



CHAPTER cclix.

An Act to authorise the Coventry Electric Tramways Company to construct additional tramways and for other purposes. A.D. 1903.
[14th August 1903.]

WHEREAS by the Coventry Electric Tramways Act 1897 (in this Act called "the Act of 1897") the Coventry Electric Tramways Company (in this Act called "the Company") were incorporated with a share capital of one hundred and twelve thousand pounds and with power to borrow twenty-eight thousand pounds and were authorised to construct and acquire partly within and partly without the city of Coventry certain tramways to be worked by animal or mechanical power :

And whereas the Company have raised and expended one hundred and three thousand six hundred pounds of the said share and twenty-four thousand pounds of the said loan capital and have constructed the said tramways and works :

And whereas it is expedient that the Company should be authorised to construct the additional tramways herein-after described and to raise additional capital and borrow further moneys for the purposes of this Act and of their authorised undertaking :

And whereas the holders of the existing mortgages of the Company have consented in writing that all mortgages granted by the Company under the authority of this Act shall rank *pari passu* with all mortgages granted under the Act of 1897 :

And whereas by the Act of 1897 the provisions of the Tramways Act 1870 with respect to the purchase by the mayor aldermen and citizens of the city of Coventry (in this Act called "the corporation") of the undertaking of the Company were modified and it is expedient that the provisions of the Act of

A.D. 1903. 1897 with respect to such purchase should be amended and extended and made applicable to the tramways by this Act authorised and the Corporation empowered to acquire the tramways by this Act authorised simultaneously with those authorised by the Act of 1897 and to work the same :

And whereas the tramways authorised by this Act are extensions of the tramway system of the Company and it is expedient that the provisions of the Act of 1897 with respect to the working and motive power of the authorised tramways of the Company should be extended to the tramways by this Act authorised :

And whereas it is expedient that the other powers in this Act contained should be conferred on the Company :

And whereas plans and sections showing the lines and levels of the tramways by this Act authorised and also books of reference to those plans were duly deposited with the clerk of the peace for the county of Warwick and are herein-after respectively referred to as the deposited plans sections and books of reference :

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

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

Short title.

1. This Act may be cited as the Coventry Electric Tramways Act 1903.

Incorporation of general Acts.

2. The following Acts and parts of Acts are except where expressly varied by this Act incorporated with and form part of this Act (that is to say) Section 3 (Interpretation of terms) and Part II. (Construction of Tramways) and Part III. (General Provisions) of the Tramways Act 1870 The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say) :—

The distribution of the capital of the Company into shares ;

The transfer or transmission of shares ;

The payment of subscriptions and the means of enforcing the payment of calls ;

The forfeiture of shares for non-payment of calls ;

The remedies of creditors of the Company against the shareholders ;

The borrowing of money by the Company on mortgage or bond ;

[3 EDW. 7.] *Coventry Electric Tramways Act, 1903.* [Ch. cclix.]

The conversion of the borrowed money into capital ;

A.D. 1903.

The consolidation of the shares into stock ; and

The provision to be made for affording access to the special Act by all parties interested ;

and Part I. (relating to cancellation and surrender of shares) and Part II. (relating to additional capital) of the Companies Clauses Act 1863 :

Provided that the provisions of section 7 of the Telegraph Act 1878 shall apply (instead of the provisions of section 30 of the Tramways Act 1870) to any alteration of or interference with any telegraphic line belonging to or used by the Postmaster-General The expression "telegraphic line" in this Act has the same meaning as in the Telegraph Act 1878.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction :

Interpretation.

"The tramways" means the tramways and the deviation and doublings of existing tramways by this Act authorised ;

"The undertaking" means the undertaking of the Company ;

"Mechanical power" means electric power ;

"Engine" includes motor ;

"The corporation" means the mayor aldermen and citizens of the city of Coventry ;

"The existing tramways" means the tramways and works of the Company authorised to be constructed and acquired by the Act of 1897 ;

The word "contingencies" in the Companies Clauses Consolidation Act 1845 section 122 shall with reference to the Company be construed to include the contingency of the undertaking being sold to the corporation at a sum less than the aggregate amount of capital and debts of the Company.

4. Subject to the provisions of this Act the Company may make form lay down work use and maintain the tramways and the deviation and doublings of existing tramways herein-after described in the lines and according to the levels shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails plates posts tubes wires apparatus depôts waiting-rooms works and conveniences connected therewith The tramways and the deviation and doublings of existing tramways herein-before referred to and

Power to make tramways

A.D. 1903. authorised by this Act will be wholly situate in the city and parish of Coventry in the county of Warwick and are—

Tramway No. 1 A tramway 3 furlongs and 0·50 chains or thereabouts in length consisting of 2 furlongs and 4·50 chains or thereabouts of single line and 6 chains or thereabouts of double line commencing in Old Allesley Road in line with the eastern side of Mount Street passing thence along Old Allesley Road into Spon End and terminating therein at a point 20 yards or thereabouts westward from the most westerly point of the building at the corner of Spon End and Butts :

Tramway No. 2 A tramway 5 furlongs 3·35 chains or thereabouts in length consisting of 3 furlongs 4·65 chains or thereabouts of single line and 1 furlong 8·70 chains or thereabouts of double line commencing in Spon End by a junction with Tramway No. 1 at its termination passing thence in an easterly direction along Spon End Spon End Bridge Spon Street Fleet Street Smithford Street including Ram Bridge and terminating in the last-named street at a point 6 yards or thereabouts northward from the north-eastern corner of the King's Head Hotel :

Tramway No. 3 A tramway 1·70 chains or thereabouts in length (double line) commencing in Smithford Street by a junction with Tramway No. 2 at its termination passing thence in an easterly direction along Smithford Street into and across Broad Gate into High Street and terminating therein at a point in line with the western side of Grey Friars Lane :

Tramway No. 4 A tramway 4 furlongs 5·50 chains or thereabouts in length consisting of 2 furlongs 0·30 chains or thereabouts of single line and 2 furlongs 5·20 chains or thereabouts of double line commencing in High Street by a junction with Tramway No. 3 at its termination passing thence eastward along High Street Earl Street Jordan Well Gosford Street (including Gosford Bridge) into and terminating in Far Gosford Street by a junction with the existing tramway opposite a point 17 yards or thereabouts eastward from the eastern side of Lower Ford Street :

Tramway No. 5 A tramway 1 chain or thereabouts in length (double line) commencing in Smithford Street by a junction with Tramway No. 2 at its termination passing in a north-easterly direction along Smithford Street into Broad Gate and terminating therein by a junction with the existing

tramway (as proposed to be deviated as herein-after mentioned) at a point 5 yards or thereabouts northward from the northern side of Smithford Street : A.D. 1903.

Tramway No. 6 A tramway 1·50 chains or thereabouts in length (double line) commencing in High Street by a junction with Tramway No. 4 at its commencement passing thence in a north-westerly direction along High Street Smithford Street into and terminating in Broad Gate by a junction with the existing tramway (as proposed to be deviated as herein-after mentioned) at a point 17 yards or thereabouts northward from the northern side of Smithford Street :

Tramway No. 7 A tramway 2·10 chains or thereabouts in length consisting of 0·45 chains or thereabouts of single line and 1·65 chains or thereabouts of double line commencing in Broad Gate by a junction with the existing tramway (as proposed to be deviated as herein-after mentioned) at a point 3 yards or thereabouts northward from the southern side of Market Place passing thence in a southerly direction along Broad Gate between the existing tramway lines (as proposed to be deviated as herein-after mentioned) and terminating by a junction with the existing tramway (as proposed to be deviated as herein-after mentioned) in Broad Gate at a point 25 yards or thereabouts northward from the northern side of Smithford Street :

Tramway No. 8 A tramway 1·40 chains or thereabouts in length (single line) commencing in Spon End by a junction with Tramway No. 1 at its termination passing thence in a south-easterly direction along Spon End and into Butts and terminating therein at a point 7 yards or thereabouts north-westward from the north-western side of Sovereign Row :

Tramway No. 9 A tramway 1 furlong and 5·30 chains or thereabouts in length consisting of 1 furlong and 2·30 chains or thereabouts of single line and 3 chains or thereabouts of double line commencing in Butts by a junction with Tramway No. 8 at its termination passing thence in a south-easterly direction along Butts and terminating therein at a point 10 yards or thereabouts north-westward from the north-western side of Albany Road :

Tramway No. 10 A tramway 1·55 chains or thereabouts in length (single line) commencing in Butts by a junction

A.D. 1903.

with Tramway No. 9 at its termination passing thence in a south-easterly direction along Butts and terminating therein at a point 10 yards or thereabouts south-eastward from the south-eastern side of Albany Road :

Tramway No. 11 A tramway 3 furlongs and 0·80 chains or thereabouts in length consisting of 2 furlongs and 1·80 chains or thereabouts of single line and 9 chains or thereabouts of double line commencing in Butts by a junction with Tramway No. 10 at its termination passing thence in a south-easterly direction along Butts Queen's Road Stoneleigh Terrace Grey Friars Green Warwick Road and terminating in that road by a junction with the existing tramway at a point opposite the northern pillar of the principal gateway to Darlaston House Warwick Road :

Tramway No. 12 A tramway 1·70 chains or thereabouts in length (single line) commencing in Spon End at a point 13 yards or thereabouts westward from the north-western pillar on the northern parapet of Spon End Bridge passing thence in a southerly direction along Spon End and into Butts and terminating therein by a junction with Tramway No. 9 at its commencement :

Tramway No. 13 A tramway 1·35 chains or thereabouts in length (single line) commencing in Butts by a junction with Tramway No. 9 at its termination passing thence in a southerly direction along Butts and into Albany Road and terminating therein at a point 5 yards or thereabouts south-westward from a point in line with the north-eastern boundary of St. Thomas's Churchyard :

Tramway No. 14 A tramway 1·20 chains or thereabouts in length (single line) commencing in Butts by a junction with Tramway No. 11 at its commencement passing thence in a westerly direction along Butts into Albany Road and terminating therein by a junction with Tramway No. 13 at its termination :

Tramway No. 15 A tramway 4 furlongs and 4·15 chains or thereabouts in length consisting of 3 furlongs and 8·15 chains or thereabouts of single line and 6 chains or thereabouts of double line commencing in Albany Road by a junction with Tramways Nos. 13 and 14 at their common termination passing thence in a south-westerly direction along Albany Road across Earlsdon Lane into Earlsdon Street and terminating therein at a point in line with the north-eastern side of the City Arms public-house :

Tramway No. 16 A tramway 3 furlongs and 2 chains or thereabouts in length consisting of 2 furlongs and 9 chains or thereabouts of single line and 3 chains or thereabouts of double line commencing in Earlsdon Street by a junction with Tramway No. 15 at its termination passing thence in a south-westerly direction along Earlsdon Street Ratcliffe Road Rochester Road and terminating therein at a point in line with the eastern side of Whor Lane :

Work A A deviation of the existing tramway of the Company in Broad Gate consisting of a double line of tramway 3 chains or thereabouts in length and commencing at a point 9 yards or thereabouts northward from the southern side of Market Place and terminating at a point 11·5 yards or thereabouts northward from the northern side of Smithford Street :

Work B A doubling (3 furlongs 2·30 chains or thereabouts in length) of the existing tramway of the Company commencing at a point in Broad Gate 11·5 yards or thereabouts northward from the northern side of Smithford Street at the termination of Work A passing thence in a southerly direction along Broad Gate Hertford Street the open space between Hertford Street and Grey Friars Green Grey Friars Green Warwick Road and Eaton Road and terminating in Eaton Road at a point 26 yards or thereabouts southward from the southern side of Saint Patrick's Road Provided that no rail shall be so laid opposite any part of the Post Office in Hertford Street that a less space than nine feet six inches shall intervene between it and the outside of the footpath on the side of the road adjoining such Post Office :

Work C (1) A doubling (3·90 chains or thereabouts in length) of the existing tramway of the Company—

Between a point in Bishop Street 32 yards or thereabouts northward from the northern side of Hales Street and a point in Burgess 34 yards or thereabouts southward from the southern side of Hales Street :

(2) A doubling (2·25 chains or thereabouts in length) of the existing tramway of the Company—

Between a point in Burgess 8 yards or thereabouts southward from the southern side of Hales Street and a point in Hales Street 32 yards or thereabouts eastward from the eastern side of Bishop Street.

A.D. 1903.

Power to
alter levels
of road.

5. Subject to the provisions of this Act the Company may for the purposes of the tramways alter in the manner shown on the deposited sections the levels of the under-mentioned road where the same passes under the under-mentioned railway (that is to say) :—

Work D Albany Road under and on either side of the bridge carrying the London and North Western Railway over that road for a distance of 40 yards or thereabouts southward and the like distance northward from the southern side of that bridge :

And the Company may for the purpose of such alteration enter upon open and break up the said road :

Provided that the Company shall not in any way interfere with the said bridge and shall restore the road when altered to the satisfaction of the road authority to as good condition as that in which it was before it was opened or broken up.

For protec-
tion of
London and
North
Western
Railway
Company.

6. In constructing and maintaining the tramways and works connected therewith where the same are intended to pass under any railway bridge belonging to the London and North Western Railway Company (herein-after referred to as "the North Western Company") and in lowering any road passing under any such bridge the following provisions shall have full force and effect :—

(1) Before commencing any works under any such bridge the Company shall give fourteen days notice in writing to the North Western Company of their intention to execute such works and such notice shall be accompanied by a plan section and specification showing the nature and extent of the intended works and such works shall be constructed under the superintendence and to the reasonable satisfaction of the North Western Company and so as not in any way to interfere with the traffic on any railway of that company :

(2) The Company shall not in any way vary alter or interfere with the structure of any such bridge and shall not injuriously affect the same :

(3) In the event of any injury being caused to any such bridge by the construction maintenance repairing use or removal of any of the said tramways and works or the lowering of any road under such bridge the North Western Company may at the expense of the Company make good such injury and restore such bridge 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 :

A.D. 1903.

- (4) During the construction of the said tramways and works and the lowering of any road as aforesaid the Company shall bear and on demand pay to the North Western Company all reasonable expense of employment by them of a sufficient number of inspectors or watchmen to be appointed by that company for watching their railways and the works thereof with reference to and during the execution of the intended works and for preventing as far as may be all interference obstruction danger and accident which may arise from any of the operations or from the acts or defaults of the Company or their contractors or any person or persons in the employment of the Company or their contractors with reference thereto or otherwise :
- (5) In the event of any of the tramways being worked by electricity on the overhead system the Company may attach such wires and insulators as may be necessary to any bridge or other work of the North Western Company Provided that the method of attaching and the position of any such wire or insulator shall be subject to the approval of the principal engineer of the North Western Company :
- (6) If and when the North Western Company shall require to repair or paint any such bridge the Company shall in order to ensure the safety of the workmen employed in such repairing or painting cut off the electric current from the trolley wires under such bridge at such times as shall be reasonably required by the said principal engineer of the North Western Company and as shall not unduly interfere with the traffic on the tramways unless the Company shall have previously adopted some other means of protection to workmen which shall have been approved by the said principal engineer :
- (7) Subsections (5) and (6) of this section shall from the passing of this Act apply in the case of any bridge of the North Western Company under which any of the existing tramways are laid :
- (8) If any difference shall arise between the Company and the North Western Company or their respective engineers as to the reasonableness of the plans sections and specifications

A.D. 1903.

herein-before provided for or otherwise under this section such difference shall be referred to and be determined by the arbitration of an arbitrator to be agreed upon or failing agreement to be appointed on the application of either of the Companies by the Board of Trade.

Power to use materials of existing tramways.

7. The Company may in the construction and for the purposes of the deviation and doublings of the existing tramways by this Act authorised take up and remove and utilise the lines of rails and materials of the said tramways between the respective points of commencement and termination of such deviation and doublings and such deviation and doublings when completed shall for all purposes be substituted for the tramways so deviated and doubled and be deemed to form part of the tramways authorised to be constructed and acquired by the Act of 1897.

Power to make additional cross-overs and to double tramway lines.

8.—(1) The Company may subject to the provisions of this Act with the consent of the Board of Trade make maintain alter and remove such crossings cross-overs passing places turnouts sidings junctions and other works in addition to those particularly specified in and authorised by this Act the Coventry and District Tramways Act 1880 the Coventry and District Tramways Act 1882 and the Act of 1897 as they find necessary or convenient for the efficient working of the tramways and of the existing tramways or for providing access to any generating stations or for forming junctions with any other tramways or light railways or to any depôts warehouses stables or carriage-houses or works of the Company or of any other company or person with the consent of such other company or person.

(2) Notwithstanding anything shown on the deposited plans or on the plans deposited with respect to the Coventry and District Tramways Act 1880 the Coventry and District Tramways Act 1882 and the Act of 1897 the Company may with the consent of the Board of Trade lay down double lines in lieu of single lines or single lines in lieu of double lines or interlacing lines in lieu of double or single lines on any of the said tramways and if at any time the road in which any such tramway or part thereof is authorised to be laid or is laid has been or shall be altered or widened the Company may with the like consent construct such tramway or part thereof or (as the case may be) take up or reconstruct the same in such position as they may think fit.

(3) Provided that if in the construction of any works under this section any rail is intended to be so laid that for a distance of thirty feet or upwards a less space than nine feet six inches

would intervene between it and the outside of the footpath on either side of the road the Company shall not less than one month before commencing the works give notice in writing to every owner and occupier of premises abutting on the place where such less space would intervene and such rail shall not except with the consent of the Board of Trade be so laid if the owners or occupiers of one-third of such premises by writing under their hands addressed and delivered to the Company within three weeks after receiving the notice from the Company express their objection thereto.

A.D. 1903.

9. The Company may with the consent of the owner of any building attach to that building such brackets wires and apparatus as may be required for the working of the tramways or existing tramways by mechanical power :

Attachment
of brackets
to buildings.

Provided that—

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

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

A.D. 1903.

Repair of
part of road
where tram-
way is laid.

10. The materials with which and the manner in which any portion of the road in which any of the tramways or of the existing tramways will be or are laid which under section 28 of the Tramways Act 1870 the Company are liable to maintain and keep in good condition and repair shall be maintained and kept in good condition and repair shall be such as may be agreed between the road authority and the Company or in case of difference between them as may be determined by the Board of Trade on the application of either party.

Amending
section 26
of Tramways
Act 1870.

11. The consent of the corporation to the opening or breaking up of a greater length than one hundred yards of any road under subsection (4) of section 26 of the Tramways Act 1870 shall not be unreasonably withheld in the case of the roads within the city other than Smithford Street High Street Fleet Street Spon Street The Butts Earl Street Jordan Well and Gosford Street.

Incorpora-
tion applica-
tion and
amendment
of section 56
of Act of
1897.

12. Section 56 of the Act of 1897 shall have effect as if the words "including the footways thereof or public place" had been inserted therein after the words "street or road" therein appearing and shall extend and apply to and in relation to the tramways and the existing tramways.

Incorpora-
tion and ap-
plication of
certain other
sections of
Act of 1897.

13. The following sections of the Act of 1897 shall so far as the same are applicable in that behalf and are not inconsistent with the provisions of this Act extend and apply mutatis mutandis to and in relation to the tramways by this Act authorised (that is to say) :—

Section 6 (Inspection by Board of Trade.)

Section 7 (Agreements between Company and road authorities.)

Section 9 (Stoppage of roads during execution of works.)

Section 33 (Gauge of tramways.)

Section 34 (Tramways to be kept on level of surface of road.)

Section 35 (Further provisions as to construction of tramways.)

Section 36 (As to rails of tramways.)

Section 37 (Penalty for not maintaining rails and roads.)

Section 38 (Local &c. authorities to have access to sewers.)

Section 39 (Power to make additional crossings &c.)

Section 40 (Application of road materials excavated in construction of works.)

Section 41 (Rates for passengers.)

- Section 42. (Passengers' luggage.)
- Section 43 (Animals and goods.)
- Section 44 (Company not bound to carry goods.)
- Section 45 (Heavy traffic confined to certain hours.)
- Section 47 (As to fares on Sundays and holidays.)
- Section 48 (Periodical revision of rates and charges.)
- Section 49 (Provisions as to motive power.)
- Section 50 (Power to lay and maintain pipes and make openings in streets.)
- Section 51 (Byelaws.)
- Section 52 (Recovery of penalties.)
- Section 53 (Amendment of the Tramways Act 1870 as to byelaws by local authority.)
- Section 54 (Orders regulations &c.)
- Section 55 (Special provisions as to use of electric power.)
- Section 58 (Posts &c. to be removed if user discontinued.)
- Section 59 (Certain sections of the Act of 1880 to apply.)
- Section 62 (Agreements with other companies for the supply of electrical power.)
- Section 65 (For protection of Postmaster-General.)

14. Notwithstanding anything contained in this Act the following provisions for the protection and benefit of the corporation shall except in so far as may be otherwise agreed between the corporation and the Company apply and have effect (that is to say) :—

For protection of corporation.

- (1) In constructing Tramway No. 2 across Spon End Bridge the rails shall be laid as near as practicable to the southern parapet of that bridge :
- (2) Tramways Nos. 3 4 and 6 shall not be constructed along High Street or Smithford Street unless and until the roadway of so much of High Street as extends from the west end of Lloyd's Bank to Grey Friars Lane has been widened throughout to a minimum width of thirty-six feet :
- (3) So much of Tramway No. 4 as is authorised to be constructed in High Street and Earl Street between Grey Friars Lane and St. Mary's Street shall be laid as single line :
- (4) Tramway No. 5 shall be constructed as a single line throughout and so much of the tramways and works as is authorised to be constructed in Broadgate shall be constructed in such position as may be approved by the corporation and according to detailed plans approved by them :

A.D. 1903.

- (5) Where in constructing Tramways Nos. 2 and 4 in Smithford Street Fleet Street Earl Street and Jordan Well a less space than nine feet six inches shall intervene between the outside of the footpath on either side of the road and the nearest rail of the tramway the Company shall construct cross-overs (not exceeding four in number) in such positions as may be required by the corporation and by means of such cross-overs the carriages on the tramways shall where necessary be diverted from one line of tramway to the other :
- (6) The Company shall not exercise the powers of the section of this Act whereof the marginal note is "Power to make additional cross-overs and to double tramway lines" without the consent of the corporation :
- (7) The Company shall not construct a passing place in any road opposite to any road which intersects or joins the road in which the passing place is proposed to be constructed unless the Company shall be prevented from constructing a passing-place in lieu thereof in a suitable place in consequence of the owners or occupiers of one-third of the premises abutting on such place objecting thereto and of the Board of Trade not consenting thereto :
- (8) The Company shall not construct so much of Work B as is situate in Hertford Street :
- (9) The Company shall not construct Work C without the consent of the corporation :
- (10) In the following instances the provisions of section 28 of the Tramways Act 1870 shall extend and apply to the whole width of the road as presently existing in which the tramway is laid (that is to say) :—
- (A) The part of Spon Street near to Crow Lane where a less space than nine feet six inches will intervene between the outside of the footpath on either side of the road and the nearest rail of the tramway ;
- (B) The whole of Smithford Street and the part of Fleet Street between West Orchard and Hill Street where such less space will intervene ;
- (c) The part of Earl Street and Jordan Well between St. Mary's Street and the west side of Gosford Street Chapel where such less space will intervene :
- (11) So much of any road in which the tramways and works by this Act authorised are situate as the Company are by this Act or any Act incorporated herewith required to maintain in good and substantial order and repair shall

be paved by them with granite setts of a length and depth of five inches and width of three inches except in the following instances when the same shall be paved with hard wood blocks (namely) :—

- (i) The places referred to in paragraphs (B) and (C) of the last preceding subsection ;
- (ii) High Street and Earl Street between Broadgate and St. Mary's Street :

(12) The alteration of the levels of Albany Road (Work D) authorised by this Act shall be effected only in accordance with the section dated the thirty-first day of January one thousand nine hundred and three and signed by Joseph Eaves Swindlehurst on behalf of the corporation and by Isaac Everson Winslow on behalf of the Company :

(13) (A) Wherever practicable the Company shall not erect posts in the streets of the city but shall suspend any wires or apparatus necessary for the working of the tramways by mechanical power by means of brackets or other apparatus to buildings ;

(B) The Company shall not without the consent of the corporation erect more than four posts in Smithford Street and Fleet Street between Broadgate and West Orchard nor more than four posts in Earl Street and Jordan Well between St. Mary's Street and the west side of Gosford Street Chapel Provided that the consent of the corporation under this subsection shall not be unreasonably withheld :

(14) The corporation shall upon giving not less than fourteen days notice to the Company of their desire to do so have the right to use any posts standards and brackets erected in the streets within the city in pursuance of this Act or of any previous Act of the Company or of any agreement with the corporation for the support of any electric wires or lamps or any gas lamp belonging to the corporation or to any contractor with them for the lighting of street lamps or for the support of any fire-alarms name-plates street-indicators and wires or otherwise to utilise the same for any purpose they may deem useful or convenient Provided that in the exercise of the powers of this subsection no avoidable damage shall be caused to such posts standards or brackets and no obstruction or interference shall be caused to or with the working by the Company of the undertaking and if the corporation occasion any

A.D. 1903.

damage in the exercise of the powers of this subsection they shall pay compensation to the Company the amount thereof to be determined in default of agreement by arbitration :

- (15) The Company shall where necessary put down at such places along the tramways as the corporation may reasonably require suitable grids and drains communicating with the sewers or other receptacle to prevent the accumulation of water on the tramways :
- (16) Any surplus paving metalling or material which the Company are by section 40 of the Act of 1897 required to deliver to the surveyor to the corporation or to such person or persons as he may appoint to receive the same shall be delivered by the Company at such place not being more than one mile from the place of excavation as the said surveyor may direct :
- (17) All works to be executed by the Company within the city under the powers or in pursuance of the provisions of this Act shall be carried out executed and maintained by the Company to the satisfaction of the engineer of the corporation and in accordance with specifications submitted to and approved by him before the commencement of any of the works Provided that it shall not be necessary to obtain the approval of the said engineer to the specification of the rails to be used in the construction of the tramways Provided also that if the said engineer shall not approve any such specification within twenty-eight days of its being submitted to him the same shall be referred to an engineer to be appointed at the request of the Company or the corporation by the President for the time being of the Institution of Civil Engineers who may after hearing the engineers of the Company and the corporation approve the same with or without such modifications as he may think fit and the costs of such reference shall be paid by the Company and the approval of such engineer shall be of the same effect for the purposes of this section as the approval of the engineer of the corporation :
- (18) The reconstruction of so much of the existing tramways of the Company between the London and North Western Railway Station and Broadgate and between Hales Street and Bedworth as is situate within the city (including the paving and making good of so much of the road as the Company shall disturb or as they are required to keep in

good condition and repair) shall in so far as executed with new materials be subject to the provisions of the last preceding subsection. Provided that nothing in this Act contained shall relieve the Company of the obligations and liabilities imposed upon them or shall deprive the corporation of the rights and privileges conferred upon them by the Acts relating to the said existing tramways : A.D. 1903:

(19) No advertisements shall be displayed on the outside of any carriages used upon any of the tramways or the existing tramways :

(20) (A) Subject to the provisions of this Act and of the Board of Trade regulations and of any byelaws for the time being in force with respect to any of the tramways or the existing tramways the corporation may at such times and in such manner as they think fit between the hours of twelve at night and five in the morning but so as not to unduly impede obstruct or interfere with the ordinary traffic on the tramways use the said tramways by carriages moved by horses or otherwise for the removal of night-soil and house refuse and for the conveyance of scavenging stuff road metal and other materials required by the works of the corporation free of all tolls and charges in respect of such use ;

(B) Subject as aforesaid the corporation may enter into agreements with the Company for the purposes of this section and shall have power to form connexions between the said tramways and any yards or works belonging to the corporation. Provided that any such connexion shall be constructed by the Company at the request and cost and to the reasonable satisfaction of the corporation and if any question arises as to such connexions that question shall be referred to arbitration ;

(c) The corporation shall be entitled to use for such purposes trucks and electric current or other motive power of the Company on such terms as may be agreed upon or as failing agreement shall be settled by arbitration.

15.—(1) Unless the corporation otherwise consent in writing the carriages used upon so much of Tramway No. 2 as shall be constructed between West Orchard and Broadgate shall not be allowed to stop for the purpose of taking up or setting down passengers or goods and no carriages shall be allowed to pass one another on Tramway No. 2 between West Orchard and Broadgate

Cars not to stop between West Orchard and Broadgate.

A.D. 1903. or on Tramway No. 4 between St. Mary's Street and the west side of Gosford Street Chapel.

(2) If the Company or any servant of the Company shall offend against the provisions of this section the Company shall for every such offence be liable to a penalty not exceeding forty shillings.

Service of cars.

16.—(1) The Company shall at all times provide such service of cars upon the tramways and the existing tramways as may be reasonably required in the public interests.

(2) If complaint is made to the Board of Trade by the corporation that a service of cars is not provided in accordance with subsection (1) of this section the Board after considering the financial position of the Company and the circumstances of the locality may by order direct the Company to provide such service as may appear to the Board to be reasonably required in the public interests.

(3) The Company shall be liable to a penalty not exceeding five pounds for every day on which they shall fail to comply with any order made by the Board of Trade under this section.

Cheap fares for labouring classes.

17.—(1) The Company shall at all times run upon the tramways and the existing tramways a proper and sufficient service of carriages for artisans mechanics and daily labourers each way every morning and every evening (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than eight o'clock in the morning or earlier than five o'clock in the evening respectively as may be most convenient for such workmen going to and returning from their work at fares not exceeding one halfpenny for every mile or fraction of that distance (the Company nevertheless not being required to take any less fare than one penny) On Saturdays the Company in lieu of running such carriages after five o'clock in the evening shall run the same at such hours between noon and two o'clock in the afternoon as may be most convenient for the said purposes.

(2) If complaint is made to the Board of Trade that such proper and sufficient service is not provided the Board after considering the circumstances of the locality may by order direct the Company to provide such service as may appear to the Board to be reasonable.

(3) The Company shall be liable to a penalty not exceeding forty shillings for every day during which they fail to comply with any order under this section.

(4) Section 66 of the Act of 1880 and section 46 of the Act of 1897 are hereby repealed. A.D. 1903.

18. The provisions of sections 26 to 33 and 41 of the Tramways Act 1870 (except so much of section 28 as relates to the repair of the road between and on each side of the rails of a tramway) shall apply as if all posts tubes pipes wires and other apparatus used or to be used by the Company for the purposes of mechanical power were parts of the tramways and the existing tramways. Apparatus used for mechanical power to be deemed part of tramway.

19. The tramways together with the existing tramways shall for all purposes be and be deemed to be part of the undertaking of the Company. Tramways to form part of undertaking of Company.

20. Whereas the existing tramways are situate partly within and partly without the city of Coventry and form with the tramways by this Act authorised continuous lines of tramways which can only be economically and efficiently worked as one undertaking and it is expedient that the corporation should be authorised to acquire the undertaking of the Company as a whole : Corporation may purchase undertaking.

And whereas it has been agreed between the corporation and the Company that the provisions herein-after in this section contained shall be substituted for the provisions of the Tramways Act 1870 and of the Act of 1897 with respect to the acquisition of the undertaking by the local authority Be it enacted :—

- (1) The provisions of the Tramways Act 1870 with respect to the acquisition of the undertaking by the local authority shall not apply to the undertaking of the Company except in the case of an order being made by the Board of Trade under section 41 or section 42 of the said Act :
- (2) Subject to the provisions of this section herein-after contained section 21 of the Act of 1897 is hereby repealed :
- (3) The corporation may if they think fit within six months after the expiration of seven years from the passing of this Act or within six months after the expiration of every subsequent period of seven years by notice in writing require the Company to sell and thereupon the Company shall sell to them their undertaking on such terms and conditions as shall be agreed to between the corporation and the Company or failing agreement as shall be determined by an engineer or other fit person nominated as arbitrator by the Board of Trade on the application of either party :

A.D. 1903.

- (4) The arbitrator shall make no allowance for compulsory purchase and shall determine the value of the undertaking on the basis of its value as a going concern :
- (5) When any such sale shall have been made all the rights powers and authorities of the Company in respect to the undertaking sold shall be transferred to vested in and may be exercised by the corporation in like manner as if the tramways so acquired were constructed by the corporation under the powers conferred upon them by a Provisional Order under the Tramways Act 1870 together with power to place and run carriages upon and to work such tramways and to demand and take tolls rates and charges in respect of the same or in respect of the use of such carriages and in reference to such tramways the corporation shall be deemed to be the promoters :
- (6) The corporation may pay the purchase money and all expenses incurred by them in the purchase of the undertaking under the authority of this section out of the like rate and shall have the like powers to borrow on the security of the same as if such expenses were incurred in applying for obtaining and carrying into effect any Provisional Order obtained by them under the Tramways Act 1870 :
- (7) The undertaking of the Company shall for the purposes of this section include the existing tramways and the tramways by this Act authorised and all land buildings works generating stations depôts engines dynamos batteries accumulators mains wires posts brackets plates and other apparatus and the carriages and motors material and plant of the Company belonging to and used by them at the date of the sale for the purposes of their undertaking :
- (8) The corporation may lease the undertaking acquired by them under this section or the right of user of the same and of levying tolls rates fares and charges in respect thereof under and subject to the provisions of section 19 of the Tramways Act 1870 :

Provided that if the Company fail either—

- (1) To reconstruct the existing tramways of the Company between the London and North Western Railway station and Broadgate and between Hales Street and Bedworth in so far as the same are situate within the city within eighteen months and in so far as the same are situate beyond the city within three years from the passing of this Act ; or

(2) To construct so much of the tramways and works by this Act authorised as may be necessary to form a continuous line of tramway between Broadgate and Mount Street and between Broadgate and Whor Lane within three years from the date of the passing of this Act ;

A.D. 1903

the provisions of section 21 of the Act of 1897 with respect to the purchase of the undertaking by the corporation shall continue to apply to the existing tramways of the Company and the provisions of this section shall apply to the undertaking by this Act authorised except that the power to purchase shall be exercised only at the periods prescribed by section 21 of the Act of 1897.

21.—(1) The Company shall contribute the sum of one thousand five hundred pounds towards the cost incurred by the corporation in executing the widening of The Butts authorised by the Coventry Corporation Act 1900 and therein described as Work No. 6 Provided that the sum of one hundred thousand pounds by that Act authorised to be borrowed by the corporation for the purchase of land for and the construction of the street works thereby authorised and otherwise for the widening and improvement of streets shall be reduced by the amount of the payments received from time to time by the corporation from the Company under this section.

Company to contribute to cost of widening The Butts.

(2) Of the said sum the Company shall pay to the corporation one thousand pounds immediately after the passing of this Act and shall pay to the corporation the remainder thereof as soon as they are empowered in pursuance of the section of this Act whereof the marginal note is "For protection of corporation" to construct Tramways Nos. 3 4 and 6 authorised by this Act.

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

Power to grant easements &c. by agreement.

23. The Company may in addition to any lands they have acquired or may acquire under or for the purposes of the Act of

Purchase of lands by agreement.

A.D. 1903. 1897 purchase take on lease or acquire by agreement for the purpose of their undertaking and may hold any lands not exceeding five acres and they may on such lands erect or construct and hold depôts waiting rooms yards wharves offices buildings places sidings works and other conveniences not being generating stations in connexion with their undertaking but nothing in this Act shall exonerate the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any land purchased or acquired by agreement under the powers of this section.

Restriction
on taking
houses of
labouring
class.

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

(2) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if it think fit reduce such penalty.

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

Period for
completion
of tramways.

25. If the tramways (other than Tramways Nos. 3 4 and 6) and the deviation and doublings of the existing tramways are not completed within three years from the date of the passing of this Act and Tramways Nos. 3 4 and 6 are not completed within one year from the date upon which the Company are empowered in pursuance of the section of this Act whereof the marginal note

[3 EDW. 7.] *Coventry Electric Tramways Act, 1903.* [Ch. cclix.]

is "For protection of corporation" to construct those tramways then on the expiration of those periods respectively the powers by this Act conferred on the Company for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed. A.D. 1903.

26. If any person wilfully does or causes to be done with respect to any apparatus used for or in connexion with the working of any tramway of the Company anything which is calculated to obstruct or interfere with the working of such tramway or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he may be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence or of any offence under section 50 of the Tramways Act 1870 with respect to any tramway of the Company shall be liable to a penalty not exceeding twenty pounds. Penalty for malicious damage.

27. Section 23 (Power to maintain a certain tramway) and section 24 (Tramway to form part of tramway undertaking) of the Coventry Corporation Act 1900 are hereby repealed and re-enacted as from the passing of that Act as follows:— Repeal and re-enactment of sections 23 and 24 of Coventry Corporation Act 1900.

(1) The Company may maintain and continue the existing tramway in Warwick Road in the city of Coventry commencing at or near the junction of Eaton Road with Warwick Road and terminating at or near the junction of Union Street with Warwick Road with all proper rails plates sleepers channels junctions turnouts crossings passing places buildings works and conveniences connected therewith:

(2) The tramway so authorised to be maintained shall form part of the tramway undertaking of the Company and they may in respect of that tramway exercise and enjoy all and the like powers rights privileges and authorities which they may now or are empowered to exercise and enjoy and shall be subject and liable to the like penalties conditions restrictions and stipulations as they are respectively subject and liable to with respect to that tramway undertaking or any part thereof and may demand take and recover in respect of that tramway or any part thereof the like tolls rates and charges for the use thereof and for the conveyance thereon of traffic of all kinds as they are authorised to demand and take in respect of the other tramways forming part of the undertaking of the Company.

A.D. 1903.

Penalty imposed unless tramways opened within limited time.

28. If the Company fail within the period limited by this Act to complete the tramways or any of them and open the same for public traffic the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the said tramways are completed and opened for public traffic or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the uncompleted tramway or tramways. And the said penalty may be applied for by any road authority landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act 1854. Every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the Paymaster-General for and on behalf of the Supreme Court in the bank and to the credit specified in such warrant or order and shall not be paid thereout except as herein-after provided. But no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening any tramway by unforeseen accident or circumstances beyond their control. Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalty.

29. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the London Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the tramways or any portion thereof in respect of the non-completion of which the same was recovered and also in compensating all road authorities for the expense incurred by them in taking up any tramway or any portion thereof or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively and in making good all damage caused to such roads by the construction or abandonment of such tramway and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit. And if no such compensation shall be payable or if a portion of the sum or sums of money so recovered by way

A.D. 1903.

of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or if the Company is insolvent and has been ordered to be wound up or the tramway or tramways in respect of which the penalty has been incurred or any part thereof has been abandoned be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or re-transferred to the Company.

30. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise by the creation and issue of new shares any additional capital not exceeding in the whole eighteen thousand pounds and such new shares may be wholly or partially ordinary shares or wholly or partially preference shares as the Company think fit but the Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such share shall have been paid in respect thereof.

Power to raise additional capital.

31. One-fifth of the amount of a share shall be the greatest amount of a call and three months at least shall be the interval between successive calls and three-fourths of the amount of a share shall be the utmost aggregate amount of calls made in any year upon any share.

Calls.

32. Every person who becomes entitled to new shares shall in respect of the same be a holder of shares in the Company and shall be entitled to a dividend with the other holders of shares of the same class or description proportioned to the whole amount from time to time called and paid on such new shares.

Dividends on shares.

33. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares to which a preferential dividend shall be assigned.

Restriction as to votes in respect of preferential shares.

34. If any money be payable to any shareholder or mortgagee being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company for the same.

Receipts on behalf of incapacitated persons.

A.D. 1903.

Power to
borrow.

35. The Company may in respect of the additional capital of eighteen thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking in addition to the sums which they are already authorised to borrow any sum or sums not exceeding in the whole two thousand pounds in respect of each six thousand pounds of such additional capital. But no part of the before-mentioned sums of two thousand pounds shall be borrowed until shares for the portion of the capital in respect of which the borrowing powers are to be exercised are issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 (before he so certifies) that shares for the whole of such portion of capital have been issued and accepted and that one half of such portion has been paid up and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such shares were issued and accepted and to the extent aforesaid paid up bonâ fide and are held by the persons to whom the same were issued or their executors administrators successors or assigns and also that such persons or their executors administrators successors or assigns are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which certificate shall be sufficient evidence thereof.

For appoint-
ment of a
receiver.

36. Every provision in any Act passed before the passing of this Act whereby the Company is authorised to raise by borrowing monëy for the purposes of their undertaking with respect to the appointment of a receiver is hereby repealed but without prejudice to any appointment which may have been made or to the continuance of any proceedings which may have been commenced prior to the passing of this Act under any such provision. The mortgagees of the Company may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver and in order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five thousand pounds in the whole.

37. All moneys after the passing of this Act to be borrowed on mortgage under any former Act relating to the Company or under this Act from the time when the same shall be advanced and the interest for the time being due thereon shall have priority against the Company and all the property from time to time of the Company over all other claims on account of any debts incurred or to be incurred or engagements entered into or to be entered into by them after the passing of this Act but nothing in this section shall affect any claim in respect of land acquired by the Company for the purposes of this Act or injuriously affected by the construction of the tramways or by the exercise of any of the powers conferred upon the Company.

A.D. 1903.
Moneys
borrowed on
mortgage
to have
priority.

38. Whereas the Company have under the powers and in accordance with the provisions of the Act of 1897 borrowed twenty-four thousand pounds on mortgage of their undertaking And whereas the several mortgagees have consented in writing to the provisions of this Act that the mortgages granted under this Act shall rank *pari passu* with all mortgages granted under the Act of 1897 Be it enacted that all mortgages granted by the Company under the authority of this Act shall rank *pari passu* with all mortgages granted under the Act of 1897 without any preference one above another by reason of priority of the date of any such mortgage or of the meeting at which the same was authorised.

As to
ranking of
mortgages
granted
under this
Act.

39. The Company shall not create debenture stock.

Company not to
create debenture
stock.

40. Every mortgage of the Company's undertaking shall be deemed to comprise all purchase money which may be paid to the Company in the event of a sale to the local authority and may comprise all or any moneys carried to the contingency fund according to the terms of the mortgage.

Mortgage
to comprise
purchase
money paid
on compul-
sory sale.

41. Every mortgage deed granted by the Company under this Act shall be endorsed with notice that such mortgage will not be a charge upon the tramways or the undertaking or any part thereof in the event of purchase by the local authority.

Endorsement
of notice of
power of future
purchase by
local autho-
rity.

42. All moneys raised under this Act whether by shares or borrowing shall be applied only for the purposes of this Act and for the general purposes of the Company's undertaking being in every case purposes to which capital is properly applicable and the Company may apply to the purposes of this Act any moneys authorised to be raised by them and not required for the purposes of the Act of 1897.

Application
of moneys.

A.D. 1903.

Ordinary
meetings.

43. The ordinary meetings of the Company shall be held in the month of April in every year or at such other time as shall be appointed for that purpose by an order of a general meeting of the Company.

Auditor.

44. Section 29 of the Act of 1897 is hereby repealed. The prescribed number of auditors may in the option of the Company be either one or two or a firm of accountants. The auditor need not hold shares in the Company.

Interim
dividend.

45. The directors may in any year without calling a meeting of shareholders for the purpose declare and pay such interim half-yearly dividend out of the then ascertained profits of the Company as in their judgment the position of the Company justifies.

Closing of
transfer
books pre-
vious to
declaring
interim
dividend.

46. It shall be lawful for the directors to close the register of transfers for a period not exceeding fourteen days previous to the declaration of any interim dividend and they may fix a day for closing the same of which seven days' notice shall be given by advertisement in some newspaper published or circulating in the district within which the principal office of the Company is situate and any transfer made during the time when the transfer books are so closed shall as between the Company and the party claiming under the same but not otherwise be considered as made subsequently to the declaration of any such dividend.

For protec-
tion of War
Department.

47. Where any tramway constructed under this Act shall pass any land or building vested in or under the control of the Secretary of State for the War Department no crossing passing-place siding or junction whether shown on the deposited plans or not and no other work not shown on the deposited plans opposite to such land or building shall be constructed until it shall have been approved by the said Secretary of State or by an officer acting on his behalf and if at any time it shall in the opinion of the said Secretary of State be desirable that such crossing passing-place siding junction or other work shall be altered or removed the Company shall alter or remove it to the satisfaction of the Secretary of State within twenty-eight days from the time at which they are called upon to do so.

The Company shall not permit any of their engines or carriages to stop or stand upon their tramway opposite or near to the entrance to any lands or buildings vested in or under the control of His Majesty's Principal Secretary of State for the War Department in such manner as to interfere with access to or from such lands or buildings.

48. Section 65 (For protection of Postmaster-General) of the Act of 1897 shall be and is hereby amended as follows :—

A.D. 1903.

For protection of Postmaster-General.

- (A) Subsection (3) thereof shall be read as if the words within brackets “ or the laying of lines crossing the lines 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 ” were omitted and such words shall be deemed to be omitted from the said subsection :
- (B) The following provision shall have effect in addition to and shall be read with the provisions contained in the said section :—

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

49. No interest or dividend shall be paid out of any share or loan capital which the Company are by this Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Interest on calls not to be paid out of capital.

50. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other tramway or to execute any other work or undertaking.

Deposits for future Bills not to be paid out of capital.

A.D. 1903.
Provision as
to general
Tramway
Acts.

51. Save as provided in the section of this Act of which the marginal note is "Corporation may purchase undertaking" with respect to the acquisition of the undertaking by the corporation nothing in this Act contained shall exempt the Company or the tramways of the Company from the provisions of any general Act relating to tramways now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of tolls or charges authorised to be taken by the Company.

Costs of Act.

52. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY FIGOTT, Esq., C.B., the King's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
OLIVER AND BOYD, EDINBURGH; or
E. PONSONBY, 116, GRAFTON STREET, DUBLIN.