



## CHAPTER clx.

An Act to authorise the mayor aldermen and burgesses of the borough of Walsall to construct street works and a tramway to provide and work trolley vehicles and motor omnibuses to make further provision with regard to the supply of gas and electricity to make provision for increasing the number of wards of the borough and the number of councillors and aldermen and to make further provision with regard to the health local government and improvement of the borough and for other purposes. A.D. 1914.

[7th August 1914.]

**W**HEREAS the borough of Walsall (in this Act called "the borough") is a county borough and is under the government of the mayor aldermen and burgesses of the borough (in this Act called "the Corporation"):

And whereas it is expedient to empower the Corporation to construct the new street and street improvement referred to in this Act:

And whereas the Corporation are the owners of and work an extensive system of tramways within and beyond the borough and it is expedient to empower the Corporation to construct and work the additional tramway described in this Act:

And whereas it is expedient to authorise the Corporation to provide and work vehicles moved by electrical power transmitted thereto from some external source and motor omnibuses within and beyond the borough and to confer upon the Corporation all necessary powers with regard thereto:

And whereas the Corporation are empowered to supply gas and electricity within the borough and gas in certain places in the neighbourhood of the borough and it is expedient that the





£ A.D. 1914.

(h) For the purchase of lands and construction of buildings for the purposes of the trolley vehicles and omnibuses authorised by this Act - - - - - 3,800

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

And whereas in relation to the promotion of the Bill for this Act the requirements of the Borough Funds Acts 1872 and 1903 have been observed and the approval of the Local Government Board has been obtained:

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

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

PART I.

PRELIMINARY.

1. This Act may be cited as the Walsall Corporation Act 1914. Short title.

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

Part I.—Preliminary.

Part II.—Street works and lands.

Part III.—Tramway trolley vehicles and omnibuses.

Part IV.—Gas and electricity.

Part V.—Streets buildings sewers and drains and sanitary provisions.

Part VI.—Increase of council and alteration of wards.

Part VII.—Financial and miscellaneous.

3. The following Acts and parts of Acts so far as they are applicable for the purposes and are not inconsistent with Incorporation of Acts.

A.D. 1914. the provisions of this Act are hereby incorporated with and form part of this Act (namely):—

The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845):

Section 19 (Local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870 Provided that the said section 19 shall in regard to its incorporation with this Act be read and have effect as if the words "but nothing in this Act contained shall authorise any local authority to place or run carriages upon such tramway and to demand and take tolls and charges in respect of the use of such carriages" were omitted from that section.

Interpreta-  
tion.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Act unless the subject or context otherwise requires—

"The Corporation" means the mayor aldermen and burgesses of the borough of Walsall;

"The borough" means the borough of Walsall;

"The council" means the council of the borough;

"The mayor" "the town clerk" "the surveyor" and "the treasurer" mean respectively the mayor the town clerk the surveyor and the treasurer of the borough and respectively include any person duly authorised to discharge temporarily the duties of those offices;

"The borough fund" "the borough rate" "the district fund" and "the general district rate" mean respectively the borough fund the borough rate the district fund and the general district rate of the borough;

"Corporation tramways" means and includes all or any tramways or tramway for the time being belonging or leased to or worked or run over by the Corporation;

"Trolley vehicle" means a mechanically propelled vehicle adapted for use upon roads and moved by electrical power transmitted thereto from some external source;

"Trolley vehicle routes" means the routes upon which the Corporation are by this Act authorised to work and use trolley vehicles;



“Omnibus” means any stage carriage not being a trolley vehicle moved by mechanical power including in that expression steam electrical and every other motive power not being animal power ;

“Daily penalty” means a penalty for each day on which any offence is continued by a person after conviction ;

“The tribunal” means the jury arbitrators umpire or other authority to whom any question of disputed purchase money or compensation under this Act is referred ;

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

“The Municipal Corporations Acts” means the Municipal Corporations Act 1882 and any Act amending that Act ;

“The Act of 1876” means the Walsall Gas Purchase and Borough Extension Act 1876 ;

“The Act of 1890” means the Walsall Corporation Act 1890 ;

“The Act of 1900” means the Walsall Corporation Act 1900 ;

“Road authority” means as regards a main road the county council and as regards any other road the district council or other body in whom such road is vested.

## PART II.

### STREET WORKS AND LANDS.

5. Subject to the provisions of this Act the Corporation may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works

Power to  
construct  
street works.

A.D. 1914. hereinafter described in the borough together with all necessary or proper works and conveniences connected therewith or incident thereto.

The works hereinbefore referred to and authorised by this Part of this Act are as follows:—

Street Work No. 1 A new street including a junction with Lawyer's Walk commencing at or near the junction of Pool Street with Ablewell Street and terminating at or near the junction of Birmingham Road with Sutton Road :

Street Work No. 2 A widening and improvement of Green Lane on the westerly side.

Limits of deviation.

6. In the construction of the works authorised by this Part of this Act the Corporation may deviate from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of lateral deviation shown on those plans and from the levels thereof as shown on the deposited sections to any extent not exceeding two feet either upwards or downwards.

Subsidiary works.

7.—(1) Subject to the provisions of this Act and within the limits of deviation shown on the deposited plans the Corporation may in connection with the works authorised by this Part of this Act and for the purposes thereof make junctions and communications with any existing streets which may be intersected or interfered with by or be contiguous to such works or either of them and may make diversions widenings or alterations of the lines or levels of any existing streets for the purpose of connecting the same with such works or either of them or of crossing under or over the same or otherwise and may alter divert or stop up all or any part of any drain sewer channel or gas or water main or pipe wire or apparatus within the said limits the Corporation providing a proper substitute before interrupting the flow of sewage in any drain or sewer or of any gas or water in any main or pipe or of electricity or telephonic communication in any wire or apparatus and making compensation for any damage done by them in the execution of the powers of this section.

(2) Provided that nothing in this Act shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1909 to which the provisions of section 15 of the Act of 1882 apply



except in accordance with and subject to the provisions of that section. A.D. 1914.

(3) Provided also that the Corporation shall not alter divert or otherwise interfere with any pipe wire or apparatus belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

**8.** Subject to the provisions of this Act the Corporation may enter on take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as they may require for the construction of the works authorised by this Part of this Act or for the purpose of providing space for the erection of buildings adjoining or near to such works or for other the purposes of this Part of this Act. Power to take lands.

**9.** The powers of the Corporation for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act. Period for compulsory purchase of lands.

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

**11.—**(1) Whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Corporation of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans Owners may be required to sell parts only of certain lands and buildings.

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will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto. Therefore the following provisions shall have effect:—

- (a) The owner of and persons interested in any of the properties whereof the whole or part is described in the schedule to this Act and whereof a portion only is required for the purposes of the Corporation or each or any of them are hereinafter in this section included in the term "the owner" and the said properties are hereinafter referred to as "the scheduled properties":
- (b) If for twenty-one days after the service of notice to treat in respect of a specified portion of any of the scheduled properties the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:
- (c) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the tribunal shall in addition to the other questions required to be determined by it determine whether the portion of the scheduled properties specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed:
- (d) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto



the owner may be required to sell and convey to the Corporation the portion which the tribunal shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the tribunal:

- (e) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the tribunal may in its absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner:
- (f) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not they shall determine that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice:
- (g) If the tribunal determine that the portion of the scheduled properties specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the tribunal shall having regard to the circumstances of the case and their final determination think fit.

(2) The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Consolidation Act 1845 contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or

A.D. 1914. is not or but for this section would or would not be subject to the provisions of section 92 (No party to be required to sell part of a house) of the Lands Clauses Consolidation Act 1845.

(3) The provisions of this section shall be stated in or endorsed upon every notice given thereunder to sell and convey any premises.

Power to purchase additional lands by agreement.

**12.** The Corporation in addition to any other lands acquired by them in pursuance of this Act may by agreement purchase take on lease acquire and hold further lands for the purposes of this Act but the quantity of lands held by the Corporation in pursuance of this section shall not at any time exceed ten acres Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any such lands.

Persons under disability may grant easements &c.

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

Power to retain sell &c. lands.

**14.** Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Corporation may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired by them under this Act and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Proceeds of sale of surplus lands.

**15.** So long as any lands remain to be acquired by the Corporation under the authority of this Act they may so far as



they consider necessary apply any capital moneys received by them on resale or exchange or by leasing in pursuance of the powers of this Act in the purchase of lands so remaining to be acquired but as to capital moneys so received and not so applied the Corporation shall apply the same in or towards the extinguishment of any loan raised by them under the powers of this Act and such application shall be in addition to and not in substitution for any other mode of extinguishment provided by this Act except to such extent and upon such terms as may be approved by the Local Government Board Provided that—

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- (1) The amount to be applied in the purchase of lands under this section shall not exceed the amount for the time being unexhausted of the borrowing powers conferred by this Act for the purpose of such purchase :
- (2) The borrowing powers conferred by this Act for the purpose of such purchase shall be reduced to the extent of the amount applied in the purchase of lands under the provisions of this section.

**16.**—(1) The Corporation during the execution and for the purposes of any works authorised by this Act may break up and also temporarily stop up divert and interfere with any street and may for any reasonable time prevent all persons other than those bonâ fide going to or returning from any house in the street from passing along and using the same.

Temporary stoppage of streets.

(2) The Corporation shall provide reasonable access for persons bonâ fide going to or returning from any such house.

### PART III.

#### TRAMWAY TROLLEY VEHICLES AND OMNIBUSES.

**17.** Subject to the provisions of this Act the Corporation may make form lay down work use and maintain the tramway within the borough hereinafter described in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates sleepers electric-lines junctions turntables turnouts crossings passing-places posts conduits boxes manholes sheds buildings works and conveniences connected therewith respectively.

Power to make tramway.

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The tramway referred to in this section and authorised by this Act is—

A tramway (double line 1 furlong 8·18 chains in length) to be laid down along the new street (Street Work No. 1) by this Act authorised commencing by a junction with the existing tramway of the Corporation in Ablewell Street at a point forty yards or thereabouts north of the intersection of the centre lines of Pool Street and Ablewell Street and terminating by a junction with the tramway of the Corporation in Birmingham Road at a point ninety yards or thereabouts south-east of the intersection of the centre lines of Sutton Road and Birmingham Road.

Period for completion of tramway.

**18.** The tramway authorised by this Act shall be completed within three years from the construction of the new street (Street Work No. 1) by this Act authorised and on the expiration of that period the powers by this Act granted to the Corporation for executing the same or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Works to form part of tramway undertaking of Corporation.

**19.** The tramway authorised by this Act and the works connected therewith shall for all purposes form part of the tramway undertaking of the Corporation and the provisions relating to tramways of the Act of 1900 and of the enactments incorporated therewith respectively and any byelaws and regulations made in pursuance thereof respectively so far as such provisions byelaws and regulations are not inconsistent with the provisions of this Act shall extend and apply to the said tramway and works as if they had formed part of the tramways and works authorised by the said Act Provided that nothing contained in this section shall prevent any rescission revocation amendment or variation of the said byelaws and regulations :

Provided also that in the exercise of the powers conferred on the Corporation by the Act of 1900 with reference to the tramway authorised by this Act no post or other apparatus shall be erected on the carriageway except with the consent of the Board of Trade.

Power to use trolley vehicles.

**20.**—(1) The Corporation may provide maintain and equip (but shall not manufacture) trolley vehicles and may use the same upon the trolley vehicle routes.



(2) 'The trolley vehicle routes are—

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Route No. 1—

In the rural district of Walsall and the urban district of Brownhills along Pelsall Lane from its junction with Lichfield Road Norton Road Pelsall Road High Street (Brownhills) Lindon Road Brownhills Road and Lichfield Road (Walsall Wood) to the terminus of the existing tramway of the Corporation at the junction of Cemetery Road with High Street (Walsall Wood):

Route No. 2—

In the borough of Walsall the rural district of Cannock and the urban district of Cannock from the Bloxwich terminus of the existing tramway of the Corporation in Stafford Road along Stafford Road Walsall Road and the Market Place Cannock to the junction of Walsall Road with Church Street:

Route No. 2A—

In the urban district of Cannock connecting with Route No. 2 from the junction of Walsall Road with Church Street along Church Street Hednesford Road Cannock Road and Market Street Hednesford to and terminating at the junction of Market Street with Rugeley Road:

Route No. 3—

In the rural district of Walsall along Birmingham Road from the terminus of the existing tramway of the Corporation opposite the Bell Inn to the junction of Birmingham Road with Newton Road:

Route No. 4—

In the boroughs of Walsall and Wednesbury from the junction of Bradford Street with Newport Street along Bradford Place round the triangular garden space there to the point of commencement in Bradford Street thence along Bradford Street Wednesbury Road Corporation Street East Caldmore Green West Bromwich Street and West Bromwich Road to the boundary of the borough of West Bromwich on the River Tame Bridge.

**21.**—(1) In the case of any road upon trolley vehicle Route No. 4 of which the carriageway is less than seventeen feet in width the road authority may determine that the road

As to widening of roads on trolley vehicle  
Route No. 4.

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shall be widened so as to provide a carriageway not exceeding seventeen feet in width and a footpath not exceeding four feet in width and (unless on the application of the Corporation within one month after they shall have received from the road authority notice in writing of such determination as aforesaid the Board of Trade after considering the circumstances of the case determine that the widening is unnecessary) upon the road authority carrying out such widening the Corporation shall contribute one-third of the cost thereof. The Board in giving their decision may determine that a width of less than seventeen feet is necessary and in such case the Corporation shall pay one-third of the cost of widening the road to the width determined by the Board.

(2) The Corporation shall not be required to contribute to the cost of widening a bridge or to the cost of acquiring any building or part of a building for the purpose of widening any road.

(3) If any widening carried out by a road authority under the provisions of this section shall involve an alteration of any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General the enactments contained in section 7 of the Telegraph Act 1878 shall apply to any such alteration and the road authority shall be deemed to be "undertakers" within the meaning of the said Act.

Contribution  
towards  
adaptation of  
roads.

**22.**—(1) If it shall be necessary to reconstruct any road or part of a road forming or comprised in any trolley vehicle or omnibus route authorised by this Act so as to provide for the running of the trolley vehicles or omnibuses of the Corporation as a traffic additional to the ordinary traffic using such road or part of a road at the time when the trolley vehicle route is first constructed or the omnibuses of the Corporation commence to run upon that route (whichever shall first happen) the Corporation within two months after the road authority shall have reconstructed such road if such reconstruction shall take place within three years (or such longer period as may be agreed between the Corporation and the road authority) after the trolley vehicles or omnibuses of the Corporation as the case may be shall have commenced to run upon the part of the road so reconstructed shall pay to the road authority such sum of money per mile of road so reconstructed as may be required for the purpose in this section mentioned but not exceeding the sum of two hundred and seventy-five pounds per mile



Provided that not more than one payment shall be made by the Corporation in respect of any part of a road reconstructed for the purpose referred to in this section. A.D. 1914.

(2) Any difference at any time arising between the road authority and the Corporation under this section shall be settled by an arbitrator to be agreed upon between the road authority and the Corporation or failing such agreement to be appointed on the application of either party by the Board of Trade and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration but this subsection shall not apply to any question as to extension of the said period of three years.

(3) If the reconstruction of any road or part of a road by a road authority under the provisions of this section shall involve an alteration of any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General the enactments contained in section 7 of the Telegraph Act 1878 shall apply to any such alteration and the road authority shall be deemed to be "undertakers" within the meaning of the said Act.

**23.**—(1) The Corporation shall pay to the county council of Stafford the mayor aldermen and burgesses of the borough of Wednesbury the Brownhills Urban District Council the Cannock Urban District Council and the Walsall Rural District Council in every year towards the cost of the maintenance of the roads forming or comprised in any trolley vehicle or omnibus route and maintained at the expense of those authorities respectively the sum of three-eighths of a penny per car mile run over such parts of the said roads as are maintained at the expense of the said authorities respectively by the trolley vehicles or omnibuses of the Corporation during such year less in each case the amount received by such authority during such year in respect of rates levied upon the said trolley vehicle and omnibus undertaking. Contribution towards road maintenance.

(2) The Corporation shall keep statements for the purposes of this section showing in proper detail the mileage run by each trolley vehicle and omnibus and shall furnish copies of such statements annually to the road authority and the Corporation shall allow any person duly authorised by the road authority in that behalf at all reasonable times to inspect and take copies of all such statements and any accounts kept by

A.D. 1914. the Corporation relating to the running of all such trolley vehicles and omnibuses.

Nothing in this section contained shall debar the Corporation from at any time hereafter applying for the repeal amendment or modification of the provisions herein contained if in view of future legislation the Corporation shall think fit to do so.

As to liability of Corporation to road authority.

**24.** The Corporation shall be responsible to the road authority under the sections of this Act the marginal notes whereof are "Contribution towards adaptation of roads" and "Contribution towards road maintenance" notwithstanding that the Corporation may enter into any agreement with any person or persons or company or companies under the provisions of this Act.

Corporation not to be liable for claims for extraordinary traffic.

**25.** In consideration of the payments to be made by the Corporation to the road authorities under the sections of this Act the marginal notes whereof are "Contribution towards adaptation of roads" and "Contribution towards road maintenance" the road authorities shall not under section 23 of the Highways and Locomotives (Amendment) Act 1878 as amended by section 12 of the Locomotives Act 1898 or otherwise make any claim against the Corporation in respect of extraordinary traffic by reason of the use of any road bridge or approach by the trolley vehicles or omnibuses of the Corporation by this Act authorised.

As to running of trolley vehicles over bridges in Pelsall Road.

**26.**—(1) The Corporation shall not run more than one trolley vehicle at one time over the bridge known as High Bridge in Pelsall Road over the canal of the company of proprietors of the Birmingham Canal Navigations nor over the bridge in that road over the London and North Western Railway and the Corporation shall provide signalling or other means of preventing the running of trolley vehicles in contravention of the provisions of this section.

(2) If and so soon as the said canal bridge is widened the Corporation shall upon obtaining the consent of the said company of proprietors provide a footpath not exceeding four feet in width over the said bridge.

As to electrical works.

**27.**—(1) The Corporation may in under or over the surface of the streets or roads along or adjoining those along which they are or may be authorised to run the trolley vehicles or in



which it may be necessary so to do in order to connect the apparatus and equipment for working such vehicles with any generating station place erect and maintain all necessary and proper standards brackets conductors mains cables wires posts poles and any other necessary or convenient apparatus and equipment for the purpose of working the trolley vehicles by electrical power and may for that purpose subject to the provisions contained in Part II. of the Tramways Act 1870 and in this Act open and break up any such street or road and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder and may supply electrical energy outside the borough for the purpose of working the trolley vehicles:

A.D. 1914.

Provided that no post or other apparatus shall be erected upon the carriage-way of any public street or road except with the consent of the Board of Trade:

Provided also that no advertisements other than notices referring to the running of the trolley vehicles of the Corporation shall without the consent of the road authority be exhibited on any post or other apparatus used for working such vehicles.

(2) Nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1909 to which the provisions of section 15 of the former Act apply.

**28.**—(1) All posts and apparatus erected by the Corporation under the powers of this Part of this Act in any street or road in the borough of Wednesbury or the Cannock Rural District shall be of such design as the local authority may approve Provided that if the local authority do not give to the Corporation notice of disapproval of such design within one calendar month of such design being submitted to them they shall be deemed to have approved the same and if within the like period the said authority give notice of disapproval the Corporation may appeal to the Board of Trade who shall thereupon have power to approve of such design and upon such approval being given the Corporation may proceed to erect such posts and apparatus in accordance with the design so approved.

As to posts and apparatus in borough of Wednesbury and Cannock Rural District.

(2) All such posts and apparatus shall be placed in such position as the authority at whose expense the road along which the trolley vehicle route will be situate is maintained may

A.D. 1914. reasonably direct Provided that no such direction shall be given by such authority as will conflict with any requirement of the Board of Trade Any difference between such authority and the Corporation with regard to any such direction shall be settled by the Board of Trade.

Corporation to have exclusive right of using apparatus for working trolley vehicles.

**29.** Subject to the provisions of this Act the Corporation shall have the exclusive right of using any apparatus provided erected or maintained by them for the purpose of working the trolley vehicles and any person (except by agreement with the Corporation) using the said apparatus shall for every offence be liable to a penalty not exceeding twenty pounds.

Application of certain provisions of Tramways Act 1870 to trolley vehicles.

**30.** The following provisions of the Tramways Act 1870 incorporated with this Act shall apply to the trolley vehicles authorised by this Act and such provisions shall be read and have effect as if the works to be constructed in the footpaths or carriageways of the streets for moving the trolley vehicles by electrical power were tramways and as if the said trolley vehicles were carriages used on tramways:—

- Part II. (Relating to the construction of tramways) except sections 25 28 and 29;
- Section 46 (Byelaws by local authority Promoters may make certain regulations);
- Section 47 (Penalties may be imposed in byelaws);
- Section 48 (Power to local authority to license drivers conductors &c.);
- Section 49 (Penalty for obstruction of promoters in laying out tramway);
- Section 51 (Penalty on passengers practising frauds on the promoters);
- Section 52 (Transient offenders);
- Section 53 (Penalty for bringing dangerous goods on the tramway);
- Section 55 (Promoters or lessees to be responsible for all damages);
- Section 56 (Recovery of tolls penalties &c.);
- Section 57 (Right of user only);
- Section 60 (Reserving powers of street authorities to widen &c. roads); and
- Section 61 (Power for local or police authorities to regulate traffic in roads):



Provided that nothing in this section shall be deemed to exclude a trolley vehicle from the provisions of section 78 of the Highway Act 1835 as to the side of the road on which any wagon cart or other carriage is to be kept. A.D. 1914.

**31.** The trolley vehicles of the Corporation shall be deemed to be tramcars for the purposes of the Town Police Clauses Acts 1847 and 1889. Trolley vehicles to be tramcars for certain purposes.

**32.** The following provisions of the Act of 1900 shall extend and apply to the trolley vehicles authorised by this Act as if those provisions were with all necessary modifications re-enacted in this Act provided that in the application of those provisions the same shall be read and have effect as if the said trolley vehicles were carriages used on the tramways of the Corporation:— Application of certain provisions relating to tramways of Act of 1900 to trolley vehicles.

Section 18 (Amendment of Tramways Act 1870 as to byelaws by local authority);

Section 19 (Motive power);

Section 21 (Attachment of brackets to buildings);

Section 23 (Special provisions as to use of electrical power);

Section 25 (Mechanical power works to be subject to section 30 of Tramways Act 1870);

Section 26 (Byelaws);

Section 27 (Rates for passengers);

Section 28 (Passengers' luggage);

Section 29 (Rates for goods);

Section 30 (Corporation not bound to carry animals and goods);

Section 31 (As to fares on Sundays or holidays);

Section 33 (Periodical revision of rates and charges);

Section 39 (Orders &c. of Board of Trade);

The Second Schedule (so far as it relates to rates for parcels).

**33.** Nothing in this Act shall in any way affect the duties of excise now payable by law on licences to be taken out for the trolley vehicles authorised by this Act as carriages or light locomotives or hackney carriages. Duties on licences for trolley vehicles.

**34.** The trolley vehicles authorised by this Act shall not be deemed to be light locomotives within the meaning of the Vehicles not to be deemed

A.D. 1914. <sup>light loco-</sup>motives or motor cars. Locomotives on Highways Act 1896 or of the byelaws and regulations made thereunder nor shall they be deemed to be motor cars within the meaning of any provisions of the Motor Car Act 1903 (except subsection (1) of section 1 of that Act and the provisions necessary for enforcing that subsection) and subject to that exception neither that Act nor the regulations made under that Act nor the enactments mentioned in the schedule to the Locomotives on Highways Act 1896 nor the Locomotives Act 1898 shall apply to the said trolley vehicles.

Approval of vehicles by Board of Trade.

**35.** The trolley vehicles authorised by this Act and the electrical equipment thereof shall be of such form construction and dimensions as the Board of Trade may approve and no trolley vehicle shall be used by the Corporation which does not comply with the requirements of the Board of Trade and no such vehicle (including the weight of its load) shall exceed a weight of five tons.

Inspection by Board of Trade.

**36.** The trolley vehicle system shall not be opened for public traffic until it has been inspected and certified to be fit for traffic by the Board of Trade.

Board of Trade may authorise trolley vehicles.

**37.**—(1) If at any time hereafter the Corporation desire to provide maintain equip and use trolley vehicles upon any road as defined by the Tramways Act 1870 (other than the streets and roads in this Part of this Act hereinbefore referred to) they may make application to the Board of Trade and the Board of Trade shall be and they are hereby empowered (subject as regards any road outside the borough to the consent of the local and road authority of the district) to make a Provisional Order authorising the use of trolley vehicles upon any road or roads to which such application relates and also empowering the Corporation to place erect and maintain in under and along such road cables wires posts poles and any other necessary or convenient apparatus or equipment for the purpose of working the trolley vehicles and to supply electrical energy by means of such apparatus for that purpose and any such Provisional Order may vary or modify or render inapplicable provisions of the Town Police Clauses Acts 1847 and 1889 the Tramways Act 1870 the Locomotives on Highways Act 1896 the Locomotives Act 1898 and the Motor Car Act 1903 or any enactments incorporated therein or byelaws or regulations made thereunder respectively.



(2) No such application shall be entertained by the Board of Trade unless the Corporation shall— A.D. 1914.

(a) Have published once in each of two successive weeks in the months of October or November in some newspaper or newspapers circulating in the borough notice of their intention to make such application and have published once in one or other of the same months the like notice in the London Gazette:

(b) Have posted for fourteen consecutive days in the months of October or November in conspicuous positions in each of the several streets or roads to which such application relates a notice of their intention to make such application:

And each such notice shall state the time and method for bringing before the Board of Trade any objections to the grant of such application.

(3) The Board of Trade may and they are hereby empowered to prescribe the procedure with respect to any application for a Provisional Order under this section.

(4) The Board of Trade shall consider any such application and may if they think fit direct an inquiry in relation thereto to be held in the borough or in the urban or rural district to which such application relates or may otherwise inquire as to the propriety of proceeding upon such application and they shall consider any objection to such application that may be lodged with them in accordance with the prescribed procedure and shall determine whether or not it is expedient and proper that the application be granted either with or without addition or modification or subject or not to any restriction or condition.

(5) In any case where it shall appear to the Board of Trade expedient and proper that the application be granted they may settle and make a Provisional Order authorising the same and shall as soon as conveniently may be thereafter procure a Bill to be introduced into either House of Parliament for an Act to confirm the Provisional Order which shall be set out at length in the schedule to the Bill and until confirmation with or without amendment by such Act of Parliament a Provisional Order under this Part of this Act shall not have any operation.

(6) If while any such Bill is pending in either House of Parliament a petition is presented against any Provisional Order

A.D. 1914. — comprised therein the Bill so far as it relates to the order petitioned against may be referred to a Select Committee and the petitioner shall be allowed to appear and oppose as in the case of a Bill for a special Act.

(7) The Act of Parliament confirming a Provisional Order under this Act shall be deemed a public general Act.

(8) The making of a Provisional Order under this section shall be primâ facie evidence that all the requirements of this section in respect of proceedings required to be taken previously to the making of such Provisional Order have been complied with.

(9) Any expenses incurred by the Board of Trade in connection with the preparation and making of any such Provisional Order and any expenses incurred by the Board of Trade in connection with any inquiry under this section shall be paid by the Corporation.

For protec-  
tion of  
Postmaster-  
General.

**38.**—(1) Notwithstanding anything in this Act or in the Act of 1900 contained if any of the works authorised to be executed by this Act or the Act of 1900 involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any such alteration.

(2) In the event of the Corporation tramways or the trolley vehicles authorised by this Act being worked by electricity the following provisions shall have effect:—

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



(b) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Corporation of their electric lines and works or by the working of the undertaking of the Corporation the Corporation shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection:

(c) Before any electric line is laid down or any act or work for working the Corporation tramways or the said trolley vehicles by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Corporation or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Corporation and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work Any difference which arises between the Postmaster-General and the Corporation as to any requirement so made shall be determined by arbitration:

(d) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Corporation is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Corporation's works or to the working of their undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated by the Corporation enter any of the Corporation's works for the purpose of inspecting the Corporation's plant and the working of the same and the Corporation shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the

A.D. 1914.  
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Postmaster-General the records kept by the Corporation pursuant to the Board of Trade regulations :

- (e) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :
- (f) Provided that nothing in this section shall subject the Corporation or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :
- (g) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :
- (h) For the purposes of this section and subject as therein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act :
- (i) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :
- (j) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act



1868 shall apply in like manner as if the Corporation or their agents were a company within the meaning of that Act: A.D. 1914.  
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- (k) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Corporation by indictment action or otherwise in relation to any of the matters aforesaid:
- (l) In this section the expression "the Corporation" includes their lessees and any person owning working or running carriages on the Corporation tramways or on the trolley vehicle routes:
- (m) Section 24 (For protection of Postmaster-General) of the Act of 1900 is hereby repealed.

**39.**—(1) It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in which he is authorised to place a telegraph to use for the support of such telegraph any posts and standards (with the brackets connected therewith) erected in any such street or public road by the Corporation in connection with the tramway or trolley vehicles authorised by this Act or by an order under this Act (in this section referred to as "the tramway") and to lengthen adapt alter and replace such posts standards and brackets for the purpose of supporting any telegraph and from time to time to alter any telegraph so supported subject to the following conditions:—

Use of tramway or trolley vehicle posts by Postmaster-General.

- (a) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the tramway:
- (b) The Postmaster-General shall give to the Corporation not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain Any difference as to any matter referred to in such notice shall be determined as hereinafter provided:

A.D. 1914.

- (c) Unless otherwise agreed between the Postmaster-General and the Corporation the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expenses of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the tramway or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Corporation or by any regulations which may from time to time be made by the Board of Trade arising through the exercise by the Postmaster-General of the powers conferred by this section :
- (d) Unless otherwise agreed or in case of difference determined as hereinafter provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires Any difference as to the conditions of attachment shall be determined as hereinafter provided :
- (e) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near to the centre of any street or public road :
- (f) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper condition and state of repair :
- (g) The Postmaster-General shall make good to the Corporation and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Corporation their officers or servants :



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

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

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

(2) Nothing in this section contained shall prevent the Corporation from using their posts standards or brackets for the support of any of their electric wires and apparatus whether in connection with their tramway or other municipal undertakings or shall take away any existing right of the Corporation of permitting the use by any company or person of their posts standards or brackets in connection with the lighting of the streets or otherwise Provided that any difference between the Postmaster-General and such company or person in relation to

A.D. 1914. — the use of the posts standards or brackets by the Postmaster-General and such company or person respectively shall be determined as hereinafter provided.

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

(4) In this section—

The expression “the Corporation” includes their lessees;  
The expression “telegraph” has the same meaning as in the Telegraph Act 1869;

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

Use of trolley vehicles for carriage of road materials &c.

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

Power to lease and make agreements for provision and working &c. of trolley vehicles and interchange of traffic.

41. The Corporation may enter into agreements with any person or persons company or companies with respect to the following purposes or any of them (that is to say):—

(a) The provision electrical equipment maintenance management and repair of the trolley vehicles by this Act authorised:

(b) The use working and leasing of any such trolley vehicles and the conveyance of traffic thereon:

(c) The supply of electrical energy for working any such trolley vehicles:

(d) The interchange accommodation conveyance transmission and delivery of traffic arising from or destined for the respective undertakings of the contracting parties:

(e) The payment collection and apportionment of tolls fares rates and charges rent or other receipts arising from such respective undertakings:

Provided that for the purpose of calculating the maximum fares rates and charges payable in respect of passengers and parcels conveyed partly on the trolley vehicles by this Act authorised and partly on the tramways or trolley vehicles of



the other party contracting with the Corporation such trolley vehicles and tramways shall during the continuance of any such lease or agreement be deemed to be one system Provided also that any agreement under subsection (b) of this section shall be subject to the approval of the Board of Trade: A.D. 1914.

Provided also that every such agreement and any lease made in pursuance thereof shall be terminable by any party thereto at the expiration of any term therein specified not exceeding twenty-one years from the date thereof but may be renewed for a like term at the expiration of any such term and of every subsequent term for which the same may from time to time be renewed:

Provided also that any electrical energy supplied under this section or any agreement made thereunder shall be so supplied and any works for the purpose of such supply shall be so constructed as to prevent any interference with telegraphic communication by means of any telegraphic line of the Postmaster-General but this proviso shall not apply to any person or company authorised to supply electrical energy by Act of Parliament or by an order confirmed by or having the effect of an Act of Parliament containing provisions for the protection of such telegraphic lines from such interference as aforesaid.

**42.—**(1) The Corporation may provide and maintain (but shall not manufacture) and may run omnibuses within the borough and along the following routes outside the borough— Power to provide and run omnibuses.

(a) Along trolley vehicle Route No. 1 by this Act authorised and in extension thereof in the urban district of Brownhills and the rural district of Walsall along Lichfield Road to the boundary of Walsall:

(b) Along the trolley vehicle Routes Nos. 2 2a and 3 by this Act authorised:

(c) Along trolley vehicle Route No. 4 by this Act authorised and (with the consent of the mayor aldermen and burgesses of the borough of West Bromwich) in extension thereof along West Bromwich Road Walsall Road Cemetery Road All Saints Street Church Vale Hallam Street Seagar Street Reform Street Walsall Street and Bull Street to the junction of Bull Street and High Street (West Bromwich) all in the borough of West Bromwich:

A.D. 1914. — and (with the consent of the Board of Trade and the local and road authority of the district) along any other route outside the borough and may provide such plant appliances and conveniences as may be requisite or expedient for the establishment running and equipment of such omnibuses.

(2) The Corporation may demand and take for the conveyance of passengers in any omnibuses run under the powers of this section the same fares rates and charges as they are for the time being authorised to demand and take for passengers travelling on the tramways of the Corporation and may also demand and take for the carriage of parcels not exceeding fifty-six pounds in weight the same rates and charges as they are for the time being authorised to demand and take for parcels of the same weight carried on the said tramways.

(3) The Corporation may make bye-laws for regulating the travelling and for the prevention of nuisance in or upon their omnibuses Provided that any such bye-law shall be made subject and according to the provisions of the Tramways Act 1870 with respect to the making of byelaws.

(4) Every omnibus moved by electrical power shall be so equipped and worked as to prevent any interference with telegraphic communication by means of any telegraphs of the Postmaster-General.

(5) The provisions of section 48 (Power to local authority to license drivers conductors &c.) of the Tramways Act 1870 shall apply to the omnibuses of the Corporation as if such omnibuses were carriages used on tramways.

For protection of West Bromwich Corporation.

**43.** The Corporation and the mayor aldermen and burgesses of the borough of West Bromwich may from time to time enter into and carry into effect agreements with regard to the routes within the borough of West Bromwich along which the Corporation may run omnibuses and with regard to the running of such omnibuses within the said borough.

Purchase of lands by agreement for trolley vehicle and omnibus undertaking.

**44.** (1) The Corporation may purchase take on lease or acquire by agreement and may hold for the purposes of the trolley vehicle and omnibus undertaking authorised by this Part of this Act any lands (not exceeding five acres) and buildings and they may on such lands erect or construct and hold depôts yards offices trolley vehicle omnibus carriage and motor houses buildings sheds works and other conveniences in connection with their said undertaking.



(2) Nothing in this Act shall exonerate the Corporation from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any lands purchased or used by them for the purposes of their said undertaking. A.D. 1914.

45. The fares rates and charges by this Act authorised shall be paid to such persons and at such places upon or near to the trolley vehicles or omnibuses by this Act authorised and in such manner and under such regulations as the Corporation may by notice to be annexed to the list of fares rates and charges appoint. Payment of fares rates and charges.

46.—(1) Where any tree overhangs any highway along their trolley vehicle or omnibus routes which may in any way interfere with the construction or working of the trolley wires or with the clear and safe passage of trolley vehicles or omnibuses and the passengers thereon the Corporation may serve a notice on the owner of the tree or on the occupier of the premises on which such tree is growing requiring him to lop the tree within seven days so as to prevent such obstruction or interference and in default of compliance the Corporation may themselves carry out the requisition of their notice doing no unnecessary damage. Trees overhanging highways.

(2) Any person aggrieved by any requirement of the Corporation under this section may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

(3) Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this section.

47. The Corporation may erect and maintain within and with the consent of the local and road authorities beyond the borough sheds or shelters or waiting rooms for the accommodation of passengers and of the Corporation's servants on the Corporation tramways and the trolley vehicle and omnibus routes by this Act authorised and may use for that purpose portions of the public streets or roads. Shelters or waiting rooms.

48. If any person wilfully does or causes to be done with respect to any apparatus used for or in connection with the Penalty for malicious damage.

A.D. 1914. — working of any of the Corporation tramways or the trolley vehicles by this Act authorised anything which is calculated to obstruct or interfere with the maintenance or working of such tramways or trolley vehicles or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence shall be liable to a penalty not exceeding twenty pounds.

Lost property.

**49.** Any property found in any tramcar trolley vehicle or omnibus of the Corporation shall forthwith be taken to a place to be appointed for the purpose by the Corporation and if the same be not claimed within six months after the finding thereof it may be sold as unclaimed property by public auction after notice by advertisement in one or more local newspapers once in each of two successive weeks and the proceeds thereof carried to the revenue account of the tramway undertaking.

Conveyance of mails.

**50.** The Corporation shall perform in respect of trolley vehicles and omnibuses all the services in regard to the conveyance of mails which are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway as defined by that Act and authorised as in that Act stated.

Through trolley vehicles and omnibuses.

**51.** Notwithstanding any provision to the contrary contained in any of the Acts relating to the tramway undertaking of the Corporation or in this Act the Corporation may run through trolley vehicles and omnibuses along any of the authorised trolley vehicle and omnibus routes respectively or any specified portion thereof and the Corporation may demand and take from all passengers by such through vehicles or omnibuses irrespective of their destination a fare or charge not exceeding the maximum fare which the Corporation are empowered to charge for and in respect of the whole of such route or the whole of the portion thereof traversed by any such vehicle or omnibus.

Trolley vehicles and omnibuses to form part of tramway undertaking.

**52.** The trolley vehicle and omnibus undertaking authorised by this Part of this Act shall be deemed to form part of the tramway undertaking of the Corporation Provided that in the accounts of the Corporation relative to their tramway undertaking the receipts and expenditure upon and in connection with trolley vehicles and omnibuses shall (so far as may be reasonably practicable) be distinguished from the receipts and



expenditure upon or in connection with the remainder of such A.D. 1914.  
undertaking.

**53.** Nothing in this Act shall limit or interfere with the rights of any owner lessee or occupier of any mines or minerals lying under or adjacent to any of the trolley vehicle routes described in and authorised by this Act along or across which any electrical equipment or apparatus shall be laid or constructed under the powers of this Act to work such mines and minerals so that the same be done in a manner proper and necessary for the beneficial working thereof and according to the usual manner of working such mines in the district.

For protec-  
tion of mine  
owners.

**54.** The apparatus and equipment upon the trolley vehicle route in Norton Road Pelsall shall be so placed and maintained as not to obstruct the passage of engines and trucks over the mineral railway of the Walsall Wood Colliery Company Limited crossing that road at Pelsall Common and the owners and lessees of the said railway shall not be liable for any damage to such apparatus and equipment which may be caused by the smoke or fumes from the said engines or otherwise in the course of such passage.

For protec-  
tion of Wal-  
sall Wood  
Colliery  
Company  
Limited.

**55.** For the protection of the company of proprietors of the Birmingham Canal Navigations (hereinafter referred to as "the company") the following provisions shall unless otherwise agreed between the Corporation and the company have effect:—

For protec-  
tion of com-  
pany of pro-  
prietors of  
Birmingham  
Canal Navi-  
gations.

- (1) All works by this Part of this Act authorised where the same shall be made upon across under or over any bridge or the approaches thereto or other work belonging to or maintainable by the company or will otherwise affect the same shall be executed so as not to injuriously affect the structure of any such bridge approaches or other work and according to plans sections and specifications to be previously submitted to and reasonably approved by the company or in case of difference between them and the Corporation by an arbitrator to be appointed as hereinafter provided Provided that if the company do not within twenty-one days after such submission signify their disapproval of such plans sections and specifications they shall be deemed to have approved thereof All such works shall be executed according

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to the plans sections and specifications so approved or determined by arbitration and under the superintendence (if the same be given) and to the reasonable satisfaction of the company The Corporation shall so maintain and use the works apparatus and trolley vehicles authorised by this Part of this Act as not to injuriously affect any such bridge approaches or other work and in the event of any injury being occasioned to such bridge approaches or work by the construction maintenance removal or user of the works apparatus and trolley vehicles upon across under or over the same the company may make good the injury and may recover from the Corporation the reasonable expenses of so doing :

- (2) The Corporation shall not in any manner in the execution maintenance repair or user of any of their works apparatus or trolley vehicles obstruct or interfere with the free uninterrupted and safe user of any canal or other work belonging to the company or any traffic thereon :
- (3) The Corporation shall be responsible for and make good to the company all losses damages and expenses which may be occasioned to the company or any of their works or property or to the traffic on their canals or to any company or person using the same by or by reason of the execution failure or user of any of the intended works apparatus or trolley vehicles or by or by reason of any act default or omission of the Corporation or of any person in their employ or of any contractors for the intended works or any part thereof and the Corporation shall effectually indemnify and hold harmless the company from all claims and demands upon or against them by reason of such execution failure or user or of any such act default or omission :
- (4) If the company shall hereafter in the exercise of their existing powers require to widen lengthen strengthen reconstruct alter or repair any such bridge under along or over which the works and apparatus are laid or the approaches thereto or to widen or alter any canal thereunder or thereover and if it shall be necessary for such purpose that such works and apparatus



be temporarily taken up diverted or removed and if the company accordingly give to the Corporation twenty-one days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such taking up diversion or removal then the working or user of such part of the apparatus shall be stopped or delayed or such part of the apparatus shall be taken up diverted or removed as stated in such notice at the reasonable expense of the Corporation and under their superintendence (if they shall give such superintendence) but no such working or user shall be stopped or delayed for a longer period than may be absolutely necessary for effecting such purpose as aforesaid and such part of the apparatus shall at the like expense be restored with all practicable despatch and the company shall not be liable to pay compensation in respect of such stoppage delay or taking up diversion or removal :

(5) The Corporation shall not under the powers of this Act run trolley vehicles or omnibuses upon or over the canal bridge known as High Bridge situate on trolley vehicle Route No. 1 by this Act authorised at a greater speed than four miles per hour unless and until such bridge has been widened so as to have a carriage-way of at least seventeen feet in width :

(6)—(a) The Corporation shall not under the powers of this Act run trolley vehicles or omnibuses upon or over the canal bridge known as Yorks Foundry Bridge situate on trolley vehicle Route No. 1 by this Act authorised unless and until such bridge has been widened so as to provide a carriage-way of at least seventeen feet in width with a footpath at least four feet wide :

(b) The company shall within six months after receiving a notice in writing from the Corporation that they intend to run trolley vehicles or omnibuses upon or over the said Yorks Foundry Bridge reconstruct and widen such bridge so as to provide a carriage-way of at least seventeen feet in width and a footpath of at least four feet in width Upon the company carrying out such reconstruction and widening the Corporation shall contribute one hundred and fifty

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pounds towards the cost of such reconstruction and widening :

- (7) The Corporation shall from time to time pay to the company any additional expense in connection with the reconstruction widening alteration maintenance or repair of any of the bridges of the company reasonably incurred by the company and necessitated by the existence under along or over any such bridge of poles wires or other works authorised by this Act :
- (8) If and when the company shall require to reconstruct alter repair or paint any bridge under along or over which any electric wire of the Corporation has been placed the Corporation shall in order to ensure the safety of the workmen employed in such reconstruction alteration repairing or painting cut off the electric current from the trolley wires under along or over such bridge at such time as shall be agreed between the Corporation and the engineer of the company or failing agreement as shall be determined by arbitration under this section unless the Corporation shall have previously adopted some other means of protection to workmen which shall have been approved by the said engineer :
- (9) The Corporation shall not for the purposes of this Part of this Act make attachments to any part of the said works or bridges of the company without the consent in writing of the engineer of the company (which consent shall not be unreasonably withheld) such attachments if allowed to be in all respects subject to the approval of the said engineer and to be temporarily removed at any time when required by him in connection with the maintenance and reconstruction or alteration of the said works or bridges :
- (10) If any difference arises under this section between the Corporation and the company the same shall unless otherwise agreed be settled by arbitration under the provisions of the Arbitration Act 1889 by an engineer to be appointed by the Board of Trade at the request of either party.

For protec-  
tion of Wal-  
sall Rural

**56.** The following provisions for the protection and benefit of the Walsall Rural District Council (in this section called



“the council” and “the rural district” respectively) shall notwithstanding anything in this Act contained apply and have effect (that is to say):—

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District  
Council.

The Corporation shall not exercise any of the powers conferred upon them by the provisions of this Act upon in over or under that portion of Route No. 1 which is within the rural district save with the previous consent in writing of the council under their common seal which consent the council in their absolute discretion may refuse or withhold or may grant unconditionally or subject to such limitations terms and conditions (if any) as they may determine.

**57.** The following provisions for the protection and benefit of the Staffordshire County Council (in this section called “the county council”) shall notwithstanding anything in this Act contained and unless otherwise agreed in writing between the county council and the Corporation apply and have effect as regards any main road or county or main road bridge or approach vested in the county council (that is to say):—

For protec-  
tion of Staf-  
fordshire  
County  
Council.

(1)—(a) All posts standards section-boxes sheds shelters waiting rooms or other work erected or placed by the Corporation under the powers of this Act on any such road bridge or approach shall be erected or placed in such positions in or at the side thereof and in the case of all underground works by this Act authorised at such depth and in such positions as the county council in writing under the hand of their surveyor may reasonably direct Provided that no such direction shall be given as will conflict with any requirement of the Board of Trade:

(b) All such posts standards section-boxes sheds shelters waiting rooms or other work as aforesaid shall be constructed according to designs which shall be submitted by the Corporation to the county council for approval Provided that if the county council do not give to the Corporation notice of disapproval of such designs within one calendar month of such submission they shall be deemed to have approved the same and if within the like period the county council give notice of disapproval the Corporation may appeal to the Board of Trade who shall thereupon have power to approve such designs and upon

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such approval being given the Corporation may proceed to erect such posts standards section-boxes sheds shelters waiting rooms or other work as aforesaid in accordance with the designs so approved :

- (c) The Corporation shall not interfere with the structural part of any such bridge or approach without the consent in writing of the surveyor to the county council which consent shall not be unreasonably withheld and may be given upon such conditions as the county council may reasonably determine :
- (2) No advertisements other than notices referring to the running of the trolley vehicles of the Corporation shall without the consent of the county council be exhibited on any post standard box shed shelter waiting room or other work as aforesaid of the Corporation on any such road bridge or approach :
- (3) If any post standard box shed shelter waiting room or other work as aforesaid or any underground work shall interfere with the construction of any new main road or footpath on a main road or the diversion widening or improvement of any existing main road or footpath on a main road or the removal reconstruction widening raising or rebuilding of any such bridge or approach or becomes an obstruction the Corporation shall at their own cost alter the position thereof in such manner as the county council may reasonably direct :
- (4) If the Corporation in the execution under the powers of this Act of any works in or affecting any such road bridge or approach shall cause any damage injury or disturbance to the same and shall fail to properly make good all such damage injury or disturbance in accordance with the provisions in that behalf contained in section 27 of the Tramways Act 1870 then it shall be lawful for the county council after giving fourteen days' notice to the Corporation of the alleged failure or damage and of the works which they propose to execute to do all works necessary for making good all such damage injury or disturbance and the Corporation shall repay to the county council all costs charges and expenses which the county council shall reasonably



incur in carrying out such works including all reasonable costs of superintendence: A.D. 1914.

(5)—(a) The Corporation shall be responsible for and make good to the county council all losses damages and expenses which may be occasioned to the county council in relation to the structure of any county or main road bridge by or by reason of the execution or failure of any of the works authorised by this Act and the Corporation shall effectually indemnify and hold harmless the county council from all claims or demands upon or against them by reason of such execution or failure:

(b) If the county council find it necessary that the working of the trolley vehicles over any such bridge or approach be wholly or in part stopped or delayed for the purposes of any repairs to or alteration of such bridge or approach and if the county council accordingly give the Corporation twenty-eight days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such stoppage or delay the working of the trolley vehicles shall be stopped or delayed as required by such notice but no such working shall be stopped or delayed for a longer period or to a greater extent than may be absolutely necessary for effecting such purposes as aforesaid and in such case the county council shall not be liable to pay compensation in respect of such stoppage or delay as aforesaid:

(6) All trolley vehicles and omnibuses running on any such road bridge or approach shall be numbered with distinctive numbers and such numbers shall be displayed upon a conspicuous part of each trolley vehicle and omnibus:

(7) The provisions of section 28 of the Town Police Clauses Act 1847 with respect to the side of the road at which a carriage or other vehicle is to be kept when meeting or passing any other carriage or vehicle shall apply to the driver of a trolley vehicle as if he were a person having the care of a carriage and the trolley vehicle were a carriage

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within the meaning of that section and for the purposes of this section the provisions of section 28 of the said Act shall be incorporated with this Act and extended to any such road bridge or approach:

- (8) The Corporation may remove snow from any trolley vehicle or omnibus route. The Corporation shall not unreasonably use salt or other unsuitable material for thawing the snow on any such road bridge or approach:
- (9) If any trailer or other vehicle shall be attached to any trolley vehicle or omnibus each of such trailers or other vehicles shall be deemed to be a trolley vehicle or omnibus as the case may be for the purposes of this section:
- (10) The Corporation shall not without the consent of the county council stop up or divert any main road or county or main road bridge or approach and such consent may be given on such terms as the county council think fit:
- (11) The Corporation shall be responsible to the county council under this section notwithstanding that the Corporation may enter into any agreement with any person or persons or company or companies under the provisions of this Act:
- (12) Any difference at any time arising between the county council and the Corporation under this section shall be settled by an arbitrator to be agreed upon between the county council and the Corporation or failing such agreement to be appointed on the application of either party by the Board of Trade and subject as aforesaid the provisions of the Arbitration Act 1889 shall apply to any such arbitration.

For protection of Cannock Urban District Council.

**58.** The following provisions for the protection and benefit of the Cannock Urban District Council (in this section called "the council") shall notwithstanding anything in this Act contained and unless otherwise agreed in writing between the council and the Corporation apply and have effect (that is to say):—

- (1) If within four years from the passing of this Act or such further period or periods as the council in their absolute discretion may from time to time by



resolution allow the overhead equipment for both of the trolley vehicle Routes Nos. 2 and 2A is not substantially commenced or if within twelve months after such commencement such equipment is not completed then the powers of constructing such overhead equipment and otherwise in relation thereto within the urban district of Cannock (in this section called "the district") shall (if and to the extent that the council shall so resolve) cease to have effect:

- (2) If at any time after the opening for traffic of the trolley vehicle system in the district the Corporation shall discontinue the running of the trolley vehicles over either Route No. 2 or Route No. 2A in the district or any part thereof for the space of twelve calendar months (such discontinuance not being occasioned by circumstances beyond the control of the Corporation) the Corporation shall not run any trolley vehicles in the district without the consent of the council and shall if required by the council so to do remove the posts standards section-boxes overhead wires cables and other works of which the use has been so discontinued:
- (3) The provisions contained in subsections (1) (2) (3) (5) (6) (7) (8) (9) (10) (11) and (12) of the section of this Act the marginal note of which is "For protection of Staffordshire County Council" shall mutatis mutandis extend and apply to the council as regards any road in the district (not being a road vested in the county council) over which the trolley vehicles of the Corporation shall run as if such road had been referred to therein in lieu of main roads vested in the county council and as if the council had been named therein in lieu of the county council:
- (4) The council shall be at liberty within the district to use any posts standards poles or brackets erected under the powers of this Act for the purpose of affixing and maintaining thereon street name-plates fire alarms and telephone wires in connection therewith and lamps and other attachments for public lighting provided that no damage is thereby done to the equipment or if done be made good by the

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council and that no interference with the trolley vehicle service be caused Provided that any difference between the Postmaster-General and the council in relation to the use of the posts standards poles or brackets by the Postmaster-General and the council respectively shall be determined as provided by subsection (3) of the section of this Act the marginal note of which is "Use of tramway or trolley vehicle posts by Postmaster-General":

- (5) If the Corporation in the execution under the powers of this Act of any works in crossing or adjoining any road within the district shall cause any damage injury or disturbance to the same and shall fail to properly make good all such damage injury or disturbance in accordance with the provisions in that behalf contained in section 27 of the Tramways Act 1870 or shall cause any damage to any sewers drains bridges or approaches to bridges vested in or owned or maintained by the council then it shall be lawful for the council after reasonable notice to the Corporation of the alleged failure or damage and of the works which they propose to execute to do all works necessary for making good all such damage injury or disturbance and the Corporation shall repay to the council all costs charges and expenses which the council shall reasonably incur in carrying out such works:
- (6) If after the expiration of a period of thirty years from the commencement of the service of trolley vehicles within the district the council serve twelve months' notice on the Corporation requiring the Corporation to sell to them the part of the trolley vehicle undertaking of the Corporation then within the district the Corporation shall at the expiration of such notice sell such part of the said undertaking to the council:

For the purpose of such sale the provisions of section 2 of the Electric Lighting Act 1888 shall subject to the provisions of this subsection be deemed to be incorporated with this Act except that any loss occasioned by severance of the part of the undertaking within the district from the remainder



of the trolley vehicle undertaking of the Corporation shall not be taken into account: A.D. 1914.

- (7) If the council shall purchase the said part of the said undertaking the Corporation shall if so required by the council and so far as they may be empowered by law in that behalf and subject to the provisions of section 50 of the Act of 1900 supply to the council all electrical energy required for working the said part of the said undertaking at a price to be determined by agreement between the council and the Corporation or failing agreement by arbitration as hereinafter provided and in the fixing of such price regard shall be had to any expenditure incurred by the Corporation in providing cables apparatus and other works for the purpose of supplying electrical energy for the working of trolley vehicles in the district Provided always that if at the end of any period of five years from the date of any agreement or award determining such price either party shall within six months give to the other notice in writing of their desire that such agreement or award should be revised such agreement or award shall become subject to revision and thereupon the price to be paid by the council to the Corporation for such electrical energy shall be determined as is in this subsection hereinbefore provided:
- (8) The powers of the section of this Act the marginal note of which is "Trees overhanging highways" shall not be exercised by the Corporation in the district with regard to any trees in the Cannock Parish Churchyard without the consent in writing of the council:
- (9) Section 32 of the Act of 1900 (Cheap fares for working classes) shall extend and apply to the trolley vehicle Routes Nos. 2 and 2A by this Act authorised and to any other trolley vehicle route wholly or partly in the district as if that section were with all necessary modifications re-enacted in this Act Provided that in the application thereof the same shall be read and have effect as if the trolley vehicles running on such routes were carriages used on the tramways of the Corporation.

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For protection of Brownhills Urban District Council.

**59.** The provisions of the section of this Act the marginal note of which is "For protection of Cannock Urban District Council" shall with the exception of subsection (8) thereof extend and apply to the Brownhills Urban District Council as regards the urban district of Brownhills as if that section were herein re-enacted with the necessary modifications and as if that section referred to the urban district of Brownhills instead of to the urban district of Cannock and to the Brownhills Urban District Council instead of to the Cannock Urban District Council and to the portion of trolley vehicle route No. 1 situate within the urban district of Brownhills instead of to trolley vehicle routes Nos. 2 and 2A.

For protection of Midland Railway Company.

**60.** For the protection of the Midland Railway Company (in this section referred to as "the Midland Company") the following provisions shall have effect unless otherwise agreed between the Corporation and the Midland Company:—

- (1) In this section the word "apparatus" means and includes electric mains wires conductors posts tubes boxes apparatus and any similar appliances to be used for the purposes of the supply of motive power for any trolley vehicles and includes also any brackets for the purposes of such apparatus:
- (2) All apparatus where the same shall be made upon across under or over any bridge or the approaches thereto or other work belonging to or maintainable by the Midland Company or will otherwise affect the same shall be executed so as not to injuriously affect the structure of any such bridge approaches or other work and according to plans sections and specifications to be previously submitted to and reasonably approved by the Midland Company or in case of difference between them and the Corporation by an arbitrator to be appointed as hereinafter provided Provided that if the Midland Company do not within twenty-eight days after such submission signify their disapproval of such plans sections and specifications they shall be deemed to have approved thereof All such apparatus shall be executed according to the plans sections and specifications so approved and under the superintendence (if the same be given) and to the reasonable satisfaction



of the Midland Company The Corporation shall so maintain and use the apparatus as not to injuriously affect any such bridge approaches or other work and in the event of any injury being occasioned to such bridge approaches or work by the construction maintenance user or removal of the apparatus upon across under or over the same the Midland Company may make good the injury and may recover from the Corporation the reasonable expenses of so doing :

- (3) The Corporation shall on demand pay to the Midland Company the reasonable expense of lighting and watching the railway and property of the Midland Company during the execution or repair by the Corporation under this Act of any work or apparatus affecting any bridge or other work belonging to or maintainable by the Midland Company for preventing all interference obstruction danger and accident from any of the operations or from the acts or defaults of the Corporation or their contractors or any person in the employ of either of them or otherwise :
- (4) The Corporation shall not in any manner in the execution maintenance user or repair of any of their apparatus obstruct or interfere with the free uninterrupted and safe user of any railway belonging to the Midland Company or any traffic thereon :
- (5) The Corporation shall be responsible for and make good to the Midland Company all losses damages and expenses which may be occasioned to the Midland Company or any of their works or property or to the traffic on their railways or to any company or person using the same by or by reason of the execution or failure of any of the apparatus or by reason of any act default or omission of the Corporation or of any person in their employ or of any contractors for the apparatus or any part thereof with respect to the execution of any such apparatus and the Corporation shall effectually indemnify and hold harmless the Midland Company from all claims and demands upon or against them by reason of such execution or failure or of any such act default or omission :

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- (6) If the Midland Company under their powers existing at the date of the passing of this Act shall hereafter require to widen lengthen strengthen reconstruct alter or repair any such bridge under or upon which the apparatus is laid or the approaches thereto or to widen or alter any railway thereunder or thereover and if it shall be necessary for such purpose that such apparatus be temporarily taken up diverted or removed and if the Midland Company accordingly give the Corporation twenty-one days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such taking up diversion or removal then the working or user of such part of the apparatus shall be stopped or delayed or such part of the apparatus shall be taken up diverted or removed as stated in such notice at the reasonable expense of the Corporation and under their superintendence (if they shall give such superintendence) but no such working or user shall be stopped or delayed for a longer period than may be absolutely necessary for effecting such purpose as aforesaid and such part of the apparatus shall be restored with all practicable despatch and the Midland Company shall not be liable to pay compensation in respect of such stoppage delay or taking up diversion or removal :
- (7) The Corporation shall from time to time pay to the Midland Company any additional expense which the Midland Company may reasonably incur in effecting such widening lengthening strengthening reconstructing altering or repairing as is mentioned in the last preceding subsection or in the maintenance of any bridge approach or other work of the Midland Company by reason of the existence or user of the apparatus :
- (8) If and when the Midland Company shall require to reconstruct alter repair or paint any bridge under which any electric wire of the Corporation has been placed the Corporation shall in order to ensure the safety of the workmen employed in such reconstruction alteration repairing or painting cut off the electric current from the trolley wires under such



bridge at such time as shall be agreed between the Corporation and the engineer of the Midland Company or failing agreement as shall be determined by arbitration under this section unless the Corporation shall have previously adopted some other means of protection to workmen which shall have been approved by the said engineer :

- (9) If having regard to the proposed position of any apparatus when considered in relation to the position of the works of the Midland Company at any point where any apparatus will be constructed over or under the railway or other works of the Midland Company it becomes necessary in order to avoid danger from the breaking or falling of wires that the electric telegraphic telephonic or signal wires or apparatus of the Midland Company shall be altered the Midland Company may execute any works reasonably necessary for such alteration and the reasonable expense of executing such works shall be repaid to the Midland Company by the Corporation :
- (10) The Corporation shall not for the purposes of this Act make attachments to any part of the said bridges without the consent in writing of the engineer of the Midland Company such attachments if allowed to be in all respects subject to the approval of the said engineer and to be temporarily removed at any time when required by him in connection with the maintenance and reconstruction or alteration of the said bridges :
- (11) Notwithstanding anything contained in the section of this Act the marginal note whereof is "Shelters or waiting rooms" no shelter or waiting room shall be erected or maintained in any street or road so as to interfere with or render less convenient the access to or exit from any station of the Midland Company except with the consent of that company :
- (12) If any difference arises under this section between the Corporation and the Midland Company the same shall unless otherwise agreed be settled by arbitration under the provisions of the Arbitration Act 1889 by an engineer to be appointed by the President of the

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Institution of Civil Engineers at the request of either party :

- (13) The provisions of the section of this Act the marginal note whereof is "Contribution towards road maintenance" shall apply to the Midland Company in regard to the bridge and approaches thereto carrying Lichfield Road over the company's railway at Walsall Wood Station so far as such road is repairable by the Midland Company as though the Midland Company were one of the road authorities mentioned in the said section.

For protection of London and North Western Railway Company.

**61.** For the protection of the London and North Western Railway Company (hereinafter referred to as "the company") the following provisions shall unless otherwise agreed between the Corporation and the company be observed and have effect in relation to the exercise of the powers of Part II. of this Act:—

- (1) In this section the word "apparatus" means and includes electric mains wires conductors posts tubes boxes apparatus and any similar appliances to be used for the purposes of the supply of motive power for any trolley vehicles and includes also any brackets wires and apparatus for the purposes of such apparatus:
- (2) All apparatus where the same shall be fixed or laid upon across under or over any bridge or the approaches thereto or other works belonging to or maintainable by the company or will otherwise affect the same shall be executed so as not to injuriously affect the structure of any such bridge approaches or other work and according to plans sections and specifications to be previously submitted to and reasonably approved by the company or in case of difference between them and the Corporation by an arbitrator to be appointed as hereinafter provided Provided that if the company do not within twenty-eight days after such submission signify their disapproval of such plans sections and specifications they shall be deemed to have approved thereof All such apparatus shall be fixed or laid according to the plans sections and specifications so approved or determined by arbitration and under the superintendence



(if the same be given) and to the reasonable satisfaction of the company The Corporation shall so maintain and use the apparatus as not to injuriously affect any such bridge approaches or other work and in the event of any injury being occasioned to such bridge approaches or work by the construction maintenance user or removal of the apparatus upon across under or over the same the company may make good the injury and may recover from the Corporation the reasonable expenses of so doing:

- (3) The Corporation shall not in any manner in the execution maintenance user or repair of any of their apparatus obstruct or interfere with the free uninterrupted and safe user of any railway belonging to the company or any traffic thereon:
- (4) The Corporation shall be responsible for and make good to the company all losses damages and expenses which may be occasioned to the company or any of their works or property or to the traffic on their railways or to any company or person using the same by or by reason of the execution or failure of any of the apparatus or by or by reason of any act default or omission of the Corporation or of any person in their employ or of any contractors for the apparatus or any part thereof with respect to the execution of any such apparatus and the Corporation shall effectually indemnify and hold harmless the company from all claims and demands upon or against them by reason of such execution or failure or of any such act default or omission:
- (5) If the company shall hereafter in the exercise of their existing powers require to widen lengthen strengthen reconstruct alter or repair any such bridge under or upon which the apparatus is laid or fixed or the approaches thereto or to widen or alter any railway thereunder or thereover and if it shall be necessary for such purpose that such apparatus be temporarily taken up diverted or removed and if the company accordingly give to the Corporation twenty-one days' notice in writing (or in case of emergency such notice as may be reasonably practicable) requiring such taking up diversion or removal then

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the working or user of such part of the apparatus shall be stopped or delayed or such part of the apparatus shall be taken up diverted or removed as stated in such notice at the reasonable expense of the Corporation and under their superintendence (if they shall give such superintendence) but no such working or user shall be stopped or delayed for a longer period than may be absolutely necessary for effecting such purpose as aforesaid and such part of the apparatus shall be restored with all practicable dispatch and the company shall not be liable to pay compensation in respect of such stoppage delay or taking up diversion or removal:

- (6) The Corporation shall from time to time pay to the company any additional expense which the company may reasonably incur in effecting such widening lengthening strengthening reconstructing altering or repairing as is mentioned in the last preceding subsection or in the maintenance of any bridge approach or other work of the company by reason of the existence or user of the apparatus:
- (7) If and when the company shall require to reconstruct alter repair or paint any bridge under which any electric wire of the Corporation has been placed the Corporation shall in order to ensure the safety of the workmen employed in such reconstruction alteration repairing or painting cut off the electric current from the trolley wires under such bridge at such time as shall be agreed between the Corporation and the engineer of the company or failing agreement as shall be determined by arbitration under this section unless the Corporation shall have previously adopted some other means of protection to workmen which shall have been approved by the said engineer:
- (8) If having regard to the proposed position of any apparatus when considered in relation to the position of the works of the company at any point where any apparatus will be constructed over or under the railway or other works of the company it becomes necessary in order to avoid danger from the breaking or falling of wires that the electric telegraphic



telephonic or signal wires or apparatus of the company shall be altered the company may execute any works reasonably necessary for such alteration and the reasonable expense of executing such works shall be repaid to the company by the Corporation :

- (9) The Corporation shall not for the purposes of this Act make attachments to any part of the said bridges without the consent in writing of the engineer of the company such attachments if allowed to be in all respects subject to the approval of the said engineer and to be temporarily removed at any time when required by him in connection with the maintenance and reconstruction or alteration of the said bridges :
- (10) Notwithstanding anything contained in the section of this Act the marginal note whereof is "Shelters or waiting rooms" no shelter or waiting room shall be erected or maintained in any street or road so as to interfere with or render less convenient the access to or exit from any station of the company :
- (11) If any difference arises under this section between the Corporation and the company the same shall unless otherwise agreed be settled by arbitration under the provisions of the Arbitration Act 1889 by an engineer to be appointed by the President of the Institution of Civil Engineers at the request of either party.

**62.** For the protection of the South Staffordshire Tramways (Lessee) Company Limited (hereinafter referred to as "the company") the following provisions shall unless otherwise agreed between the company and the Corporation have effect (that is to say):—

For protection of South Staffordshire Tramways (Lessee) Company Limited.

- (1) During the continuance of the lease dated the twenty-fourth day of October one thousand nine hundred and one and made between the Corporation of the one part and the company of the other part (in this section called "the Walsall lease") or any extension or renewal thereof or during the continuance of the lease dated the eighth day of September one thousand nine hundred and four and made between the corporation of West Bromwich of the one part and the company of the other part the Corporation shall

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not under the section of this Act the marginal note whereof is "Power to use trolley vehicles" without the consent of the company execute any works or provide or use trolley vehicles upon so much of Route No. 4 mentioned in that section or any extension thereof as lies between the boundary of the borough and All Saints Church West Bromwich :

- (2) Before commencing any works under this Act along across above or below any street in which any tramways owned by or leased to the company are situate the Corporation shall give to the company twenty-eight days' notice in writing describing the proposed works together with a plan and specification thereof and the Corporation shall not execute any such works except in accordance with such plan and specification to be reasonably approved by the company and all such works shall be executed under the superintendence and to the reasonable satisfaction of the company Provided that if the company do not before the expiration of the said twenty-eight days signify their disapproval of such plan and specification they shall be deemed to have approved thereof The Corporation shall at all times make full compensation to the company for all loss of traffic or any other expense loss or damage caused to the company by reason of or in connection with or as the result of any such works of the Corporation In the event of any difference or dispute arising between the Corporation and the company under the provisions of this subsection the same shall be settled by an arbitrator to be appointed on the application of either party by the Board of Trade and subject thereto the provisions of the Arbitration Act 1889 shall apply :
- (3) The Corporation shall not under the powers contained in the section of this Act the marginal note whereof is "Power to provide and run omnibuses" during the continuance of the Walsall lease or any extension or renewal thereof without the consent of the company maintain or run omnibuses along any road in which any tramways demised to the company by the Corporation under the Walsall lease or any



extension or renewal thereof are situate or in competition with such tramways nor shall they under such powers maintain or run omnibuses along any road in which are now situate any of the tramways or light railways owned by or leased to the company and shown in yellow on the plan signed in duplicate by Herbert Lee on behalf of the Corporation and by James Albert Lycett on behalf of the company one copy of which has been deposited with the Clerk of the Parliaments House of Lords and one copy in the Private Bill Office of the House of Commons or in competition with such last-mentioned tramways or light railways during such period as such last-mentioned tramways or light railways are owned by or leased to the company Provided that nothing in this subsection contained shall be deemed to prevent the Corporation from maintaining or running omnibuses along so much of trolley vehicle Route No. 4 as lies within the borough :

(4) The provisions of the sections of this Act whereof the marginal notes are—

“As to electrical works”;

“Application of certain provisions of Tramways Act 1870 to trolley vehicles”;

“Application of certain provisions relating to tramways of Act of 1900 to trolley vehicles”;

“Attachment of brackets &c. to buildings”;

“Motor hackney carriages to be fitted with approved taximeter”;

“In executing works for owner Corporation liable for negligence only”;

shall not during any such period as aforesaid apply to any streets or roads in along or across which any of the said tramways or light railways are situate or to the said tramways or light railways or to the company or their officers drivers conductors agents contractors servants or workmen or to any agreement entered into between the company and the Corporation or to the execution re-execution or alteration of any work or the doing of any act or thing in default of or at the request of the company so as to authorise any interference with the proper working of such

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tramways or light railways or to place upon the company any duty obligation or liability not existing at the passing of this Act or to diminish interfere with or take away the obligations of the Corporation under any provision whether statutory or otherwise or under any agreement or covenant for the benefit or protection of the company Provided that subject as aforesaid nothing in this subsection contained shall be deemed to prevent the Corporation from carrying out any works or from maintaining or running trolley vehicles or motor omnibuses within the borough along trolley vehicle Route No. 4 :

- (5) The Corporation shall not under the sections of this Act the marginal notes whereof are respectively "Power to lease and make agreements for provision and working &c. of trolley vehicles and interchange of traffic" and "Trolley vehicles and omnibuses to form part of tramway undertaking" enter into any agreement for the purpose of enabling the trolley vehicles and omnibuses authorised by this Act to be provided maintained or run except subject to the provisions specified in this section which shall apply to any person or persons company or companies entering into any such agreement as such provisions apply to the Corporation.

For protection of Wolverhampton and District Electric Tramways Limited and certain other companies.

**63.** For the protection of the Wolverhampton and District Electric Tramways Limited the Dudley Stourbridge and District Electric Traction Company Limited the Birmingham District Power and Traction Company Limited and the British Electric Traction Company Limited (each one of whom is in this section referred to as "the company") the following provisions shall unless otherwise agreed between the Corporation and the company have effect (that is to say):—

- (1) The Corporation shall not under the powers contained in the section of this Act the marginal note whereof is "Power to provide and run omnibuses" without the consent of the company so far as regards the roads in which the tramways or light railways owned by or leased to the company are situate maintain or run omnibuses along any road in which are situate any of the tramways or light railways or any part thereof owned by or leased to the company and



shown in green brown and purple colour on the plan referred to in the section of this Act the marginal note whereof is "For protection of South Staffordshire Tramways (Lessee) Company Limited" (hereinafter called "the company's tramways") or in competition with the company's tramways during such period as the company's tramways are owned by or leased to the company Provided that nothing in this subsection contained shall be deemed to prevent the Corporation from maintaining and running omnibuses between the centre of the borough and Short Heath in the urban district of Short Heath:

- (2) The provisions of the section of this Act the marginal note whereof is "In executing works for owner Corporation liable for negligence only" shall not apply to any agreement relating to or to a lease of or to the working running over use management occupation and maintenance of any tramways or light railways or to the performance of any obligations relating thereto or to the conveyance of traffic thereon entered into between the Corporation and the company:
- (3) The Corporation shall not under the section of this Act the marginal note whereof is "Board of Trade may authorise trolley vehicles" without the consent of the company so far as regards the roads in which the company's tramways are situate apply to the Board of Trade for a provisional order to authorise trolley vehicles on any road in which are now situate any of the company's tramways or in competition with the company's tramways during such period as the company's tramways are owned by or leased to the company Provided that nothing in this subsection contained shall be deemed to prevent the Corporation from applying to the Board of Trade for a provisional order to authorise the use of trolley vehicles between the centre of the borough and Short Heath in the urban district of Short Heath:
- (4) The Corporation shall not under the sections of this Act the marginal notes whereof are respectively "Power to lease and make agreements for provision and working &c. of trolley vehicles and interchange of traffic" and "Trolley vehicles and omnibuses to form

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part of tramway undertaking" enter into any agreement for the purpose of enabling the trolley vehicles and omnibuses authorised by this Act to be provided maintained or run except subject to the provisions specified in this section which shall apply to any person or persons company or companies entering into any such agreement in the same way as such provisions apply to the Corporation.

PART IV.

GAS AND ELECTRICITY.

Quality  
pressure  
testing place  
and testing.

**64.** Notwithstanding any provisions contained in any former Act relating to the gas undertaking of the Corporation for regulating the quality testing and pressure of gas supplied by the Corporation the following provisions shall apply:—

- (1) The provisions of this section shall commence and have effect from and after the expiration of three months from the passing of this Act except paragraph (c) of subsection (4) which shall take effect as from the passing of this Act:
- (2) The prescribed number of candles for the purposes of the Gasworks Clauses Act 1871 shall not be less than thirteen:
- (3) For the purposes of the Gasworks Clauses Act 1871 the prescribed testing place shall be a testing place which shall be provided by the Corporation on any part of their gasworks or elsewhere in the borough:
- (4)—(a) The quality of the gas supplied by the Corporation shall with respect to its illuminating power be such as to produce at the testing place when burned at the rate of six cubic feet per hour a light equal in intensity to the light produced by thirteen sperm candles of six to the pound each consuming one hundred and twenty grains of sperm per hour and shall be in all respects in accordance with the provisions of the Gasworks Clauses Act 1871:  
(b) For testing the illuminating power of the gas the burner to be used shall be that known as the Metropolitan Argand No. 2 the photometer shall be the bar photometer or the table photometer the standard light shall be that supplied by Harcourt's ten-candle



pentane lamp and in making the test the burner shall be so used as to obtain from the gas when burned at the rate aforesaid the greatest amount of light Provided that the Board of Trade may on the application of the Corporation or any five consumers approve the use of any other burner photometer or standard light which may appear to the Board to be equally or more suitable for the testing:

(c) The Corporation shall within three months from the passing of this Act provide all the apparatus required by this Act for the testing of gas and shall at all times keep the same in proper order and repair:

(d) All gas supplied by the Corporation to any consumer of gas shall be supplied at such pressure as to balance a column of water not less than eight-tenths of an inch in height at the main or as near as may be to the junction therewith of the service pipe supplying the consumer:

(e) Any gas examiner appointed under the Gasworks Clauses Act 1871 may for the purposes of this Act subject to the terms of his appointment at the testing place or at any public lamp as and when he thinks fit test the pressure at which the gas is supplied The Corporation shall afford to the examiner all reasonable facilities for making the test:

(5) Subsections (4) (5) (6) and (7) of section 43 of the Act of 1876 are hereby repealed.

**65.**—(1) The Corporation shall at any time within two years from the date of the passing of this Act if and when required by any consumer of gas supplied by the Corporation (other than a consumer by prepayment meter) supply to him and fix free of charge a sufficient number of flat flame burners suitable in all respects for the consumption of gas of the illuminating power prescribed by this Act in substitution for the flat flame burners in use before the said date.

Corporation to supply suitable burners gratis in lieu of those in use.

(2) The Corporation shall also as soon as reasonably practicable after the said date and at the latest within a period of three months thereafter exchange the flat flame burners used by consumers of gas supplied by the Corporation by means of prepayment meters for flat flame burners similarly suitable for the consumption of gas of the illuminating power prescribed by this Act.

A.D. 1914.

(3) Notice of the provisions of this section shall be given on each demand note of the Corporation sent out during the first mentioned period of two years.

Gas consumers to give notice to Corporation before removing.

**66.**—(1) At least twenty-four hours' notice shall be given to the Corporation by every gas consumer either personally at the gas office of the Corporation or in writing before he shall quit any premises supplied with gas by meter by the Corporation and in default of such notice the consumer so quitting shall be liable to pay to the Corporation the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises shall require the Corporation to supply gas to such premises whichever shall first occur.

(2) Notice of the effect of this enactment shall be endorsed upon every demand note for gas charges payable to the Corporation.

Period of error in defective gas meters.

**67.** In the event of any meter used by a consumer of gas being tested in manner provided by the Sale of Gas Act 1859 and being proved to register erroneously within the meaning of the said Act such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter. The amount of the allowance to be made to or of the surcharge to be made upon the consumer by the Corporation shall be paid by or to the Corporation to or by the consumer as the case may be and shall be recoverable in the like manner as gas charges are recoverable by the Corporation.

Power to enter premises and remove fittings.

**68.** The power to enter premises and to remove pipes meters fittings or apparatus conferred upon the Corporation by section 22 of the Gasworks Clauses Act 1871 shall extend to all cases in which any person entering into occupation of any premises previously supplied with gas by the Corporation shall not require to take a supply of gas from the Corporation or to hire from the Corporation all or any of the pipes meters fittings or apparatus belonging to the Corporation and let by them on hire to any former occupier of such premises.

Corporation not to be liable to penalty for sulphur compounds other than sulphuretted hydrogen.

**69.** After the passing of this Act the Corporation shall not be liable to any penalty or forfeiture by reason of the presence in the gas supplied by the Corporation of sulphur compounds other than sulphuretted hydrogen.



**70.** Every consumer of gas supplied by the Corporation who uses a gas engine shall if required to do so by the Corporation use an effective anti-fluctuator and shall at all times at his own expense keep such anti-fluctuator in proper repair and in default of his so using or keeping in proper repair such anti-fluctuator the Corporation may cease to supply gas to such consumer. The Corporation shall have access to and be at liberty to take off remove test inspect and replace any such anti-fluctuator at all reasonable times such taking off removing testing inspecting and replacing to be done at the expense of the Corporation if the anti-fluctuator be found in proper order but otherwise at the expense of the consumer.

A.D. 1914.  
Anti-fluctua-  
tors for gas  
engines.

**71.** Where any person has a supply of gas laid on by the Corporation to any premises for which he has at the same time a supply of gas (including in that expression any producer gas) or electricity either from the Corporation or from an installation other than that of the Corporation the Corporation shall be entitled to charge and receive from him in respect of the supply of gas so laid on such minimum annual sum as shall have been agreed between him and the Corporation as will give to them a reasonable return on the capital expenditure and standing charges incurred by them to meet the possible maximum demand for those premises and the minimum annual sum so to be paid shall be determined in default of agreement by arbitration in manner provided by the Arbitration Act 1889.

Supply of  
gas where  
consumer  
has separate  
installation  
of gas or  
electricity.

**72.** The provisions of section 15 of the Electric Lighting Act 1909 shall extend and apply to the supply of electricity by the Corporation for power purposes to any premises having a separate supply of power whether such separate supply be by electricity gas steam or other source of power.

Extending  
section 15  
of Electric  
Lighting  
Act 1909.

**73.** In the event of a meter of a construction and pattern approved by the Board of Trade used by any consumer of electricity being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter. The amount of the allowance to be paid to or the surcharge to be made upon the consumer by the Corporation shall be paid by or to the Corporation to or by the consumer as the case may be and shall be recoverable in the like manner as charges for electricity are recoverable by the Corporation.

Period of  
error in  
defective  
electricity  
meters.

A.D. 1914.

Notice to  
discontinue  
supply.

74. A notice to the Corporation from a consumer for the discontinuance of a supply of gas or electricity shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the gas or electricity office (as the case may be) of the Corporation or be given by the consumer personally at such office.

Attachment  
of brackets  
&c. to  
buildings.

75. The Corporation may with the consent of the owner of any building attach to that building such brackets wires and attachments as may be required for lighting any street in the borough :

Provided that—

- (1) Where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to a petty sessional court who shall have power having regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid:
- (2) Any consent of an owner and any order of a petty sessional court under this section shall not have effect after the owner ceases to be in possession of the building but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed. Where such notice is given the preceding provisions of this section shall apply and the petty sessional court shall have the same powers as under proviso (1):
- (3) The owner may require the Corporation temporarily to remove the attachments where necessary during any reconstruction or repair of the building.

For the purpose of this section any occupier of a building whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rack rent shall be deemed to be the owner.



**76.**—(1) Nothing in the section of this Act of which the marginal note is “Attachment of brackets &c. to buildings” shall authorise the Corporation to affix brackets wires pipes lamps or apparatus to the structure of any railway bridge or viaduct belonging to any railway company without the previous consent in writing of such company.

A.D. 1914.  
 —  
 Saving for  
 railway  
 companies.

(2) In the case of any building of which a railway company are the owners for the purposes of the said section any question which pursuant to the said section is to be determined by a petty sessional court shall in lieu thereof be referred to and determined by an engineer to be agreed on by the parties to such question or failing such agreement to be appointed on the application of either party by the President of the Institution of Civil Engineers and the provisions of the Arbitration Act 1889 shall apply to any such reference Any engineer to whom such question is referred shall (in addition to any other powers vested in him under the Arbitration Act 1889) have all the like powers as are by the said section conferred upon a petty sessional court and for the purposes of the said section the award of such engineer shall be deemed to be equivalent to an order of a petty sessional court.

PART V.

STREETS BUILDINGS SEWERS AND DRAINS AND SANITARY PROVISIONS.

**77.** When a road or lane within the borough is about to become a new street within the meaning of the Public Health Act 1875 but the land on only one side of such street is about to be built on the Corporation may instead of requiring the owner of such land to widen such road or lane to a width prescribed by the byelaws in force within the borough require such owner to widen such road or lane so as to give a width of not less than one half of such prescribed width from the old centre line of such road or lane to the boundary thereof adjoining such land Provided that if and when the land on the opposite side of such road or lane shall be built on the Corporation shall require the owner of such land to complete the widening of such road or lane so as to give the complete width prescribed by the byelaws of the Corporation:

Widening  
 roads when  
 only one side  
 is built upon.

The provisions of this section shall not extend or apply to any land belonging to and used and occupied by a railway company as a part of or in connection with their railway

A.D. 1914. — under any Act of Parliament upon which any building (not being a dwelling-house) is now or hereafter about to be erected.

Frontage  
line in new  
streets.

**78.**—(1) Every person who intends to form a new street shall in addition to any other information required to be supplied to the Corporation by virtue of any enactments or byelaws with respect to streets and buildings in force within the borough distinctly define and mark on a plan drawn to such scale as the Corporation may require and to be prepared and submitted by such person to the Corporation for their approval the proposed line of frontage of any house or building to be erected in or fronting such street (in this section called “the building line”).

(2) It shall not be lawful to erect or bring forward in any such street any house or building or any part thereof nor any addition to any house or building until the building line for such street has been approved by the Corporation nor beyond or in front of the building line approved by the Corporation and any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(3) The provisions of section 3 of the Public Health (Buildings in Streets) Act 1888 shall not apply to any house or building erected or proposed to be erected on lands in respect of which a building line as aforesaid shall have been submitted to and approved by the Corporation.

(4) In the event of the Corporation requiring as a condition of their approval of any such plan the setting back of the building line shown on the plan to a greater distance from the centre of the street than one half of the width of the street and six feet in addition the Corporation shall make compensation to the owner of the land between the said distance from the centre of such street and the building line as set back for any damage sustained by him by reason of his being unable to build upon such land.

(5) For the purpose of this section the surveyor shall by certificate under his hand at or before the time of the approval of the building line by the Corporation determine the centre of any street or intended street.

(6) The amount of any compensation payable under this section shall in default of agreement be determined by arbitration in accordance with the provisions of the Arbitration Act 1889.



**79.** Every continuation of an existing street shall for the purposes of the Public Health Acts and of this Act and of any byelaws made thereunder and for the time being in force within the borough be deemed to be a new street.

A.D. 1914.  
Continuation  
of existing  
streets to be  
deemed new  
streets.

**80.** The Corporation may provide and maintain orderly bins or other receptacles for the collection and temporary deposit of street refuse and waste paper and the storage of sand grit or shingle in upon or under the streets of the borough of such dimensions and in such positions as they may from time to time determine.

Street or-  
derly bins.

**81.** The Corporation may make byelaws with respect to the following matters (*viz.*):—

Byelaws as  
to materials  
and con-  
struction of  
buildings.

(1) The materials with which new buildings shall be constructed and the manner in which and the materials with which grates stoves and fireplaces shall be set in new buildings or be newly set or reset in existing buildings and the thickness and construction of walls of all ovens and furnaces wholly or partially built after the passing of this Act:

(2) The uniting of buildings and the making and stopping up of openings in party walls of buildings and the provision of fire resisting doors in connection therewith and as to the occupation of buildings when united:

(3) Woodwork in external walls of buildings Provided always that any byelaw made under this subsection may authorise the Corporation if they think fit to exempt from the operation of such byelaw oak teak or other wood which the Corporation may approve:

(4) The testing of drains of new buildings.

**82.** Section 157 of the Public Health Act 1875 shall be extended so as to empower the Corporation to make byelaws for the admission of daylight to staircases in new buildings in order to prevent danger to persons using such staircases.

Byelaws as  
to staircases  
in new  
buildings.

**83.** Section 23 of the Public Health Acts Amendment Act 1890 in its application to the borough shall have effect as if the words "and floor area" had been inserted therein after the word "height" in subsection (1) of that section.

Area of  
habitable  
rooms.

**84.** Every dwelling-house erected after the passing of this Act shall be provided with sufficient and properly ventilated

Provision of  
storage for  
food in new  
houses.

A.D. 1914. — food storage accommodation and any owner who shall occupy or allow to be occupied any dwelling-house not so provided shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

Power to require repair or taking down of dilapidated building.

**85.**—(1) Where an unoccupied building is ruinous or so far dilapidated as thereby to have become and to be unfit for use or occupation or is from neglect or otherwise in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood a court of summary jurisdiction on complaint by the Corporation may make an order upon the owner thereof requiring him within a reasonable time to be prescribed by the order either to put such building (in this section referred to as a “neglected structure”) into a state of repair and good condition to the satisfaction of the Corporation or take down the same and in addition to or in substitution for the foregoing order they may make an order upon such owner requiring him to fence the ground upon which the neglected structure is or was standing or any part thereof and in either case they may also make an order for the costs incurred up to the time of the hearing.

(2) If the order is not obeyed within the time thereby prescribed the Corporation at any time after the expiration of such time may enter upon the neglected structure or such ground as aforesaid and execute the order.

(3) Where the order provides for the taking down of a neglected structure or any part thereof the Corporation in executing the order may remove the materials to a convenient place and (unless the expenses of the Corporation under this section in relation to such structure are paid to them within fourteen days after such removal) sell the same if and as they in their discretion think fit.

(4) All expenses incurred by the Corporation under this section in relation to a neglected structure may be deducted by the Corporation out of the proceeds of the sale and the surplus (if any) shall be paid by the Corporation to the owner of the structure and if such neglected structure or some part thereof is not taken down and such materials are not sold by the Corporation or if the proceeds of the sale are insufficient to defray the said expenses the Corporation may recover such expenses or such insufficiency from the owner of the structure together with all costs in respect thereof in a summary manner



but without prejudice to his right to recover the same from any lessee or other person liable for the expenses of repairs. A.D. 1914.

**86.**—(1) Before the owner of any land within the borough shall culvert or cover over any watercourse thereon forming part of the natural drainage of the area involved he shall submit for the approval of the Corporation plans sections and specifications of such watercourse and the method of culverting or covering over the same and the Corporation may subject as hereinafter provided require such owner so to construct any such culvert or so to cover over any such watercourse as to secure the free and uninterrupted passage of the water flowing in any such watercourse Provided that—

Water-courses not to be covered over except in accordance with approved plans.

(a) No requirement of the Corporation under this section shall operate to compel any such owner to receive upon his land or to make provision for the passage of a greater quantity of water than he would have been obliged to receive or to permit to pass if this section had not been enacted :

(b) If with the consent of such owner the Corporation shall require him to make provision for the passage of a larger quantity of water than he is obliged to permit to pass at the time of the commencement of any work under this section any additional cost occasioned by such requirement shall be borne by the Corporation.

(2) If any difference shall arise between the Corporation and such owner as to the expediency or necessity of the works required by the Corporation to be executed or otherwise under this section such difference shall be referred to arbitration and the provisions of the Arbitration Act 1889 shall apply thereto.

(3) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

**87.** The provisions of section 122 (Rivers streams &c. choked up to be a nuisance under the Public Health Act 1875) of the Act of 1890 shall apply to any river brook stream or watercourse or any part or parts thereof respectively forming the boundary between the borough and any adjoining district and the Corporation may by agreement with the local authority of any such district take proceedings under the provisions of the

Watercourse forming boundary between borough and adjoining district to be deemed a nuisance within meaning of Public Health Acts in certain cases.

A.D. 1914. — said section in respect of the whole width of any such river brook stream or watercourse.

Certain  
sewers to be  
drains.

**88.**—(1) In this section the expression “public sewer” means any sewer which shall have been or shall hereafter be—

- (a) Constructed along and under any highway repairable by the inhabitants at large;
- (b) Constructed to the satisfaction of the Corporation along and under any highway not repairable by the inhabitants at large;
- (c) Purchased or otherwise acquired by or constructed at the ultimate expense of the Corporation;
- (d) Constructed and used for the purpose of conveying sewage from sewers coming within the before-mentioned subsections (a) (b) or (c);
- (e) Made by any person for his own profit or by any company for the profit of the shareholders;
- (f) Made and used for the purpose of draining preserving or improving land under any local or private Act of Parliament or for the purpose of irrigating land;
- (g) Under the authority of any commissioners of sewers appointed by the Crown; and
- (h) Constructed by or transferred to some other local authority or by or to a sewerage board or other authority empowered under any Act of Parliament to construct sewers.

(2) Where any two or more buildings or premises at the passing of this Act are or hereafter shall be drained or sewered by means of a common drain or sewer or a connected series of drains or sewers used or intended to be used for the purpose of conveying the drainage or sewerage from such buildings or premises or any part thereof to a public sewer or to a cesspool stream ditch or other outfall such drain or sewer or series of drains or sewers and each and every part thereof notwithstanding that the same at the passing of this Act was or hereafter (apart from this enactment) might have become vested in the Corporation as a sewer shall for the purposes and within the meaning of the provisions of the Public Health Acts 1875 to 1907 be deemed within the borough to be a drain (and not a sewer) or or belonging to each of such buildings or premises.



(3) In any case where there shall be two or more owners of the buildings or premises so drained or sewered as in this section before provided the Corporation shall be entitled to recover any expenses incurred by them in executing any works under the powers conferred on them by the before-mentioned provisions of this Act from the several owners respectively in such shares or proportions as their surveyor or in case of dispute a court of summary jurisdiction shall determine or they may declare any such share or proportion to be private improvement expenses.

A.D. 1914.

(4) Section 19 of the Public Health Acts Amendment Act 1890 shall cease to be in force within the borough.

**89.** The provisions of this Part of this Act shall not extend or apply to any building (not being a dwelling-house) belonging to and used and occupied by a railway company as a part of or in connection with their railway under any Act of Parliament.

Saving for railway companies.

## PART VI.

### INCREASE OF COUNCIL AND ALTERATION OF WARDS.

**90.** The Corporation may within two years after the passing of this Act apply to His Majesty's Principal Secretary of State for the Home Department to appoint and the said Secretary of State shall thereupon appoint a commissioner who shall make a scheme dividing the borough into such a number of wards not exceeding ten with such names or distinguishing numbers and boundaries as he shall determine and the scheme shall increase the number of councillors of the borough to such extent as shall be necessary for the purpose of assigning three councillors to each of the wards into which the borough shall be divided under the scheme.

Power to apply for increase of council and alteration of wards.

**91.** The scheme when completed shall be published in the London Gazette and also once at least in each of two successive weeks in two local newspapers circulating in the borough and for the purposes of all proceedings preliminary to the first ordinary municipal elections after such publication in the London Gazette the scheme shall come into operation at the date of that publication For all other purposes the scheme shall come into operation on the first day of November immediately following the date of the said publication in the London

Publication of scheme and date of coming into operation.

A.D. 1914. Gazette For the purpose of the said elections and of all elections subsequent to them the boundaries of wards and apportionment of councillors determined and made by the scheme shall be observed and be in force.

Commissioner to assign councillors to wards and determine dates of retirement.

**92.** The commissioner shall assign three councillors to each ward created or altered by the scheme and shall determine the respective dates at which the councillors elected on the first day of November immediately after the publication of the scheme in the London Gazette shall go out of office.

Returning officers at first elections for increased council.

**93.** The council shall previous to the first day of November immediately after the publication of the scheme in the London Gazette by resolution assign an alderman or a councillor to each of the wards altered or created by the scheme as returning officer of such ward at the elections to be held on that day.

Election and retirement of councillors.

**94.—(1)** At the first election of councillors to be held in any ward after the scheme shall have come into operation so many councillors shall be elected as shall be necessary to complete the number of three for such ward.

(2) One of the councillors elected for or assigned to any ward under the provisions of this section shall go out of office on the first day of November in the first year after the scheme shall have come into operation another shall go out of office on the first day of November in the second year after the scheme shall have come into operation and the remaining councillors shall go out of office on the first day of November in the third year after the scheme shall have come into operation.

(3) The order of retirement among the councillors elected for any ward in pursuance of this section shall be as follows:—

(A) When one councillor is elected he shall go out of office on the first day of November in the third year after the scheme shall have come into operation:

(B) When two councillors are elected the councillor elected by the larger number of votes shall go out of office on the first day of November in the third year after the scheme shall have come into operation and the other councillor shall go out of office on the first day of November in the second year after the scheme shall have come into operation or the first day of November in the first year after the scheme shall



have come into operation as the case may require having regard to the time of retirement of the assigned councillor for such ward:

- (c) Where three councillors are elected the councillor elected by the largest number of votes shall go out of office on the first day of November in the third year after the scheme shall have come into operation and the councillor elected by the next largest number of votes shall go out of office on the first day of November in the second year after the scheme shall have come into operation and the councillor elected by the smallest number of votes shall go out of office on the first day of November in the first year after the scheme shall have come into operation.

(4) If no poll shall be taken at the election of councillors at the first election for any ward after the scheme shall have come into operation or if there shall be an equality of votes at any such election the council shall at their meeting held on the ninth day of November following such election determine the order of retirement of the councillors affected.

**95.** In regard to the election and rotation of aldermen after the scheme shall have come into operation the following provisions shall apply:—

Election and rotation of aldermen.

- (1) On the ninth day of November immediately after the scheme shall have come into operation the council shall elect such number of aldermen as shall be necessary to make the number of aldermen equal to one-third of the number of councillors:
- (2) The election of aldermen under subsection (1) of this section shall take place immediately after the election of the mayor:
- (3) Notwithstanding the provisions of the Municipal Corporations Act 1882 the total number of aldermen of the borough may be an uneven number:
- (4) The scheme shall provide for the date when the alderman or aldermen elected by the council on the ninth day of November immediately after the scheme shall have come into operation shall go out of office and shall also direct what number of aldermen shall go out of office on the ordinary days of election of aldermen after the scheme shall have come into operation.

A.D. 1914.  
Application of parts of section 30 of Municipal Corporations Act 1882.

**96.** Subject to the provisions of this Act subsections (5) and (6) (8) to (11) and (13) to (15) of section 30 (Proceedings for division of borough into wards or alteration of wards) of the Municipal Corporations Act 1882 shall apply as if they were re-enacted in this Act.

Application of Municipal Corporations Acts.

**97.** Subject to the provisions of this Part of this Act all elections vacations of office and rotations shall be governed by the Municipal Corporations Acts.

As to future alterations of wards.

**98.** Notwithstanding anything contained in this Part of this Act the provisions of the Municipal Corporations Acts with reference to the division of the borough into wards and the alteration of wards shall be applicable to the borough and the wards thereof as altered by this Part of this Act.

## PART VII.

### FINANCIAL AND MISCELLANEOUS.

Power to borrow.

**99.**—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest for the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all moneys so borrowed within the respective periods (each of which is in this Act referred to as “the prescribed period”) mentioned in the third column thereof (namely):—

1	2	3
Purpose.	Amount.	Period.
(a) For the purchase of lands for and for and in connection with the construction of the street works authorised by Part II. of this Act.	£ 5,634	Forty years from the date or dates of borrowing.
(b) For and in connection with the construction of the tramway authorised by this Act.	3,062	Thirty years from the date or dates of borrowing.
(c) For the provision of rolling stock for the said tramway and for the existing tramways of the Corporation.	9,000	Fifteen years from the date or dates of borrowing.
(d) For the provision of the trolley vehicles authorised by this Act.	18,000	Ten years from the date or dates of borrowing.
(e) For the provision of the electrical equipment and the construction of the other works necessary for the existing tramways of the Corporation and the tramway and trolley vehicles authorised by this Act.	33,200	Twenty years from the date or dates of borrowing.



1	2	3	A.D. 1914.
Purpose.	Amount.	Period.	
(f) For the payments to the road authorities under the section of this Act the marginal note whereof is "Contribution towards adaptation of roads."	£ 4,000	Ten years from the date or dates of borrowing.	
(g) For omnibuses - - - - -	19,800	Five years from the date or dates of borrowing.	
(h) For the purchase of lands and construction of buildings for the purposes of the trolley vehicles and omnibuses authorised by this Act.	3,800	Thirty years from the date or dates of borrowing.	
(i) For paying the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.	

(2)—(a) The Corporation may also with the consent of the Board of Trade borrow such further money as may be necessary for any of the purposes of Part III. (Tramway trolley vehicles and omnibuses) of this Act and may with the consent of the Local Government Board borrow such further money as may be necessary for any of the purposes of this Act other than purposes of that Part:

(b) Any money borrowed under this subsection shall be repaid within such period as may be prescribed by the Board with whose consent it is borrowed and that period shall be the prescribed period for the purposes of the enactments incorporated herewith.

(3) In order to secure the repayment of any money borrowed under this section and the payment of interest thereon the Corporation may mortgage or charge—

As regards money borrowed for the purposes (a) mentioned in subsection (1) of this section the district fund and general district rate:

As regards money borrowed for the other purposes mentioned in subsection (1) of this section the revenue of the tramway undertaking of the Corporation and the borough fund and borough rate:

As regards money borrowed with the consent of the Board of Trade or of the Local Government Board such revenue fund or rate as may be prescribed by the Board with whose consent the money is borrowed.

100. The following provisions of the Act of 1900 shall extend and apply (mutatis mutandis) to and in relation to

Application of financial provisions of Act of 1900.

A.D. 1914. moneys borrowed and re-borrowed under the powers of this Act:—

- Section 58 (Certain regulations of Public Health Act 1875 as to borrowing not to apply);
- Section 59 (Mode of raising money);
- Section 60 (Provisions of Public Health Act as to mortgages);
- Section 62 (Mode of payment off of money borrowed);
- Section 63 (Sinking fund);
- Section 65 (Protection of lender from inquiry);
- Section 66 (Corporation not to regard trusts);
- Section 67 (Appointment of receiver);
- Section 69 (Return respecting sinking fund to Local Government Board);
- Section 71 (Application of money borrowed);
- Section 72 (Expenses of execution of Act);
- Section 73 (Separate accounts to be kept and audited).

Power to re-borrow.

**101.**—(1) The Corporation shall have power—

- (a) To borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended to be forthwith repaid ; or
- (b) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

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

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



(4) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid— A.D. 1914.

- (a) By instalments or annual payments; or
- (b) By means of a sinking fund; or
- (c) Out of moneys derived from the sale of land; or
- (d) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

(5) Section 68 (Power to re-borrow) of the Act of 1900 is hereby repealed.

**102.** The Corporation may require any hackney carriage plying for hire within the borough to be fitted with a taximeter or similar apparatus for registering fares to be approved by them and to be placed in a position and to be lighted after dark in a manner to be approved by them and any driver of a motor hackney carriage who shall ply for hire within the borough without complying with the provisions of this section shall be liable upon conviction to a penalty not exceeding forty shillings. Motor hackney carriages to be fitted with approved taximeter.

**103.** The Corporation may require any taximeter or other similar apparatus used or intended to be used on any hackney carriage plying for hire within the borough to be tested and inspected and they may also require any taximeter or other similar apparatus to be re-tested and re-inspected at such reasonable intervals of time as the Corporation may prescribe and no such taximeter or other similar apparatus shall be used or continued in use unless the same be certified to register correctly Any person using a taximeter or other similar apparatus which is not so certified or failing to submit the same for testing and inspection at such reasonable intervals of time as aforesaid shall be liable upon conviction to a penalty not exceeding forty shillings. Inspection and certification of taximeter.

**104.** Where under the provisions of this Act or any local Act in force in the borough the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under those Acts or any of them are recoverable by the Corporation from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction. Apportionment of expenses in case of joint owners.

A.D. 1914.

In executing  
works for  
owner  
Corporation  
liable for  
negligence  
only.

**105.** Whenever the Corporation or the surveyor under any enactment or byelaw for the time being in force within the borough execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing (not being undertakers under any Act or Order made under the Tramways Act 1870 the Light Railways Act 1896 or the Electric Lighting Acts 1882 to 1909) the Corporation shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Corporation or the surveyor or of any contractor or other person employed by them or him be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Corporation in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

Evidence of  
appoint-  
ments autho-  
rity &c.

**106.** Where in any legal proceedings taken by or on behalf of or against the Corporation or any officer servant solicitor or agent of the Corporation or any committee of the council under this Act or under any general or local Act for the time being in force in the borough it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Corporation or of any committee of the council or to prove any resolution or order of the council or any resolution order or report of any committee of the council a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the mayor or of the town clerk shall be prima facie evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

As to breach  
of conditions  
of consent of  
Corporation.

**107.** Where under this Act or under any general or local Act for the time being in force in the borough the Corporation give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent.



**108.** Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

A.D. 1914.  
Recovery  
of demands.

**109.** Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any byelaws made thereunder may be laid and made by any officer of the Corporation duly authorised in that behalf or by the town clerk or by any police officer acting for or within the borough.

Informations  
by whom to  
be laid.

**110.** All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Corporation or such committee as the case may be may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Powers of  
Act cumula-  
tive.

**111.** The following provisions of the Acts of 1890 and 1900 are incorporated with this Act and shall extend and apply thereto as if those sections with any necessary modifications were set out in this Act (namely):—

Incorpora-  
tion of fur-  
ther sections  
of Acts of  
1890 and  
1900.

Act of 1890—

Section 220 (As to appeal);

Section 222 (Authentication and service of notices);

Section 223 (General provisions as to byelaws) except as to byelaws under Part III. of this Act;

Section 225 (Judges not disqualified):

Act of 1900—

Section 91 (Compensation how to be determined);

Section 92 (Recovery of penalties &c.);

Section 93 (Inquiries by Local Government Board).

A.D. 1914.

Crown  
rights.

Costs of  
Act

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

**113.** All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the borough fund and borough rate and the district fund and general district rate in such proportions as the Corporation may by resolution determine or out of moneys to be borrowed under this Act for that purpose.

The SCHEDULE referred to in the foregoing Act.

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