



CHAPTER xxii.

An Act to confirm certain Provisional Orders made by the Board of Trade under the Tramways Act, 1870, relating to Birmingham and Western Districts Tramways, Birmingham Central Tramways (Extension), South Birmingham Tramways (Extension), and South Staffordshire and Birmingham District Steam Tramways.

A.D. 1886.

[25th September 1886.]

WHEREAS under the authority of the Tramways Act, 1870, the Board of Trade have made the several Provisional Orders set out in the Schedule to this Act annexed :

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

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

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. This Act may be cited as the Tramways Orders Confirmation (No. 3) Act, 1886.

Short title.

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

Confirmation
of Orders in
Schedule.

A.D. 1886.

Protection
of houses of
labouring
classes.

3. The Promoters mentioned in the said Orders shall not under the powers of this Act, or of the said Orders, without the consent of the Local Government Board, purchase or acquire in any city, borough, or other urban sanitary district, or in any parish, or part of a parish not being within an urban sanitary district, ten or more houses which, after the passing of this Act, have been, or on the fifteenth day of December last were, occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

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

SCHEDULE.

A.D. 1886.

LIST OF ORDERS.

BIRMINGHAM AND WESTERN DISTRICTS TRAMWAYS.—Order conferring further powers on the Birmingham and Western Districts Tramways Company (Limited).

BIRMINGHAM CENTRAL TRAMWAYS (EXTENSION).—Order authorising the construction of tramways in the borough of Birmingham and in the parishes or places of Edgbaston, Aston, and Saltley in the county of Warwick, Handsworth in the county of Stafford, and King's Norton, Northfield, and Balsall Heath, in the county of Worcester ; and for other purposes.

SOUTH BIRMINGHAM TRAMWAYS (EXTENSION).—Order authorising the construction of tramways in the parishes of Edgbaston and Aston, in the county of Warwick, and Yardley and King's Norton, in the county of Worcester ; and amending the South Birmingham Tramways Order, 1883, and the South Birmingham Tramways Order, 1884.

SOUTH STAFFORDSHIRE AND BIRMINGHAM DISTRICT STEAM TRAMWAYS.—Order authorising the abandonment of certain of the tramways authorised by the Staffordshire Tramways Order, 1879, the Staffordshire Tramways (Extension) Order, 1882, and the Dudley and Tipton Tramways Order, 1881, and the release of portions of the deposit funds paid into court on the applications for the said orders respectively ; and for other purposes.

A.D. 1886.

BIRMINGHAM AND WESTERN DISTRICTS TRAMWAYS.

*Birmingham
and Western
Districts.*

*Order conferring further Powers on the Birmingham and Western
Districts Tramways Company (Limited).*

Short title.

1. This Order may be cited as "The Birmingham and Western Districts Tramways Order 1886."

The Promoters.

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

Power to take
on lease other
tramways.

3. The Promoters on the one hand and the Birmingham Tramways and Omnibus Company (Limited) the South Staffordshire and Birmingham District Steam Tramways Company (Limited) and the Birmingham Central Tramways Company (Limited) or any of them on the other hand may from time to time subject to the approval of the Board of Trade make and carry into effect contracts or agreements for the lease to the Promoters of any of the tramways belonging to such companies respectively.

Power to lease
tramways of
the Promoters.

4. The Promoters on the one hand and any company or person on the other hand may from time to time subject to the approval of the Board of Trade make and carry into effect contracts or agreements for the lease by the Promoters to such company or person respectively of all or any of the tramways belonging to the Promoters and such company or person may work and maintain any tramways leased or agreed to be leased to them under this section subject to any provisions regulations and byelaws for the time being in force with respect to such tramways.

Running
powers &c.

5. The Promoters may with the consent in writing of the Birmingham Tramways and Omnibus Company (Limited) their successors and assigns but not otherwise make junctions with and run over and use with their engines horses carriages officers and servants so much of the tramways belonging to the Birmingham Tramways and Omnibus Company (Limited) their successors or assigns as is situate—

(a) In Villa Road between the intersection of Hamstead Road therewith and the intersection of Barker Street with Villa Road;

(c) In Soho Hill between the intersection of Hamstead Road and a point where Hockley Brook crosses under Soho Hill (being the borough and parish boundary).

Terms of such
user.

6. The terms conditions and regulations to which the Promoters shall be subject in respect of running over and using the said tramways and portions of tramways respectively and the tolls or other consideration to be paid by them for the same shall be such as may be agreed upon between the Promoters and the owners of such tramways and portions of tramways respectively Provided always that such terms conditions and regulations shall in every case be subject to the approval of the Board of Trade.

Byelaws &c.
to be complied
with.

7. The Promoters in using or traversing any tramways or portions of tramways leased or agreed to be leased or run over or used by them under the authority of this Order shall at all times comply with the provisions regulations

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and byelaws for the time being in force with respect to such tramways or portions of tramways respectively so far as the same shall be applicable to the Promoters in the exercise of the said powers and shall for their own acts and defaults in respect of such user incur all and the same liabilities as the owners of such tramways and portions of tramways respectively.

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8. The times prescribed for the completion and opening for public traffic of the tramways authorised by the Birmingham and Western Districts Tramways Order 1882 (herein-after referred to as "the Order of 1882") and the Birmingham and Western Districts Tramways Order 1883 (herein-after referred to as "the Order of 1883") respectively shall be and the same are hereby respectively extended until the expiration of *twelve* months from the first day of August one thousand eight hundred and eighty-six.

Extension of
time for com-
pletion of
certain autho-
rised tramways.

9. The Promoters shall abandon the construction of the following tramways and portions of tramways, viz. :—

Tramway No. 20 authorised by the Order of 1882 :

Tramway No. 26 authorised by the Order of 1883 :

So much of Tramway No. 21 authorised by the Order of 1883 as is situated in Handsworth Wood Road from a point 2·50 chains north of the intersection of Wellington Road therewith to the termination of the tramway :
and

So much of Tramway No. 22 authorised by the Order of 1883 as is situated in Church Hill Road from a point 1·50 chains east of Hamstead Road to a point 1·50 chains west of the intersection of Church Hill Road with Westminster Road.

Abandonment
of certain tram-
ways and
release of pro-
portionate part
of deposits.

On the production of a certificate signed by a secretary or an assistant secretary of the Board of Trade specifying the length of the said tramways and portions of tramways by this section authorised to be abandoned and the portion of the total amount of the deposits made in pursuance of section twelve of the Tramways Act 1870 and of the rules made by the Board of Trade under the authority of the said Act in respect of the applications of the Promoters for the Order of 1882 and for the Order of 1883 respectively which bears to the total amount of such deposits the same proportion as the length of the said tramways and portions of tramways by this section authorised to be abandoned bears to the entire length of the tramways authorised by the Order of 1882 and by the Order of 1883 the Chancery Division of the High Court of Justice shall on the application of the Promoters order such portion of the said deposits so specified in such certificate as aforesaid to be paid out or transferred to the Promoters or to be applied as they may direct and thereupon such portion of the said deposits shall be so paid out transferred or applied as aforesaid.

10. The Promoters may in the event of the running powers by this Order authorised being exercised abandon the construction of so much of Tramway No. 21 authorised by the Order of 1883 as is situated in Hunters Lane and Weston Road and so much of Tramway No. 23 authorised by the Order of 1883 as is situated in Barker Street.

Abandonment
of certain tram-
ways in event
of running
powers being
exercised and
release of pro-
portionate part
of deposit in
such case.

In the event of such running powers being exercised and the above-mentioned portions of tramways being abandoned and on the production of a certificate signed by a secretary or an assistant secretary of the Board of Trade specifying the length of the portions of tramways so abandoned and the portion of the

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Provisions as to arbitration.

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

For protection of the Postmaster-General.

12. In the event of any tramways of the Promoters being worked by electricity the following provisions shall have effect:—

- (1.) It shall not be lawful for the Promoters to lay down any line or rail or to do any act or work for working such tramways by electricity whereby any telegraphic line of the Postmaster-General is or may be injuriously affected and before any such line or rail is laid down or any such act or work is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Promoters or their agents not more than twenty-eight nor less than fourteen days before commencing such work shall give written notice to the Postmaster-General specifying the course of the line or rail and the nature of the work including the gauge of any wire and the Promoters 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.
- (2.) Any difference which arises between the Postmaster-General and the Promoters or their agents with respect to any requirements so made shall be determined by the Board of Trade whose decision shall be final and sections thirty to thirty-two (both inclusive) of the Regulation of Railways Act 1868 shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act.
- (3.) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents the Promoters 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.

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(4.) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice.

(5.) 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.

(6.) For the purposes of this section and subject as therein provided sections two eight nine ten eleven and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Order as if the Promoters were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted.

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

Carrying of
mails by Pro-
motors.

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

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

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

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

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

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

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

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

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

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

Saving for
general Acts.

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

BIRMINGHAM CENTRAL TRAMWAYS (EXTENSION). A.D. 1886.

Order authorising the Construction of Tramways in the Borough of Birmingham and in the parishes or places of Edgbaston, Aston, and Saltley in the County of Warwick, Handsworth in the County of Stafford, and King's Norton, Northfield and Balsall Heath in the County of Worcester, and for other purposes.

Birmingham Central.

1. The Order may be cited as "The Birmingham Central Tramways (Extension) Order, 1886." Short title.

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

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

Provided that in this Order—

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

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

The expression "the Central Order, 1885," shall mean the Birmingham Central Tramways (Extension) Order, 1885;

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

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

The expression "the North Birmingham Order, 1884," shall mean the North Birmingham Tramways Order, 1884;

The expression "the Harborne Order, 1883," shall mean the Edgbaston and Harborne Tramways Order, 1883;

The expression "the Corporation Order, 1885," shall mean the Birmingham Corporation Tramways Order, 1885;

The expression "the Omnibus Company" shall mean the Birmingham Tramways and Omnibus Company, Limited;

The expression "the Omnibus Company's Acts" shall mean the Birmingham and Staffordshire Tramways Act, 1870, the Birmingham and Staffordshire Extension Tramways Act, 1872, and the Birmingham and Staffordshire Tramways Act, 1873, or any of them;

The expression "the borough" and "the Corporation" shall mean respectively the borough of Birmingham, in the county of Warwick, and the mayor, aldermen, and burgesses of the said borough acting by the Council;

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The expression "mechanical power" or "mechanical appliances" shall include the engines, tubes, wires, ropes, chains, cables, brake-power, fittings, and all other appliances or things which shall form part of or be used in connexion with the steam, electrical, or mechanical power authorised to be used on the tramways ;

The terms "the local authorities" and "the road authorities" shall mean respectively the local authorities and the road authorities of the respective districts within which the tramways are by this Order authorised to be constructed, and those terms shall, both in respect of the Tramways Act, 1870, the Suburban Order, 1882, the Districts Orders, 1882 and 1883, and this Order, include the Rural Sanitary Authority of the King's Norton Union and the Northfield Highway Board, or other the authority or authorities for the time being exercising the jurisdictions of the said Sanitary Authority and Highway Board respectively ; and

The term "person" shall include a corporation.

Promoters.

The Promoters.

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

Lands by
 agreement.

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

Construction of Tramways.

Construction
 of tramways.

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

The tramways authorised by this Order are :—

A Tramway No. 11.—2 furlongs 5'50 chains in length (single line throughout), commencing by a junction with the existing tramway (authorised by the Districts Order, 1882), in Mary Street, at a point 0'10 chain south-west of the south-west side of King Street, passing thence in a north-easterly direction along Mary Street, north-westerly along Balsall Heath Road, and terminating in Longmore Street by a junction with the existing tramway (authorised by the Districts Order, 1882), at a point 0'20 chain north-east of the north-east side of Balsall Heath Road.

Provided that Tramway No. 11 shall not be commenced without the consent in writing under seal of the Balsall Heath Local Board.

A Tramway No. 12.—1 furlong 3·80 chains in length (single line throughout), commencing by a junction with the existing tramway (authorised by the Districts Order, 1883), in Sherlock Street, at a point 0·30 chain north-east of the south side of Nelson Street, passing thence in a south-westerly direction along Sherlock Street, easterly along Benacre Street, and terminating in Gooch Street by a junction with the existing tramway (authorised by the Districts Order, 1883), at a point in line with the south side of Benacre Street.

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A Tramway No. 13.—1 furlong 1·98 chains in length (single line throughout), commencing by a junction with the existing Birmingham Central Tramways (authorised by the Suburban Order, 1882), in Moseley Road, at a point opposite the south side of Chandos Road, passing thence in a southerly and easterly direction into and along Stratford Place, and terminating in Stratford Road by a junction with the Birmingham Central Tramways (authorised by the Suburban Order, 1882), at a point in line with the north-east side of Ravenhurst Street.

A Tramway No. 14.—2 chains in length (single line throughout), commencing by a junction with the existing Birmingham Central Tramway (authorised by the Suburban Order, 1882), in Moseley Road, at a point 2·25 chains south of the south side of Chandos Road, passing thence in a northerly and easterly direction into Stratford Place, and terminating therein by a junction with Tramway No. 13, at a point 1 chain east of the east side of Moseley Road.

A Tramway No. 15.—1·70 chains in length (single line throughout), commencing by a junction with Tramway No. 13, in Stratford Place, at a point 0·80 chain west of the west side of Stratford Road, passing thence in an easterly and south-easterly direction into Stratford Road, and terminating in that road by a junction with the Birmingham Central Tramway (authorised by the Suburban Order, 1882), at a point 0·20 chain south of the south side of Stratford Place.

Provided always that no portion of Tramways Nos. 13, 14, and 15 shall be commenced until Stratford Place has been widened to the satisfaction of the Corporation and of the Board of Trade.

A Tramway No. 20.—2 furlongs 2·75 chains in length, of which 4 chains shall be double line and 1 furlong 8·75 chains shall be single line, commencing in Saltley Road, at the termination of and forming a junction with the existing Birmingham Central Tramway (authorised by the Suburban Order, 1882), passing thence in a south-easterly direction along Saltley Road and High Street, thence in an easterly direction into Washwood Heath Road, and terminating in that road by a junction with the tramways authorised by the North Birmingham Order, 1884, at a point 1·30 chains north-east of the south-west side of Alum Rock Road.

The double portion of Tramway No. 20 will be situate as follows, viz. :—

Between a point 0·10 chain north-west of the south-east side of Gate Street, and the termination of the tramway.

Provided that no portion of Tramway No. 20 shall be commenced without the consent in writing of the Corporation under their seal, nor until the viaduct over the River Rea and the Midland Railway and the approaches thereto have been widened to the satisfaction of the Board of Trade, and of the Corporation, and of the local or road authority of every district within

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which such viaduct and approaches are situate; and provided further that notwithstanding anything in the deposited plans the said tramway may be constructed and maintained over the said viaduct and approaches so widened either in accordance with the deposited plans or in such manner and situation as the Board of Trade after hearing the local and road authorities for the districts wherein such viaduct and approaches are situate may determine.

A Tramway No. 21.—9 chains in length (single line throughout), commencing in Pershore Street by a junction with the existing Birmingham Central Tramway (authorised by the Suburban Order, 1882), at a point 0.10 chain north-west of the north-west side of Upper Dean Street, passing thence in an easterly direction into and along Upper Dean Street, and south-easterly along Dean Street terminating in the last-named street at a point 0.22 chain north-west of the north-west side of Bromsgrove Street.

A Tramway No. 23.—A loop line, 0.84 chain in length (single line throughout), commencing in Dean Street by a junction with Tramway No. 21, at a point 0.22 chain north-west of the north-west side of Bromsgrove Street, passing thence in an easterly direction into and terminating in Bromsgrove Street by a junction with the Birmingham Central Tramway (authorised by the Suburban Order, 1882), at a point 0.20 chain north-east of the north-east side of Dean Street.

A Tramway No. 33.—4 furlongs 5.42 chains in length, of which 1 furlong 4.25 chains shall be double line and 3 furlongs 1.17 chains shall be single line, commencing in Bristol Road at a point 2.20 chains south-west of the intersection of Oak Tree Lane and Bristol Road, passing thence in a north-easterly direction along Bristol Road, and terminating in that road at a point 0.55 chain south-west of the north-east side of Dawlish Road.

The double portions of Tramway No. 33 will be situate as follows, viz.:—

From a point 0.20 chain north-east of the intersection of Chapel Lane and Bristol Road, for a distance of 8.25 chains north-eastward.

From a point 0.35 chain north-east of the north-east side of Heeley Road for a distance of 3 chains north-eastward.

From a point 0.65 chain south-west of the intersection of Tiverton Road and Bristol Road for a distance of 3 chains north-eastward.

A Tramway No. 34.—3 chains in length (single line throughout), commencing in Oak Tree Lane, at a point 2.50 chains south of the intersection of Bristol Road and Oak Tree Lane, passing thence in a northerly direction along Oak Tree Lane, thence north-easterly into and terminating in Bristol Road by a junction with Tramway No. 33, at a point 0.70 chain north-east of the intersection of Oak Tree Lane and Bristol Road.

A Tramway No. 35 (a loop line).—1.35 chains in length (single line throughout), commencing in Bristol Road by a junction with Tramway No. 33, at a point 1.25 chains south-west of the intersection of Oak Tree Lane with Bristol Road, passing thence in a south-easterly direction into and terminating in Oak Tree Lane by a junction with Tramway No. 34, at a point 1.40 chains south of the intersection of Bristol Road and Oak Tree Lane.

A Tramway No. 36 (in substitution of the existing tramway authorised by the Omnibus Company's Acts).—1 furlong 3.85 chains in length, of which 1 furlong 3.40 chains shall be double line and 0.45 chain shall be single line, commencing in Bristol Road at the termination of Tramway No. 33, passing

thence in a north-easterly direction along Bristol Road, and terminating in that road by a junction with the Birmingham Corporation line (authorised by the Corporation Order, 1885, to be re-constructed), at a point in the centre of the bridge over the brook forming the boundary between the counties of Warwick and Worcester.

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The single portion of the tramway will be situate from the commencement of the tramway for a distance of 0.45 chain north-eastward.

A Tramway No. 39.—1 furlong 1.60 chains in length, of which 8.60 chains shall be single line and 3 chains shall be double line, commencing in High Street, Aston, by a junction with the existing Birmingham Central Tramway (authorised by the Suburban Order, 1882), at a point 0.85 chain south of the intersection of Whitehead Street and High Street, passing thence in a north-easterly direction along Whitehead Road, and terminating in that road at a point 0.55 chain south-west of the intersection of Victoria Road and Whitehead Road.

The double portions of Tramway No. 39 will be situate as follows, viz. :—

From a point 1.10 chains south-west of the intersection of Victoria Road and Whitehead Road for a distance of 3 chains south-westward

A Tramway No. 40.—A loop line, 1.10 chains in length (single line throughout), commencing in High Street, Aston, by a junction with the existing Birmingham Central Tramway (authorised by the Suburban Order, 1882), at a point 0.85 chain northward of the intersection of Whitehead Road and High Street, passing thence in an easterly direction, and terminating in Whitehead Road by a junction with Tramway No. 39, at a point 1 chain north-east of the intersection of High Street and Whitehead Road.

A Tramway No. 41.—7 furlongs 2.27 chains in length, of which 5 furlongs 9.37 chains shall be single line and 1 furlong 2.90 chains shall be double line, commencing in High Street, Aston, by a junction with the loop line, in course of construction, connecting the existing Central Tramway in High Street with the existing Birmingham and Aston Tramway in Witton Road, at a point 0.15 chain south of a point in line with the south side of Victoria Road, passing thence in a north-easterly direction into Victoria Road, along the last-named road in an easterly direction, thence in a northerly direction along Upper Sutton Street and Bevington Road, terminating in Bevington Road by a junction with the existing Birmingham and Aston Tramway, at a point 0.40 chain north of the intersection of Trinity Road and Bevington Road

The double portions of Tramway No. 41 will be situate as follows, viz. :—

From a point 1.90 chains east of the intersection of Potters' Hill and Victoria Road, for a distance of 3 chains easterly.

From a point 1.60 chains west of the intersection of Upper Sutton Street and Victoria Road, for a distance of 3 chains easterly along Victoria Road, and northerly along Upper Sutton Street.

From a point 0.70 chain south of the intersection of Albert Road and Bevington Road, for a distance of 2.30 chains northward.

From a point 0.40 chain south of the intersection of Bevington Road and Frederick Road, for a distance of 2.30 chains northward.

From a point 5.75 chains south of the intersection of Trinity Road and Bevington Road, for a distance of 2.30 chains southward.

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Provided always that Tramway No. 41 shall not be constructed along Upper Sutton Street and Bevington Road, except with the consent in writing of the manor of Aston Local Board under their seal.

A Tramway No. 43.—A loop line, 1·10 chains in length (single line throughout) commencing in Whitehead Road by a junction with Tramway No. 39, at a point 0·55 chain south-west of the intersection of Victoria Road and Whitehead Road, passing thence in a north-easterly direction, and terminating in Victoria Road by a junction with Tramway No. 41, at a point 0·60 chain east of the intersection of Victoria Road and Whitehead Road.

A Tramway No. 47 (in substitution for the existing tramway authorised by the Omnibus Company's Acts).—1 mile 5 furlongs 5·50 chains in length of which 1 mile 5 furlongs 3·75 chains shall be double line, and 1·75 chains shall be single line, commencing in Soho Hill at the centre of the bridge over Hockley Brook by a junction with, and at the termination of, the Birmingham Corporation Tramway (authorised to be re-constructed by the Corporation Order, 1885), at the county, parish and borough boundary, dividing Warwickshire from Staffordshire, passing thence in a north-westerly direction along Soho Hill, Soho Road, and Holyhead Road, terminating in the last-named road by a junction with the existing South Staffordshire Tramway at its termination near Station Road.

The single portion of Tramway No. 47 will be situate from the point of its termination for a distance of 1·75 chains south-eastward.

A Tramway No. 48 (in substitution for the existing tramway authorised by the Omnibus Company's Acts).—A loop line, 2·20 chains in length (single line throughout), commencing in Crocketts Road, at a point 1·60 chains south of the intersection of Holyhead Road and Crocketts Road, and passing thence northerly along Crocketts Road, and north-westerly into, and terminating in Holyhead Road by a junction with Tramway No. 47, at a point 0·65 chains north-west of the intersection of Sandwell Road.

A Tramway No. 49 (in substitution for the existing tramway authorised by the Omnibus Company's Acts).—A loop line, 1·20 chains in length (single line throughout), commencing in Holyhead Road by a junction with Tramway No. 47, at a point 1 chain south-east of the intersection of Crocketts Road and Holyhead Road, passing thence in a westerly direction into, and terminating in, Crocketts Road by a junction with Tramway No. 48, at a point 0·70 chain north of its commencement.

A Tramway No. 50 (in substitution for the existing tramway authorised by the Omnibus Company's Acts).—3 furlongs 5·23 chains in length, of which 2 furlongs 4·06 chains shall be single line and 1 furlong 1·17 chains shall be double line, commencing in Soho Road by a junction with Tramway No. 47, at a point 0·50 chain north-west of the intersection of Villa Road and Soho Road, passing thence south-easterly into Villa Road, north-easterly along Villa Road, and easterly along Lozells Road, terminating therein by a junction with the tramways authorised by the Central Order, 1885, at a point 3·50 chains east of the intersection of George Street and Lozells Road.

The double portions of Tramway No. 50 will be situate as follows, viz.:—

From a point 0·55 chain south-west of the intersection of Hamstead Road and Villa Road for a distance of 3 chains south-westward.

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From a point 1 chain west of the intersection of Baker Street and Lozells Road, to the termination of the tramway. A.D. 1886.

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A Tramway No. 51 (in substitution for the existing tramway authorised by the Omnibus Company's Acts).—A loop line, 1.40 chains in length (single line throughout), commencing in Soho Hill by a junction with Tramway No. 47, at a point 1.20 chains south-east of the intersection of Villa Road and Soho Hill, passing thence in a northerly direction, and terminating in Villa Road by a junction with Tramway No. 50, at a point 1 chain north-east of the intersection of Soho Road and Villa Road.

A Tramway No. 52.—1 furlong 2.60 chains in length (double line throughout), in substitution for the existing single line or passing places, commencing in Birchfield Road by a junction with the existing Birmingham Central Tramway (authorised by the Suburban Order, 1882), at a point 0.50 chain or thereabouts north of the north-west corner of Witton Road, and passing thence in a northerly direction along and terminating in Birchfield Road at a point at the parish boundary dividing Aston from Handsworth, the said parish boundary crossing the Birchfield Road at a point 2 chains south of the intersection of Johnstone Street.

The tramways will be situate in the parishes, places or districts of Birmingham, Edgbaston, Aston, and Saltley, in the county of Warwick; Handsworth, in the county of Stafford; and King's Norton, Northfield and Balsall Heath, in the county of Worcester.

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

Gauge of tramways.

8. On the granting by the Board of Trade of its certificate under the Tramways Act, 1870, that any of the tramways by this Order authorised to be constructed in substitution for any of the existing tramways authorised by the Omnibus Company's Acts are fit for public traffic all the powers of the Promoters under the Omnibus Company's Acts and the Central Order, 1885, with respect to such existing tramway, and the traffic thereon, and the tolls and charges to be demanded and taken in respect thereof shall, as from the date of such certificate, cease and determine; and the tramways by this Order authorised to be constructed in substitution for such existing tramways respectively shall for all purposes and notwithstanding anything in the Omnibus Company's Acts, or in the Central Order, 1885, contained be deemed to be tramways originally authorised by this Order to be constructed.

On completion of certain tramways powers of Promoters under Omnibus Company's Acts to cease.

9. The Corporation may, with the consent of the Board of Trade, in altering the gauge of the existing tramways described in section six of the Corporation Order, 1885, reconstruct and maintain such tramways in such a manner that in the case of double lines of tramway, the distance between the centre lines of such lines of tramway shall be seven feet six inches, and the said section shall be read and construed accordingly.

Corporation may reconstruct lines authorised to be relaid under Corporation Order, 1885, at distance of 7 feet 6 inches from centres.

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Tramways
authorised to
be laid as
single lines
may with
consent of local
authority be
laid as double
lines.

Double lines
to be laid in
certain places.

Extending to
this Order
certain provi-
sions of the
Suburban
Order, 1882.

Power to Cor-
poration to
elect to be sub-
stituted for
Promoters as
to tramways
within the
borough.

10. Any of the tramways by this Order authorised to be laid as a single line may, at the option and with the consent in writing of the local authorities, and the road authorities, and the Board of Trade, be laid as a double line; provided, nevertheless (subject to the provisions of this Order), that in substituting such double line for such single line as aforesaid no rail shall, except with the consent of the Board of Trade, be so laid that a less space than nine feet six inches shall intervene between such rail and the outside of the footpath on either side of the road if any owner or occupier of any house, shop, or warehouse abutting upon the place where such rail is proposed to be laid shall, by notice in writing, under his hand, addressed to the Promoters, express his objection thereto.

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

12. Save as by this Order otherwise expressly provided, the following provisions of the Suburban Order, 1882, that is to say, sections 9 to 33 (both inclusive), sections 35, 36, and 37, section 39, sections 55 to 61 (both inclusive), and sections 81 to 97 (both inclusive), and Schedule A to the Suburban Order, 1882, annexed shall so far as applicable extend and apply to the tramways and undertaking by this Order authorised in like manner in every respect as if the tramways and undertaking by this Order authorised were the tramways and undertaking authorised by the Suburban Order, 1882, and for the purposes of such application the expressions "the tramways," "the undertaking," "the local authorities," "the road authorities," "the Promoters," and "this Order" in the said provisions shall be construed to mean respectively the tramways and the undertaking and the local authorities and the road authorities as defined respectively by this Order, the Promoters of this Order, and this Order.

13. The powers in this Order contained for the construction and maintenance by the Promoters of such of the tramways as are situate within the borough, shall be suspended for three months from the passing of the Act confirming this Order, and the Corporation if they so decide by a resolution passed at a special meeting, may within a period of three months, after the passing of the Act confirming this Order, intimate to the Promoters by notice in writing the intention of the Corporation to be substituted in the place of the Promoters for the purposes of this Order, so far as the same relates to the tramways within the borough, and thereupon provided that the Corporation shall also cause a copy of such notice to be published within the like period once in the "London Gazette," all the rights, powers and authorities conferred by this Order upon the Promoters, as to the construction, maintenance and use of the tramways within the borough, and the works connected therewith or incidental thereto, shall subject to the provisions herein-after contained, be transferred to and vested in and may thenceforward be exercised by the Corporation in like manner as if the Corporation had been in the first instance authorised by this Order to construct such tramways and works, and the Corporation shall as to the tramways

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within the borough, be deemed to be the Promoters of this Order, instead of the Promoters, and this Order shall be construed accordingly, and the Corporation may pay all expenses incurred by them in carrying into effect the provisions of this Order out of the local rate, and shall have the like powers to borrow on the same security as if such expenses were expenses incurred in carrying into effect the purposes of a Provisional Order applied for and obtained by them under the Tramways Act, 1870. Provided always that the provisions of this Order with respect to the traffic and tolls and charges by this Order authorised in relation to the tramways shall be applicable to and shall be observed by and the said tolls and charges may be demanded and taken by the lessees of the Corporation, as though they were by this Order made specially applicable to and were authorised to be observed, demanded and taken on the tramways within the borough. Provided also that nothing in this Order contained shall authorise the Corporation to place or run carriages on any of the tramways within the borough, and to demand tolls or charges in respect of the use of such carriages.

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14. In case the Corporation elect to construct the tramways within the borough, they shall not be required to commence the same until the Promoters have paid to the Corporation a sum of money, to be calculated at the rate of two thousand five hundred pounds for every mile of single line of tramway by this Order authorised to be laid within the borough, and so in proportion for any length less than a mile (herein-after referred to as "the security fund"), to be paid and applied as herein-after mentioned, or have given to the Corporation a mortgage or other adequate security for a like sum, to be approved by the Corporation; but when such sum has been paid, as herein-after mentioned, or such mortgage or other security has been given, the Corporation shall forthwith thereafter commence to construct such tramways, and they shall complete the same within six months after the commencement of the same, and within two years from the passing of the Act confirming this Order. Provided always that nothing in this section contained shall be held to require the Corporation to construct Tramways Nos. 13, 14, and 15 unless and until Stratford Place has been widened to their satisfaction.

Payment of security by Promoters to Corporation prior to commencing tramways in borough.

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

Notice by Corporation of intention to construct tramways in borough.

16. If, and when such of the tramways as are situate within the borough have been completed by the Corporation, the Corporation shall, at the cost of the Promoters, cause to be prepared and execute a lease of the same to the Promoters for the term of twenty-one years, at the rent upon the terms and

Lease by Corporation to Promoters of tramways in borough.

A.D. 1886. subject to the conditions specified in the form of the draft lease, signed in duplicate by the town clerk of the borough and the secretary of the Promoters, one copy of which is deposited with the said town clerk at the Council House, and the other copy of which is deposited with the secretary of the Promoters, or as near thereto as circumstances will permit, subject to the approval of the Board of Trade; and the Promoters shall accept such lease and execute a counterpart thereof, and the provisions of section forty-eight of the Corporation Order, 1885, shall extend and apply to any lease granted by the Corporation under this Order. The Corporation may, if they think fit, include in any lease granted by them under this section any other tramways of the Corporation in respect of which there is not a lease then subsisting.

Application of
security fund,
&c.

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

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

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

Substitution of
Promoters for
Promoters of
North Birmingham
Order, 1884, and Har-
borne Order, 1883, in respect
of certain
tramways
authorised by
such Orders.

19. From and after the passing of the Act confirming this Order, the Promoters of this Order shall be deemed to be substituted for the Promoters of the North Birmingham Order, 1884, and of the Harborne Order, 1883, so far as regards the following tramways (in this Order referred to as "the transferred tramways") by such Orders respectively authorised, that is to say:—

The tramway described or distinguished in the North Birmingham Order, 1884, as Tramway No. 6, and

All the tramways authorised by the Harborne Order, 1883.

And from and after the passing of the Act confirming this Order all the rights, powers, and authorities conferred by the said Orders respectively upon the Promoters thereof respectively in respect of the construction, maintenance, and use of the transferred tramways respectively, and the works and things con-

nected therewith, or incidental thereto respectively (including the right to have a lease granted by the Corporation of such parts of the transferred tramways as are within the borough, if the same are constructed by the Corporation), and all the obligations and liabilities in respect thereto shall, subject to the rights of the Corporation and to the provisions of this Order, be transferred to, vested in, and may be exercised and enjoyed by and shall attach to the Promoters of this Order in like manner as if the Promoters of this Order had been the Promoters of the North Birmingham Order, 1884, and the Harborne Order, 1883, respectively, and those Orders shall be read and construed and have effect accordingly.

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Within three months after the passing of the Act confirming this Order the Promoters shall produce to the Commissioners of Inland Revenue a deed or deeds of conveyance of the transferred tramways duly stamped in respect of the consideration for each conveyance, and if such deed or deeds be not so produced, the ad valorem stamp duty, together with interest at the rate of five pounds per centum per annum, shall be recoverable from the Promoters, with full costs of suit and all costs and charges attending the same.

20. From and after the passing of the Act confirming this Order, the provisions contained in the North Birmingham Order, 1884, shall as regards the said transferred Tramway No. 6 and the construction, maintenance and use thereof, and the deposits or securities to be made or given with or to the Corporation and any other local or road authorities, have effect as if the said transferred Tramway No. 6 formed a separate undertaking and the other portions of the tramways authorised by the North Birmingham Order, 1884, formed a separate undertaking and in every, or any case in which a sum of money is under the provisions of the said Order to be paid or deposited or secured, the same (whether it is a specified amount or an amount to be calculated according to length of tramways), shall be apportioned between the undertakings according to the respective length of the tramways, to which the sum or deposit or security relates, comprised in or forming part of the separate undertakings, and the apportioned sum and no more shall be required to be paid deposited or secured in respect of each undertaking and each or any sum so paid deposited or secured, shall be treated and dealt with as if the provisions under which the same shall be paid deposited or secured related to the tramways comprised in the separate undertaking and to no others.

Powers contained in North Birmingham Order in relation to transferred Tramway No. 6 to have effect as if such tramway formed separate undertaking.

21. The transferred tramways may, with the consent of the Board of Trade in writing, be constructed with all such mechanical appliances and otherwise in the same manner as the tramways authorised by this Order are authorised to be constructed, and the Promoters may as to the said tramways subject to the provisions of this Order, construct, execute, and maintain all such works and things as aforesaid. But the Promoters shall not exercise the powers conferred by this section in regard to any tramways within the borough, except with the consent in writing of the Corporation, nor in regard to any tramways within the district of Harborne except with the consent in writing of the Harborne Local Board.

Transferred tramways may be constructed on cable system.

22. The periods prescribed for the commencement and for the completion and opening for public traffic of the tramways authorised by the Harborne Order, 1883, are hereby extended, and shall continue until the expiration of one year and two years respectively from the passing of the Act confirming this Order, and the Harborne Order, 1883, shall be read and construed and have effect accordingly.

Extension of time for commencement and completion of tramways authorised by Harborne Order, 1883

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Release of Promoters of North Birmingham and Harborne Orders from obligations, &c., in respect of transferred tramways.

For protection of local and road authorities.

23. From and after the passing of the Act confirming this Order the Promoters of the North Birmingham Order, 1884, and of the Harborne Order, 1883, respectively shall be absolutely released and discharged from all obligations and liabilities (with the exception of the payment to the Harborne Local Board of the costs and expenses incurred by them in relation to the Harborne Order, 1883) under or by virtue of the provisions of such Orders respectively so far as the same relate to or affect the transferred tramways, or the construction, maintenance, or use of such tramways.

24. The following provisions for the protection of the local and road authorities other than the Corporation (any of which local and road authorities are in this section included in the term "road authority") shall (in addition to any other provisions for the protection of the said local or road authorities contained in this Order, or in any enactment incorporated therewith or applied thereby, and not being inconsistent with the provisions of this section) apply and have effect with respect to the tramways by this Order authorised in their respective districts, and with respect to the tramways by this Order and by the Central Order, 1885, authorised within the district of Handsworth (all of which tramways are in this section referred to as "the said tramways"), but shall not apply to any tramways authorised to be constructed within the borough: Provided always that, as regards such of the said tramways as are situate within the parish of Northfield and district of the rural sanitary authority for the King's Norton Union (herein-after referred to as "the rural sanitary authority"), nothing in this Order contained shall be held to authorise the rural sanitary authority or the Northfield Highway Board to exercise separate jurisdiction in relation to the powers and provisions contained in this or any other Order or Act relating to or affecting the Promoters, and provided further that such one of such authorities shall have and may exercise within the said parish and district such of the powers as are conferred upon such authorities respectively by this or any other Order or Act relating to the Promoters, subject to all obligations and liabilities in relation thereto respectively, as the said two authorities shall between themselves in writing agree upon within three months after the passing of the Act confirming this Order, of which agreement a written notification shall be lodged with the Board of Trade and the Promoters within one month after the making thereof.

(Double instead of single lines to be laid if road authority require.)

(a) The said tramways authorised to be constructed or reconstructed in any district as single lines shall, if the road authority of such district require, and the Board of Trade approve, be laid as double lines: provided that in substituting such double lines for such single lines as aforesaid, no rail shall, except with the consent of the Board of Trade, be so laid that a less space than nine feet six inches shall intervene between such rail and the outside of the foot path on either side of the road, if any owner or occupier of any house, shop, or warehouse abutting upon the place where such rail is proposed to be laid shall, by notice in writing under his hand, addressed to the Promoters, express his objection thereto. The position of all passing places on single lines in any district shall be fixed by the road authority of such district.

(Mode of laying tramways to be approved by road authority)

(b) Save as is herein-after provided with respect to tramways within the district of Handsworth, the size and construction of all engines, cables and carriages to be used on the said tramways, and the wheels and the brakes attached thereto, and of all mechanical appliances and

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things used in connexion with such engines, cables, and carriages, and the mode of laying down the said tramways, and the form of the rails, sleepers, fastenings, and grooves, if any, shall be such as the road authority and the Promoters shall agree upon and the Board of Trade may approve, or failing agreement as shall be determined by the Board of Trade, and shall be in accordance with designs, plans, sections, and specifications, to be previously submitted to and to be subject to the approval of the road authority, but so that the form of the rails, sleepers, fastenings, and grooves shall be the same throughout the whole length of the said tramways and in case of such difference as aforesaid shall be such as the Board of Trade shall determine.

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and Board of Trade and to be uniform throughout.)

(c) In addition to the requirements of section twenty-six of the Tramways Act, 1870, the Promoters shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing, reconstructing, laying down, maintaining, or renewing any of the said tramways, lay before the road authority and the Board of Trade plans, sections, and specifications, showing such tramways, and the proposed mode of constructing, reconstructing, laying down, maintaining and renewing the same, and a statement of the materials intended to be used therein, and the Promoters shall not commence the construction, reconstruction, laying down, maintenance or renewal of any of the said tramways or any part of any of the said tramways respectively, except for the purpose of necessary repairs, until such plans, sections, specifications and statement have been approved by the road authority, and by the Board of Trade, and after such approval the works shall be executed in accordance in all respects with such plans, sections, specifications and statement, and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority, as provided by section twenty-six of the said Act.

(Provisions as to construction of tramways.)

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

(Paving and materials of roads.)

(e) The Promoters shall pay to the road authority of any district the costs of the repair and reinstatement of such parts of the roads in such district as may be injured or damaged by reason of the traffic being diverted to, or concentrated thereon, during the construction, alteration or repair of the said tramways or any part or parts thereof, and if the Promoters fail to pay such costs forthwith after demand by such road authority the same shall be a charge on the money which the Promoters are required to deposit before opening any road in such district, or may be deducted from any money which may have been deposited by the Promoters with such road authority: Provided, however, that such repairs and reinstatements may, at the request of the Promoters and with the consent of the road authority, be executed by the Promoters.

(Cost of reinstating roads.)

(f) The road authority of any district may at any time, and from time to time, take upon themselves the repairing, maintaining, or repaving of such

(Road authority may maintain, &c., roads at cost of Promoters.)

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

The Promoters shall pay to the road authority all expenses of, and incidental to, the repairing, maintaining, and repaving of such portions of such road or roads, as shall be repaired, maintained, or repaved by the road authority, including expenses of supervision, and as but for this and the other provisions in this behalf the Promoters would have been under the Tramways Act, 1870, and this Order bound to repair, maintain or repave, and where in any road a double line of rails is laid, all such expenses of and incidental to the repairing, maintaining, and repaving of the whole space between such double lines, whether the distance between such double lines be more than four feet or not; and the amount of such expenses to be paid from time to time by the Promoters under this subsection shall be ascertained in such manner as may from time to time be agreed upon between the road authority and the Promoters, or as failing such agreement, in the case of the local board for the district of Handsworth, may be ascertained and certified from time to time by an engineer or surveyor appointed by the Board of Trade, and in case of any other of the road authorities may be determined by arbitration before an arbitrator appointed in manner herein-after provided, and such amounts shall be paid by the Promoters on demand, and the certificates and payments shall be so made in advance that the road authority shall not in any way be required to furnish any money for such part of the works in hand as the Promoters may be liable to pay for: Provided always that in all cases in which a deposit is not made to cover the estimated cost of repairs in pursuance of the next succeeding subsection, the Promoters shall pay to the road authority interest at the rate of five pounds per centum per annum on all sums which may be expended by the road authority under this sub-section from the date or dates upon which such sums shall have been expended, until the same shall have been repaid by the Promoters.

(g) In order to secure the payments by the Promoters of the amounts to be paid by them to the road authority under the last preceding subsection, the Promoters shall, on or forthwith after the 25th day of March and the 29th

(Deposit with
road authority
of estimated
cost of repairs,
&c.)

day of September in each year, deposit with the road authority the amount which the engineer or surveyor for the time being of the road authority may certify to be in his judgment the amount which will be required to be paid by the Promoters under the said subsection for the works to be executed during the next ensuing half year, and the road authority shall be at liberty to apply the moneys so deposited, or any part thereof, in or towards payment of any amount payable by the Promoters as aforesaid in respect of the works executed during such half year, and at the end of such half year the amount (if any) not so applied, or so much thereof as may not be required shall be carried forward as or towards the deposit for the next half year, and any excess shall be paid to the Promoters, and if any sum be so carried forward as aforesaid, the Promoters shall for such half year only deposit such an amount (if any) as will be required to make up the sum to be deposited as aforesaid.

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- (h) Before the Promoters open or break up any road within the district of any of the road authorities, they shall deposit in a bank to be approved by the road authority of such district, to a joint account, in the names of the Promoters and such road authority, a sum of money (in this section referred to in relation to such road authority as the "deposit fund"), to be calculated at the rate of one thousand pounds for every mile of tramway (and so in proportion for a part of a mile of tramway) by this Order authorised to be constructed within such district, and of their intention to construct which the Promoters shall give such road authority notice in writing. The deposit fund shall at the request of the Promoters, but at their risk, be invested in the joint names of the Promoters and of such road authority in such securities as such road authority may approve, and the interest thereon shall from time to time be paid to the Promoters. On the completion of the tramways in the district of such road authority, to the satisfaction of the surveyor of such road authority, the deposit fund shall be paid out, or the securities in which the same is invested shall be transferred to the Promoters by the said bank, and the certificate of the surveyor for the time being of such road authority, certifying that such tramways have been completed, to his satisfaction as aforesaid shall be a sufficient authority to the said bank to make such payment or for such transfer. If the tramways within the district of any of the road authorities, having been commenced, are not completed within the time limited by the Tramways Act, 1870, or within such extended time as may be duly sanctioned, the deposit fund shall be paid out or the securities in which the same is invested shall be transferred by the said bank to the road authority of such district, and the same may be applied by them in payment of the expenses incurred by them in the removal of so much of such tramways as shall have been laid down by the Promoters, and in restoring the road to the satisfaction of their surveyor (the balance of the deposit fund being paid to the Promoters), and for the purpose of such restoration such road authority shall be at liberty to break up or use any part of the materials of such tramways, and the Promoters shall join such road authority in any deed, act, matter, or thing, which may be necessary to effect such application of the deposit fund as aforesaid. If the deposit fund is insufficient to reimburse such road authority the expenses so incurred by such road authority such road authority shall be at liberty

(Deposit before
breaking up
roads.)

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(Cleansing of
tramways.)

c

(When tram-
ways are con-
structed over
entrance into
sewer, Pro-
motors shall
construct a
side entrance.)

(Improved
motive power
to be used.)

(Appointment
by road autho-
rity of in-
spector.)

(Lighting of
carriages.)

- to sell the materials of such tramways (or the remaining portion thereof, as the case may be), and apply the proceeds in or towards satisfaction of such expenses, and the balance (if any) shall be paid to the Promoters, or if such proceeds of sale are insufficient, the Promoters shall, on demand, pay to such road authority such deficiency, and in case of non-payment the same may be recovered by such road authority by all and the same means as any simple contract debt of like amount may be recovered.
- (i) The road authority may cleanse any road within their district without reference to the said tramways, but whatever cleansing, owing to snow or other matter impeding the traffic, is requisite for the proper working of the said tramways, shall be executed by the Promoters at their own risk and cost, and the Promoters shall, in performing the same, remove the snow or other matter to such place as the road authority may reasonably prescribe or approve. The Promoters shall not deposit any snow or other matter (which they may remove as aforesaid) upon any road within such district, and shall not use salt or other unsuitable material for the thawing of the snow on any such road.
- (j) When any of the said tramways are constructed, or intended to be constructed, over any manhole or entrance into any sewer of any of the local authorities, or so close to such manhole or entrance as to make the use thereof dangerous or inconvenient in the opinion of such authority, the Promoters shall, if required by such authority, construct a side entrance in lieu of such manhole or entrance in such position and according to such plan as may be approved by such authority, and such authority may at their option construct such side entrance, and the Promoters shall repay to such authority the costs thereof and also the cost of the preparation and approval of such plan and incident thereto.
- (k) The Promoters shall, from time to time, use on the said tramways such new or improved motive power as the Board of Trade upon the application of the road authority shall require for securing the greater security and convenience of the public.
- (l) The road authority of any district within which any of the said tramways is situate may appoint an inspector to examine those portions of the roadway within such district which the Promoters are required by this Order to maintain, and the rails, engines, carriages, harness, and mechanical appliances belonging to or used upon or in connexion with the tramways within such district, and the working of the same, and to report to the road authority from time to time as to the state and condition thereof, and to take such action with respect to the same as the road authority may direct, and the road authority may pay him such reasonable salary or other remunerations as they shall determine.
- (m) If at any time, after the period of three months from the opening of the said tramways in any district for public traffic, the road authority of such district shall be of opinion that the carriages used on such tramways are not well and sufficiently lighted, then such road authority may if they think fit serve upon the Promoters a notice in writing, requiring them to light the carriages in such a manner as such road authority shall deem necessary, and, unless within a period of two months from the service of such notice the Promoters comply with the terms of such notice, and light the carriages

accordingly, then the question of such lighting shall be settled by arbitration before an arbitrator appointed in manner herein-after provided, and from and after the giving of the award of such arbitrator, the Promoters shall light the carriages during such period and in such manner as may be prescribed in such award, and all costs incurred by such authorities respectively of and incidental to the giving of such notice, and to the arbitration and award, and the negotiations in relation thereto, shall be in the discretion of the arbitrator, and, if the arbitrator decides that costs are to be paid by the Promoters, the same shall be paid within two months after the giving of the arbitrator's award.

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- (n) The Promoters shall, within three calendar months after the opening of the said tramways for public traffic, provide and thereafter maintain in any district such a number of convenient waiting rooms, properly furnished, for passengers, and in such positions as the road authority of such district may require. (Waiting rooms.)
- (o) The Promoters shall, with the approval of the road authority, appoint penny stages upon such of the said tramways as may be worked by any power other than animal power not exceeding one mile in distance or length, and the Promoters may, notwithstanding anything in any Order or Act of Parliament contained, demand and take for every passenger travelling upon such tramways, including tolls or charges for the use of the tramways and of carriages and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding one penny per stage, and for this purpose the fraction of a stage shall be deemed a stage. (Power to fix penny stages.)
- (p) No engine, carriage, or other vehicle used on the said tramways, unless the same be moved by cable, shall be driven or propelled past any church, chapel or other place of worship during the hours of divine service at a rate exceeding four miles per hour, nor shall any engine, carriage, or vehicle stand on any of the said tramways or on any siding opposite any church, chapel, or other place of worship during such hours, and no siding, turnout, refuge or erection of any kind shall be placed or constructed by the Promoters opposite to any church, chapel or other place of worship without the consent in writing of the road authority. (Traffic near churches.)
- (q) In the event of the Promoters abandoning their undertaking within any district, or any part thereof, or for the period of three calendar months discontinuing the working of the said tramways within any district, or any part thereof (such discontinuance not being occasioned by circumstances beyond the control of the Promoters, for which purpose the want of sufficient funds shall not be considered a circumstance beyond their control), such undertaking, or such part thereof, or such tramways, or such part of such tramways which shall be so abandoned or discontinued shall thereupon become and be the absolute property of the local authority of such district, if the Promoters do not forthwith deposit with the road authority of such district such sum as shall in the opinion of such road authority be adequate to restore, pave, metal, and make good the road or roads along which such tramways, or such part of such tramways, may have been laid to the satisfaction of the surveyor of such road authority and within a time to be fixed by him. In the event of any such road or roads not being restored, paved, metalled, and made good by the Promoters to the satisfaction of and

(Tramways abandoned or discontinued to become property of local authority in certain cases.)

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Central.*

(No extension
of time for
commencement
of tramways to
be applied for
without con-
sent.)

(Certain costs
of road autho-
rities to be paid
by Promoters.)

(Regulations,
&c. by local
authority.)

(As to settle-
ment of
differences.)

within the time fixed by the surveyor of such road authority the sum to be deposited as aforesaid shall thereupon become the absolute property of such road authority, who may restore, pave, metal, and make good such road or roads in such manner as they may think fit.

(r) No application shall be made for any extension of time for the commencement or completion of any of the said tramways, except with the consent in writing of the local and road authorities respectively, but such consent shall not be arbitrarily or unreasonably withheld.

(s) The Promoters shall pay to the road authorities respectively within three months after the passing of the Act confirming this Order, or within one month after the same shall have been demanded, all costs, charges, and expenses incurred by the road authorities respectively, and which may from time to time hereafter be incurred by them respectively, in connexion with, or of or incident to, any of the following matters or purposes (that is to say):—

(a) The application for and obtaining this Order, and the confirmation thereof by Act of Parliament.

(b) The preparation, approval, and passing of byelaws, and of all rules and regulations under this Order.

(c) The passing of all plans, drawings, and specifications in relation to the execution of all works, and the supervision and inspection thereof, and subsequent maintenance and repair thereof.

(d) The reinstatement of such parts of the roads as may be injured or damaged by reason of traffic being diverted to, or concentrated thereon, during the construction, alteration, or repair of the said tramways, or any part or parts thereof.

(t) The powers of the local authorities respectively under the Tramways Act, 1870, with respect to the making of regulations and byelaws, and with respect to the repeal or alteration of such regulations and byelaws shall, subject to the provisions of this Order, extend and apply to any or all of the following matters and purposes (that is to say)—

Prohibiting the stopping of tramway carriages in order to take up and set down passengers, or for any purpose in any place which the local authority, having regard to the protection, safety, and convenience of the public, may from time to time deem necessary.

Empowering the local authority to cause to be removed from the said tramways any engine, carriage, or horse which, in their opinion, is unfit for use on the said tramways.

For enforcing good conduct, attention, and civility from the drivers and conductors of the tramway carriages.

The numbering of the tramway carriages.

The wearing by drivers and conductors of tramway carriages of some conspicuous badge or distinguishing mark.

For enforcing the removal of any engines, fittings, or other things which may be deemed by the local authority or their duly appointed officer to be unfit for use.

In relation to running powers.

(u) If any difference arises between the Promoters and any of the said local or road authorities with respect to any of the provisions of this Order, the same shall save where otherwise expressly provided be settled by arbitration before an arbitrator, to be appointed by the Board of Trade in the manner

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specified in section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

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Central.
 For the protection of the
 Handsworth
 Local Board.

25. The following provisions for the protection of the local board for the Handsworth Urban Sanitary District, in the county of Stafford (in this section referred to as the "local board"), shall (in addition to any other provisions for the protection of the local or road authorities contained in the Central Order, 1885, or in this Order, or in any enactment incorporated therewith or applied thereby respectively, and not being inconsistent with the provisions of this section) apply and have effect with respect to any tramways authorised to be constructed or reconstructed in the said district of Handsworth by the Central Order, 1885, or by this Order (in this section referred to as "the said tramways").

(A.) The Tramways Nos. 50 and 51, authorised to be constructed or reconstructed in Villa Road (between Soho Hill and Soho Road and Hamstead Road), shall not be used after the Promoters shall have constructed or acquired the right to use tramways in Hamstead Road, between Soho Hill and Villa Road, without the consent in writing of the local board, and no passing place shall be constructed in Villa Road or Lozells Road without the consent in writing of the local board.

(As to tramways in Villa Road.)

(B.) No tramways shall be laid in any road in the district of Handsworth in which there would, if such tramways were constructed, be a less width between the outside of the footpath on either side of the road and the nearest rail of the tramway than nine feet six inches, without the consent in writing of the local board, and of the Board of Trade.

(Space between footpath and nearest rail of tramway.)

(C.) All double lines of tramways in the said district shall be so laid as to leave a space of seven feet six inches between the centre lines of such tramways if the local board shall so require.

(Distance between centres of double lines.)

(D.) The size and construction of all engines, cables, and carriages to be used on the said tramways, and the wheels and the brakes attached thereto, and of all mechanical appliances and things appurtenant to the engines, cables, and carriages, and the mode of laying down the tramways, and the form of the rails, sleepers, fastenings, and grooves, if any, shall be such as the local board shall require and the Board of Trade may approve, and shall be in accordance with designs, plans, sections, and specifications to be previously submitted to, and approved of by, the local board; but so that the form of the rails, sleepers, fastenings, and grooves shall be the same throughout the whole length of the tramways in the borough and in the district of Handsworth, and in case any difference arises between the Promoters and the local board under this sub-section, the same shall be determined by the Board of Trade.

(Mode of laying tramways to be approved by the local board.)

(E.) Section twenty-eight of the Tramways Act, 1870, and the provisions of this Order with respect to the paving and maintaining certain portions of the roadway of any road whereon any of the tramways are laid, shall extend and apply to so much of any road as extends two feet one inch beyond the rails of, and on each side of, any such tramway, and shall also extend and apply to the whole width of any road to the full length of the double line of rails where it is proposed that a less space than nine feet and six inches shall intervene between the outside of the footpath, on either side of the road and the nearest rail of the tramway.

(Portions of road to be paved by Promoters.)

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Central.*

(Alterations
to sewers and
other works
may be made
by local board.)

(Lights on
carriages
after sunset.)

(Time for
commencement
and completion
of works.)

(Waiting
rooms.)

(Goods, &c.,
not to be
carried without
consent of
Board of
Trade.)
(Tramways not
to be used by
any other local
authority.)

(Cables, &c.,
not to be laid
down in Villa
Road without
consent of
local board)

(Cables, &c.,
may be laid
and used for
seven years in
certain roads.)

(F.) The local board may, if they think fit, at any time, and from time to time, execute the works referred to in sections twenty-nine and thirty of the Suburban Order, 1882, instead of the Promoters, on giving to the Promoters notice of their intention so to do, and all costs and expenses incurred by the local board in executing such works, or in anywise incident thereto, shall on demand be paid by the Promoters to the local board, and if the same shall not be paid on demand, the amount due may be recovered with interest at the rate of five pounds per centum per annum by the local board from the Promoters.

(G.) In case the Promoters use any carriage on any of the said tramways between sunset and sunrise they shall fix and maintain one light at least in front of such carriage, and one light at least at the rear of such carriage, of such distinctive colours and of such illuminating power as may be prescribed by the local board, and shall light up the inside of the carriages as required by the local board.

(H.) The works incident to the construction of the said tramways shall be substantially commenced within nine months of the date of the passing of the Act confirming this Order, and the said tramways shall be completed and opened for public traffic within eighteen months from the said date, and no application shall be made for any extension of time for the commencement or completion of any of the said tramways, without the consent of the local board.

(I.) The Promoters shall provide and maintain within the district of Handsworth three waiting rooms for passengers, in such situations on the routes of the tramways and of such size and general construction as the local board may require or approve.

(J.) The said tramways shall not be used for the carrying or transmission of animals, goods, minerals, or parcels exceeding twenty-eight pounds in weight, except such personal luggage as the Promoters may be willing to carry, without the consent in writing of the Board of Trade.

(K.) No municipal corporation or local or road authority (other than the Handsworth Local Board) or person shall use any of the said tramways for any sanitary or other purpose without the consent in writing of the local board.

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

(M.) The Promoters may, with the consent in writing of the Board of Trade, and subject to the provisions of this Order and to any order or regulation made by the Board of Trade under the authority of this Order, lay down and construct, and for a period of seven years from the date of the opening or first use of such of the said tramways as are situate in Soho Hill,

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Soho Road, and Holyhead Road, Handsworth, maintain such mechanical appliances works and conveniences as may be requisite for enabling such tramways to be used by carriages moved by means of haulage, by wires, ropes, cables, or chains, and fixed steam engines ; but the Promoters shall not after the expiration of the said period of seven years without the previous consent in writing of the local board, use or maintain rails, mechanical appliances, works, or conveniences for the purpose of enabling any of such tramways to be used by carriages moved by means of haulage by wires, ropes, cables or chains, and fixed steam engines or other machinery. The local board are hereby empowered from time to time to give such consent upon and subject to such terms and conditions as they may think fit, so that no such consent shall operate for a longer period than five years, and that such terms and conditions shall not be inconsistent with the provisions of this Order.

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The Board of Trade may, on the application of the local board, by order in writing under the hand of a secretary or an assistant secretary of the said board, prohibit the further use of all or any of the rails, mechanical appliances, works, and conveniences which may be laid or used for the purpose of moving by haulage the carriages on any of the said tramways, if they are of opinion that such rails, mechanical appliances, works, or conveniences are defective or out of repair, or are or may be a source of danger or annoyance to the public, and immediately upon the receipt of a copy of such order the Promoters shall cease to use and shall remove from the roads upon which such tramways are laid, such rails, mechanical appliances, works, or conveniences, and in default of their so doing the local board may remove the same in such manner as they may think fit, at the expense and cost of the Promoters, and the expenses and costs which may be incurred by the local board on removing the same shall be paid by the Promoters to the local board within one month from the date on which the same may be demanded.

The tramways authorised to be laid in Soho Hill, Soho Road, and Holyhead Road (between Hockley Brook and the New Inns), Handsworth, shall, with the consent in writing of the Board of Trade, be laid as cable lines if cable lines are laid in the borough of Birmingham between Hockley Brook and Monmouth Street, now called Colmore Row ; but in the event of the disuse at any time thereafter of cable between Hockley Brook and Monmouth Street aforesaid, the mechanical appliances which form part of or may be used in connexion with the cable system between Hockley Brook and New Inns may be taken up by the Promoters, and, if required by the local board, shall be taken up by the Promoters, and, subject to the provisions of this Order, any other motive power authorised by this Order may be used on the said tramways.

Cable lines to
be laid in
Handsworth.

(N.) The Promoters shall, with the approval of the local board, appoint penny stages upon the said tramways not exceeding one mile in distance or length ; and the Promoters may, notwithstanding anything in any Order or Act of Parliament, demand and take for every passenger travelling upon such tramways, including tolls or charges for the use of the tramways and of the carriages, and for motive power and every other expense incidental to such conveyance, any toll or charge not exceeding one penny per stage, and for

Power to fix
penny stages.

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Central.*

Tolls for
passengers.

(Steam not to
be used with-
out the consent
of the local
board.)

(Running
powers subject
to approval of
Board of
Trade.)

(Notice of
intended sale
of undertaking
to be served
on local board.)

(As to purchase
of tramways
by local board.)

For the pro-
tection of
Saltley Local
Board.

this purpose the fraction of a stage shall be deemed a stage : Provided that the Promoters shall not be required to take from any passenger any toll or charge less than twopence on any tramway if animal power shall be used on such tramway through the local board having refused in writing to allow cable, steam, or any other mechanical means or power to be used thereon.

(o.) The Promoters may demand and take for every passenger travelling upon any of the said tramways, or any part thereof, including tolls and charges for the use of the tramways and carriages, and for motive power and every other expense incidental to such conveyance, tolls or charges not exceeding one penny per mile, and for this purpose the fraction of a mile shall be deemed a mile, but they shall not be required to take from any passenger any fare less than twopence on any tramway if animal power shall be used on such tramway through the local board having refused in writing to allow cable or steam or any other mechanical power to be used thereon.

(p.) The Promoters shall not use nor allow to be used steam, electric, or any mechanical power, except haulage as in the last preceding sub-section provided, without the consent in writing of the local board. The local board are hereby empowered from time to time to give such consent upon and subject to such terms and conditions as they may think fit, so that no such consent shall operate for a longer period than five years, and that such terms and conditions shall not be inconsistent with the provisions of this Order.

(q.) The running powers conferred upon the Promoters by this Order, or to be acquired by them by agreement or otherwise, shall not be exercised except with the consent in writing of the Board of Trade, and shall be subject to such terms and conditions not being inconsistent with the provisions of this Order as the Board of Trade may think fit.

(r.) The Promoters shall, prior to any sale of that part of the undertaking which is situate in the district of Handsworth, serve one month's previous notice in writing of such intention to sell upon the local board, who shall have full power to be heard before the Board of Trade as to the expediency of such sale.

(s.) The local board may exercise the powers of purchasing the said tramways conferred upon them by section forty-three of the Tramways Act, 1870, at any time within six months after the expiration of a period of twenty-one years from the passing of the Act confirming this Order, or within six months after the expiration of every subsequent period of seven years, or within three months after any order made by the Board of Trade under section forty-one or section forty-two of the Tramways Act, 1870, or at any time before the expiration of the said period of twenty-one years, if the Promoters cease to use or to be entitled to use the tramways between Monmouth Street and Hockley Brook within the borough by reason of the determination of any lease granted or to be granted by the Corporation to the Promoters of such tramways, whether by effluxion of time, surrender, forfeiture, or otherwise.

26. The following provisions for the protection of the local board for the district of Saltley, in the county of Warwick (in addition to any other provisions for the protection of the local or road authorities contained in the Central Order,

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1885, or in this Order, or in any enactment incorporated with or applied by this Order which are not inconsistent therewith), shall apply and have effect— A.D. 1886.

*Birmingham
Central.*

In constructing and maintaining so much of Tramway No. 20 by this Order authorised as will pass over the Saltley Viaduct the Promoters shall be subject to the following conditions:—

In the event of any injury being caused to such viaduct or the approaches thereto by the construction, maintenance, repairing, user, or removal of such tramway, the Saltley Local Board may, at the expense of the Promoters, restore such viaduct and approaches to as good a state and condition as they were in before such injury was occasioned, and the Promoters shall indemnify the said local board against all sums, costs, and expenses which they may pay or be put to in repairing or maintaining so much of the road over such viaduct and approaches as the Promoters are liable to maintain and repair under section twenty-eight of the Tramways Act, 1870, and the said local board may recover from the Promoters all such sums, costs, and expenses, with full costs and charges, by all and the same means as any simple contract debt of like amount may be recovered.

Whenever the said local board shall require to lengthen, strengthen, reconstruct, alter or repair the said viaduct or approaches, and they shall find it necessary for effecting any of such purposes that the working and user of the said tramway shall be wholly or partially stopped or delayed, or that the said tramway shall be temporarily diverted, or be wholly or in part taken up or removed, and shall, except in cases of emergency, give to the Promoters seven clear days' notice in writing, requiring such stoppage, delay, or diversion, taking up, or removal, the working and user of the said tramway shall be stopped or delayed, or the said tramway shall be diverted, or taken up, or removed accordingly at the expense of the Promoters and under the superintendence of their engineers, but only for so long as the said local board may find to be absolutely necessary for effecting such purposes, and without their being liable for any compensation, claims, demands, damages, costs or expenses for or in respect of such stoppage or delay, or in any way relating thereto. The Promoters are hereby empowered to construct turnouts, passing places, or double lines at or near each end of the said viaduct in such situations as the said local board shall hereafter determine, but so, that no such turnout, passing place or double line be constructed on such viaduct.

(A.) The tramways shall not be constructed over the existing bridge carrying Bristol High Road, Selby Oak, in the parish of Northfield, in the county of Worcester, over the Worcester and Birmingham Canal, until the approaches thereto and the said bridge shall have been reconstructed to the satisfaction of and according to plans and specifications approved of by the Northfield Highway Board and the rural sanitary authority of the King's Norton Union, and the question whether or not or what costs (if any) are to be contributed by the before-mentioned authorities, or either of them, and whether any, and if any, what costs shall be borne by the said authorities, or either of them, shall be settled by the Board of Trade in manner provided by

For protection
of King's
Norton Rural
Sanitary
Authority and
Northfield
Highway
Board.

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*Birmingham
Central.*

section thirty-three of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

- (B.) The rural sanitary authority for the King's Norton Union or the Northfield Highway Board, whichever of the two said authorities may be then exercising the powers by this Order conferred upon them in accordance with the provisions herein-before contained, may exercise the powers of purchasing the tramways within the parish of Northfield and district of the said rural sanitary authority under section 43 of the Tramways Act, 1870, at any time within six months after the expiration of the period of twenty-one years from the passing of the Act confirming this Order, or within six months after the expiration of every subsequent period of seven years, or within three months after any Order made by the Board of Trade under section forty-one or section forty-two of the Tramways Act, 1870, or at any time before the expiration of the said period of twenty-one years if the Promoters cease to use or to be entitled to use the tramways between Monmouth Street and Hockley Brook within the borough, whether by reason of the determination of any lease granted or to be granted by the corporation to the Promoters of such tramways, whether by effluxion of time, surrender, forfeiture, or otherwise.

For protection
of the justices
of the peace
for the county
of Warwick.

27. For the protection of the justices of the peace of the county of Warwick (in this section referred to as "the county justices") and of the public, the following provisions shall apply and have effect with respect to the construction and maintenance of Tramway No. 20, in addition to all other provisions of this Order, and of any enactment incorporated therewith or applied thereby, applicable to such justices, viz. :—

- (A.) Tramway No. 20 shall not be laid or constructed unless and until the Saltley Viaduct shall have been widened by the Saltley Local Board or such other authority or body of persons as may be authorised for the purpose, so as to make the same, between the parapets thereof, of the full and clear width of forty-two feet. The widening of the said viaduct shall be made and constructed of such materials, and shall be of such thickness and strength, and in all respects in such way and manner as the bridgemaster of the said county shall from time to time require, and shall be done and completed in all respects to the satisfaction of the said bridgemaster.

- (B.) The said Tramway No. 20 shall be laid as a single line only upon or over the said viaduct, and in constructing the same the Promoters shall not at any time make any passing place on the said viaduct, and shall not at any time alter or interfere with the structure of the said viaduct, or the bridge over the River Rea. In the event of any injury being at any time or times occasioned to such bridge, or the viaduct over the same, and for a distance of one hundred yards at each end thereof respectively, or any part or parts thereof respectively, by the construction of such tramway (whether such injury occurs during or after the construction thereof, or in effecting the maintenance thereof) the county justices may (if they think fit) restore such bridge, and the viaduct over the same for the said distance of one hundred yards at each end thereof, or the part or parts which may be injured, or any part thereof at the expense of the Promoters. And the Promoters shall forthwith recoup to and indemnify the county justices

against all reasonable sums and expenses which they may pay or be put to in restoring the said bridge and the viaduct over the same, for the said distance of one hundred yards at each end thereof, and in maintaining and repairing the road over the same, or any part thereof, and the county justices may recover from the Promoters all such sums and expenses, together with full costs of action, in like manner as any simple contract debt of the like amount may be recovered.

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*Birmingham
Central.*

(c.) If in the judgment of the county justices, or their bridgmaster for the time being (either before or during or after the construction of the said Tramway No. 20), it shall be deemed necessary to strengthen the said bridge, the Promoters shall at their own expense, and forthwith after the receipt of a notice for that purpose, signed by the clerk of the peace of the said county, make, do, and execute, or cause to be made, done and executed, all such works, matters, and things as shall be considered necessary by such bridgmaster to effect such strengthening, and all such works, matters, and things shall be done and executed under the superintendence and in all respects to the satisfaction of the said bridgmaster. And in case the Promoters fail to execute and complete, or cause to be executed and completed such last-mentioned works as aforesaid within one calendar month after the receipt of such notice as aforesaid, the county justices may (if they think proper) execute and complete the same at the expense in all things of the Promoters; and the Promoters shall forthwith recoup to and indemnify the county justices against all such sums and expenses as they may pay or be put to in respect of such strengthening of the said bridge; and the county justices may recover from the Promoters all such sums and expenses, together with full costs of action in like manner as any simple contract debt of the like amount may be recovered.

(d.) The Promoters shall pay all costs, charges, and expenses incurred by the county justices in relation to this Order, and shall on demand repay to them all reasonable charges and expenses for the supervision and inspection of any work done by the Promoters in connexion with the said Tramway No. 20; and the county justices are hereby authorised to order such supervision and inspection as they may deem proper; and the county justices may recover from the Promoters all such costs, charges, and expenses as a simple contract debt in manner herein-before in this section mentioned.

(e.) Except as is by this Order otherwise expressly provided, nothing in this Order contained shall take away, lessen, prejudice, or affect any of the estates, rights, interests, powers or authorities, of or belonging to the county justices, but the county justices shall have, use, exercise, and enjoy the same as fully and effectually as they could or might have done if this Order had not been made and confirmed. And nothing in this Order contained shall impose or be deemed or implied to impose on the said county of Warwick or the county justices any liability to repair the said bridge or viaduct to which the said county or county justices are not now subject.

28. For the protection of the justices of the peace for the county of Worcester (in this section referred to as the Worcester county justices), the following pro-

(As to construction of tramways over

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Birmingham
Central.

Bourne Brook
Bridge.)
(For protection
of Bourne
Brook Bridge
of Worcester
county
justices.)

visions (in addition to all other provisions of this Order applicable to those justices) shall apply and have effect with respect to the construction and maintenance of Tramway No. 36:

(a) In constructing Tramway No. 36 upon or over Bourne Brook Bridge, or upon or over the approaches thereto, the Promoters shall not at any time alter or interfere with the structure of such bridge nor of the approaches thereto, unless such alteration or interference with the construction of such bridge or such approaches be absolutely necessary for the purpose of constructing the said Tramway No. 36; and in the event of any such alterations or interference the Promoters shall (together with the notice required in such cases by section 26 of the Tramways Act, 1870) submit to the Worcester county justices detailed drawings and specifications showing the proposed works as affecting such bridge or approaches, and if any difference arise between the Promoters and the Worcester county justices as to such alteration or interference or the necessity therefor, the same shall be left to the decision of the Board of Trade, and the Promoters shall so construct and maintain Tramway No. 36 in the road over such bridge and approaches as not to injuriously affect such bridge or approaches, and in the event of any injury being occasioned to such bridge or approaches or any part or parts thereof respectively by the construction of Tramway No. 36 on or over the same (whether such injury occur either during or after construction or in effecting the maintenance of such tramway) the Worcester county justices may restore such bridge and approaches or the part or parts thereof which may be injured to as good a state as they were in before such injury was occasioned at the expense of the Promoters, and the Promoters shall recoup to and indemnify the Worcester county justices against all reasonable sums, costs, and expenses which they may pay or be put to in restoring such bridge and the approaches thereto, and in maintaining and repairing the road over such bridge and approaches, and the Worcester county justices may recover from the Promoters all such sums, costs, and expenses, together with full costs and charges, in like manner as any simple contract debt of the like amount may be recovered.

(Power to
justices to
require bridge
to be
strengthened.)

(b) If in the judgment of the Worcester county justices or their surveyor for the time being (either during or after construction, or in effecting the maintenance of the Tramway No. 36) it shall be deemed necessary to strengthen or alter, for the purpose of strengthening Bourne Brook Bridge, or to raise or heighten the parapets on each or either side thereof, or to alter the level of the approaches thereto, the Promoters shall at their own expense and forthwith after the receipt of a notice for any such purpose signed by the clerk of the peace for the county of Worcester, and under the superintendence and to the satisfaction of the surveyor for the time being of the Worcester county justices, make, do, and execute all such works, matters, and things as shall be considered necessary by such surveyor to effect such heightening, strengthening, or altering respectively; and in case the Promoters shall fail to execute and complete such last-mentioned works as aforesaid or any part thereof respectively, the Worcester county justices may execute and complete the same at the expense in all things of the Promoters, and the Promoters shall recoup to and indemnify the Worcester county justices against all such sums, costs, and expenses as they may pay

or be put to in respect of such heightening, strengthening, or altering of such bridge as aforesaid, or altering the level of the approaches thereto respectively, and the Worcester county justices may recover from the Promoters all such sums, costs, and expenses, together with full costs and charges, in like manner as any simple contract debt of the like amount may be recovered, and the provisions in this section herein-before contained with respect to the said bridge and approaches shall apply to the said bridge as heightened, strengthened, or altered as aforesaid, and the approaches thereto altered as regards level respectively.

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*Birmingham
Central.*

(c) The Promoters shall pay all costs, charges, and expenses incurred by the Worcester county justices in relation to this Order, and shall on demand repay to them all reasonable charges and expenses incurred by the Worcester county justices for the supervision and inspection of any work done by the Promoters in connexion with Tramway No. 36, and the Worcester county justices are hereby authorised to order such supervision and inspection of the works as they may deem proper, and the Worcester county justices may recover from the Promoters all such costs, charges, and expenses as a simple contract debt in manner herein-before in this section mentioned.

(Certain expenses of Worcester county justices to be paid by Promoters.)

(d.) If any dispute or difference arises between the Worcester county justices and the Promoters respecting the necessity for the exercise of or in any way relating to the powers or provisions of this section or otherwise, such dispute or difference shall, except by this Order otherwise expressly provided, be settled in the manner specified in section 33 of the Tramways Act, 1870, for the settlement of the differences in the said section mentioned.

As to settlement of difference.

(e.) Except as is by this Order otherwise expressly provided nothing in this Order contained shall take away, lessen, prejudice, or alter any of the estates, rights, interests, powers, or authorities of, or belonging to, the Worcester county justices; but the Worcester county justices shall have, use, exercise, and enjoy the same as fully, freely, and effectually in all respects as they could or might have done if this Order had not been made and confirmed. And nothing in this Order contained shall impose or be deemed or imply to impose any liability whatsoever on the said county of Worcester or on the Worcester county justices to do or execute any works or otherwise howsoever which the said county justices were not subject or liable to previously to the making of this Order.

Saving rights of Worcester county justices.

29. The following provisions for the protection of the London and North-western Railway Company (in this section referred to as "the Railway Company") shall have full force and effect, and be binding upon the Promoters and their assigns, and such provisions shall, so far as the same are applicable, apply not only to the tramways by this Order authorised, but also to any tramways acquired, leased, worked, or run over, or reconstructed by the Promoters in pursuance of any powers contained in this Order (all of which tramways are in this section referred to as "the said tramways"), and to the use of steam or other mechanical power over all or any of the said tramways :

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

(1.) No additional crossing, passing place, siding, junction turn-out, or other work shall be made for or in connexion with so much of Tramway No. 47 as will extend over the distance in front of the entrance to the station of the railway company to be constructed on the Soho Road, and as will extend for a length of ten yards at each end of such distance, and no

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*Birmingham
Central.*

tramcar or other carriage or vehicle used on the said tramway shall, without the consent of the railway company, under their common seal, be stopped, or permitted to be stopped, within such distance and lengths, except for and only for so long as may be absolutely necessary for the purposes of setting down and taking up passengers.

(2.) The Promoters shall not, in any way, vary, alter, or interfere with the structure of any bridge carrying any road over any railway of the railway company, or over any railway leased or worked by them, or of the approaches thereto, and they shall so construct and maintain the said tramways over such bridge, and the approaches thereto, as not injuriously to affect the same.

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

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

In case the principal engineer of the railway company shall be of opinion that any such strengthening is desirable or necessary owing to the carriages or other vehicles on any of the said tramways being or being intended to be moved by steam or any mechanical power, such strengthening shall be effected in all things at the expense of the Promoters, who shall also pay to the railway company all additional expense which they may incur or be

put to in effecting any such widening, lengthening, strengthening, re-construction, alterations, repairs, lifting, or supporting by reason of the existence of the tramway so passing, or any of the works connected therewith, the amount of such expenditure to be recoverable as aforesaid by the railway company from the Promoters, with full costs and charges, by all and the same means as any simple contract debt of like amount may be recovered.

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*Birmingham
Central.*

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

(6.) All works which may be necessary in constructing and maintaining any of the said tramways over any bridge, works, or property of the railway company, or over of or connected with any railway leased or worked by them shall be constructed and maintained in all things at the expense of the Promoters and to the reasonable satisfaction of the principal engineer of the railway company, or in case of difference, of an engineer to be appointed by the Board of Trade on the application of the railway company or the Promoters.

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

30. In constructing and maintaining so much of Tramway No. 20 by this Order authorised as will pass over the Saltley Viaduct which crosses the Midland Railway, the Promoters shall be subject to the following provisions:—

For protection
of the Midland
Railway Com-
pany.

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

(B.) Whenever the Midland Railway Company shall require to widen, lengthen, strengthen, re-construct, alter, or repair the said viaduct or approaches, and they shall find it necessary for effecting any of such purposes that the working and user of the said tramway shall be wholly or partially stopped or delayed, or that such tramway shall be temporarily diverted or be wholly or in part taken up or removed, and shall except in cases of emergency give to the Promoters seven clear days' notice in writing, requiring such stoppage, delay, or diversion, taking up or removal, the working and user of such tramway shall be stopped or delayed, or such tramway shall be diverted or taken up or removed accordingly at the expense of the Promoters and under the superintendence of their engineer, but only for so long as the Midland

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*Birmingham
 Central.*

Railway Company may find to be absolutely necessary for effecting such purposes, and without their being liable for any compensation, claims, demands, damages, costs or expenses, or for or in respect of such stoppage or delay, or in any way relating thereto.

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

(c.) All works which may be necessary in constructing and maintaining the said tramway over such viaduct or approaches, shall be constructed and maintained in all things at the expense of the Promoters under the superintendence and to the reasonable satisfaction of the principal engineer of the Midland Railway Company and according to plans and specifications to be previously submitted to such engineer, and reasonably approved by him in writing, and in case of difference between the Promoters and such engineer by an engineer to be appointed by the Board of Trade on the application of the said Railway Company or the Promoters.

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

For protection
 of the Sharp-
 ness New
 Docks and
 Gloucester and
 Birmingham
 Navigation
 Company.

31. If any damage be occasioned to the canal bridge, No. 99 on the deposited plans, in the parish of Northfield, by any car, carriage, or any other vehicle of the Promoters, or by the construction of the tramways, or by the repairing or relaying of the rails, or by any act or neglect on the part of the Promoters or their agents or servants, the Promoters shall, at their own expense, repair or make good any such damage, under the superintendence and to the entire satisfaction of the engineer for the time being of the Sharpness New Docks and Gloucester and Birmingham Navigation Company, and the reasonable costs of such superintendence shall be paid by the Promoters, provided that if, within forty-eight hours after notice in writing in that behalf under the hand of the said engineer, the Promoters have not commenced to repair and make good such damage, or if, having commenced the same, they do not diligently proceed therewith so as to complete the same with all reasonable despatch, the said engineer may, at the cost of the Promoters, execute and do all such works and things as may be necessary to repair and make good such damage.

As to crossing
 the Birming-
 ham and
 Western
 Districts
 Tramways
 on the level.

32. Where any of the tramways cross on the level the Tramways Nos. 21 and 23 authorised by the Districts Order, 1883, or join Tramway No. 3A, authorised by the Birmingham and Western Districts Tramways Order, 1885 (in this section referred to as "the said Western Districts Tramways"), the following provisions for the protection of the Birmingham and Western Districts Tramways Company,

[50 VICT.] *Tramways Orders Confirmation (No. 3)* [Ch. xxii.]
Act, 1886.

Limited (in this section referred to as "the Western Districts Company"), shall apply and have effect, that is to say—

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*Birmingham
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1. The Promoters shall give seven days' notice in writing to the Western Districts Company of their intention to commence any works which affect or in anywise interfere with the structural works of the said Western Districts Tramways, and all such crossings shall be made to the reasonable satisfaction of the engineer for the time being of the Western Districts Company, and at the cost of the Promoters, and so as to interfere as little as may be with the traffic passing over or along the said Western Districts Tramways.
2. The tramways authorised by this Order shall not be so worked or used as to cause any interruption or impediment to the traffic on the said Western Districts Tramways or the use thereof, and particularly (but without prejudice to the generality of this provision) the Promoters shall not cross, or permit to be crossed, any of the Western Districts Tramways while any carriage or tramcar is passing or about to pass over the same at or near any such crossing as aforesaid, and with the object of preventing accidents the carriages running on any of the tramways authorised by this Order shall stop immediately before crossing the said Western Districts Tramways at any point.
3. If any difference arises between the Promoters and the Western Districts Company with respect to any of the provisions of this section, the same shall be settled in the manner specified in section thirty-three of the Tramways Act, 1870, for the settlement of differences in the said section mentioned.

Motive Power.

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

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

Provided always that the Promoters shall not use any power other than animal power upon any tramways constructed within the borough without the consent in writing of the Corporation, nor, save as by this Order expressly provided, within the district of any of the local or road authorities without the consent in writing of such local or road authority. And the Corporation and the local and road authorities respectively are hereby empowered from time to time to give such consents upon and subject to such terms and conditions as they may think fit, so that no such consent shall operate for a longer period than five years, and that such terms and conditions shall not be inconsistent with the provisions of this Order.

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Birmingham
Central.

Provided also that the powers hereby conferred, so far as the same relate to the working of the line by means of haulage with wire ropes, cables, chains, or other appliances placed underground, shall not be exercised by the Promoters so far as regards the tramways or the transferred tramways within the district of any of the local and road authorities, or any of such tramways, without the consent in writing of the local and road authorities of such district, and the local and road authorities respectively are hereby empowered to give such consents upon and subject to such terms and conditions as they may think fit, so that such terms and conditions shall not be inconsistent with the provisions of this Order, and they are hereby empowered, on the giving of any such consent, to make it a condition that such consent may be revoked at the expiration of three years from the laying down or alteration of such tramways respectively on such system in case at the expiration of such period the surveyors of such local and road authorities respectively shall certify that such system is dangerous or inconvenient to the public, or that it is advisable that such tramways should be constructed or re-constructed upon a better or improved principle.

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

Traffic and Tolls.

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

34. The tramways, by this Order authorised, shall, save as by this Order expressly provided for the purposes of traffic thereon, and of the tolls and charges to be demanded and taken thereon, be subject to the provisions in that behalf of the Suburban Order, 1882, and the following sections of that Order that is to say—sections sixty-two to seventy-one (both inclusive) and sections seventy-five to eighty (both inclusive), and the Schedule B to that Order annexed, shall, as far as applicable, apply to the tramways by this Order authorised, and to the traffic thereon, and to the tolls and charges authorised to be demanded and taken by the Promoters in respect of such traffic, in like manner in every respect as if the tramways by this Order authorised, had been authorised by the Suburban Order, 1882, and for the purposes of such application the expressions “the tramways,” “the Promoters,” and “this Order,” in the said sections shall be construed to mean respectively the tramways as defined by this Order, the Promoters of this Order, and this Order. Provided that section seventy-five of the Suburban Order, 1882, shall not apply to the tramways within the district of Handsworth, and that so much of the said section as provides that the Promoters shall not be required to take any fare less than two pence, shall not apply to any of the tramways upon which any power other than animal power may, for the time being, be used ; and provided further that in addition to the purposes specified in section sixty-eight of the Suburban

[50 VICT.] *Tramways Orders Confirmation (No. 3)* [Ch. xxii.]
Act, 1886.

Order, 1882, the Corporation may use all or any of the tramways worked by the Promoters for the time being for any sanitary or other purposes of the Corporation.

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Birmingham Central.

35. Section thirty-one (Corporation may appoint stopping and starting places) and section thirty-five (power to fix stages) of the Corporation Order, 1885, shall extend and apply to such of the tramways as are situate within the borough, and for the purposes of such application the expressions "the tramways" and "the lessees and licensees" in the said sections shall be construed to mean respectively such of the tramways as aforesaid and the Promoters of this Order.

Application of sections 31 and 35 of Corporation Order, 1885, to tramways within borough.

36. The Promoters may subject to the approval of the Board of Trade and by agreement with the Birmingham and Aston Tramways Company Limited and the North Birmingham Tramways Company Limited run over and use with their carriages, horses, engines, and servants for the purposes of traffic of every description the following tramways and portions of tramways, viz. :—

Running powers.

(a.) Tramway No. 3 authorised by the North Birmingham Order, 1884.

(b.) So much of Tramway No. 10, authorised by the Birmingham and Aston Tramways Order, 1880, as lies between the point of commencement and the intersection of Trinity Road with Witton Road.

37. Notwithstanding anything contained in section thirty-six of the Central Order, 1885, the Promoters, in running over or using any tramways or portions of tramway which under or by virtue of this Order, the Central Order, 1885, or any other Order or Act of Parliament, may be leased to them, or which they may be authorised to use or exercise running powers over, shall not use any power other than such power as may for the time being be authorised to be used on such tramways and portions of tramway respectively, and shall at all times comply with the provisions, regulations, and byelaws for the time being in force on such tramways and portions of tramway respectively, so far as the same may be applicable to the Promoters, and shall for their own acts and defaults in respect of such user incur all and the same liabilities as the owners of such tramways and portions of tramway respectively.

As to use of mechanical power, &c. on tramways leased to or run over by Promoters.

38. The local and road authorities may respectively with their own carriages or trucks at any time between the hours of twelve at night and six in the morning use all or any of the tramways free of toll for sanitary purposes and for the conveyance of scavengering stuff, road material, and night-soil, and the local and road authorities respectively may make such junctions, sidings, and works as they may think necessary or convenient for making communication to the tramways from their depôts and yards. Provided that in the construction of such works no rails shall be laid by any of the local or road authorities so that a less space than nine feet six inches shall intervene between such rail and the outside of the footpath on either side of the road, if any owner or occupier of premises abutting on the place where such rail is proposed to be laid, by writing under his hand addressed to the clerk of such authority, express his objection thereto. Provided further that no person, local or road authority, shall under or by virtue of this section acquire any right to convey scavengering stuff or night soil on any of the tramways within the district of any local authority without

Local and road authorities may use tramways for sanitary purposes.

A.D. 1886. the consent of such local authority, but such consent shall not be withheld if upon the application of either the Promoters or the local or road authority, the Board of Trade shall after inquiry be of opinion that the consent should be given, subject to the insertion therein of such terms and conditions for the protection of such local authority as to the Board of Trade shall seem reasonable.

*Birmingham
 Central.*

Miscellaneous.

Further powers
 as to sale of
 undertaking to
 local authority.

39. No sale or assignment of the undertaking shall have any validity or effect until after the approval of the Board of Trade to such sale or assignment has been signified in writing signed by a secretary or an assistant secretary of the Board of Trade. Provided that at any time after the passing of the Act confirming this Order, any or all of the tramways and undertakings authorised by the Suburban Order, 1882, or this Order, or vested in the Promoters under this Order, may, notwithstanding that such tramways may not have been opened for public traffic for a period of six months, or completed or commenced, with the consent of the Board of Trade, be sold by the persons or companies entitled thereto, to any person or company or to the local authority under and in accordance with the provisions of section forty-four of the Tramways Act, 1870, and of this Order. Provided always that such sale or assignment shall as to any portion of any of the said undertakings within the borough be subject to the consent of the Corporation, and that no application shall be made in relation to the sale or assignment of the portion of any such undertaking beyond the borough boundary, unless and until two calendar months' notice in writing shall have been served by the persons or companies entitled to sell the same upon the clerk to each of the local and road authorities of the districts within which such portion is situate, and such local and road authorities respectively shall be at liberty to and shall have a locus standi to be heard before the Board of Trade on the granting of its consent to such sale or transfer.

Audit of
 accounts in
 event of
 purchase of
 tramways by
 Corporation or
 local authority.

40. In case the Corporation purchase the tramways, or any part of the tramways, or elect to be substituted for the Promoters of this Order with respect to the tramways within the borough, or in case any local authority purchase the tramways, or any part of the tramways, the provisions of the Public Health Act, 1875, with respect to the audit of accounts of local authorities shall apply to the audit of the accounts of the receipts and expenditure of the Corporation, or of such local authority, and their officers respectively with respect to the tramways or such part thereof as if such accounts related to receipts and expenditure under that Act.

For the protec-
 tion of the
 Postmaster-
 General.

41. In the event of any tramways of the Promoters being worked by electricity, the following provisions shall have effect:—

(1.) It shall not be lawful for the Promoters to lay down any line or rail, or to do any act or work for working such tramways by electricity whereby any telegraphic line of the Postmaster-General is or may be injuriously affected; and before any such line or rail is laid down or any such act or work is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs, or the laying of lines crossing the

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line of the Postmaster-General at right angles at the point of shortest distance, and so continuing for a distance of six feet on each side of such point), the Promoters or their agents, not more than twenty-eight nor less than fourteen days before commencing such work, shall give written notice to the Postmaster-General specifying the course of the line or rail, and the nature of the work, including the gauge of any wire, and the Promoters 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.

- (2.) Any difference which arises between the Postmaster-General and the Promoters or their agents with respect to any requirements so made, shall be determined by the Board of Trade, whose decision shall be final, and sections thirty to thirty-two, both inclusive, of the Regulation of Railways Act, 1868, shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act.
- (3.) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents, the Promoters 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.
- (4.) Provided that, nothing in this section shall subject the Promoters or their agents to a fine under this section, if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident, or otherwise was a work of emergency, and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof, stating the reason for doing or executing the same without previous notice.
- (5.) 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.
- (6.) For the purposes of this section, and subject as therein provided, sections two, eight, nine, ten, eleven, and twelve of the Telegraph Act, 1878, shall be deemed to be incorporated with this Order, as if the Promoters were undertakers within the meaning of those sections, without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted.

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

Carrying of
mails by
Promoters.

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

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Central.

- (i.) If the carriage is conveying or intended to convey passengers and not goods or parcels, then in excess of the maximum weight for the time being fixed for the luggage of ordinary passengers ; and
 - (ii.) If the carriage is conveying or intended to convey parcels only, then in excess of such maximum weight as is for the time being fixed for ordinary parcels, or if that maximum appears to the Postmaster-General to be so low as to exclude him from availing himself of the use of any such carriage, then as is for the time being fixed by agreement, or in default of agreement by a referee to be appointed at the request of either party by the Lord Chief Justice of England ; and
 - (iii.) If the carriage is conveying or intended to convey both parcels and passengers but not goods, then in excess of the maximum weight for the time being fixed for ordinary parcels or for the luggage of ordinary passengers, whichever is the greater.
- (b.) Mails when carried in or upon a carriage conveying passengers shall be so carried as not to inconvenience the passengers, but so nevertheless that the custody of the mails by any officer of the post office in charge thereof shall not be interfered with.
- (c.) Nothing in this section shall authorise the Postmaster-General to require any mails to be carried by the Promoters in or upon a carriage conveying or intended to convey passengers but not goods or parcels, except in charge of an officer of the post office travelling as a passenger.
- (d.) If the Promoters carry goods as well as passengers and parcels, the enactments relating to the conveyance of mails by railway shall, subject to the provisions of this section, apply in like manner as if the Promoters were a railway company, and the tramway were a railway.
- (2.) The remuneration for any services which have been performed by the Promoters in pursuance of this section shall be such as may be from time to time determined by agreement between Her Majesty's Postmaster-General and the Promoters, or in default of agreement, by a referee to be appointed by the Lord Chief Justice of England at the request of either party, and this provision shall have effect in lieu of any provisions respecting remuneration contained in the enactments relating to the conveyance of mails by railway which are applied by this section.
- (3.) For the purposes of this section, the expression " mails " has the same meaning as in the Regulation of Railways Act, 1873, and includes parcels within the meaning of the Post Office (Parcels) Act, 1882.
- (4.) For the purposes of this section, a requisition by Her Majesty's Postmaster-General may be signified by writing under the hand of any person who is at the time either such Postmaster-General, or a secretary, or assistant secretary of the post office, or the Inspector-General of Mails ; and any document purporting to be signed by any such person as aforesaid shall, until the contrary is proved, be deemed, without proof of the official character of such person, to have been duly signed as required by this section.
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SOUTH BIRMINGHAM TRAMWAYS (EXTENSION).

A.D. 1886.

Order authorising the Construction of Tramways in the Parishes of Edgbaston and Aston in the County of Warwick, and Yardley and King's Norton in the County of Worcester; and amending the South Birmingham Tramways Order 1883 and the South Birmingham Tramways Order 1884.

South Birmingham.

1. This Order may be cited as "The South Birmingham Tramways (Extension) Order 1886." Short title.

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

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

Provided that in this Order:—

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

The expression "the Order of 1883" shall mean the South Birmingham Tramways Order, 1883;

The expression "the Order of 1884" shall mean the South Birmingham Tramways Order, 1884;

The expression "the Orders of 1883 and 1884" shall mean the Order of 1883 and the Order of 1884;

The expressions "mechanical power" or "mechanical appliances" shall include the engines, tubes, wires, ropes, chains, cables, brake power, fittings, and all other appliances or things which shall form part of or be used in connexion with the steam or mechanical power authorised to be used on the tramways;

The expressions "the borough" and "the Corporation" shall mean respectively the borough of Birmingham in the county of Warwick and the mayor, aldermen, and burgesses of the said borough acting by the Council;

The terms "the local authorities" and "the road authorities" shall mean respectively the local authorities and the road authorities of all the districts within which the tramways are by this Order authorised to be constructed and those terms shall both in respect of the Tramways Act 1870 and this Order include the rural sanitary authority of the King's Norton Union; and

The term "person" shall include a corporation.

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Promoters.

South Birmingham.
The Promoters.

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

Lands by
agreement.

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

Construction of Tramways.

Construction
of tramways.

6. The Promoters may construct and maintain subject to the provisions of this Order and in accordance with the plans and sections deposited for the purposes of this Order at the office of the Board of Trade (which plans and sections are in this Order respectively referred to as "the deposited plans" and "the deposited sections") the tramways herein-after described with all proper rails plates offices weigh-bridges turn-tables mechanical appliances engine-sheds stables carriage houses warehouses works and conveniences connected therewith or for the purposes thereof and may work and use the same.

The Tramways authorised by this Order are

A Tramway No. 1.—4 furlongs 0·53 chains in length of which 3 furlongs 8·41 chains shall be laid as double line and 2·12 chains shall be laid as single line, commencing in Coventry Road by a junction with the Birmingham Central Tramway at a point opposite the south-east side of Small Heath Park, passing thence in a south-easterly direction along Coventry Road and terminating in that road at a point in the centre of the bridge over the River Cole, such point being at the borough parish and county boundary dividing Warwickshire from Worcestershire :

The single portion of the tramway will be situate from its point of termination for a distance of 2·12 chains north-westward.

A Tramway No. 2.—7 furlongs 9·48 chains in length, of which 5 furlongs 9·73 chains shall be laid as double line and 1 furlong 9·75 chains shall be laid as single line, commencing in Coventry Road at the termination of Tramway No. 1, passing thence in a south-easterly direction along, and terminating in Coventry Road at a point 1·70 chains south-east of the intersection of Yardley Road and Coventry Road :

The single portions of the tramway will be situate as follows, viz.—

From the point of commencement of the tramway for a distance of 9·20 chains south-eastward :

From a point 1·20 chains south-east of the intersection of King's Road and Coventry Road for a distance of 4·80 chains south-eastward :

From a point 2·50 chains south-east of the intersection of Redhill Road and Coventry Road for a distance of 1·90 chains south-eastward :

From the termination of the tramway for a distance of 3·85 chains north-westward :

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mingham.*

Provided that the portion of the double line described on the deposited plans as 2B shall be constructed as a single line only, unless the road be widened to at least 29 feet 9 inches, or unless two-thirds of the owners and occupiers of the houses shops and warehouses abutting upon that portion of the road consent in writing to the tramway being laid as a double line.

A Tramway No. 3.—1·55 chains in length (to be laid as a single line throughout) commencing in Coventry Road by a junction with Tramway No. 2 at a point 1·40 chains north-west of the intersection of Yardley Road and Coventry Road passing thence in a southerly direction into, and terminating in Yardley Road at a point 1·30 chains south-west of the intersection of Coventry Road and Yardley Road.

A Tramway No. 4.—3 chains in length (to be laid as a single line throughout) commencing in Yardley Road at a point 2·30 chains south-west of the intersection of Coventry Road and Yardley Road passing thence in a north-easterly direction along the said Yardley Road and terminating in Coventry Road by a junction with Tramway No. 2 at a point 0·80 chain east of the intersection of Yardley Road and Coventry Road.

A Tramway No. 9.—1·75 chains in length (of which 0·85 chain shall be laid as double line and 0·90 chain shall be laid as single line), commencing in Edgbaston Road, by a junction with the authorised line of the Promoters at a point 0·80 chain west of the intersection of Edgbaston Road and Pershore Road, passing thence in an easterly direction along Edgbaston Road, and terminating in that road at a point 1 chain east of the intersection thereof with Pershore Road.

The double portion of the tramway will be situate from its point of termination for a distance of 0·85 chain westward.

A Tramway No. 19.—1 furlong 8·30 chains in length (of which 5·90 chains shall be laid as double line and 1 furlong 2·40 chains shall be laid as single line) commencing in Edgbaston Road, at the termination of Tramway No. 9, passing thence south-easterly into and easterly along Edgbaston Road and terminating therein at a point in the centre of the bridge over the River Rea, the point of termination being at the county parish and borough boundary dividing Warwickshire from Worcestershire.

The double portions of the tramway will be situate as follows, viz. :

From the point of commencement for a distance of 2·90 chains eastward.

From a point 0·55 chain west of the point of termination for a distance of 3 chains westward.

Provided always that no portion of Tramway No. 9 nor of Tramway No. 19 shall be commenced until the Promoters have completed the construction of Tramway No. 20, nor until so much of Edgbaston Road as is within the borough has been widened to the satisfaction of the Corporation and of the Board of Trade.

A Tramway No. 20—4 furlongs 5·35 chains in length (of which 9 chains shall be laid as double line and 3 furlongs 6·35 chains shall be laid as single line) commencing at the termination of Tramway No. 19, passing thence easterly along Edgbaston Road north-easterly along Cannon Hill Road easterly along Lower Edwardes Street, and terminating in Mary Street by a junction with the existing Birmingham Central Tramway at a point 0·60 chain north of the intersection of Lower Edwardes Street and Mary Street.

A.D. 1886.

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mingham.*

The double portions of the tramway will be situate as follows, viz. :—

From a point 1·60 chains west of the intersection of Edgbaston Road and Cannon Hill Road for a distance of 3 chains easterly and north-easterly.

From a point 1·60 chains south-west of the intersection of Lower Edwardes Street and Cannon Hill Road for a distance of 3 chains north-easterly and easterly.

From a point 2·90 chains east of the intersection of Lower Edwardes Street and Heath Street for a distance of 3 chains eastward.

A Tramway No. 22.—1 furlong 3·90 chains in length (of which 6·80 chains shall be laid as double line and 7·10 chains shall be laid as single line) commencing in Lower Edwardes Street by a junction with tramway No. 20 at a point 0·70 chain south-east of the intersection of Lower Edwardes Street and Cannon Hill Road, passing thence in a north-easterly and northerly direction along the site of a proposed new road on or near the present line of Jakeman's Walk into Clevedon Road and terminating in that road at a point 0·60 chain west of the intersection thereof with Jakeman's Walk.

The double portions of the tramway will be situate as follows, viz. :—

From the point of commencement for a distance of 2·10 chains north-eastward.

From the point of termination for a distance of 4·70 chains southward and south-westward.

A Tramway No. 23.—1 furlong 5·20 chains in length (of which 6·35 chains shall be laid as double line, and 8·85 chains shall be laid as single line) commencing at the termination of Tramway No. 22, passing thence in a north-easterly direction along Clevedon Road into Balsall Heath Road, and terminating in the last-named road at a point 1·45 chains north-west of the intersection thereof with Longmore Street.

The double portions of the tramway will be situate as follows, viz. :—

From the point of commencement for a distance of 3·35 chains northward.

From a point 1·73 chains south-west of the intersection of Balsall Heath Road and Clevedon Road for a distance of 3 chains south-westward.

A Tramway 24.—3 chains in length (to be laid as a single line throughout) commencing in Balsall Heath Road at the centre of the bridge over the River Rea, passing thence in a south-easterly and north-easterly direction along Balsall Heath Road into Longmore Street and terminating in that street by a junction with the existing Birmingham Central Tramway at a point 0·50 chain north-east of the intersection of Balsall Heath Road and Longmore Street.

A Tramway No. 25.—0·95 chains in length (to be laid as a single line throughout) commencing in Clevedon Road by a junction with Tramway No. 23 at a point 0·65 chain south-west of the intersection of Balsall Heath Road and Clevedon Road passing thence in an easterly direction into and terminating in Balsall Heath Road by a junction with Tramway No. 24 at a point in line with the north-west side of Longmore Street.

Provided always that so much of the tramways as is authorised to be laid in Edgbaston Road within the district of the Balsall Heath Local Board shall not be commenced unless and until the bridge over the River Rea in such road has been rebuilt or widened to the satisfaction of the said local board nor unless and until

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all other requirements of this Order with reference to the widening of the Edgbaston Road have been complied with to the satisfaction of the Corporation and of the Board of Trade.

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—
South Birmingham.

Provided also that so much of the tramways as is authorised to be laid in Jakeman's Walk or Jakeman's Road within the district of Balsall Heath shall not be commenced unless and until such walk or road has been widened to a width of at least 42 feet to the satisfaction of the local board of the said district.

7. The following provisions of the Order of 1883, as amended by the Order of 1884, that is to say: sections eight to twenty-three (both inclusive), twenty-seven to forty-one (both inclusive), forty-four to fifty (both inclusive), sixty-eight to seventy-one (both inclusive), sections seventy-three, seventy-four and seventy-five, sections seventy-seven to eighty-three (both inclusive), and Schedule A to the said Order annexed, shall, so far as the same are applicable, extend and apply to the tramways and undertaking by this Order authorised in like manner in every respect as if the tramways and undertaking by this Order authorised were the tramways and undertaking authorised by the Order of 1883, and for the purposes of such application the expressions "the tramways," "the undertaking," "the local authorities," "the road authorities," "the Promoters," and "this Order" in the said provisions contained shall be construed to mean respectively the tramways, and the undertaking, and the local authorities and the road authorities, as defined respectively by this Order, the Promoters of this Order, and this Order.

Extending to this Order certain provisions of the Order of 1883.

8. The following provisions of the Order of 1884, that is to say:—Sections ten to twelve (both inclusive), and sections fourteen, twenty-four, twenty-eight, twenty-nine, and thirty shall, so far as the same are applicable, extend and apply to the tramways and undertaking by this Order authorised in like manner in every respect as if the tramways and undertaking by this Order authorised were the tramways and undertaking authorised by the Order of 1884, and for the purposes of such application the expressions "the tramways," "the undertaking," "the local authorities," "the road authorities," "the Promoters," and "this Order" in the said provisions shall be construed to mean respectively the tramways, and the undertaking, and the local authorities, and the road authorities, as defined respectively by this Order, the Promoters of this Order, and this Order.

Extending to this Order certain provisions of the Order of 1884.

9. For the protection of the justices of the peace for the counties of Warwick and Worcester respectively (in this section referred to as "the county justices") the following provisions (in addition to all other provisions of this Order and of any enactment incorporated therewith applicable to those justices respectively) shall apply and have effect with respect to the construction and maintenance of Tramways Nos. 1 and 2 and of Tramways Nos. 19 and 20.

For protection of county justices of Warwickshire and Worcestershire.

(a) The Promoters shall not commence to construct Tramways Nos. 19 and 20 or either of them upon or over the bridge called Edgbaston Bridge or Cannon Hill Bridge running over the River Rea which divides the counties of Worcester and Warwick and which is now of the width of 18 feet or thereabouts or upon or over the approaches thereto until the said bridge shall have been widened to the full width of 48 feet at the least between the parapets and the approaches to the said bridge on each end thereof for the full length of the 300 feet repairable by the said counties respectively

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mingham.*

shall also have been widened to the same extent and such widening of the said bridge shall be done with such materials and of such thickness or strength and in all respects in such way and manner as the surveyors or bridge masters of the said two counties respectively shall from time to time require and in all respects to their satisfaction and the said approaches shall be widened to such extent and in such way and manner in all respects as the said surveyors or bridge masters respectively shall from time to time require and in all respects to their satisfaction.

(6) In constructing Tramways Nos. 1 and 2 upon or over Hay Mill Bridge or upon or over the approaches thereto and also in constructing Tramway No. 2 upon or over Hay Mill Brook Bridge or upon or over the approaches thereto and also in constructing Tramways Nos. 19 and 20 or either of them upon or over Edgbaston or Cannon Hill Bridge or upon or over the approaches thereto the Promoters shall not at any time alter or interfere with the structure of such bridges respectively nor of the approaches thereto respectively unless such alteration or interference with the construction of such bridges respectively or such approaches respectively be absolutely necessary for the purpose of constructing the said Tramways Nos. 1 and 2 and 19 and 20 respectively and in the event of any such alteration or interference the Promoters shall (together with the notice required in such cases by section twenty-six of the Tramways Act 1870) submit to the county justices respectively detailed drawings and specifications showing the proposed works as affecting such bridges or approaches respectively and if any difference arises between the Promoters and the county justices respectively or either of them as to any such alteration or interference or the necessity therefor the same shall be settled by the Board of Trade and the Promoters shall so construct and maintain Tramways Nos. 1 and 2 and 19 and 20 respectively in the road over such bridges and approaches respectively as not to injuriously affect such bridges or approaches respectively and in the event of any injury being occasioned to such bridges or approaches respectively or any or either of them or any part or parts thereof respectively by the construction of the said tramways respectively or either of them on or over the same bridges and approaches respectively or either of them (whether such injury occurs either during or after construction or in effecting the maintenance of such tramways) the justices of the said counties respectively may (each in their own county) restore such bridges and approaches respectively or the part or parts which may be injured to as good a state as they were in before such injury was occasioned at the expense of the Promoters and the Promoters shall forthwith recoup to and indemnify the county justices respectively against all reasonable sums costs and expenses which they respectively may pay or be put to in restoring such bridges and the approaches thereto respectively and in maintaining and repairing the road over such bridges and approaches respectively and the county justices respectively may recover from the Promoters all such sums, costs, and expenses together with full costs and charges in like manner as any simple contract debt of the like amount may be recovered.

(c) If in the judgment of the county justices respectively or their respective surveyors or bridge masters for the time being (either before or after

construction or in effecting the maintenance of the Tramways Nos. 1 and 2 and 19 and 20 respectively or any or either of them it shall be deemed necessary to widen or strengthen the said bridges respectively or any or either of them or to widen or to alter the approaches thereto respectively the Promoters shall at their own expense and forthwith after the receipt of a notice for that purpose signed by the clerks of the peace for the said counties respectively or either of them and under the superintendence and to the satisfaction of the surveyors or bridge masters for the time being of the said counties respectively make, do, and execute all such works matters and things as shall be considered necessary by such surveyors or bridge masters respectively to effect such widening strengthening or altering respectively and in case the Promoters shall fail to execute and complete such last mentioned works as aforesaid within one calendar month after the receipt of the said notice as aforesaid the county justices respectively may (each in their own county) execute and complete the same at the expense in all things of the Promoters and the Promoters shall forthwith recoup to and indemnify the county justices respectively against all such sums costs and expenses as they respectively may pay or be put to in respect of such widening or strengthening of such bridges respectively or widening or altering the approaches thereto respectively and the county justices respectively may recover from the Promoters all sums, costs, and expenses together with full costs and charges in like manner as any simple contract debt of the like amount may be recovered and the provisions herein-before contained with respect to the said bridges and approaches respectively shall apply to the said bridges respectively as widened or strengthened and the approaches thereto as widened or altered respectively.

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South Birmingham.

- (d) The Promoters shall pay all costs charges and expenses incurred by the county justices respectively in relation to this Order and shall on demand repay to them respectively all reasonable charges and expenses incurred by them respectively for the supervision and inspection of any work done by the Promoters in connexion with Tramways Nos. 1 and 2 and 19 and 20 respectively or any or either of them and the county justices are hereby authorised to order such supervision and inspection of the works as they respectively may deem proper and the county justices respectively may recover from the Promoters all such costs charges and expenses as a simple contract debt in manner herein-before mentioned.
- (e) If any difference arises between the county justices respectively or either of them and the Promoters respecting the necessity for the exercise of or in any way relating to the powers or provisions of this section or otherwise, such dispute or difference shall except where by this Order otherwise expressly provided be settled in the manner specified in section thirty-three of the Tramways Act 1870 for the settlement of the differences in the said section mentioned.
- (f) Except as by this Order otherwise expressly provided nothing in this Order contained shall take away lessen prejudice or alter any of the estates rights interests powers or authorities of or belonging to the county justices respectively but the county justices respectively shall have and may use exercise and enjoy the same as fully and effectually in all respects as they could or might have done if this Order had not been made and confirmed.

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South Birmingham.

Tramways
not to be con-
structed on
bridge over
Rea in Edg-
baston Road,
until bridge is
re-constructed.

Power to
Corporation to
elect to be
substituted as
to tramways
within the
borough.

(g) Nothing in this Order contained shall impose or be deemed or implied to impose any liability whatsoever on the said counties of Warwick and Worcester or on the said county justices respectively to do or execute any works or otherwise howsoever which the said counties or county justices were not subject to or liable to previously to the passing of the Act confirming this Order.

10. In addition to all other provisions of this Order with respect to the construction of Tramways Nos. 19 and 20 the said tramways shall not be constructed over the said Edgbaston or Cannon Hill Bridge until the approaches thereto and the bridge itself shall have been re-constructed to the satisfaction of and according to plans and specifications approved of by the rural sanitary authority for the King's Norton Union and the local board for the district of Balsall Heath respectively nor until Edgbaston Road has been widened in accordance with the provisions of this Order; and the question whether or not what costs (if any) shall be contributed by the said rural sanitary authority and the said local board respectively and whether any and (if any) what costs shall be borne by the said rural sanitary authority and the said local board respectively shall be settled by arbitration before an arbitrator to be appointed by the Board of Trade in manner provided by section thirty-three of the Tramways Act 1870 for the settlement of the differences in the said section mentioned.

11. The powers in this Order contained for the construction and maintenance by the Promoters of such of the tramways as are situate within the borough shall be suspended for three months from the passing of the Act confirming this Order and the Corporation if they so decide by a resolution passed at a special meeting may within a period of three months after the passing of the Act confirming this Order intimate to the Promoters by notice in writing the intention of the Corporation to be substituted in the place of the Promoters for the purposes of this Order so far as the same relates to the tramways within the borough and thereupon (provided that the Corporation shall also cause a copy of such notice to be published within the like period once in the London Gazette) all the rights, powers, and authorities conferred by this Order upon the Promoters as to the construction, maintenance and use of the tramways within the borough and the works connected therewith or incidental thereto shall subject to the provisions herein-after contained be transferred to and vested in and may thenceforward be exercised by the Corporation in like manner as if the Corporation had been in the first instance authorised by this Order to construct such tramways and works and the Corporation shall as to the tramways within the borough be deemed to be the Promoters of this Order instead of the Promoters and this Order shall be construed accordingly and the Corporation may pay all expenses incurred by them in carrying into effect the provisions of this Order out of the local rate and shall have the like powers to borrow on the same security as if such expenses were expenses incurred in carrying into effect the purposes of a Provisional Order applied for and obtained by them under the Tramways Act 1870. Provided always that the provisions of this Order with respect to the traffic and tolls and charges by this Order authorised in relation to the tramways shall be applicable to and shall be observed by and the said tolls and charges may be demanded and taken by the lessees of the Corporation as though they were by this Order made specially applicable to and were authorised to be observed demanded and taken on the tramways within the

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borough. Provided also that nothing in this Order contained shall authorise the Corporation to place or run carriages on any of the tramways within the borough and to demand and take tolls or charges in respect of the use of such carriages.

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

Release of proportionate part of deposit if option exercised.

13. If the Corporation elect to construct the tramways within the borough they shall not be required to commence the same until the Promoters have paid to the Corporation a sum of money to be calculated at the rate of two thousand five hundred pounds for every mile of single line of tramway by this Order authorised to be laid within the borough and so in proportion for any length less than a mile (herein-after referred to as "the security fund") to be paid and applied as herein-after mentioned or have given to the Corporation a mortgage or other adequate security for a like sum to be approved by the Corporation but when such sum has been paid as herein-after mentioned or such mortgage or other security has been given the Corporation shall forthwith thereafter commence to construct such tramways and they shall complete the same within six months after the commencement of the same and within two years from the passing of the Act confirming this Order. Provided always that nothing contained in this section shall be deemed to require the Corporation to construct Tramways No. 9 and No. 19 unless and until Tramway No. 20 has been constructed nor unless and until the portion of Edgbaston Road herein-before mentioned has been widened in manner by this Order provided.

Payment of security by Promoters to Corporation prior to commencing tramways in borough.

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

Notice by Corporation of intention to construct tramways in borough.

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Lease by Corporation to Promoters of tramways in borough.

the Corporation the whole of the balance then remaining unpaid of the security fund required to be paid as aforesaid.

15. If and when such of the tramways as are situate within the borough have been completed by the Corporation, the Corporation shall at the cost of the Promoters, cause to be prepared, and execute a lease of the same to the Promoters for the term of twenty-one years at the rent upon the terms and subject to the conditions specified in the form of the draft lease signed in duplicate by the town clerk of the borough and the secretary of the Promoters, one copy of which is deposited with the said town clerk at the council house and the other copy of which is deposited with the secretary of the Promoters, or as near thereto as circumstances will permit, subject to the approval of the Board of Trade, and the Promoters shall accept such lease and execute a counterpart thereof and the provisions of section forty-eight of the Birmingham Corporation Tramways Order 1885 shall extend and apply to any lease granted by the Corporation under this Order.

The Corporation may if they think fit include in any lease granted by them under this section any other tramways of the Corporation, in respect of which there is not a lease then subsisting.

Application of security fund &c.

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

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

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

For protection of local and road authorities.

18. The following provisions for the protection of the local and road authorities other than the Corporation (any of which local and road authorities are in this section included in the term "road authority") shall (in addition to any other provisions for the protection of the said local and road authorities contained in this Order or in any enactment incorporated therewith or applied

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thereby and not being inconsistent with the provisions of this section) apply and have effect with respect to the tramways in their respective districts, (in this section referred to as "the said tramways") but shall not apply to any tramways authorised to be constructed within the borough: Provided always that, as regards such of the said tramways as are situate within the parish of Northfield and district of the rural sanitary authority for the King's Norton Union (herein-after referred to as "the rural sanitary authority"), nothing in this Order contained shall be held to authorise the rural sanitary authority or the Northfield Highway Board to exercise separate jurisdiction in relation to the powers and provisions contained in this or any other Order or Act relating to or affecting the Promoters and provided further that such one of such authorities shall have and may exercise within the said parish and district, such of the powers as are conferred upon such authorities respectively by this or any other Order or Act relating to the Promoters, subject to all obligations and liabilities relating thereto respectively, as the said two authorities shall between themselves in writing agree upon within three months after the passing of the Act confirming this Order, of which agreement a written notification shall be lodged with the Board of Trade and the Promoters within one month after the making thereof.

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- (a) The said tramways authorised to be constructed or re-constructed in any district as single lines shall, if the road authority of such district require, and the Board of Trade approve, be laid as double lines. Provided that in substituting such double lines for such single lines as aforesaid no rail shall except with the consent of the Board of Trade be so laid that a less space than nine feet six inches shall intervene between such rail and the outside of the footpath on either side of the road if any owner or occupier of any house, shop, or warehouse abutting upon the place where such rail is proposed to be laid, shall by notice in writing under his hand addressed to the Promoters express his objection thereto. The position of all passing places on single lines in any district shall be fixed by the road authority of such district. (Double instead of single lines to be laid if road authority require.)
- (b) Subject to the provisions of this Order, the size and construction of all engines, cables and carriages to be used on the said tramways, and the wheels and the brakes attached thereto, and of all mechanical appliances and things used in connexion with such engines, cables, and carriages, and the mode of laying down the said tramways, and the form of the rails, sleepers, fastenings and grooves if any, shall be such as the road authority and the Promoters shall agree upon and the Board of Trade may approve or failing agreement as shall be determined by the Board of Trade and shall be in accordance with designs, plans, sections, and specifications, to be previously submitted to and to be subject to the approval of the road authority, but so that the form of the rails, sleepers, fastenings, and grooves shall be the same throughout the whole length of the said tramways and in case of such difference as aforesaid shall be such as the Board of Trade shall determine. (Mode of laying tramways to be approved by road authority and Board of Trade, and to be uniform throughout.)
- (c) In addition to the requirements of section twenty-six of the Tramways Act, 1870, the Promoters shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing, re-constructing, laying down, maintaining, or renewing any of the said tramways, lay before the road authority and the (Provisions as to construction of tramways.)

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Board of Trade plans, sections and specifications, showing such tramways and the proposed mode of constructing, re-constructing, laying down, maintaining, and renewing the same, and a statement of the materials intended to be used therein, and the Promoters shall not commence the construction, re-construction, laying down, maintenance, or renewal of any of the said tramways or any part of any of the said tramways respectively, except for the purpose of necessary repairs, until such plans, sections, specifications, and statement have been approved by the road authority and by the Board of Trade, and after such approval the works shall be executed in accordance in all respects with such plans, sections, specifications and statement, and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority as provided by section twenty-six of the said Act.

(Paving and materials of roads.)

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

(Cost of reinstating roads.)

(e) The Promoters shall pay to the road authority of any district the cost of the repair and reinstatement of such parts of the roads in such district as may be injured or damaged by reason of the traffic being diverted to, or concentrated thereon, during the construction, alteration or repair of the said tramways or any part or parts thereof, and if the Promoters fail to pay such costs forthwith after demand by such road authority the same shall be a charge on the money which the Promoters are required to deposit before opening any road in such district, or may be deducted from any money which may have been deposited by the Promoters with such road authority: Provided, however, that such repairs and reinstatements may, at the request of the Promoters and with the consent of the road authority, be executed by the Promoters.

(Road authority may maintain, &c. roads at cost of Promoters.)

(f) The road authority of any district may at any time, and from time to time, take upon themselves the repairing, maintaining, or repaving of such portion of any road or roads whereon any of the tramways are laid within their district as the Promoters are under the Tramways Act, 1870, or this or any other Order bound to maintain and keep in good condition and repair for the whole or any part of the length of the tramways laid upon such road or roads, and that notwithstanding the Promoters may have theretofore repaired or maintained or paved the same or any part thereof: Provided that the road authority shall, by notice in writing to the Promoters, state when they, the road authority, intend to take upon themselves such repairing, maintaining, or repaving, and if the road authority give such notice they shall execute such repairs, maintenance, or repaving from and after the time and for the period mentioned in that behalf in such notice. The materials and means to be used in repairing, maintaining, or repaving the road or roads, as aforesaid, by such road authority shall (subject to the provisions of this Order) be in the discretion of the road authority, and the Promoters shall

not interfere in any way in the repair, maintenance, or repaving of such portions of any of such roads as, in pursuance of such provisions as aforesaid, the road authority are or may become liable to repair, maintain, or repave, or be liable in any way for any neglect or default in or about such repairing, maintaining or repaving.

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The Promoters shall pay to the road authority all expenses of, and incidental to, the repairing, maintaining, and repaving of such portions of such road or roads, as shall be repaired, maintained, or repaved by the road authority, including expenses of supervision, and as but for this and the other provisions in this behalf the Promoters would have been under the Tramways Act, 1870, and this Order required to repair, maintain or repave, and where in any road a double line of rails is laid all such expenses of and incidental to the repairing, maintaining, and repaving of the whole space between such double line, whether the distance between such double lines be more than four feet or not, and the amount of such expenses to be paid from time to time by the Promoters under this sub-section, shall be ascertained in such manner as may from time to time be agreed upon between the road authority and the Promoters, or as failing such agreement, in any case may be determined by arbitration before an arbitrator appointed in manner herein-after provided, and such amounts shall be paid by the Promoters on demand, and the certificates and payments shall be so made in advance that the road authority shall not in any way be required to furnish any money for such part of the works in hand as the Promoters may be liable to pay for : Provided always that in all cases in which a deposit is not made to cover the estimated cost of repairs in pursuance of the next succeeding sub-section, the Promoters shall pay to the road authority interest at the rate of five pounds per centum per annum on all sums which may be expended by the road authority under this sub-section from the date or dates upon which such sums shall have been expended until the same shall have been repaid by the Promoters.

(g) In order to secure the payment by the Promoters of the amounts to be paid by them to the road authority under the last preceding sub-section, the Promoters shall on or forthwith after the 25th day of March and the 29th day of September in each year, deposit with the road authority the amount which the engineer or surveyor for the time being of the road authority may certify to be in his judgment the amount which will be required to be paid by the Promoters under the said sub-section for the works to be executed during the next ensuing half-year, and the road authority shall be at liberty to apply the moneys so deposited, or any part thereof, in or towards payment of any amount payable by the Promoters as aforesaid in respect of the works executed during such half-year, and at the end of such half-year the amount (if any) not so applied, or so much thereof as may not be required shall be carried forward as or towards the deposit for the next half-year, and any excess shall be paid to the Promoters, and if any sum be so carried forward as aforesaid, the Promoters shall for such half-year only deposit such an amount (if any) as will be required to make up the sum to be deposited as aforesaid.

(Deposit with road authority of estimated cost of repairs, &c.)

(h) Before the Promoters open or break up any road within the district of any of the road authorities they shall deposit in a bank to be approved by the road authority of such district to a joint account, in the names of the Promoters and such road authority a sum of money (in this section referred

Deposit before breaking up roads.

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to in relation to such road authority as the "deposit fund"), to be calculated at the rate of one thousand pounds for every mile of tramway (and so in proportion for a part of a mile of tramway) by this Order authorised to be constructed within such district, and of their intention to construct which the Promoters shall give such road authority notice in writing. The deposit fund shall at the request of the Promoters, but at their risk, be invested in the joint names of the Promoters and of such road authority in such securities as such road authority may approve, and the interest thereon shall from time to time be paid to the Promoters. On the completion of the tramways in the district of such road authority, to the satisfaction of the surveyor of such road authority the deposit fund shall be paid out or the securities in which the same is invested shall be transferred to the Promoters by the said bank and the certificate of the surveyor for the time being of such road authority certifying that such tramways have been completed to his satisfaction as aforesaid shall be a sufficient authority to the said bank to make such payment or for such transfer. If the tramways within the district of any of the road authorities, having been commenced, are not completed within the time limited by the Tramways Act 1870 or within such extended time as may be duly sanctioned, the deposit fund shall be paid out or the securities in which the same is invested shall be transferred by the said bank to the road authority of such district, and the same may be applied by them in payment of the expenses incurred by them in the removal of so much of such tramways as shall have been laid down by the Promoters, and in restoring the road to the satisfaction of their surveyor (the balance of the deposit fund being paid to the Promoters), and for the purpose of such restoration such road authority shall be at liberty to break up or use any part of the materials of such tramways and the Promoters shall join such road authority in any deed act matter or thing which may be necessary to effect such application of the deposit fund as aforesaid. If the deposit fund is insufficient to reimburse such road authority the expenses so incurred by such road authority such road authority shall be at liberty to sell the materials of such tramways (or the remaining portion thereof as the case may be), and apply the proceeds in or towards satisfaction of such expenses, and the balance (if any) shall be paid to the Promoters, or if such proceeds of sale are insufficient, the Promoters shall, on demand, pay to such road authority such deficiency, and in case of non-payment the same may be recovered by such road authority by all and the same means as any simple contract debt of like amount may be recovered.

(Cleansing of tramways.)

(i) The road authority may cleanse any road within their district without reference to the said tramways, but whatever cleansing, owing to snow or other matter impeding the traffic, is requisite for the proper working of the said tramways, shall be executed by the Promoters at their own risk and cost, and the Promoters shall, in performing the same, remove the snow or other matter to such place as the road authority may reasonably prescribe or approve. The Promoters shall not deposit any snow or other matter (which they may remove as aforesaid) upon any road within such district and shall not use salt or other unsuitable material for the thawing of the snow on any such road.

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- (j) When any of the said tramways are constructed, or intended to be constructed, over any manhole or entrance into any sewer of any of the local authorities, or so close to such manhole or entrance as to make the use thereof dangerous or inconvenient in the opinion of such authority, the Promoters shall, if required by such authority, construct a side entrance in lieu of such manhole or entrance in such position and according to such plan as may be approved by such authority, and such authority may at their option construct such side entrance, and the Promoters shall repay to such authority the costs thereof and also the costs of the preparation and approval of such plan and incident thereto. A.D. 1886.
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 (When tramways are constructed over entrance into sewer, Promoters shall construct a side entrance.)
- (k) The Promoters shall, from time to time, use on the said tramways such new or improved motive power as the Board of Trade upon the application of the road authority shall require for securing the greater security and convenience of the public. (Improved motive power to be used.)
- (l) The road authority of any district within which any of the said tramways is situate may appoint an inspector to examine those portions of the roadway within such district which the Promoters are required by this Order to maintain, and the rails, engines, carriages, harness, and mechanical appliances belonging to or used upon or in connexion with the tramways within such district and the working of the same, and to report to the road authority from time to time as to the state and condition thereof and to take such action with respect to the same as the road authority may direct, and the road authority may pay him such reasonable salary or other remuneration as they shall determine. (Appointment by road authority of inspector.)
- (m) If at any time, after the period of three months from the opening of the said tramways in any district for public traffic, the road authority of such district shall be of opinion that the carriages used on such tramways are not well and sufficiently lighted, then such road authority may if they think fit serve upon the Promoters a notice in writing, requiring them to light the carriages in such a manner as such road authority may deem necessary, and, unless within a period of two months from the service of such notice the Promoters comply with the terms of such notice and light the carriages accordingly, then the question of such lighting shall be settled by arbitration before an arbitrator appointed in manner herein-after provided, and from and after the giving of the award of such arbitrator the Promoters shall light the carriages during such period and in such manner as may be prescribed in such award, and all costs incurred by such authorities respectively, of and incident to the giving of such notice, and to the arbitration and award, and the negotiations in relation thereto shall be in the discretion of the arbitrator, and if the arbitrator decides that costs are to be paid by the Promoters the same shall be paid within two months after the giving of the arbitrator's award. (Lighting of carriages.)
- (n) The Promoters shall within three calendar months after the opening of the said tramways for public traffic, provide and thereafter maintain in any district such a number of convenient waiting-rooms, properly furnished, for passengers, and in such positions as the road authority of such district may require. (Waiting rooms.)
- (o) The Promoters shall, with the approval of the road authority, appoint penny stages upon such of the said tramways as may be worked by any power other (Power to fix penny stages.)

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(Traffic near churches.)

(Tramways abandoned or discontinued to become property of local authority in certain cases.)

(No extension of time for commencement of tramways to be applied without consent.)

(Certain costs of road authorities to be paid by Promoters.)

than animal power not exceeding one mile in distance or length, and the Promoters may, notwithstanding anything in any Order or Act of Parliament contained, demand and take for every passenger travelling upon such tramways, including tolls, or charges for the use of the tramways and of carriages and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding one penny per stage, and for this purpose the fraction of a stage shall be deemed a stage.

(p) No engine, carriage or other vehicle, used on the said tramways, unless the same be moved by cable, shall be driven or propelled past any church, chapel or other place of worship during the hours of divine service at a rate exceeding four miles per hour nor shall any engine, carriage, or vehicle stand on any of the said tramways or on any siding opposite any church, chapel, or other place of worship during such hours, and no siding, turnout, refuge, or erection of any kind shall be placed or constructed by the Promoters opposite to any church, chapel, or other place of worship without the consent in writing of the road authority.

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

(r) No application shall be made for any extension of time for the commencement or completion of any of the said tramways, except with the consent in writing of the local and road authorities respectively but such consent shall not be arbitrarily or unreasonably withheld.

(s) The Promoters shall pay to the road authorities respectively within three months after the passing of the Act confirming this Order, or within one month after the same shall have been demanded, all costs, charges, and expenses incurred by the road authorities, respectively and which may from time to time hereafter be incurred by them respectively in connexion with, or of or incident to, any of the following matters or purposes (that is to say):—

(a) The application for and obtaining this Order, and the confirmation thereof by Act of Parliament.

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- (b) The preparation, approval, and passing of byelaws, and of all rules and regulations under this Order. A.D. 1886.
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mingham.
- (c) The passing of all plans, drawings, and specifications in relation to the execution of all works, and the supervision and inspection thereof, and subsequent maintenance and repair thereof.
- (d) The reinstatement of such parts of the roads as may be injured or damaged by reason of traffic being diverted to, or concentrated thereon, during the construction, alteration, or repair of the said tramways, or any part or parts thereof.

- (e) The powers of the local authorities respectively under the Tramways Act, 1870 with respect to the making of regulations and byelaws, and with respect to the repeal or alteration of such regulations and byelaws shall subject to the provisions of this Order extend and apply to any or all of the following matters or purposes (that is to say) :— (Regulations &c. by local authority.)

Prohibiting the stopping of tramway carriages in order to take up and set down passengers, or for any purpose in any place which the local authority, having regard to the protection, safety, and convenience of the public, may from time to time deem necessary.

Empowering the local authority to cause to be removed from the said tramways any engine, carriage, or horse which, in their opinion, is unfit for use on the said tramways.

For enforcing good conduct, attention, and civility from the drivers and conductors of the tramway carriages.

The numbering of the tramway carriages.

The wearing by drivers and conductors of tramway carriages of some conspicuous badge or distinguishing mark.

For enforcing the removal of any engines, fittings, or other things which may be deemed by the local authority or their duly appointed officer to be unfit for use.

In relation to running powers.

- (u) If any difference arises between the Promoters and any of the said local or road authorities with respect to any of the provisions of this Order the same shall, save where otherwise expressly provided, be settled by arbitration before an arbitrator to be appointed by the Board of Trade in the manner specified in section thirty-three of the Tramways Act 1870 for the settlement of the differences in the said section mentioned. (As to settle-
ment of
differences.)

19. The tramways authorised by the Orders of 1883 and 1884 may with the consent in writing of the Board of Trade be constructed with all such tubes, wires, ropes, chains, engines, communications with engines, and engine houses works and other things, and otherwise in the same manner as the tramways authorised by this Order are authorised to be constructed, and the Promoters may as to the said tramways subject to the provisions of this Order construct execute and maintain all such works and things as aforesaid. But the Promoters shall not exercise the powers conferred by this section in regard to any tramways within the borough except with the consent in writing of the Corporation, and the Corporation are hereby empowered to give such consent upon and subject

(Tramways authorised by Orders of 1883 and 1884 may be constructed on cable system.)

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to such terms and conditions not being inconsistent with the provisions of this Order as they may think fit.

Provided always that such of the tramways in this section mentioned as are within the districts of the Northfield Highway Board the King's Norton Board of Surveyors and the Yardley Board of Surveyors shall not be constructed or re-constructed in the mode in this section specified without the consent in writing of the said road authorities respectively. And the said road authorities respectively are hereby empowered to give such consents upon and subject to such terms and conditions not being inconsistent with the provisions of this Order as they may think fit, and they are hereby empowered on the giving of any such consent to make it a condition that such consent may be revoked at the end of three years from the date of the laying down of such tramways respectively on the system specified in this section in case at the expiration of such period the surveyors of such road authorities respectively certify that such system is dangerous or inconvenient to the public or that it is advisable that such tramways should be constructed or re-constructed upon a better or improved principle.

Provided also that all the provisions of the Orders of 1883 and 1884 respectively, whether for the protection of the local or road authorities or with respect to the depositing of a sum of money before opening the ground for the making laying down or renewing the tramways by the said Orders authorised respectively shall in all cases extend and apply to the opening of the ground for the laying down or introduction of cable or other mechanical appliances on the tramways by the said Orders authorised as if such works were works for the laying down of an entirely new line of tramways.

Extension of
time for com-
pletion of
tramways
authorised by
Orders of 1883
and 1884.

20. The periods prescribed respectively for the commencement and for the completion and opening for public traffic of the tramways authorised by the Orders of 1883 and 1884 are hereby (except as regards Tramway No. 3 authorised by the Order of 1884) extended, and shall continue until the expiration of twelve months and two years respectively from the first day of August, one thousand eight hundred and eighty-six, and the said several Orders shall be read and construed and have effect accordingly.

Motive Power.

Carriages may
be moved by
animal, elec-
trical, steam, or
mechanical
power.

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

Provided always that the Promoters shall not use steam or any power other than animal power upon any tramways constructed within the borough without the consent in writing of the Corporation, nor within the district of any of the

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local or road authorities without the consent in writing of such local or road authority. And the Corporation and the local and road authorities respectively are hereby empowered to give such consents upon and subject to such terms and conditions as they may think fit, so that no such consent shall operate for a longer period than five years, and that such terms and conditions shall not be inconsistent with the provisions of this Order.

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Provided also that the powers conferred by this Order so far as the same relate to the working of the line by means of haulage with wire ropes, cables, chains, or other appliances placed underground, shall not be exercised by the Promoters so far as regards the tramways or any of them authorised by this Order, or by the Orders of 1883 and 1884, within the districts of the Northfield Highway Board, the Balsall Heath Local Board, the King's Norton Board of Surveyors, and the Yardley Board of Surveyors respectively without the consent in writing of such local and road authorities respectively, and the said local and road authorities respectively are hereby empowered to give such consents upon and subject to such terms and conditions as they may think fit, so that such terms and conditions shall not be inconsistent with the provisions of this Order and they are hereby empowered on the giving of any such consent to make it a condition that such consent may be revoked at the expiration of three years from the laying down or alteration of such tramways respectively on such haulage system in case at the expiration of such period the surveyors of such local and road authorities respectively shall certify that such system is dangerous or inconvenient to the public, or that it is advisable that such tramways should be constructed or re-constructed upon a better or improved principle.

Provided further that the exercise of the powers hereby conferred with respect to the use of steam or any power other than animal power shall be subject to the regulations set forth in Schedule A to the Order of 1883 annexed and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of the powers by this Order conferred with respect to the use of steam or any power other than animal power on the tramways.

22. The carriages used on the tramways authorised by the Orders of 1883 and 1884 respectively may, subject to the provisions in the said Orders contained with respect to the use of steam or any mechanical power on such tramways respectively and to the provisions of this Order relating to such tramways be moved by means of haulage with wire ropes, cables, chains, or other appliances placed underground, or by means of electrical power or any other mechanical power in addition to the powers in section forty-three of the Order of 1883 and in section twenty-two of the Order of 1884 specified, and the expression "mechanical power" wherever the same occurs in either of the said Orders shall be deemed to include every such power as is herein mentioned, and the said Orders shall be read and construed accordingly.

Carriages on tramways authorised by Orders of 1883 and 1884 may be worked by haulage power, &c.

Traffic and Tolls.

23. The tramways by this Order authorised shall save as by this Order expressly provided for the purposes of traffic thereon and of the tolls and charges to be demanded and taken thereon be deemed to form part of the undertaking

For purposes of traffic and tolls tramways to form part

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of tramways
authorised by
Order of 1883.

of the Promoters authorised by the Order of 1883 and sections 51 to 58 (both inclusive) section 60 sections 62 to 67 (both inclusive) of the Order of 1883 and the Schedule B to that Order annexed shall as far as applicable apply to the tramways by this Order authorised and to the traffic thereon and to the tolls and charges authorised to be demanded and taken in respect of such traffic in like manner in every respect as if the tramways by this Order authorised formed part of the tramways authorised by the Order of 1883, and for the purposes of such application the expressions "the tramways," "the Promoters," and "this Order," in the said sections, shall be construed to mean respectively the tramways as defined by this Order, the Promoters of this Order, and this Order.

Sections 31
and 35 of
Corporation
Order 1885 to
apply to tram-
ways within
the borough.

24. Section thirty-one (Corporation may appoint stopping and starting places) and section thirty-five (power to fix stages) of the Birmingham Corporation Tramways Order 1885 shall extend and apply to all tramways of the Promoters situate within the borough, and for the purposes of such application the expressions "the tramways" and "lessees and licensees" in the said sections shall be construed to mean respectively such tramways of the Promoters as aforesaid and the Promoters of this Order.

Waiting room
at Yardley.

25. Within six calendar months after the opening of the tramways for public traffic the Promoters shall provide a sufficient waiting room for passengers at the terminus for the time being of Tramway No. 2 in the parish of Yardley and shall furnish and maintain such room in a suitable manner and do all things reasonably necessary for the comfort and convenience of the public travelling or intending to travel on the tramways and in all respects to the satisfaction of the local and road authorities.

Promoters to
provide a dépôt
at termination
of Tramway
No. 2.

26. The Promoters shall before the tramways are opened for public traffic provide at or near the termination for the time being of Tramway No. 2 a proper dépôt for the temporary accommodation of the engines and tramcars running to and returning from the termination of such tramway and for the convenience of the men engaged in conducting the traffic and no engine or tramcar shall be allowed to remain upon the road for the purpose of taking in fuel or water or until such engine or tramcar is ready to start upon its journey.

Further power
of sale of un-
dertaking.

27. The Promoters at any time after the passing of the Act confirming this Order, and notwithstanding that the tramways or the tramways authorised by the Order of 1883 or by the Order of 1884 may not have been opened for public traffic for a period of six months or completed or commenced may with the consent of the Board of Trade sell any or all of the tramways and undertakings authorised by this Order or by the Orders of 1883 and 1884 respectively to any person or company or to the local authority under and in accordance with the provisions of section forty-four of the Tramways Act 1870 and of this Order. Provided always that such sale shall as to any portion of the said undertakings within the borough be subject to the consent of the Corporation.

For protection
of the Post-
master-
General.

28. In the event of any tramways of the Promoters being worked by electricity, the following provisions shall have effect:—

- (1.) It shall not be lawful for the Promoters to lay down any line or rail, or to do any act or work for working such tramways by electricity whereby any telegraphic line of the Postmaster-General is or may be injuriously affected; and before any such line or rail is laid down or any such act or

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work is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs, or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Promoters or their agents, not more than twenty-eight nor less than fourteen days before commencing such work, shall give written notice to the Postmaster-General specifying the course of the line or rail and the nature of the work, including the gauge of any wire, and the Promoters 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.

(2.) Any difference which arises between the Postmaster-General and the Promoters or their agents with respect to any requirements so made shall be determined by the Board of Trade, whose decision shall be final, and sections thirty to thirty-two, both inclusive, of the Regulation of Railways Act 1868, shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act.

(3.) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents, the Promoters 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.

(4.) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section, if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident, or otherwise was a work of emergency, and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof, stating the reason for doing or executing the same without previous notice.

(5.) 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.

(6.) For the purposes of this section, and subject as therein provided, sections two, eight, nine, ten, eleven, and twelve of the Telegraph Act, 1878, shall be deemed to be incorporated with this Order as if the Promoters were undertakers within the meaning of those sections, without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted.

29. (1.) The Promoters, if required by the Postmaster-General shall perform with respect to any tramway owned or worked by them all such reasonable

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services in regard to the conveyance of mails as Her Majesty's Postmaster-General from time to time requires ; provided as follows:—

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

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

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

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

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

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

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

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

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

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

SOUTH STAFFORDSHIRE AND BIRMINGHAM DISTRICT A.D. 1886.
STEAM TRAMWAYS.

Order authorising the abandonment of certain of the Tramways authorised by the Staffordshire Tramways Order, 1879, the Staffordshire Tramways (Extension) Order, 1882, and the Dudley and Tipton Tramways Order, 1881, and the Release of portions of the Deposit Funds paid into Court on the applications for the said Orders respectively, and for other purposes.

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1. This Order may be cited as the "South Staffordshire and Birmingham District Steam Tramways Order, 1886." Short title.

2. The South Staffordshire and Birmingham District Steam Tramways Company, Limited, shall be the Promoters for the purposes of this Order, and are in this Order referred to as "the Promoters." Promoters.

3. From and after the passing of the Act confirming this Order, the Staffordshire Tramways Order, 1879 (in this Order referred to as "the Order of 1879," and the Staffordshire Tramways (Extension) Order 1882 (in this Order referred to as "the Order of 1882,") shall be read and construed as though in section four of each of the said Orders the Promoters of this Order were substituted for the Promoters in such section mentioned, and all the rights, powers, authorities, obligations and liabilities of the Promoters of the said Orders respectively in respect of the tramways and undertakings authorised by the said Orders respectively are hereby declared to have been previously to the passing of the Act confirming this Order, transferred to and vested in the Promoters of this Order, and the same may be exercised by and shall attach to the Promoters of this Order in like manner as if such tramways had been authorised to be constructed by the Promoters of this Order. Promoters of Order to be substituted for Promoters of Orders of 1879 and 1882.

4. The Dudley and Tipton Tramways Order, 1881 (in this Order referred to as "the Order of 1881"), shall, from and after the passing of the Act confirming this Order, be read and construed as though in section four of the said Order the Promoters of this Order were substituted for the Promoters in the said section mentioned, and from and after the passing of the Act confirming this Order, all the rights, powers, authorities, obligations and liabilities of the Promoters of the Order of 1881 in respect of the tramways and undertaking authorised by the said Order, shall be transferred to, vested in, and may be exercised by and shall attach to the Promoters of this Order in like manner as if such tramways had been authorised to be constructed by the Promoters of this Order. Promoters of Order to be substituted for Promoters of Order of 1881.

5. The Promoters shall abandon the construction of the following tramways, viz. :— Abandonment of certain authorised tramways.

Tramways Nos. 1 to 16 (both inclusive) authorised by the Order of 1879 ;
Tramway No. 2 authorised by the Order of 1882 ; and
Tramway No. 5 authorised by the Order of 1881.

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Authorising
release of
balance of
deposits in
respect of
tramways
abandoned.

6. Whereas pursuant to the Tramways Act 1870, and the rules made by the Board of Trade, under the authority of the said Act a sum of eight hundred and seventy-five pounds was paid in relation to the tramways authorised by the Order of 1879, into the Chancery Division of the High Court of Justice, to the credit of ex parte the Staffordshire Tramways, and there now remains in the hands of the Chancery Division of the High Court of Justice, the sum of four hundred and sixty-nine pounds eleven shillings and four pence consolidated three pounds per centum annuities, together with interest accrued thereon attributable to the said Tramways Nos. 1 to 1c, by this Order authorised to be abandoned the remaining portion of the sum so paid into the Chancery Division as aforesaid, having been released in pursuance of the said rules.

And whereas, pursuant to the Tramways Act, 1870, and the rules made by the Board of Trade under the authority of the said Act, a sum of six hundred and thirty-eight pounds and nine pence consolidated three pounds per centum annuities and sixteen shillings cash was paid in relation to the tramways authorised by the Order of 1882, into the Chancery Division of the High Court of Justice to the credit of ex parte the Staffordshire Tramways Extension, and there now remains in the hands of the Chancery Division of the High Court of Justice the sum of fifty-two pounds and nine pence consolidated three pounds per centum annuities and sixteen shillings cash, together with interest accrued thereon, attributable to the said Tramway No. 2, by this Order authorised to be abandoned, the remaining portions of the sum so paid into the Chancery Division having been released in pursuance of the said rules.

And whereas pursuant to the Tramways Act, 1870, and the rules made by the Board of Trade, under the authority of the said Act, a sum of four hundred and forty pounds was paid in relation to the tramways authorised by the Order of 1881 into the Chancery Division of the High Court of Justice, to the credit of ex parte the Dudley and Tipton Tramways, and there now remains in the hands of the Chancery Division of the High Court of Justice the sum of one hundred and sixty-nine pounds nine shillings and four pence, together with interest accrued thereon, attributable to the said Tramway No. 5, by this Order authorised to be abandoned, the remaining portion of the sum so paid into the Chancery Division as aforesaid having been released in pursuance of the said rules.

And whereas it is expedient that provision should be made for the payment or transfer to the Promoters of the balances remaining of the several sums so paid into the Chancery Division as aforesaid. Therefore the Chancery Division of the High Court of Justice shall, on the application of the Promoters, order any moneys forming part of the said sums of eight hundred and seventy-five pounds, six hundred and thirty-eight pounds and nine pence consolidated three pounds per centum annuities and sixteen shillings cash, and four hundred and forty pounds respectively, or otherwise standing to the credit of the accounts aforesaid respectively at the passing of the Act confirming this Order, to be paid out or transferred to the Promoters or as they may direct, and thereupon such moneys shall be so paid out or transferred accordingly.

Running,
powers.

7. The Promoters may, with the consent in writing of the company over whose tramways such running powers are sought to be exercised, but not otherwise, run over and use with their engines, carriages, and vehicles of every

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description, servants and horses, all or any of the tramways belonging to the Birmingham Central Tramways Company, Limited, the Birmingham and Aston Tramways Company, Limited, and the North Birmingham Tramways Company, Limited, respectively upon such terms and conditions as may be agreed upon between the Promoters and such company, subject nevertheless in every case to the approval of the Board of Trade. Provided that steam or other mechanical power shall not be used in any district under the running powers hereby given without the consent of the local authority of the district.

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8. The Promoters in running over or using any tramways in accordance with the provisions herein-before contained, shall at all times observe the regulations and byelaws for the time being in force on such tramways so run over and used so far as the same may be applicable to the Promoters in the exercise of the said powers, and shall for their own acts and defaults in respect of such user incur all and the same liabilities as the company owning such tramways.

Byclaws to be
observed by
Promoters in
event of such
user.

9. In the event of any tramways of the Promoters being worked by electricity, the following provisions shall have effect:—

For protec-
tion of the
Postmaster-
General.

(1.) It shall not be lawful for the Promoters to lay down any line or rail, or to do any act or work for working such tramways by electricity whereby any telegraphic line of the Postmaster-General is or may be injuriously affected; and before any such line or rail is laid down or any such act or work is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs, or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point), the Promoters or their agents, not more than twenty-eight nor less than fourteen days before commencing such work, shall give written notice to the Postmaster-General specifying the course of the line or rail and the nature of the work, including the gauge of any wire, and the Promoters 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.

(2.) Any difference which arises between the Postmaster-General and the Promoters or their agents with respect to any requirements so made shall be determined by the Board of Trade, 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 Promoters or their agents were a company within the meaning of that Act.

(3.) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents, the Promoters 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.

(4.) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section, if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident, or otherwise was a work of

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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.

(5.) 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.

(6.) For the purposes of this section, and subject as therein provided, sections 2, 8, 9, 10, 11 and 12 of the Telegraph Act, 1878, shall be deemed to be incorporated with this Order as if the Promoters were undertakers within the meaning of those sections, without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted.

Carrying of
mails by Pro-
motors.

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

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

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

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

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

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

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

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

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

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

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

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