



CHAPTER 1.

An Act to confer further powers upon the lord mayor
aldermen and citizens of the city of Birmingham in
regard to their tramway undertaking and for the
construction of street improvements and for other
purposes. A.D. 1919
[15th August 1919.]

WHEREAS by the Birmingham Corporation Act 1914 the
lord mayor aldermen and citizens of the city of Birmingham
(in this Act called "the Corporation") were empowered
to construct in the city the tramways and street improvements
therein described but owing to the war the Corporation have
been unable to construct the same except Tramway No. 11 :

And whereas it is expedient to empower the Corporation to
construct the tramways and street improvements described or
referred to in this Act some of which will render unnecessary
certain of the works authorised by the Act of 1914 and to
extend the time for the construction of the remainder of those
tramways and for the compulsory purchase of lands :

And whereas it is expedient that the other provisions con-
tained in this Act be enacted :

And whereas the purposes of this Act cannot be effected
without the authority of Parliament :

And whereas estimates have been prepared by the Cor-
poration for the purposes hereinafter mentioned and such
estimates are as follows :—

- (A) For and in connexion with the construction
of the tramways authorised by the Act
of 1914 or by this Act (except so much
of the tramways authorised by the Act

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	of 1914 as will be rendered unnecessary by the tramways authorised by this Act) - - - - -	£ 258,626
(B)	For and in connexion with the electrical equipment of the said tramways - - -	64,512
(C)	For tramway rolling stock - - -	50,000
(D)	For and in connexion with the execution of street improvements authorised by the Act of 1914 or by this Act (except so much of the improvements authorised by the Act of 1914 as will be rendered unneces- sary by the exercise of the powers of this Act) - - - - -	179,840

And whereas the several works included in such estimates 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 in the months of March and April nineteen hundred and nineteen plans and sections showing the lines and levels of the works authorised by this Act and also a book 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 deposited with the clerks of the peace for the city and for the counties of Warwick and Worcester respectively and are in this Act respectively referred to as the deposited plans sections and book 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.

Short title.

1. This Act may be cited as the Birmingham Corporation Tramways Act 1919.

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2. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely):—

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Incorporation
of Acts.

(1) The Lands Clauses Acts with the following exceptions and modifications:—

(A) Section 127 of the Lands Clauses Consolidation Act 1845 (relating to the sale of superfluous lands) is not incorporated with this Act;

(B) The bond required by section 85 of the Lands Clauses Consolidation Act 1845 shall be under the corporate seal of the Corporation and shall be sufficient without the addition of the sureties mentioned in that section;

(C) All claims for compensation made upon the Corporation under this Act or any Act incorporated herewith shall if the person claiming has no greater interest in the land in respect of which compensation is claimed than as tenant from year to year or as a leaseholder for any term of which not more than eighteen months remain unexpired at the time at which the claim is made be determined in manner provided by section 121 of the Lands Clauses Consolidation Act 1845;

(D) Any question of disputed compensation under this Act or any Act incorporated herewith (other than a question required to be determined by two justices) shall be determined by a single arbitrator to be agreed upon between the Corporation and the person claiming the compensation or in default of such agreement appointed by the Board of Trade on the application of either party:

(2) 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 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.

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Interpreta-
tion.

3. 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 lord mayor aldermen and citizens of the city of Birmingham;

“The city” means the city of Birmingham;

“The Act of 1914” means the Birmingham Corporation Act 1914.

Incorporation
of sections 8
and 9 of Bir-
mingham Cor-
poration (Con-
solidation) Act
1883 as to
committees.

4. Section 8 (Power to appoint committees) and section 9 (Proceedings of committees) of the Birmingham Corporation (Consolidation) Act 1883 are incorporated with this Act and shall extend and apply to the powers and duties conferred upon the Corporation by this Act.

PART II.

LANDS AND STREETS IMPROVEMENTS.

Amendment
of Act of
1914 as to
compulsory
purchase of
lands.

5.—(1) The powers of the Corporation for the compulsory purchase of lands under the Act of 1914 (except in regard to the lands required for works that will be rendered unnecessary by the execution of the works authorised by this Act) are hereby revived and the period limited by section 60 of the Act of 1914 as extended by orders made by the Local Government Board under the Special Acts (Extension of Time) Act 1915 for the exercise of those powers is hereby further extended until the expiration of three years from the passing of this Act.

(2) In the exercise of the powers referred to in subsection (1) of this section the Act of 1914 shall have effect as if section 2 (Incorporation of Acts) of this Act were substituted for section 2 of that Act.

Power to
acquire
lands.

6.—(1) Subject to the provisions of this Act the Corporation may enter on take appropriate and use such of the lands delineated on the deposited plans and described in the deposited book of reference as they may require for the purposes of the works authorised by this Act the provision of space for the erection of buildings adjoining or near to such works for the

provision of tramway depôts waiting-rooms buildings and for other the purposes of this Act. A.D. 1919.

(2) Provided that the Corporation shall not acquire so much of the lands delineated on the deposited plans as lies to the eastern side of the easternmost line shown in green on the plan signed in triplicate by His Grace the Duke of Northumberland the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred except with the consent of the owners and lessees of those lands.

One copy of the said plan has been deposited in the Parliament Office of the House of Lords one in the Private Bill Office of the House of Commons and one with the town clerk of the city at his office.

7. 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.

8.—(1) 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 hereinafter described together with all necessary or proper works and conveniences connected therewith or incident thereto. Power to construct street improvements.

(2) The works hereinbefore referred to and authorised by this Part of this Act will (with the exception of Work No 7) be wholly situate in the city and are—

Work No. 1 A widening of Bristol Road on the north-western side;

Work No. 2 A further widening of Bristol Road on the western side;

Work No. 3 A further widening of Bristol Road on the western side;

Work No. 4 A further widening of Bristol Road on the south-east side;

Work No. 5 A further widening of Bristol Road on the east side;

Work No. 6 A further widening of Bristol Road on the north-west side;

Work No. 7 A widening of Lickey Road on the south-east side partly in the city and partly in the parish of

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Cofton Hackett in the rural district of Bromsgrove in the county of Worcester;

Work No. 8 A further widening of Lickey Road on the north-west side;

Work No. 9 A further widening of Bristol Road on the south side;

Work No. 10 A new street commencing at a point about 6·30 chains east of the junction of Leach Green Lane and Bristol Road and terminating at that junction;

Work No. 11 A further widening of Bristol Road on the south side;

Work No. 12 A further widening of Bristol Road on the north side;

Work No. 13 A widening of Salford Bridge Road on the north side;

Work No. 14 A new street commencing at the junction of Wheelwright Road with Canal Lane and terminating at the junction of Bromford Lane with Montpelier Road.

PART III.

TRAMWAYS.

Extension of time for construction of tramways.

9. The periods limited by section 10 of the Act of 1914 for the completion of such of the tramways referred to in that section as have not been constructed and as are not rendered unnecessary by the tramways authorised by this Act are hereby extended as regards Tramways Nos. 1 2 and 3 until the expiration of eight years and as regards the remaining tramways until the expiration of five years from the passing of this Act and any powers of the Corporation for the construction of those tramways which have expired are accordingly revived.

Power to make tramways.

10.—(1) Subject to the provisions of this Act the Corporation may make form lay down work use and maintain the tramways hereinafter described in the lines and according to the levels shown on the deposited plans and sections with all proper rails plates junctions turnouts crossings passing-places posts poles brackets wires waiting-rooms carriage-houses sheds depôts buildings engines works and conveniences connected therewith.

(2) The tramways hereinbefore referred to and authorised by this Act will be situate in the city will be constructed of double line and are—

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Tramway No. 1 (1 mile 5 furlongs and 0·13 chain in length) in Bristol Road commencing and terminating by junctions with Tramway No. 12 authorised by the Act of 1914 at points respectively about 7 chains south-west of Langleys Road and about 7 chains north-east of Bell Lane:

Tramway No. 2 (1 mile 1 furlong 8·40 chains in length) in Bristol Road commencing by a junction with Tramway No. 13 authorised by the Act of 1914 at a point about 3 chains south-west of Chatham Road and terminating by a junction with Tramway No. 14 authorised by the Act of 1914 at a point about 2 chains north-east of Longbridge Lane:

Tramway No. 3 (7 furlongs 0·46 chain in length) in Lickey Road commencing by a junction with the said authorised Tramway No. 14 at a point about 3 chains south-west of the River Rea Bridge and terminating at a point about 5 chains south of Leach Green Lane:

Tramway No. 4 (1 mile 2·32 chains in length) in Bristol Road commencing by a junction with the said authorised Tramway No. 14 at a point about 1 chain south-west of the River Rea Bridge and terminating at a point about 2 chains south-west of Leach Green Lane:

Tramway No. 5 (1 mile 1 furlong 9·20 chains in length) commencing in Gravelly Hill by a junction with the existing tramway at a point about 1 chain north-east of Leamington Road proceeding along Gravelly Hill Salford Bridge Road Wheelwright Road the new street (Work No. 14) authorised by this Act and Bromford Lane and terminating in the proposed new street (Work No. 18) authorised by the Act of 1914 by a junction with Tramway No. 16 authorised by the Act of 1914 at a point about 2 chains north-east of Bromford Lane.

11.—(1) The tramways and works authorised by this Part of this Act shall form part of the tramway undertaking of the Corporation and the provisions of Part III. (Tramways) of the Birmingham Corporation Act 1903 (except sections 40 42 43 and

Works to form part of tramway undertaking of Corporation.

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A.D. 1919. 44 thereof) and of the enactments incorporated with that Act 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 tramways and works as if they were authorised by the Act of 1903.

(2) Provided that no post or other apparatus shall be erected on any carriageway in connexion with the tramways authorised by this Act without the consent of the Board of Trade.

(3) Provided also that the powers of subsection (1) of section 16 (Power to make additional cross-overs and to double tramway lines) of the said Act of 1903 except the powers thereof relating to cross-overs and the powers of section 17 (Junction with tramways outside city) of that Act shall not be exercised with reference to the tramways authorised by this Act without the consent of the Board of Trade.

(4) The provisions of section 11 (Use of tramway posts by Postmaster-General) of the Birmingham Corporation Act 1912 shall extend to the tramways authorised by this Act.

Period for completion of tramways.

12. The tramways authorised by this Act shall be completed within five years from the passing of this Act and on the expiration of that period the powers granted by this Act to the Corporation for executing the said tramways or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Separate track not to form part of highway.

13.—(1) Where any part of the tramways authorised by the Act of 1914 or by this Act is shown on the plans deposited in respect of those Acts respectively as intended to be constructed on a track separate from the carriageway such separate track shall not for any purpose form part of the highway and the provisions of the Tramways Act 1870 relating to roads and the following provisions of the Birmingham Corporation Act 1903 shall not apply thereto or to the construction of tramways thereon (namely):—

Section 12 (Tramway to be kept on level of surface of road);

Section 13 (Plan of proposed mode of construction);

Section 15 (Penalty for not maintaining rails and roads).

(2) The Corporation shall provide adequate ways across such separate track. A.D. 1919.

(3) Nothing in this section contained shall prejudice alter or affect any of the rights and powers of the Postmaster-General under the Telegraph Acts 1863 to 1916 and under section 11 (Use of tramway posts by Postmaster-General) of the Birmingham Corporation Act 1912 and such separate track shall be deemed to be a "street" or "public road" for the purposes of the said Acts and section respectively.

14. For the protection of the Great Western and Midland Railway Companies (in this section called "the joint companies") the following provisions shall unless otherwise agreed between the Corporation and the joint companies apply and have effect (that is to say):— For protection of Great Western and Midland Railway Companies.

Where the Tramway No. 4 by this Act authorised will pass in front of the property of the joint companies abutting on the northern side of Bristol Road and lying between points respectively one furlong two chains and one furlong eight chains from the commencement of the said tramway no crossing or passing-place siding junction turnout shelter or waiting-room or other work shall be made for or in connexion therewith in front of the said property and for a length of twenty yards at each end thereof without the consent of the joint companies and without such consent no carriage used on the said tramway shall be stopped or permitted to be stopped between the said points except only for so long as shall be reasonably necessary for the purpose of discharging and taking up passengers.

PART IV.

FINANCIAL AND MISCELLANEOUS PROVISIONS.

15.—(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 repay money so borrowed within the respective periods mentioned in the third column of the said table (namely):— Power to borrow.

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1.	2.	3.
Purpose.	Amount.	Period for Repayment.
(A) For and in connexion with the construction of the tramways authorised by the Act of 1914 or by this Act (except so much of the tramways authorised by the Act of 1914 as will be rendered unnecessary by the tramways authorised by this Act).	£ 258,626	Thirty years from the date or dates of borrowing.
(B) For and in connexion with the electrical equipment of the said tramways.	64,512	Twenty years from the date or dates of borrowing.
(C) For tramway rolling stock - - -	50,000	Fifteen years from the dates or dates of borrowing.
(D) For and in connexion with the purchase of the lands which the Corporation are authorised by the Act of 1914 or by this Act to acquire (except so much of the lands the acquisition of which was authorised by the Act of 1914 as will be rendered unnecessary by the exercise of the powers of this Act).	The sum requisite.	Sixty years from the date or dates of borrowing.
(E) For and in connexion with the execution of the street improvements authorised by the Act of 1914 or by this Act (except so much of the improvements authorised by the Act of 1914 as will be rendered unnecessary by the exercise of the powers of this Act).	179,840	Fifty years from the date or dates of borrowing.
(F) For paying the costs charges and expenses of this Act.	The sum requisite.	Five years from the passing of this Act.

(2) 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. of this Act or of the tramway undertaking of the Corporation and may with the consent of the Local Government Board borrow such further money as may be necessary for any purposes of this Act other than the purposes of that undertaking.

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.

(3) The yearly sums required to be provided in respect of the principal moneys borrowed under the provisions of this Act shall—

As regards money borrowed for the purposes (A) (B) and (C) hereinbefore mentioned and for the purposes of the

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tramway undertaking of the Corporation be defrayed out of the revenue arising from that undertaking; A.D. 1919.

As regards money borrowed for the purposes (D) (E) and (F) hereinbefore mentioned be defrayed out of the revenue arising from the tramway undertaking and the borough fund of the city in such proportions as the Corporation may by resolution determine;

As regards money borrowed with the consent of the Local Government Board be defrayed out of such fund or rate as may be prescribed by that Board.

(4) The provisions contained in the Act of 1914 empowering the Corporation to borrow money for the purposes (A) (B) and (C) mentioned in section 50 (Power to borrow) of that Act except to the extent to which the powers have already been exercised are hereby repealed.

16. Any expenses of the execution by the Corporation of the Act of 1914 or this Act with respect to which no other provision is made shall be defrayed by the Corporation out of the revenue arising from their tramway revenue or out of the borough fund of the city. Expenses of execution of Acts.

17.—(1) The following provisions so far as the same are applicable in that behalf shall with any necessary modifications extend and apply to the exercise of the powers of this Act in the same manner as if those sections were re-enacted in this Act (namely):— Application of existing enactments.

Birmingham Corporation (Consolidation) Act 1883.

Section 289 (Protection of members and officers of Corporation);

Section 294 (Powers of Act cumulative).

Birmingham Corporation Act 1903.

Section 157 (Inquiries by Local Government Board);

Section 163 (Compensation how to be determined).

Birmingham Corporation Act 1905.

Section 23 (Subsidiary works);

Section 24 (Temporary stoppage of streets);

Section 27 (Correction of errors in deposited plans and books of reference);

Section 30 (Power to persons under disability to grant easements &c.);

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Section 31 (Owners may be required to sell parts only
of certain lands and buildings);

Section 32 (Underpinning of houses near works);

Section 35 (Power to retain sell &c. lands);

Section 41 (Moneys to be raised); and

Section 44 (Audit of accounts).

Act of 1914.

Section 14 (Power to alter steps areas pipes &c.);

Section 15 (Limits of deviation);

Section 61 (Compensation in case of recently acquired
interests);

Section 62 (Costs of arbitration in certain cases);

Section 63 (Power to purchase additional lands by
agreement);

Section 65 (Recovery of demands);

Section 66 (Informations by whom to be laid);

Section 67 (Recovery of penalties &c.);

Section 68 (Damages and charges to be settled by
justices);

Section 69 (Judges not disqualified);

Section 70 (Saving for indictments).

(2) Provided that—

(A) In the application of section 31 of the Birmingham Corporation Act 1905 the premises numbered 9 10 12 13 14 15 32 35 49 69 78 80 89 93 95 96 97 98 99 100 101 151 173 174 175 176 177 178 179 199 200 and 206 respectively on the deposited plans shall be deemed to be referred to instead of the premises described in the Second Schedule to that Act:

(B) In the application of section 61 of the Act of 1914 the fourth day of April nineteen hundred and nineteen shall be deemed to be referred to instead of the eighteenth day of November nineteen hundred and thirteen.

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18. 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 revenue of the tramway undertaking of the Corporation or out of the borough fund of the city or out of money to be borrowed for that purpose.

A.D. 1919.
Costs of Act.

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RESEARCH REPORT
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AT HIGH PRESSURES
AND TEMPERATURES

BY

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AND
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