wires, ropes, cables, or chains, and fixed steam engines or other machinery. The Local Boards are hereby empowered to give such consent upon and subject to such terms and conditions as they may think fit, so that no such consent shall operate for a longer period than seven years, and that such terms and conditions shall not be inconsistent with the provisions of this Order.

(Steam, &c., not to be used without the consent of the Local boards.)

(*h*) The Promoters shall not, within the said district, use steam, electrical, or any other mechanical power, nor work the tramways by cables without the consent or license of the Local Boards. The Local Boards are hereby empowered to give such consents or licenses upon and subject to such terms and conditions as they may think fit, so that such consents or licenses shall not operate for a longer period than seven years, and that such terms and conditions shall not be inconsistent with the provisions of this Order.

(Byelaws as to use of steam, &c. may be made by local boards.)

(*i*) The Board of Trade may make, and when made, rescind, annul, or add to byelaws for regulating the use of steam, electrical, or other mechanical power, or of cables upon the tramways, and for regulating the traffic on the tramways; and the local boards may make, and when made, rescind, annul, or add to byelaws empowering them to cause to be removed from the tramways within their district any engines, mechanical appliances, harness, or other things which shall be deemed by them, or their duly appointed officer unfit for use.

(Waiting rooms.)

(*j*) The Promoters shall, if required by the respective local boards, provide and maintain two waiting rooms within the district of Handsworth and manor of Aston, in situations on the route of the tramways, to be approved of by the local boards.

(Tolls for passengers.)

(*k*) Section seventy-five of the Suburban Order, 1882 (with respect to tolls for passengers) shall, notwithstanding anything in this Order contained, not apply to the tramways within the district of the local boards, and the following provisions shall apply and have effect with respect to such tramways in lieu thereof, that is to say:—"The Promoters may demand and take for "every passenger travelling upon any of the tramways within the district of "Handsworth or Aston, or any part thereof, including tolls and charges for "the use of the tramways and carriages and for motive power and every "other expense incidental to such conveyance, any tolls or charges not "exceeding one penny per mile, and for this purpose the fraction of a mile "shall be deemed a mile."

(Power to fix penny stages.)

(*l*) The Promoters shall, with the approval of the local boards, appoint penny stages upon the tramways, within the said district not exceeding one mile in distance or length, and the Promoters may notwithstanding anything in any Provisional Order confirmed by Act of Parliament or Act of Parliament demand and take for every passenger travelling upon such tramways including tolls or charges for the use of the tramways and of carriages and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding one penny per stage, and for this purpose the fraction of a stage shall be deemed a stage.

(Running powers subject to approval of local boards.)

(*m*) The running powers given to the Promoters by this Order, or to be acquired by them by agreement or otherwise, so far as they affect any tramways within the districts of Handsworth or Aston, shall only be given, acquired, or exercised by and with the license and consent of the local boards, and shall be subject to such terms and conditions, not being inconsistent with the provisions of this Order, as they may think fit. If any dispute or difference shall arise between the Promoters and the local boards as to such license or consent, the same shall be settled by the Board of Trade, whose decision thereon shall be final.

(Tramways discontinued to become property of local boards in certain cases.)

(*n*) In the event of the Promoters abandoning their undertaking, or any part thereof, or for the period of three calendar months discontinuing the working of the tramways, or any part thereof, within the district of the local boards (such discontinuance not being occasioned by circumstances beyond the control of the Promoters, for which purpose the want of sufficient funds shall not be considered a circumstance beyond their control), such undertaking, or such tramways, or such part of such tramways, which shall be so abandoned or discontinued, shall thereupon become and be the absolute property of the local boards, if the Promoters do not forthwith deposit with the local boards such sum as shall in the opinion of the local boards be adequate to restore, pave, metal, and make good the road or roads along which such tramways or such part of such tramways may have been laid to the satisfaction of the surveyor of the local boards, and within a time to be fixed by him. In the event of such road or roads not being restored, paved, metalled, and made good by the Promoters, to the satisfaction of and within the time fixed by the surveyor to the local boards, the sum deposited as aforesaid shall thereupon become the absolute property of the local boards, who may restore, pave, metal, and make good such road or roads in such manner as they may think fit.

(Certain costs of local boards to be paid by Promoters.)

(*o*) All costs and expenses incurred by the local boards in connexion with or incident to the negotiation between them and the Promoters in relation to this Order, or to the application for and obtaining this Order, and to the confirmation thereof by Act of Parliament, or to the construction and subsequent repair and maintenance of the tramways within their district, or to any agreement or arrangement between the Promoters and the local boards, shall be paid by the Promoters to the local boards within six months after the passing of the Act confirming this Order, or within one month from the date on which payment of the same shall be demanded.

Motive power.

Carriages may be moved by animal, electrical, steam, or

28. The carriages used upon the tramways and upon the tramways authorised by the Suburban Order, 1882, and upon the transferred tramways or any tramways of the Omnibus Company which may be sold to the Promoters under the

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mechanical power.

powers of this Order may, subject to the provisions of this Order, be moved by animal power, and with the consent of the Board of Trade in writing, during a period of seven years after the opening of the same for public traffic, by means of haulage with wire ropes, cables, chains, or other appliances placed underground, or by means of electrical power, steam power, or any mechanical power, and with the like consent during such further periods of seven years as the said board may from time to time specify in any Order to be signed by a Secretary or an Assistant Secretary of the said Board, by electrical power, steam power, or any mechanical power (including such haulage as aforesaid).

Provided always that the Promoters shall not use steam or any mechanical power upon any tramways constructed within the borough without the consent in writing of the Corporation, nor within the district of any of the local or road authorities without the consent in writing of such local or road authority. And the Corporation and the local and road authorities respectively are hereby empowered to give such consents, so that no such consent shall operate for a longer period than seven years, and that such terms and conditions shall not be inconsistent with the provisions of this Order.

Provided also that the powers hereby conferred, so far as the same relate to the working of the line by means of haulage with wire ropes, cables, chains, or other appliances placed underground, shall not be exercised by the Promoters so far as regards the tramways or any of them authorised by this Order, or by the Suburban Order, 1882, or by the Districts Orders, 1882 and 1883, within the districts of the Handsworth Local Board, the Aston Local Board, the Northfield Highway Board, the Rural Sanitary Authority of the King's Norton Union, the Balsall Heath Local Board, and the King's Norton Board of Surveyors, without the consent in writing of such local and road authorities respectively and the said local and road authorities respectively are hereby empowered to give such consents, so that such terms and conditions shall not be inconsistent with the provisions of this Order, and they are hereby empowered, on the giving of such consents, to make it a condition that such consents may be revoked at the expiration of three years from the laying down or alteration of such tramways respectively on such system in case at the expiration of such period the surveyors of such local and road authorities respectively shall certify that such system is dangerous or inconvenient to the public, or that it is advisable that the tramways should be constructed or reconstructed upon a better or improved principle.

Provided further, that the exercise of the powers hereby conferred with respect to the use of steam or any mechanical power shall be subject to the regulations set forth in the Schedule A to the Suburban Order 1882 annexed, and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may, and which they are hereby empowered to make from time to time, as and when they may think fit, for securing to the public all reasonable protection against danger in the exercise of the powers by this Order conferred with respect to the use of steam or any mechanical power on the tramways.

Traffic and Tolls.

Tramways to form part of tramways authorised by Suburban Order 1882.

29. The tramways, by this Order authorised, shall, save as by this Order expressly provided for the purposes of traffic thereon, and of the tolls and charge to be demanded and taken thereon, be subject to the provisions in that behalf of the Suburban Order, 1882, and the following sections of that Order, that is to

say—sections sixty-two to sixty-seven (both inclusive) and sixty-nine to seventy-one (both inclusive), and sections seventy-five to eighty (both inclusive) and the Schedule B to that Order annexed, shall, as far as applicable, apply to the tramways by this Order authorised, and to the traffic thereon, and to the tolls and charges authorised to be demanded and taken by the Promoters in respect of such traffic, in like manner in every respect as if the tramways, by this Order authorised, had been authorised by the Suburban Order, 1882. Provided that in addition to the purposes specified in section sixty-eight of the Suburban Order, 1882, the Corporation may use all or any of the tramways worked by the Promoters for the time being for any sanitary or other purposes of the Corporation.

Running powers over South Staffordshire and Birmingham tramways.

30. The Promoters may, by agreement, at any time or times, and at all times after the passing of the Act confirming this Order, run over and use with their engines, carriages, and vehicles of every description, servants, and horses all or any of the tramways belonging to the South Staffordshire and Birmingham District Steam Tramways Company, Limited, upon such terms and conditions as may be agreed upon between the Promoters and the said Company, subject, nevertheless, in every case to the approval of the Board of Trade.

Sale and transfer of undertaking of the Birmingham Tramway and Omnibus Company, Limited, to Promoters.

30A. The Promoters and the Birmingham Tramways and Omnibus Company Limited (herein-after called "the Omnibus Company") may, with the consent of the Board of Trade, at any time after the passing of the Act confirming this Order, enter into an agreement for the sale by the Omnibus Company to the Promoters of all the tramways constructed under the powers or provisions of the following Acts respectively, that is to say:—the Birmingham and Staffordshire Tramways Act, 1870; the Birmingham and Staffordshire Extension Tramways Act, 1872; and the Birmingham and Staffordshire Tramways Act, 1873; and the undertakings thereof respectively, and all or any part of the lands, works, rolling stock, materials, plant and effects of the Omnibus Company belonging to or used or appropriated for the purposes of such tramways respectively or the traffic thereon at such price and upon such terms and conditions as shall be agreed upon between the Omnibus Company and the Promoters. And the Omnibus Company and the Promoters may do all such acts and things as may be requisite in order to carry such agreement into effect, and upon the completion of such purchase all the rights, powers and authorities by the said Acts respectively conferred upon the several companies which by such Acts respectively were originally empowered to construct and work such tramways respectively, and all other the rights, powers, and authorities vested in or exerciseable by the Omnibus Company, and the undertakings of such tramways, and also all the obligations and liabilities in respect thereto respectively, shall, subject to the provisions herein-after contained, be transferred to and vested in, and may be exercised and enjoyed by, and shall attach to the Promoters in like manner as if the Promoters had been by the said Acts originally authorised to construct and work the said tramways and had constructed the same. Provided, however, that prior to such sale being carried into effect, notice in writing thereof shall be given to the local and road authorities within whose districts the tramways proposed to be purchased shall be situated, and that such local and road authorities shall have a full right to be heard before the Board of Trade as to the expediency of such sale.

Power to reconstruct

30B. If the Promoters shall purchase the said tramways of the Omnibus Company, the Promoters shall reconstruct and alter the same or any portions

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thereof, so that the same shall be of a gauge of three feet six inches, and may also, subject to the provisions of this Order with the consent of the Board of Trade, lay down and construct and maintain such tubes, wires, ropes, chains, works and conveniences as may be requisite for the purpose of enabling the tramways to be used by carriages, moved by means of electric power, or by means of haulage by wires, ropes, cables, or chains, and fixed steam or other machinery, and may make, execute and maintain all such works and things as may be requisite for such purposes, including all necessary communications with the engines and engine-houses. Provided that if the Promoters shall purchase the said tramways of the Omnibus Company, they shall, within six months from the passing of the Act confirming this Order or such longer time as the Promoters and the Omnibus Company may agree, so that the same shall in any case be completed within two years from the passing of the Act confirming this Order, reconstruct or alter to a gauge of three feet six inches those portions beyond the boundary of the borough; and provided also that prior to commencing any such reconstruction or relaying as aforesaid within the districts of the Handsworth Local Board, the King's Norton Union Rural Sanitary Authority, King's Norton Board of Surveyors, Balsall Heath Local Board, or Northfield Highway Board, the Promoters shall deposit with the said authorities for their approval, plans and specifications showing the proposed mode of such reconstruction or relaying, and in the event of such authorities not agreeing to such mode of reconstruction or relaying, or delaying to give their consents thereto for the period of one month after the deposit of such plans and specifications, the matter shall be referred to the decision of a referee to be appointed by the Board of Trade under the powers of the Tramways Act, 1870, whose decision shall be final. Provided also that the said tramways when reconstructed shall not be used for public traffic until they have been certified by the Board of Trade as fit for such traffic.

Power to Omnibus Company to reconstruct their tramways.

30c. The Omnibus Company may, subject to consent to be given under the common seal of the Promoters, at any time or times before such purchase shall be made, but subject nevertheless to all the provisions or conditions and obligations of the last preceding section, reconstruct and alter the said tramways of the Omnibus Company or any of them or any portions thereof as aforesaid, so that the same may be of a gauge of three feet six inches.

Revision of tolls on tramways and transferred tramways in certain districts.

31. If, at any time after six months from the opening for public traffic of any of the tramways or of the transferred tramways within the districts of the Balsall Heath Local Board, the Northfield Highway Board, the King's Norton Union Rural Sanitary Authority, or the King's Norton Board of Surveyors, any of the said local or road authorities shall be of opinion that the tolls for passenger traffic or the carriage of goods within their district are excessive or need revision, then such local or road authority may, if they think fit, serve upon the Promoters a notice in writing requiring them to revise or re-adjust such tolls in such manner as such local or road authority shall deem equitable and just; and unless, within a period of two months from the service of such notice, the Promoters shall comply with the terms of such notice, and revise or re-adjust such tolls accordingly, then the question of the revision or re-adjustment of such tolls shall be referred to an arbitrator to be appointed by the Board of Trade, whose decision in such case shall be final and binding upon the Promoters and such local or road authority, and, from and after the giving of such decision, the Promoters shall, during the period fixed by such arbitrator, charge within the district of such local or road authority no higher tolls than such tolls as shall be fixed by such arbitrator.

Provided always that the costs of any such arbitration, as aforesaid, or of any proceedings incidental thereto, shall be in the discretion of any arbitrator appointed as aforesaid.

Payment of expenses to local and road authorities.

32. The Promoters shall pay any and all expenses to which the Manor of Aston Local Board, the Handsworth Local Board, the Balsall Heath Local Board, the Northfield Highway Board, the King's Norton Union Rural Sanitary Authority, and the King's Norton Board of Surveyors respectively, may be put under or in pursuance of this Order, or incident to the negotiations between them and the Promoters in relation to this Order, or to the application for or obtaining this Order, or to the confirmation thereof by Parliament, including the costs of and in relation to the making of byelaws under this Order, and under the Suburban Order, 1882, and the Districts Orders, 1882 and 1883, respectively, and of the passing of all plans and specifications in relation to the execution of works under those Orders, and they shall also if required pay the costs of appointing and paying a person to act as inspector of tramways and equipments and waiting rooms within six months after the passing of the Act confirming this Order, or within one month from the date on which payment of the same shall be demanded.

Lighting cars.

33. Section sixty-nine of the Suburban Order, 1882, and Section (67) in Part I. of the Schedule to the Districts Order, 1883, shall be read and construed as if the words "engine or" were inserted before the word carriage where that word occurs in such Sections, and such Sections shall be read and construed accordingly, and if at any time after the period of three months from the opening of the transferred Tramways for public traffic within the District of the Local and Road Authorities of the Rural Sanitary Authority of the King's Norton Union or the Northfield Highway Board, either of such Authorities shall be of opinion that the carriages on the Tramways authorised by the Suburban Order, 1882, and on the transferred Tramways within the District of such Authority are not well and sufficiently lighted, then such Local or Road Authority may, if they think fit, serve upon the Promoters a notice in writing requiring them to light the carriages in such a manner as such Local or Road Authority shall deem necessary, and unless within a period of two months from the service of such notice the Promoters shall comply with the terms of such notice and light the carriages accordingly, then the question of such lighting shall be referred to an arbitrator, to be appointed by the Board of Trade, whose decision in such cases shall be final and binding upon the Promoters and on such Local or Road Authority, and from and after the giving of such decision the Promoters shall during the period fixed by such arbitrator light the carriages in the manner prescribed by such arbitrator, provided always that the costs of and incidental to such arbitration as aforesaid shall be in the discretion of the arbitrator.

Local Authorities may jointly make byelaws.

34. The Local Authorities of the districts wherein any of the Tramways authorised by the Suburban Order, 1882, or of the transferred Tramways, may, subject to the provisions of Section forty-six of the Tramways Act, 1870 jointly make regulations as to the matters referred to in the said Section of the said Act.

Local and Road Authorities may use Tramways for Sanitary purposes.

35. The Local and Road Authorities may respectively with their own carriages or trucks at any time between the hours of twelve at night and six in the morning use all or any of the Tramways free of toll for sanitary purposes and for the conveyance of scavengering stuff, road material, and night soil, and the Local and Road Authorities may make such junctions, sidings, and works as they may think necessary or convenient for making communication to the Tramways from their depôts and yards. Provided that in the construction of such

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works no rail shall be laid by any of the Local or Road Authorities so that 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 any owner or occupier of premises abutting on the place where such rail is proposed to be laid, by writing under his hand addressed to the Clerk of such Authority, express his objection thereto.

Use of mechanical power on Tramways leased or run over.

36. The Promoters may use on any Tramways which, under or by virtue of this Order, may be leased to them, or which they may be entitled to use or exercise running powers over, carriages and engines of such dimensions as are authorised to be used upon the Tramways by this Order authorised; and whenever and so long as the Promoters are entitled to cause the carriages to be moved upon the Tramways by this Order authorised, by means of haulage with wire ropes, cables, or chains, or other appliances placed underground with stationary engines, or by means of electrical power, steam power, or other mechanical power the Promoters may, with the consent of the Board of Trade in writing, in the same manner and subject to the same conditions, cause their carriages to be so moved upon all or any of the Tramways which may be leased to them, or which they may be entitled to use or exercise running powers over. Provided always that the power conferred by this Section shall not be exercised within the Borough, except with the consent in writing of the Corporation, and then only subject and according to such terms and conditions (not being inconsistent with the provisions of this Order) as they may impose. Provided always that no haulage with wire ropes, cables, or chains, or other appliances placed underground with stationary engines shall be used on the Tramway which crosses over the Railway of the Great Western Railway Company on the bridge which carries the turnpike road over that Railway, about fourteen chains south-eastward of the Swan Village Station of the Great Western Railway Company.

Further powers as to sale of undertaking to Local Authority.

37. No sale or assignment of the undertaking shall have any validity or effect until after the approval of the Board of Trade to such sale or assignment has been signified in writing signed by a Secretary or an Assistant Secretary of the Board of Trade. Provided that at any time after the passing of the Act confirming this Order, any or all of the Tramways and undertakings authorised by the Surburban Order, 1882, or this Order, or vested in the Promoters under this Order, may, notwithstanding that such Tramways may not have been opened for public traffic for a period of six months, or completed or commenced, with the consent of the Board of Trade, be sold by the persons entitled thereto, to any person or Company or to the Local Authority of any district under and in accordance with the provisions of Section Forty-four of the Tramways Act, 1870, and of this Order. Provided always that such sale or assignment shall as to the portion of the Undertaking within the Borough be subject to the consent of the Corporation, and that no application shall be made in relation to the sale or assignment of the portion of any such Undertaking beyond the Borough boundary, unless and until two calendar months' notice in writing shall have been served by the persons entitled to sell the same upon the Clerk to each of the Local and Road Authorities of the districts within which such portion is situate, and such Local and Road Authorities respectively shall be at liberty to and shall have a *locus standi* to be heard before the Board of Trade on the granting of its consent to such sale or transfer.

Audit of accounts in

38. In case the Corporation purchase the Tramways, or any part of the Tramways, or elect to be substituted for the Promoters of this Order with

respect to the Tramways within the Borough, or in case any Local Authority purchase the Tramways, or any part of the Tramways, the provisions of the Public Health Act, 1875, with respect to the audit of accounts of Local Authorities shall apply to the audit of the accounts of the receipts and expenditure of the Corporation, or of such Local Authority, and their officers respectively with respect to the Tramways or such part thereof as if such accounts related to receipts and expenditure under that Act.

Provision in event of purchase of Tramways by Corporation or Local Authority.

39. (1.) The Promoters, if required by the Postmaster-General, shall perform with respect to any Tramway owned or worked by them, all such reasonable services in regard to the conveyance of mails as Her Majesty's Postmaster-General from time to time requires; provided as follows:—

Carrying of mails by Promoters.

(*a.*) Nothing in this Section shall authorise the Postmaster-General to require mails in excess of the following weights to be carried by the Promoters in or upon any carriage, that is to say—

(i.) If the carriage is conveying or intended to convey passengers and not goods or parcels, then in excess of the maximum weight for the time being fixed for the luggage of ordinary passengers; and

(ii.) If the carriage is conveying or intended to convey parcels only, then in excess of such maximum weight as is for the time being fixed for ordinary parcels, or if that maximum appear to the Postmaster-General to be so low as to exclude him from availing himself of the use of any such carriage, then as is for the time being fixed by agreement, or in default of agreement by a referee to be appointed at the request of either party by the Lord Chief Justice of England; and

(iii.) If the carriage is conveying or intended to convey both parcels and passengers but not goods, then in excess of the maximum weight for the time being fixed for ordinary parcels or for the luggage of ordinary passengers, whichever is the greater.

(*b.*) Mails when carried in or upon a carriage conveying passengers shall be so carried as not to inconvenience the passengers, but so nevertheless that the custody of the mails by any officer of the Post Office in charge thereof shall not be interfered with.

(*c.*) Nothing in this section shall authorise the Postmaster-General to require any mails to be carried by the Promoters in or upon a carriage conveying or intended to convey passengers but not goods or parcels, except in charge of an officer of the Post Office travelling as a passenger.

(*d.*) If the Promoters carry goods as well as passengers and parcels, the enactments relating to the conveyance of mails by railway shall, subject to the provisions of this section, apply in like manner as if the Promoters were a railway company, and the Tramways were a railway.

(2.) The remuneration for any services which have been performed by the Promoters in pursuance of this Section shall be such as may be from time to time determined by agreement between Her Majesty's Postmaster-General and the Promoters, or in default of agreement, by a referee to be appointed by the Lord Chief Justice of England at the request of either party, and this provision shall have effect in lieu of any provisions respecting remuneration contained in the enactments relating to the conveyance of mails by railway which are applied by this Section.

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(3.) For the purposes of this Section, the expression "mails" has the same meaning as in the Regulation of Railways Act, 1873, and includes parcels within the meaning of the Post Office (Parcels) Act, 1882.

(4.) For the purposes of this Section, a requisition by Her Majesty's Postmaster-General may be signified by writing under the hand of any person who is at the time either such Postmaster-General or a Secretary or Assistant Secretary of the Post Office, or the Inspector-General of Mails; and any document purporting to be signed by any such person as aforesaid shall, until the contrary is proved, be deemed, without proof of the official character of such person, to have been duly signed as required by this Section.

Saving for general Acts.

Notwithstanding anything in this Order contained, the promoters and any person using the tramways shall be subject and liable to the provisions of any general Act now in force or which may hereafter be passed during this or any future session of Parliament relating to tramways, or by which any tax or duty may be granted or imposed for or in respect of tramways, or the passengers or traffic conveyed thereon, and to any future revision or alteration under the authority of Parliament of the maximum rates of tolls and charges authorised by this Order, and to any condition, regulation, or restriction, which may be imposed upon the use of tramways, or upon the use on tramways of animal power, steam power, electrical power, or any mechanical power, by any such general Act as aforesaid.

Birmingham Corporation.

BIRMINGHAM CORPORATION TRAMWAYS.

Order authorising the Mayor Aldermen and Burgesses of the Borough of Birmingham in the County of Warwick to alter the gauge of certain existing tramways and to construct further tramways in the said Borough.

Short title.

1. This Order may be cited as the Birmingham Corporation Tramways Order 1885.

Incorporation of Acts.

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

Interpretation.

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

The expression "the Order of 1872" means the Birmingham (Corporation) Tramways Order 1872;

The expression "the existing Tramways" means the Tramways authorised by and constructed under the Order of 1872 and therein described;

The expressions "the Tramways" and "the Undertaking" mean respectively the Tramways (including the existing Tramways during and after the alteration thereof as by this Order authorised) and works and the Undertaking by this Order authorised;

The expression "the Corporation" means the Mayor Aldermen and Burgesses of the Borough of Birmingham in the County of Warwick acting by the Council;

The expression "the Borough" means the said Borough of Birmingham; and

The term "person" includes a Corporation.

Promoters.

The promoters.

4. The Corporation shall be the Promoters for the purposes of this Order and are in this Order referred to as "the Promoters."

Lands by agreement.

5. The Promoters may by agreement from time to time purchase and acquire for the purposes of the undertaking such lands as they may require and may from time to time sell or dispose of any such lands which may not be necessary for such purposes: Provided that they shall not at any time hold for such purposes more than five acres of land under the authority of this Order.

Alteration and Re-construction of Tramways.

Power to alter gauge of existing tramways to a 3 feet 6 inches gauge.

6. The Promoters may alter the gauge of the existing Tramways to a gauge of three feet six inches and for such purpose they may in substitution for the existing Tramways re-construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited at the Office of the Board of Trade for the purposes of this Order as the same have been amended prior to the passing of the Act confirming this Order (which amended plans and sections are in this Order respectively referred to as "the deposited plans" and "the deposited sections") the Tramways herein-after described with all rails plates sleepers offices weigh bridges stables carriage houses engine sheds warehouses works and conveniences connected therewith or for the purposes thereof.

The Tramways by this Order authorised to be altered and re-constructed are:—

The Tramways situate wholly within the Borough and commencing in the parish of Edgbaston in the Bristol Road at the borough boundary thence passing along Bristol Road Bristol Street Horsefair Suffolk Street Paradise Street Colmore Row Snow Hill Constitution Hill Great Hampton Street and Hockley Hill and terminating in Hockley Hill at the borough boundary in the parish of Birmingham;

And the Promoters may for the purposes of such alteration and re-construction subject to the provisions of this Order take up the existing Tramways or such parts of the same as they may think proper and do and execute all such other works acts matters and things as may in their opinion be necessary for such purposes.

The above-mentioned Tramways shall be constructed as a double line where the existing Tramways are at present laid as a double line and as a single line where the existing Tramways are at present laid as a single line except between a point 1·30 chains south of Holloway Head and a point 2·00 chains north of Holloway Head and between a point 0·20 chains north-east of Church Street and a point 1·35 chains south-west of Livery Street in each of which cases they shall be laid as a double line.

The length of the above-mentioned Tramways is 4 miles 3 furlongs and 7 chains the length of the double portion being 4 miles 2 furlongs and 8·50 chains and the length of the single portion being 8·50 chains.

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Construction of tramways.

Construction of Tramways.

7. The Promoters may in addition to the Tramways herein-before mentioned construct and maintain subject to the provisions of this Order and in accordance with the deposited plans and sections the Tramways herein-after described all within the borough with all proper rails plates sleepers offices weighbridges stables carriage-houses engine-sheds warehouses works and conveniences connected therewith or for the purposes thereof.

The Tramways by this Order authorised to be constructed are :—

Tramway No. 2.—A double line of Tramway 2 furlongs 0·60 chains in length commencing in Horse Fair by a junction with the existing Tramways 2 chains south of Smallbrook Street passing thence along Horse Fair and John Bright Street into and terminating in Navigation Street by a junction with the Tramway authorised by the Birmingham and Western Districts Tramways Order 1883 1·15 chains east of Hill Street;

Tramway No. 3.—A Tramway partly in single and partly in double line commencing by a junction with Tramway No. 2 in John Bright Street 1·20 chains south of Station Street passing into and along and terminating in Station Street by a junction with the Tramway constructed under the Birmingham and Suburban Tramways Order 1882 4·85 chains east of Hill Street.

Tramway No. 3 shall from its commencement and for a distance of 7·80 chains be laid as a double line and for the remainder of its length as a single line.

The length of Tramway No. 3 is 1 furlong 0·60 chain the length of the single portion being 2·80 chains and the length of the double portion being 7·80 chains.

Tramway No. 4.—A Tramway partly in single and partly in double line commencing in John Bright Street by a junction with Tramway No. 2 at a point 0·90 chain south of Navigation Street passing thence along John Bright Street and Hill Street into and terminating in Colmore Row by a junction with the existing Tramways at a point 0·50 chain north-east of Hill Street.

Tramway No. 4 shall be laid as a single line except at the following places where it shall be laid as a double line viz. :—From its commencement in John Bright Street for a distance of 0·75 chain and from a point opposite to the centre of Paradise Street to the termination of the Tramway in Colmore Row.

The length of Tramway No. 4 is 1 furlong 0·30 chain the length of the single portion being 8·80 chains and the length of the double portion being 1·50 chains.

Tramway No. 5.—A Tramway partly in single and partly in double line commencing in Colmore Row opposite to Pinfold Street by a junction with the existing Tramways passing into and along Congreve Street and terminating therein by a junction with the Tramway authorised by the Birmingham and Western Districts Tramways Order 1883 0·50 chain north-west of Edmund Street.

Tramway No. 5 shall from its commencement and for a distance of 3·70 chains therefrom be laid as a double line and for the remainder of its length as a single line.

The length of Tramway No. 5 is 6·70 chains the length of the single portion being 3 chains and the length of the double portion being 3·70 chains.

Tramway No. 6.—A Tramway partly in single and partly in double line commencing in Colmore Row 1 chain south-west of Livery Street thence passing along Livery Street and Great Charles Street into and terminating in Snow Hill by a junction with the existing Tramways at a point 0·70 chains north-west of Great Charles Street.

Tramway No. 6 shall be laid as a single line except at the following place where it shall be laid as a double line namely from a point 0·50 chains south-east of the junction of Great Charles Street with Livery Street to its termination.

The length of Tramway No. 6 is 2 furlongs 0·50 chains the length of the single portion being 1 furlong 4·50 chains and the length of the double portion being 6 chains.

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

8. The Promoters in any street in which they have laid down or are authorised to lay down a single line of tramway may in lieu thereof lay down a double line of tramway and in any street in which they have laid down or are authorised to lay down a double line of tramway they may in lieu thereof lay down a single line of tramway. Provided that in the construction of any such works no rail shall (except with the consent of the Board of Trade) be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road if the owner or owners or occupier or occupiers of the premises abutting on the place where such rail is proposed to be laid shall by writing under his or their hand addressed to the Promoters express their objection thereto.

Gauge of Tramways.

9. The Tramways shall be constructed on a gauge of 3 feet 6 inches Provided always that so much of Section thirty-four of the Tramways Act 1870 as limits the extent of the carriage used on any tramway beyond the outer edge of the wheels of such carriage shall not apply to carriages used on the tramways but no carriage or engine used on the tramways shall exceed five feet and nine inches in width.

For the protection of the London and North-Western Railway Company.

10. The following provisions for the protection of the London and North-Western Railway Company shall have force and effect and be binding upon the Promoters and their assigns:—

(1.) No additional crossing passing place siding junction turn-out or other work shall be made for or in connexion with so much of Tramway No. 3 as will extend along Station Street over the distance in front of the entrances to the new Station of the London and North Western Railway Company and as will extend for a length of 10 yards at each end of such distance and no tramcar or other carriage or vehicle used on the said Tramway shall without the consent of the said Railway Company under their Common Seal be stopped or be permitted to be stopped within such distance and lengths except for and only for so long as may be absolutely necessary for the purposes of setting down and taking up passengers.

(2.) The Promoters shall not in any way vary alter or interfere with the structure of any bridge carrying any road over any Railway of the said Railway Company or of the approaches thereto.

(3.) In the event of any injury being caused to any such bridge or approaches by the construction maintenance repairing user or the removal of any of the Tramways the said Railway Company may at the expense of the Promoters restore such bridge and approaches or the part or parts thereof which may

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be injured to as good a state and condition as they were in before such injury was occasioned and the Promoters shall indemnify the said Railway Company against all sums costs and expenses which they may pay or be put to in repairing and maintaining so much of the road over such bridge and approaches as the Promoters are liable to maintain and keep in good condition and repair under section twenty-eight of the Tramways Act 1870 and the said Railway Company may recover from the Promoters all such sums costs and expenses with full costs and charges by all and the same means as any simple contract debt of like amount may be recovered.

(4.) Whenever and so often as the said Railway Company require to widen lengthen strengthen re-construct alter or repair any such bridge or approaches or to widen or alter their Railway or to lift or support any such bridge or approaches owing to the subsidence thereof caused by the minerals thereunder having been or being worked or gotten and they shall find it necessary for effecting any of such purposes that the working and user of any of the Tramways over such bridge or approaches shall be wholly or partly stopped or delayed or that such Tramway shall be temporarily diverted or be wholly or in part taken up or removed and shall except in case of emergency give to the Promoters three clear days' notice in writing requiring such stoppage delay or diversion taking up or removal the working and user of such Tramway shall be stopped or delayed accordingly or such Tramway shall be diverted or taken up or removed accordingly at the expense of the Promoters and under the superintendence of the Engineer of the said Railway Company if such Engineer shall give such superintendence but only for so long as the said Railway Company may find to be absolutely necessary for effecting such purposes and without their being liable for any compensation claims demands damages costs or expenses for or in respect of such stoppage or delay or in any way relating thereto and in case the principal Engineer of the said Railway Company shall be of opinion that any such strengthening alteration or re-construction of any bridge which may be crossed by any of the Tramways is desirable or necessary owing to the carriages or other vehicles on any such Tramway being or being intended to be moved by steam or any mechanical power such strengthening alteration or re-construction shall be effected in all things at the expense of the Promoters who shall also pay to the said Railway Company all additional expense which they may incur or be put to in effecting any such widening lengthening strengthening re-construction alteration repairs lifting or supporting by reason of the existence of such Tramway so passing or any of the works connected therewith the amounts of such expenditure to be recoverable as aforesaid by the said Railway Company from the Promoters with full costs and charges by all and the same means as any simple contract debt of like amount may be recovered.

(5.) Wherever any of the Tramways on either side of any such bridge or approaches is a single line there shall only be a single line over such bridge and approaches and no turn-outs or passing places shall be constructed thereon.

(6.) All works which may be necessary in constructing and maintaining any of the Tramways over any bridge works or property of the said Railway Company shall be constructed and maintained in all things at the expense of the Promoters and to the reasonable satisfaction of the principal Engineer

of the said Railway Company or in case of difference of an Engineer to be appointed by the Board of Trade on the application of either the said Railway Company or the Promoters in the manner provided by section thirty-three of the Tramways Act 1870 for the settlement of the differences in the said section mentioned.

(7.) Nothing contained in this Order shall prejudice lessen take away or interfere with the lands property rights powers and privileges of the said Railway Company otherwise than is hereby expressly provided.

Provisions as to construction of tramways.

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

As to rails of tramways.

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

Penalty for not maintaining rails and road in good condition.

13. The Promoters shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of which any of the tramways for the time being consist and the substructure upon which the same rest and if the Promoters at any time make default in complying with this provision or with any of the requirements of section twenty-eight of the Tramways Act 1870 they shall for every such offence be subject on information laid or complaint made to a penalty not exceeding five pounds and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such default continues and such penalty may be recovered as by section fifty-six of the said Act is provided.

In any case in which it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the borough that the Promoters have made any such default as aforesaid the Board of Trade may if they think fit direct an inquiry by an officer to be appointed by the said Board such inquiry to be conducted in the manner provided by section sixty-three of the Tramways Act 1870 and if the Board of Trade certify under the hand of a secretary or an assistant secretary of the said Board that the default mentioned in such representation has been proved to the satisfaction of the said Board the Promoters shall make good such default in the manner and within the time specified in such certificate and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are herein-before imposed in respect to offences.

Passing places to be constructed where less than certain width left between

14. Where in any road in which a double line of tramway is laid there is less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than nine feet six inches the Promoters shall and they are hereby required to construct a passing place or passing places connecting

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the one tramway with the other and by means of such passing place or passing places the traffic shall when necessary be diverted from one tramway to the other.

Additional footpath and tramway crossings, &c., may be made where necessary.

15. The Promoters may from time to time hereafter make all such crossings passing places sidings junctions and other works in addition to those particularly specified in and authorised by this Order as may from time to time be necessary or convenient to the efficient working of the tramways or any of them or for providing access to any stables carriage houses sheds or works of the Promoters or their lessees or licensees: 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 the said rail and the outside of the footpath on either side of the road if any owner or occupier of premises abutting on the place where such rail is proposed to be laid by writing under his hand addressed to the Promoters express his objection thereto.

Temporary tramways may be made when necessary.

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

Application of road materials excavated in construction of works.

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

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

18. No part of the tramways shall be opened for public traffic until the same has been inspected and certified to be fit for such traffic in accordance with the Tramways Act 1870 and the Board of Trade have by an order signed by a secretary or an assistant secretary of the said Board authorised the same to be opened for such traffic.

Sections 11 to 14 of Order of 1872 to apply to Tramways and undertaking authorised by Order.

19. The following provisions of the Order of 1872 that is to say Sections eleven to fourteen (both inclusive) shall apply to the Tramways and Undertaking by this Order authorised in like manner in every respect as if the Tramways and Undertaking by this Order authorised formed part of the Tramways and Undertaking authorised by the Order of 1872 and for the purposes of such application the expressions "the Tramways" "the Undertaking" and "this Order" in the said provisions shall be construed to mean respectively the Tramways and the Undertaking as defined by this Order and this Order.

Extension of time for construction of certain tramways authorised by Birmingham and Western Districts Tramways Order 1883.

20. The times prescribed for the commencement and for the completion and opening for public traffic of the Tramways No. 1 No. 7 No. 7A and No. 8 authorised by the Birmingham and Western Districts Tramways Order 1883 shall be and the same are hereby extended as regards the commencement of the same until the expiration of one year from the date of the Act confirming this Order and as regards the completion and opening for public traffic of the same until the expiration of two years from the same date.

Motive Power.

Birmingham Corporation. Carriages may be moved by animal, steam or mechanical power.

21. The carriages used on the Tramways may subject to the provisions of this Order be moved by animal power and during a period of seven years after the opening of the same for public traffic and with the consent of the Board of Trade during such further periods of seven years as the said Board may from time to time specify in any Order to be signed by a Secretary or an Assistant Secretary of the said Board or by steam power or any mechanical power including haulage by means of wire ropes or cables placed underground and worked by stationary engine power.

Provided always that no steam power or mechanical power shall be used upon so much of the tramways as is situate in Suffolk Street nor upon any portion of Tramway No. 4 without the consent in writing of the Board of Trade.

Provided further that the exercise of the powers hereby conferred with respect to the use of steam or any mechanical power shall be subject to the regulations set forth in Schedule A to this Order annexed and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of the powers by this Order conferred with respect to the use of steam or any mechanical power on the Tramways.

Provided also that the lessees under any lease made by the Promoters shall not use steam or any mechanical power on the Tramways or any part thereof unless they are authorised to do so by special permission in such lease and the Promoters may with the consent of the Board of Trade and subject to the provisions of this Order either by such lease or from time to time during the currency thereof attach to such special permission such conditions and restrictions (not being inconsistent with the provisions of this Order) as they may think fit.

Power to lay down cable system for motive power.

22. The Promoters or with the consent in writing of the Promoters their lessees or any company or person may from time to time lay down make and maintain pipes and excavations under the Tramways or any of them or any part thereof in order to lay down use and maintain wire ropes or cables or any similar apparatus as a motive power for the carriages running on the Tramways or any of them and the Promoters and such lessees company and person may obtain and use wire ropes cables or other materials and all machinery necessary for such motive power. Provided that this power shall not extend to those portions of the tramways where there is a less space than nine feet six inches between the outside of the footpath on either side of such road and the nearest rail of such tramways unless the Board of Trade consent thereto in writing.

Penalty for using steam or mechanical power contrary to Order or regulations.

23. The lessees or any person using steam or any mechanical power on any of the Tramways contrary to the provisions of this Order or to any of the regulations set forth in the Schedule A to this Order annexed or to any regulation added thereto or substituted therefor by any Order made by the Board of Trade under the authority of this Order shall for every such offence be subject to a penalty not exceeding Ten Pounds and also in the case of a continuing offence to a further penalty not exceeding Five Pounds for every day after the first during which such offence continues: Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the lessees or any person using steam or any mechanical power on the Tramways under the

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authority of this Order have or has made default in complying with the provisions of this Order or with any of the regulations set forth in the Schedule A to this Order annexed or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct the lessees or such person to cease to exercise the powers aforesaid and thereupon the lessees or such person shall cease to exercise the powers aforesaid and shall not again exercise the same or any of the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such Order.

Byelaws.

24. Subject to the provisions of this Order the Board of Trade may from time to time make and when made may rescind annul or add to byelaws with regard to any of the Tramways upon which steam or any mechanical power may be used under the authority of this Order for all or any of the following purposes (that is to say)—

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

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 such Tramways and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages and from any smoke or steam emitted from such engine.

For limiting the number of carriages for the conveyance of animals goods minerals and parcels to be drawn or propelled together by steam or any mechanical power and the hours during which such carriages shall be used on such Tramways.

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

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

As to recovery of penalties.

25. The provisions of the Tramways Act 1870 with respect to the recovery of penalties shall apply to any penalty under this Order and to any penalty for non-observance of any byelaw made by the Board of Trade under the authority of this Order.

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

26. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the Tramway shall not authorise the Corporation to make any byelaw sanctioning a higher rate of speed than that authorised by this Order or by any regulation made by the Board of Trade under the authority of this Order at which engines and carriages are to be driven or propelled on the Tramways under the authority of this Order but the Corporation may if they think fit make byelaws under the provisions of the said Act for restricting the rate of speed to a lower rate than that so prescribed.

Orders and byelaws to be signed, &c.

27. All orders and byelaws made by the Board of Trade under the authority of this Order shall be signed by a secretary or an assistant secretary of the Board of Trade and when so signed the same shall be deemed to have been duly made in accordance with the provisions of this Order and the production of a written or printed copy of any such order or byelaw purporting to be signed as aforesaid shall be primâ facie evidence of such order or byelaw in all courts of justice and in all legal proceedings.

Traffic upon Tramways.

Traffic upon tramways.

28. The tramways may be used for the purpose of conveying passengers animals goods minerals and parcels.

Lessees not bound to carry animals, goods, &c.

29. The lessees shall not be bound to carry unless they think fit any animals goods minerals or parcels other than passengers' luggage not exceeding twenty-eight pounds in weight.

Provisions as to carriage of animals goods &c.

30. In case the lessees carry animals goods minerals or parcels they may and when required by the Corporation shall carry the same in separate carriages or separate parts of carriages set apart for that purpose provided that this provision shall not apply to the carriage of passengers' luggage.

Corporation may appoint stopping and starting places.

31. The Corporation may from time to time by resolution appoint the stations and places from which the carriages used on any of the tramways shall start or at which they may stop for the purpose of taking up or setting down passengers and at which horses may be changed and may from time to time make regulations for fixing the time during which such carriages shall be allowed to remain at any such place and for enforcing order at any such place and no carriage used on any of such tramways shall except for safety and prevention of accidents stop except at such stations starting stopping and other places as aforesaid and horses shall not be changed except at a place appointed for that purpose. Every owner driver or conductor who wilfully disregards or does not comply with the terms of any such resolution or regulation shall be liable to a penalty not exceeding forty shillings which may be recovered summarily. The term "carriage" in this section shall include any engine used on the tramways and the terms "driver" and "conductor" shall include the driver and conductor or other person having charge of an engine.

Corporation may use tramways for sanitary purposes.

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

After alteration of existing Tramways Sections 18 to 27 of Order of 1872 to be repealed.

33. When the existing Tramways have been altered and re-constructed as by this Order authorised Sections eighteen to twenty-seven (both inclusive) of the Order of 1872 with respect to tolls and charges shall be and the same are hereby repealed. Provided always that until the existing Tramways have been so altered and re-constructed as aforesaid, the six next following Sections of this Order with respect to tolls shall not apply to the existing Tramways.

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Tolls.

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Tolls and charges.

34. The tolls and charges to be demanded and taken in respect of the Tramways shall be the following and none other (viz.) :—

For every passenger travelling upon the tramways or any part thereof any tolls or charges not exceeding the sum of one penny per mile (and for this purpose a fraction of a mile beyond an integral number of miles shall be deemed a mile), but for any less distance than two miles any sum not exceeding two pence may be charged :

For all animals goods minerals and parcels conveyed upon the tramways or any part thereof any tolls or charges not exceeding for any distance in the same direction the tolls and charges specified in the Schedule B to this Order annexed subject to the regulations in that behalf therein contained :

Such tolls and charges shall include all tolls and charges which may be demanded and taken for the use of the tramways carriages waggons or trucks and for motive power and for every other expense incidental to such conveyance.

Power to fix stages.

35. The lessees and licensees of any of the tramways may with the approval of the Corporation appoint stages upon any such tramways not exceeding one mile in distance and the lessees and licensees may notwithstanding anything in any Provisional Order confirmed by Act of Parliament or Act of Parliament demand and take for every passenger travelling upon such tramways including tolls or charges for the use of the tramways and of carriages and for motive power and every other expense incidental to such conveyance any tolls or charges not exceeding one penny per stage and for this purpose the fraction of a stage shall be deemed a stage.

Passengers' luggage.

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

Cheap fares for labouring classes.

37. The lessees shall at all times during the continuance of the demise of the tramways run at least two carriages each way every morning in the week and every evening in the week (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than seven in the morning or earlier than six in the evening as the Promoters think most convenient for artizans mechanics and daily labourers at tolls or charges not exceeding one halfpenny per mile (and for this purpose a fraction of a mile shall be deemed a mile) but the lessees shall not be required to take any toll or charge less than one penny: Provided always that in case of any complaint made to the Board of Trade as to the number of such carriages run by the lessees or as to the hours appointed by the Promoters for the running of such carriages the said Board shall have power to fix and regulate the same from time to time. Every lease to be granted by the Promoters shall imply a condition of re-entry if the lessees at any time after the expiration of twenty-one days' notice requiring them to run such carriages at such times and at such tolls or charges as hereinbefore mentioned make default in complying with such notice unless such default be occasioned by unavoidable accident.

Payment of tolls.

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

Periodical revision of tolls.

39. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways or after three years from the date of any Order made in pursuance of this section in respect of the tramways or any portion of the tramways it is represented in writing to the Board of Trade by twenty inhabitant ratepayers of the Borough or by the lessees that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the tramways or on such portion of the tramways should be revised the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act 1870. And if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised the said Board may make an order in writing altering modifying reducing or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways in such manner as they think fit and thenceforth such order shall be observed until the same is revoked or modified by an Order of the Board of Trade made in pursuance of this section: Provided always that the tolls and charges prescribed by any such Order shall not exceed in amount the tolls and charges by this Order authorised.

Opening of Tramways to the Public.

As to user of tramways and tolls thereon when open to be used by the public.

40. Subject to any lease or agreement for a lease the Promoters may from time to time by resolution declare the tramways or any part thereof to be open to be used by the public and for such periods and subject to such conditions and restrictions as to motive power and otherwise as the Promoters may subject to the provisions of this Order and the approval of the Board of Trade think fit and such user may be either concurrently with the lessees or otherwise and so soon as the Promoters have passed such resolution and the same has been approved by the Board of Trade by writing signed by a secretary or an assistant secretary of the Board of Trade any person may use the tramways or any part thereof in accordance with the terms of such resolution and subject to the provisions of this Order with carriages having flange wheels or other wheels suitable only to run on the rails of the tramways and may demand and take for the like purposes for which tolls or charges are authorised to be demanded and taken by this Order any tolls or charges not exceeding the tolls and charges by this Order authorised to be demanded and taken for such purposes.

Tolls if tramways open to be used by the public.

41. If the tramways or any part thereof be declared to be open to be used by the public the Promoters may demand and take from any person so using the tramways or any part thereof the following tolls and charges in respect of such user (namely):—

For every passenger travelling in or upon any of the carriages of such person any tolls or charges not exceeding one-half of the tolls and charges by this Order authorised to be demanded and taken by such person for such passenger:

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For any animals goods minerals and parcels conveyed in or upon the carriages of such person any tolls or charges not exceeding one-half of the tolls and charges specified in the Schedule B to this Order annexed in respect of such animals goods minerals and parcels so conveyed subject to the regulations in that behalf therein contained:

And the Promoters may if they think fit commute such tolls or charges so that the commuted sum may be as near as possible an equivalent of such tolls or charges.

Servants of the Promoters, &c. to ride in carriages, &c. free of charge.

42. Any person so using the tramways or any part thereof declared to be open to be used by the public and the officers and servants of such person shall permit any person duly authorised for that purpose by the Promoters to ride free of charge for the whole or any part of the journey in or upon each carriage waggon truck or vehicle in or upon which any passengers animals goods minerals or parcels are conveyed upon the tramways or such part thereof.

Certain provisions of the Tramways Act 1870 as to licensees extended to persons using the tramways when open to the public.

43. The provisions contained in the following sections of the Tramways Act 1870 (namely)—

Section 36. (In default of payment of tolls licensees' carriages may be detained and sold):

Section 37. (Licensees to give account of passengers carried by them):

Section 38. (Licensees not giving account of passengers carried liable to penalty):

Section 39. (Disputes as to amount of tolls to be settled by justices): and

Section 40. (Owners of carriages liable for damages done by their servants):

Shall so far as the same are applicable in this behalf extend and apply mutatis mutandis to the person or persons so using the tramways or any part thereof declared to be open to be used by the public and in construing those sections for the purposes aforesaid—

The expression "licensee" or "licensees" shall mean the person or persons so using the tramways or any part thereof;

The expression "passengers" shall include animals goods minerals and parcels;

The expression "number of passengers" shall include the number or quantity (as the case may require) of the animals goods minerals or parcels conveyed; and

The expression "carriage" shall include any waggon truck or vehicle in or upon which such animals goods minerals or parcels are conveyed.

Miscellaneous.

Engines carriages or horses unfit for use may be removed.

44. The Corporation or any Committee of the Council or any officer of Corporation appointed for the purpose may cause to be removed from the tramways any engine carriage or horse which is certified by any officer appointed by the Corporation to be unfit for use upon the tramways provided that every certificate made by the said officer to the Corporation shall be in writing and shall state fully the particulars in which in the opinion of the said officer the engine carriage or horse (as the case may be) is unfit for use and notice of every such certificate setting forth the particulars contained in the said certificate shall be served upon the lessee or other person owning or using such engine carriage or horse prior to any action being taken thereon by the Corporation: Provided

further that if any dispute arise between the Corporation and such person as to the fitness or unfitness of any such engine carriage or horse the same shall be settled by two justices.

Power to enter into agreements with respect to traffic, &c.

45. Any lessees or licensees on the one hand and any person on the other hand may with the consent of the Board of Trade from time to time but subject to the provisions of this Order enter into agreements with respect to the receiving from or forwarding to any such person any passengers animals goods minerals or parcels and the fixing collecting and apportionment of tolls charges rents or other receipts arising from the tramways upon such terms and conditions as may be agreed upon between such lessee or licensee and such person subject nevertheless to the control and supervision of the Promoters.

Provisions as to arbitration.

46. Where under the provisions of the Tramways Act 1870 and this Order any matter in difference is referred to the arbitration of any person nominated by the Board of Trade the provisions of the Common Law Procedure Act 1854 shall apply to every such arbitration and the decision of the arbitrator shall be final and conclusive and binding on all parties and the costs of and incidental to the arbitration and award shall if either party so require be taxed and settled as between the parties by any one of the taxing masters of the High Court of Justice and such fees may be taken in respect of the taxation as may be fixed in pursuance of the enactments relating to the fees to be demanded and taken in the offices of such masters and all those enactments including the enactments relating to the taking of fees by means of stamps shall extend to the fees in respect of the said taxation.

Form and delivery of notices.

47. With respect to notices and to the delivery thereof by or to the Promoters the following provisions shall have effect (that is to say)—

(1) Every notice shall be in writing or print or partly in writing and partly in print and shall be signed by the Town Clerk if given by the Promoters and by their clerk or secretary if given by any local or road authority :

(2) Any notice to be delivered by or to the Promoters to or by any local authority or any road authority or other body or any company may be delivered by being left at the principal office of that authority body or company or at the Council House in the Borough as the case may be or by being sent by post in a registered letter addressed to their respective clerk or secretary at their principal office or to the Town Clerk at the Council House.

Certain conditions may be inserted in leases and licenses.

48. The lease of or license to use any of the tramways may—

Prescribe or limit the tolls and charges to be taken by any lessee or licensee provided that the same do not exceed the maximum tolls and charges authorised by this Order.

Prescribe the number of carriages to be run the times of starting and the tolls and charges to be taken in respect of the conveyance of artizans mechanics and daily labourers.

Reserve to the Promoters the right from time to time to authorise the lessees and licensees of other tramways to run over and use the tramways comprised in such lease or any of them.

Provide for the proper construction repair and cleansing of carriages used upon such tramways.

Provide for the removal of carriages horses and engines unfit for use on such Tramways.

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Prescribe the time and place for coaling watering cleansing making up or raking out of fires and blowing off of steam in respect of any engine used upon such tramways or may restrict the exercise of any such acts to proper yards or sheds to be provided by the lessees or licensees.

And such lease or license may either provide for the determination of the same in case of breach of or non-compliance with any such conditions or the Promoters may by such lease or license impose penalties for the breach of or non-compliance with any such conditions and penalties incurred under any such lease or license may be recovered summarily.

Corporation may borrow £45,000 to be repaid in thirty years.

49. The Corporation may under and according to the provisions contained in Section twenty of the Tramways Act 1870 borrow for the purposes of this Order in addition to any sum or sums of money they are already authorised to borrow any sum or sums of money they may think fit not exceeding in the whole forty-five thousand pounds and the time for which such sum of forty-five thousand pounds may be borrowed shall be thirty years and for the purpose of such borrowing the Corporation may include in any mortgage of the local rate the moneys coming to them out of the rents reserved under any lease made under the authority of this Order and the tolls charges and sums authorised to be taken or received by them under the provisions of this Order.

The Corporation may raise all or any sums which they are authorised to borrow under this Order by the creation and issue of Birmingham Corporation Stock and the amount of the annual sums payable to the Birmingham Corporation Loans Fund under the Birmingham Corporation Stock Orders 1880 and 1881 towards the redemption of stock created and issued by the Corporation for the purpose of this Order shall be such as with accumulations will suffice to redeem at par such stock within the time limited by this Order for the borrowing of money. The half yearly annual or other sums payable to the said Loans Fund for payment of dividends on and towards redemption of such stock shall be payable out of the Borough fund and Borough rate.

Audit of Accounts.

50. Sections two hundred and forty-six and two hundred and fifty of the Public Health Act 1875 shall apply to the audit of the accounts of the receipts and expenditure of the Corporation and their officers with respect to the Tramways as if such accounts related to receipts and expenditure under that Act.

Carrying of mails by lessees.

51. The lessees or persons by whom any of the tramways are worked (who are in this section referred to collectively as "the lessees") if required by the Postmaster-General shall perform with respect to any tramway owned or worked by them all such reasonable services in regard to the conveyance of mails as Her Majesty's Postmaster-General from time to time requires; provided as follows:—

(*a.*) Nothing in this section shall authorise the Postmaster-General to require mails in excess of the following weights to be carried by the lessees in or upon any carriage that is to say—

(i.) If the carriage is conveying or intended to convey passengers and not goods or parcels then in excess of the maximum weight for the time being fixed for the luggage of ordinary passengers; and

(ii.) If the carriage is conveying or intended to convey parcels only then in excess of such maximum weight as is for the time being fixed for ordinary parcels or if that maximum appears to the Postmaster-General to be so low as to exclude him from availing himself of the use of any

such carriage then as is for the time being fixed by agreement or in default of agreement by a referee to be appointed at the request of either party by the Lord Chief Justice of England ; and

(iii.) If the carriage is conveying or intended to convey both parcels and passengers but not goods then in excess of the maximum weight for the time being fixed for ordinary parcels or for the luggage of ordinary passengers whichever is the greater.

(*b.*) Mails when carried in or upon a carriage conveying passengers shall be so carried as not to inconvenience the passengers but so nevertheless that the custody of the mails by any officer of the post office in charge thereof shall not be interfered with.

(*c.*) Nothing in this section shall authorise the Postmaster-General to require any mails to be carried by the lessees in or upon a carriage conveying or intended to convey passengers but not goods or parcels except in charge of an officer of the post office travelling as a passenger.

(*d.*) If the lessees carry goods as well as passengers and parcels the enactments relating to the conveyance of mails by railway shall subject to the provisions of this section, apply in like manner as if the lessees were a railway company, and the tramways were a railway.

(2.) The remuneration for any services which have been performed by the lessees in pursuance of this section shall be such as may be from time to time determined by agreement between Her Majesty's Postmaster-General and the lessees, or in default of agreement by a referee to be appointed by the Lord Chief Justice of England at the request of either party and this provision shall have effect in lieu of any provisions respecting remuneration contained in the enactments relating to the conveyance of mails by railway which are applied by this section.

(3.) For the purposes of this section the expression "mails" has the same meaning as in the Regulation of Railways Act 1873 and includes parcels within the meaning of the Post Office (Parcels) Act 1882.

(4.) For the purposes of this section a requisition by Her Majesty's Postmaster-General may be signified by writing under the hand of any person who is at the time either such Postmaster-General or a secretary or assistant secretary of the post office or the Inspector-General of Mails ; and any document purporting to be signed by any such person as aforesaid shall until the contrary is proved be deemed without proof of the official character of such person to have been duly signed as required by this section.

Saving for general Acts.

52. Notwithstanding anything in this Order contained the Promoters lessees and any person using the tramways shall be subject and liable to the provisions of any general Act now in force or which may hereafter be passed during this or any future session of Parliament relating to tramways or by which any tax or duty may be granted or imposed for or in respect of tramways or the passengers or traffic conveyed thereon and to any future revision or alteration under the authority of Parliament of the maximum rates of tolls or charges authorised by this Order and to any condition regulation or restriction which may be imposed upon the use of tramways or upon the use on tramways of animal power electrical power steam power or any mechanical power by any such general Act as aforesaid.

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SCHEDULE A.

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Break power of engines.

Every engine used on the Tramways shall be fitted with such mechanical appliances for preventing the motive power of such engine from operating and for bringing such engine and any carriage drawn or propelled by such engine to a stand as the Board of Trade may from time to time think sufficient.

As to fittings of engines &c.

Every engine used on the Tramways shall have its number shown in some conspicuous part thereof and shall be fitted—

With an indicator by means of which the speed shall be shown;

With a suitable fender to push aside obstructions;

With a special bell whistle or other apparatus to be sounded as a warning when necessary; and

With a seat for the driver of such engine so placed in front of such engine as to command the fullest possible view of the road before him.

Every such engine shall be free from noise produced by blast or clatter of machinery and the machinery shall be concealed from view at all points above four inches from the level of the rails and all fire used on such engine shall be concealed from view.

As to carriages.

Every carriage used on the Tramways shall be so constructed as to provide for the safety of passengers and for their safe entrance to exit from and accommodation in such carriage and their protection from the machinery of any engine used for drawing or propelling such carriage.

Inspection of engines and carriages.

The Board of Trade shall on the application of the Corporation and may on complaint made by any person from time to time inspect any engine or carriage used on the Tramways and the machinery therein and may whenever they think fit prohibit the use on the Tramways of any such engine or carriage which in their opinion may not be safe for use on the Tramways.

As to speed.

The speed at which engines and carriages may be driven or propelled along the Tramways shall not exceed the rate of 8 miles an hour.

The speed at which engines and carriages may pass through movable facing-points shall not exceed the rate of four miles an hour.

SCHEDULE B.

TOLLS AND CHARGES FOR THE CONVEYANCE OF ANIMALS GOODS &c.

Animals.

	Any distance. £	s.	d.
For every horse mule or other beast of draught or burden - -	0	0	6
For every ox cow bull or head of cattle - - - -	0	0	6
For every calf pig sheep or other small animal - - -	0	0	3

	Any distance. £ s. d.
Goods and Minerals.	
For all coals coke culm charcoal cannel limestone chalk lime salt sand fireclay cinders dung compost and all sorts of manure and all undressed materials for the repair of public roads or highways per ton - - - - - - - - -	0 0 3
For all iron iron ore pig iron bar iron rod iron sheet iron hoop iron plates of iron slabs billets and rolled iron bricks slag and stone stones for building pitching and paving tiles slates and clay (except fireclay) and for wrought iron not otherwise specifically classed herein and for heavy iron castings including railway chairs per ton - - - - - -	0 0 3
For all timber or wood per ton - - - -	0 0 3
For all sugar grain corn flour hides dye woods earthenware timber staves staves deals and metals (except iron) nails anvils vices and chains and for light iron castings per ton - - - -	0 0 4
For cotton and other wools drugs and manufactured goods and all other wares merchandise fish articles matters or things per ton - - - - - - -	0 0 4
For every carriage of whatever description not weighing more than one ton ten pence and the additional sum of two pence for every additional quarter of a ton above one ton.	
Single Articles of Great Weight.	
For the carriage of any iron boiler cylinder or single piece of machinery or single piece of timber or stone or other single article the weight of which including the carriage shall not exceed four tons per ton - - - - - -	0 0 8
For the carriage of any single piece of timber stone machinery or other single article the weight of which with the carriage shall exceed four tons such sum as the person or persons entitled to demand and take tolls and charges in respect of the same may think fit.	
Parcels.	
For any parcel not exceeding seven pounds in weight - - - -	0 0 3
For any parcel exceeding seven pounds but not exceeding fourteen pounds in weight - - - - - -	0 0 5
For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight - - - - -	0 0 7
For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight - - - - - -	0 0 9
For any parcel exceeding fifty-six pounds in weight such sum as the person or persons entitled to demand and take tolls and charges in respect of the same may think fit.	

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

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Regulations as to Tolls.

For a fraction of a ton tolls or charges may be demanded and taken according to the number of the quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton.

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

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

LONDON: Printed by Eyre and Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1885.