

[43 & 44 VICT.] *Coventry and District Tramways* [Ch. clxxxv.]
Act, 1880.



CHAPTER clxxxv.

An Act to authorise the construction of Tramways in and near to the towns of Coventry and Bedworth, and from Coventry to Bedworth, in the county of Warwick; and for other purposes. A.D. 1880.
[26th August 1880.]

WHEREAS the construction of tramways in the public streets and roads in and near to the towns of Coventry and Bedworth, and from Coventry to Bedworth, in the county of Warwick, would be attended with public and local advantage :

And whereas it is expedient that the persons herein-after named, with others, should be incorporated into a Company, and should be empowered to make the said tramways, and that the powers herein-after contained should be conferred upon them for that purpose :

And whereas plans and sections showing the lines and levels of the proposed tramways, and a book of reference to those plans, have been deposited with the clerk of the peace for the county of Warwick, and are herein-after referred to respectively as the deposited plans, sections, and book of reference :

And whereas the purposes aforesaid cannot be attained without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted; and be it 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 ; (that is to say,)

1. This Act may be cited for all purposes as the Coventry and District Tramways Act, 1880. Short title.

2. The following Acts and parts of Acts ; (that is to say,) The Companies Clauses Consolidation Act, 1845, Part I. (relating to cancellation and surrender of shares) of the Companies Clauses Act, 1863, as amended by the Companies Clauses Act, 1869 ;

Incorporation
of general Acts.
8 & 9 Vict.
c. 16.
26 & 27 Vict.
c. 118.
32 & 33 Vict.
c. 48.

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A.D. 1880.
8 & 9 Vict.
c. 18.

23 & 24 Vict.
c. 106.
32 & 33 Vict.
c. 18.

33 & 34 Vict.
c. 78.

Interpreta-
tion of terms.

Incorpora-
tion of Com-
pany.

The Lands Clauses Consolidation Acts, 1845, (except the provisions thereof 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,) 1860, and 1869;

Section 3 (interpretation of terms), section 19 (local authority may lease or take tolls) of Part I. and Parts II. and III. of the Tramways Act, 1870,

so far as they are applicable to and are not expressly varied by or inconsistent with the provisions of this Act, are incorporated with and form part of this Act, and shall apply to the undertaking of the Company.

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

The expression "the Company" means the Company incorporated by this Act ;

The expressions "the tramways" and "the undertaking" mean respectively the tramways and undertaking by this Act authorised ;

The expression "person" includes company ;

The expression "superior courts" or "court of competent jurisdiction," or any other like expression in this Act or any Act wholly or partly incorporated with this Act, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute ; and

The word "contingencies" in section 122 of the Companies Clauses Consolidation Act, 1845, shall, with reference to the Company, be construed to include the contingency of the tramways being sold to the local authorities under section 43 of the Tramways Act, 1870, at a sum less than the aggregate amount of the capital and debts of the Company.

4. Francis Wyley, Edward William Orton, the Reverend Henry Walford Bellairs, Clerk, John Riley, William Haynes, George Haynes, William Lloyd, Philip Quirk, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be united into a Company for the purpose of making and maintaining the tramways and for other the purposes of this Act, and for those purposes shall

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be incorporated by the name of "The Coventry and District Tramways Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act, and their undertaking shall be called "The Coventry and District Tramways."

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5. Subject to the provisions of this Act, the Company may make, form, lay down, work, use, and maintain, in the lines and according to the levels shown on the deposited plans and sections, and in accordance with those plans and sections, the tramways herein-after described, with all proper rails, plates, chairs, sleepers, weigh-bridges, weighing-machines, roadways, works, and conveniences connected therewith.

Power to
make tram-
ways.

The tramways herein-before referred to and authorised by this Act are the following ; namely,

Tramway No. 1. A tramway, five miles five furlongs and nine chains in length, consisting of five miles nine chains of single line and of five furlongs of double line, commencing in the Warwick Road, in the parish of Saint Michael, Coventry, at or near the city boundary, and terminating in the Coventry and Nuneaton Road, in the parish of Bedworth, at a point nearly opposite the cemetery gates at Bedworth : Provided always, that the said tramway shall be constructed as a single line only in the centre of the road where the same is laid opposite the southern entrance of the London and North-western Railway Company's goods station in the Warwick Road aforesaid :

Tramway No. 1A. A tramway, six chains and six yards in length, consisting of a single line, commencing in Broadgate, in the parish of Saint Michael, Coventry, by a junction with Tramway No. 1 opposite the south-east corner of the City Hotel, and terminating in Cross Cheaping, in the parish of Holy Trinity, Coventry, by a junction with Tramway No. 1 at a point opposite the passage leading to the Dolphin Inn :

Tramway No. 2. A tramway, one mile three chains and eight yards in length, consisting of seven furlongs three chains and eight yards of single line and one furlong of double line, commencing in Hertford Street, in the parish of Saint Michael, Coventry, by a junction with Tramway No. 1 at a point four yards south of the north-east corner of the King's Head Hotel, and terminating in the Birmingham Old Road at or near the City boundary in the same parish :

Tramway No. 3. A tramway, three miles four furlongs eight chains and eighteen yards in length, consisting of three miles

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one furlong four chains and eleven yards of single line and of three furlongs four chains and seven yards of double line, commencing in the parish of Holy Trinity, Coventry, by a junction with 'Tramway No. 1 at a point in Burgess twelve yards south of the centre of Hales Street, and terminating in the parish of Foleshill by a double junction with Tramway No. 1 in the Coventry and Nuneaton Road, at points respectively fifteen yards north and fifteen yards south of the centre of Windmill Lane, near the New Inn public-house :

Tramway No. 3A. A tramway, nine chains and nine yards in length, consisting of a single line, wholly situate in the parish of Holy Trinity, Coventry, commencing by a junction with Tramway No. 3 in Hales Street, five yards south-west of the centre of Jesson Street, and terminating in Stoney Stanton Road by a junction with Tramway No. 3 at a point ten yards north-east of the centre of Bird Street.

All the tramways and works hereby authorised will be situate in the parishes of Saint Michael, Holy Trinity, and Saint John the Baptist, in the city of Coventry, Foleshill, Exhall, and Bedworth, or some or one of them, in the county of Warwick.

Construction
of works
affecting the
Coventry
Canal Com-
pany.

6. With respect to the construction of works by the Company affecting the bridges of the Company of Proprietors of the Coventry Canal, herein-after called the Canal Company, the following provisions shall have effect :

(1.) Before commencing to lay down Tramway No. 3 over the bridge called Navigation Bridge, carrying the Stoney Stanton Road over the Coventry Canal, in the parish of Foleshill, the Company shall widen the said bridge in manner indicated on the deposited plans, and they shall, if necessary, strengthen the said bridge, or they may, if they think fit, pull down and rebuild the said bridge and widen the same as aforesaid, and the Company shall, before laying down any tramway across any other bridge over the Coventry Canal, if necessary, strengthen such bridge, or they may, if they think fit, pull down and rebuild the same or any portion thereof: Provided that the Company in executing such work shall make and maintain the arch of each bridge of one uniform height throughout, and shall not lower the soffit or reduce the span of the arch of such bridge without the consent in writing of the Canal Company :

(2.) Any additional expense in the maintenance of any such bridge, or the approaches thereto, or the roadway over the same, so far as not repairable by the Company, occasioned by the widening or rebuilding of any such bridge or other opera-

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tions of the Company, or by the construction, maintenance, or use of the tramways, shall be borne by the Company : A.D. 1880.

- (3.) Notwithstanding the widening or rebuilding of or other operations of the Company upon any such bridge, such bridge and the approaches thereto shall continue to be the property of the Canal Company, who shall, subject to the provisions of this Act, maintain the same, and have the same estate and interest therein, and be subject to the same liabilities and obligations with respect thereto, as they now have in such present bridge and the approaches thereto :
- (4.) Before commencing any such work the Company shall give to the Canal Company not less than fourteen days notice thereof, and at the same time submit to them a plan, section, and specification of the proposed work, and shall perform the work under the superintendence (at the cost of the Company) and to the reasonable satisfaction of the engineer of the Canal Company, and so as not to impede or interfere with the traffic through, from, or upon the canal or towing-path thereof :
- (5.) If any difference arise between the Company and the Canal Company with respect to the necessity for strengthening any bridge, or the propriety of or the mode of constructing any work to which this section relates, or as to whether any such work is such as ought reasonably to satisfy the Canal Company or their engineer, the matter in difference shall (unless the parties agree upon some other reference) be settled by an engineer or other fit person nominated as referee by the Board of Trade, on the application of the Company or of the Canal Company, whose decision shall be final and binding on both parties, and the expenses of the reference shall be borne and paid as the referee directs :
- (6.) If the Company shall, in constructing the tramways or in altering or rebuilding any bridge over or other operations affecting the Coventry Canal, or if they shall at any time after the construction of the tramways cause any obstruction to the said canal or the towing-path thereof, so that the boats or other vessels navigated on the said canal, or the horses or other animals drawing such boats or other vessels, shall not be able to pass uninterruptedly along the said canal and towing-path, they shall for every hour or portion of an hour during which such obstruction shall continue pay to the Canal Company, as and by way of liquidated damages, the sum of five pounds, and the Canal Company may recover the amount of such damages from the Company in any court of competent jurisdiction :

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(7.) The Canal Company shall not be liable for any loss or damage caused to any person by reason of the constructing of the tramways or the altering or rebuilding by the Company of any bridge over the Coventry Canal, or other the operations of the Company, their servants and contractors, but nothing herein contained shall extend to prejudice any claims of any such person against the Company in respect of loss or damage as aforesaid :

(8.) Nothing in this Act contained shall take away or abridge any power of the Canal Company to alter or remove and rebuild any bridge over the Coventry Canal along or across which any tramway is laid, and the Canal Company shall not be liable to pay to the Company any compensation for injury done to the tramways by the execution of such work, or for loss of traffic occasioned thereby, or for the reasonable exercise of any such power ; but in the exercise of such power the Canal Company shall cause as little detriment or inconvenience to the Company as circumstances will admit ; and before the Canal Company commence any work whereby the traffic on the tramways will be interrupted, they shall (except in cases of urgency, in which cases no notice shall be necessary,) give to the Company one month's notice of their intention to commence such work, specifying the time at which they will begin to do so, and whenever, for the purpose of enabling them to execute such work, the Canal Company shall so require, the Company shall either stop the traffic on the tramways where it would interfere with such work, or shore up and secure the tramway at their own risk and cost during the execution of the work : Provided always, that the Canal Company shall not execute such work, so far as it immediately affects the tramways, except under the superintendence of the Company (at the Company's expense), unless the Company refuse or neglect to give such superintendence at the time specified in the notice for the commencement of the work, or discontinue the same during the progress of the work. If any difference shall arise between the Canal Company and the Company as to the manner in which such work should be executed, such difference shall be settled in manner provided in sub-section (5) of this section for the settlement of differences therein provided for :

(9.) In the event of any local authority or any person purchasing or otherwise becoming the proprietors of the tramways, all the provisions of this section shall be held to apply to such

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local authority or such person in like manner as to the A.D. 1880.
Company.

7. If any damage be occasioned to any bridge, arch, culvert, or roadway maintained or repairable by the justices of the peace for the county of Warwick, or by any local or road authority, or by any railway, canal, or other company, body, or persons, or to any of the fences, walls, buttresses, retaining walls, or supports thereof, by any car, carriage, or other vehicle of the Company, or by the laying, repairing, or relaying of the tramways, the Company shall, at their own expense, repair or make good any such damage under the superintendence and to the reasonable satisfaction of the surveyor of county bridges for the said county, or of such local or road authority, or of the engineer or surveyor of such railway, canal, or other company, body, or persons, as the case may be, the costs of such superintendence to be paid by the Company in every case.

Company
to pay for
damage done
to county
and other
bridges.

8. No works, matters, or things which the Company may be empowered or required to do with reference to the water mains, water pipes, or other works connected therewith, of the mayor, aldermen, and citizens of the city of Coventry (herein-after referred to as "the corporation"), being the owners of the waterworks for the supply of the city of Coventry, shall be commenced by the Company till after fourteen days notice in writing, specifying the works, matters, or things to be done or executed, and of their intention to commence the same, shall have been given by the Company to the corporation; and if within seven days after the receipt by them of such notice the corporation shall give notice in writing to the Company that the corporation desire and intend themselves to do and execute such works, matters, or things, then the corporation may and shall with all reasonable expedition do and execute the same accordingly, and the Company shall, on the completion thereof, pay to the corporation on demand the reasonable expenses incurred by them in the doing and execution of such works, matters, or things, and the provisions of sub-section 1 of section 30 of the Tramways Act, 1870, shall be read and construed accordingly.

Protection
of the water
mains and
pipes of the
Corporation
of Coventry;

9. No works, matters, or things which the Company may be empowered or required to do or execute with reference to the mains, pipes, or other works of the Coventry Gas Company shall be commenced by the Company till after fourteen days notice in writing, specifying the works, matters, or things to be done or executed, and of their intention to commence the same, shall have been given by the Company to the Coventry Gas Company; and if

Protection
of the
Coventry
Gas Com-
pany's mains
and pipes.

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A.D. 1880. — within seven days after the receipt by them of such notice the Coventry Gas Company shall give notice in writing to the Company that they desire and intend themselves to do and execute such works, matters, or things, then the Coventry Gas Company may and shall with all reasonable expedition do and execute the same accordingly, and the Company shall, on the completion thereof, pay to the Coventry Gas Company on demand the reasonable expenses incurred by them in the doing and execution of such works, matters, or things; and the provisions of sub-section 4 of section 32 of the Tramways Act, 1870, in favour of the local authority or the road authority, shall, in addition to the other protection afforded to them by the Tramways Act, 1870, and without prejudice thereto, extend to and include the Coventry Gas Company.

General powers to Company for strengthening bridges and improving gradients of roads.

10. The Company may, subject to the provisions of section 31 of the Tramways Act, 1870, and of this Act, strengthen, or where necessary pull down and rebuild, any bridges, arches, or culverts under any roads or streets in which the tramways may be laid, and may, with the consent of the road authority, ease or improve the gradients or inclinations of any or any part of such roads or streets where the same may be effected without injury to the adjoining property.

Railway carriages not to be used.

11. The Company shall not use upon the tramways carriages or trucks constructed for use upon railways.

Use of steam and other power.

12. The carriages used on the tramways may, subject to the provisions of this Act, be moved by animal power, steam power, and other mechanical power, or by any of those means.

Capital.

13. The capital of the Company shall be seventy-nine thousand pounds, in seven thousand nine hundred shares of ten pounds each.

Shares not to be issued until one-fifth part paid up.

14. The Company shall not issue any share created under the authority of this Act, 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.

Calls.

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

Receipt in case of incapacitated persons.

16. If any money is payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

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17. The Company may from time to time borrow on mortgage any sum not exceeding in the whole nineteen thousand seven hundred and fifty pounds, but no part thereof shall be borrowed until the whole of the said capital of seventy-nine thousand pounds is issued and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the 40th section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that the whole of such capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide, and is held by the persons or corporations to whom the same were issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, 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 shall be sufficient evidence thereof.

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Power to
borrow on
mortgage.

18. 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. 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 three thousand pounds in the whole.

Appointment
of a receiver.

19. The Company shall not create debenture stock.

Debenture
stock.

20. Every mortgage granted by the Company shall be marked with the short title of the Act under which the same is granted.

Short title of
Act to be
marked on
mortgage.

21. 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 compulsory sale to a local authority under section 43 of the Tramways Act, 1870, 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 com-
pulsory sale.

22. Every mortgage deed granted by the Company under this Act shall be indorsed with notice that such mortgage will not be a charge upon the tramways in the event of any of the local authorities exercising the power of purchase conferred by section 43 of the Tramways Act, 1870.

Indorsement
of notice of
power of
future pur-
chase by
local
authorities.

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- A.D. 1880. **23.** All moneys to be borrowed on mortgage under this Act shall have priority against the Company, and 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.
- Priority of mortgages.
- Application of moneys. **24.** All moneys raised under this Act, whether by shares or borrowing, shall be applied to the purposes of this Act only.
- First and subsequent ordinary meetings. **25.** The first ordinary meeting of the Company shall be held within six months after the passing of this Act, and the subsequent ordinary meetings of the Company shall be held in the months of March and September in every year.
- Quorum for general meetings. **26.** The quorum for general meetings of the Company shall be twenty shareholders present in person or by proxy, holding in the aggregate not less than five thousand pounds in the capital of the Company.
- Number of directors. **27.** The number of directors shall be five, but the Company may from time to time reduce the number, provided that the number be not less than three.
- Qualification of directors. **28.** The qualification of a director shall be the possession in his own right of not less than fifty shares.
- Quorum for meeting of directors. **29.** The quorum for a meeting of directors shall be three whilst their number is five or four, and two when their number is three.
- First directors. **30.** Francis Wyley, Edward William Orton, George Haynes, William Lloyd, and Philip Quirk shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting, the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office, agreeably to the provisions in the Companies Clauses Consolidation Act, 1845, contained, and the several persons elected at any such meeting, being neither removed nor disqualified, nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.
- Election of directors.

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31. The tramways shall be completed within two years from the passing of this Act, and on the expiration of that period the powers by this Act granted to the Company for constructing the tramways, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

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Period for
completion
of works.

32. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act passed in the session of Parliament held in the ninth and tenth years of the reign of Her present Majesty, chapter twenty, a sum of four thousand four hundred and eighty-nine pounds fifteen shillings and elevenpence Consolidated Three Pounds per Centum Annuities, being upwards of five per centum upon the amount of the estimate in respect of the tramways proposed to be authorised by the Bill for this Act as introduced into Parliament, has been transferred into the Court, that is to say, the Chancery Division of the High Court of Justice, in respect of the application to Parliament for this Act: And whereas certain of the tramways so proposed to be authorised were struck out of the said Bill during its progress through Parliament: And whereas the sum of two thousand eight hundred and ninety-seven pounds two shillings Consolidated Three Pounds per Centum Annuities represents five per centum upon the estimate of expense of the tramways by this Act authorised to be constructed (which last-mentioned sum is in this Act referred to as "the deposit fund"): Be it enacted, that, notwithstanding anything contained in the said recited Act, the deposit fund shall not be paid or transferred to or on the application of the person or persons, or the majority of the persons, named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them, (which persons, survivors, or survivor are or is in this Act referred to as "the depositors,") unless the Company shall, previously to the expiration of the period limited by this Act for completion of the tramways, open the tramways for public traffic: Provided that if within the said period the Company open any portion of the tramways for public traffic, then, on production of the certificate of the Board of Trade, specifying the length of the portions of the tramways opened as aforesaid, and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the tramways so opened bears to the entire length of the tramways, the Court shall, on the application of the depositors, order the said portion of the deposit fund so specified in such certificate to be paid or transferred to them, or as they shall direct, and the certificate of the Board of Trade shall, if signed by the secretary or by an assistant secretary of that Board, be sufficient evidence of the facts therein certified, and it shall not be necessary

Deposit
fund.

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— above-mentioned Act to the contrary notwithstanding.

Application
of deposit
fund.

33. If the Company do not, previously to the expiration of the period limited by this Act for the completion of the tramways, open them for public traffic, then and in every such case the deposit fund, or so much thereof as shall not have been paid to the depositors as aforesaid, shall be applicable, and after due notice in the London Gazette shall be applied, towards compensating any land-owners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the tramways or any portion thereof, and also in compensating any road authority for the expense incurred by them in taking up any tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authority, 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 Court may seem fit, and if no such compensation shall be payable, or if a portion of the deposit fund shall have been found sufficient to satisfy all just claims in respect of such compensation, then the deposit fund, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and shall accordingly be paid or transferred to or for the account of Her Majesty's Exchequer, in such manner as the Court think fit to order on the application of the Solicitor to Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Court, if the Company is insolvent, and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the deposit fund shall have been repaid to the depositors or shall have become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the depositors.

Release of
balance of
deposit.

34. On the application by the depositors by petition in a summary way, the Court may and shall order that the balance of the said sum of four thousand four hundred and eighty-nine pounds fifteen shillings and elevenpence Consolidated Three Pounds per Centum Annuities so transferred into the Court as aforesaid over and above

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the deposit fund, and the dividends thereof, shall be paid or transferred to the depositors or any other person or persons whom they may appoint in that behalf. A.D. 1880.

35. The Company may from time to time purchase and acquire by agreement, for the purposes of their undertaking, and hold, in addition to any lands which they are authorised to take by compulsion, any lands not exceeding ten acres. Purchase of lands by agreement.

36. The Company may erect or construct on any lands they may acquire under the powers of this Act or they may take on lease any offices, stables, sheds, workshops, or other buildings, yards, works, and conveniences for the purposes of their undertaking. Company may erect or take on lease offices, stables, &c.

37. Every tramway to be made, formed, or laid down under the powers of this Act shall be constructed with two rails on the gauge of three feet and six inches, and in such manner that the groove of the rail shall in no case exceed in width one inch and a quarter in any curve of which the radius is less than two chains, or one inch in other parts : Provided always, that no carriage used on any such tramway shall extend beyond the outer edge of the wheels of such carriage more than fifteen inches on each side, or be more than six feet in width. Gauge of tramways, &c.

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

39. The Board of Trade may from time to time, upon the application of the road authority, require the Company to adopt and apply such improvements in the tramways, including the rails thereof, as experience may from time to time suggest, having regard to the greater security of the public and advantage to the ordinary traffic ; and the Company shall, with all reasonable despatch, comply with any order made by the Board of Trade for the purpose of carrying out such improvements. Company to adopt improvements if required by Board of Trade.

40. In addition to the requirements of section twenty-six of the Tramways Act, 1870, the Company 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, laying down, maintaining, or renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of constructing, laying down, maintaining, or renewing such tramways, and a statement of the materials intended to be used therein ; and the Company shall not commence the construction, laying down, maintenance, or renewal of any of the tramways or part of any of the tramways respectively until such plan and statement have been approved by Further provisions as to construction of tramways.

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A.D. 1880. — the Board of Trade, and after such approval the works shall be executed in accordance in all respects with such plan 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: Provided always, that the word "materials" in this enactment does not include materials used for paving any part of any street or road under the provisions of the Tramways Act, 1870, or this Act.

Inspection
by Board of
Trade.

41. The tramways shall not be opened for public traffic until they have been inspected and certified to be fit for such traffic by the Board of Trade.

Provision as
to paving
and repair-
ing roads.

42. The Company shall maintain in good and substantial order and repair the proportion of roadway in which any tramway is laid between the rails of the tramway and so much of the roadway as extends twenty-five inches beyond the rails of and on each side of such tramway, and (where the tramway is laid as a double line at a distance of not more than five feet between the double lines) the portion of roadway between the double lines, but either the road authority or the Company may undertake to repair and maintain the whole of the roadway upon such terms and conditions (pecuniary or otherwise) as may from time to time be agreed upon between them, or as may in default of agreement be fixed by the Board of Trade on the application of either party.

Penalties
for not
maintaining
rails in
proper order.

43. The Company shall at all times maintain and keep in good condition and repair, and so as not to be a danger or annoyance to the ordinary traffic, the rails of the tramways, and (except so far as repairs and maintenance are undertaken by the road authority) the paving, metalling, or other road materials laid down by the Company, and the substructure upon which the same rest, and if the Company at any time fail to comply with this provision, or with any of the provisions of section twenty-eight of the Tramways Act, 1870, they shall for every such offence be subject, on information laid or complaint made, to a penalty not exceeding five pounds, and in case of a continuing offence to a further penalty not exceeding five pounds for every day after the first on which such failure continues, after twenty-four hours notice has been given by the clerk or surveyor of the road authority, and such penalty shall be a penalty within the meaning of section fifty-six of the said Act. In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramways or any portion thereof are or is situate, or by twenty inhabitant ratepayers of such district, that the Company have made default in complying with the provi-

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sions in this section contained, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, the Board of Trade may, if they think fit, direct an inspection by an officer to be appointed by the said Board, and if such officer report that the default mentioned in such representation has been proved to his satisfaction, then and in every such case a copy of such report, certified by a secretary or an assistant secretary of the Board of Trade, may be adduced as evidence of such default, and of the liability of the Company to such penalty or penalties in respect thereof as is or are by this section imposed. A.D. 1880.

44. If and whenever the level of any road along or across which any or any part of the tramways is laid or authorised to be laid shall be altered, the Company may and shall from time to time alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road as altered. Tramways to be kept on level of surface of roads.

45. Any paving, metalling, or material excavated by the Company in the construction of their works from any road under the jurisdiction or control of any road authority may be used or applied by the Company, so far as may be necessary, in or towards constructing the tramways and works connected therewith, and in or towards the reinstating of the road and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Company are required to maintain, and the Company shall, if so required by such road authority, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of the road authority, or to such person or persons as he may appoint to receive the same: Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving, metalling, or material, and after notice given by the Company, such surplus is not removed by the said surveyor, or by some other person or persons named by him for that purpose, such surplus paving, metalling, or material shall absolutely vest in and belong to the Company, and may be dealt with, removed, and disposed of by them in such manner as they may think fit. Any difference between the Company and any road authority or surveyor or other person with reference to any of the matters aforesaid shall be determined in manner provided by the Tramways Act, 1870, with respect to differences between the Company and any road authority. Application of road materials excavated in construction of tramways.

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Cleansing
of roads.

46. The control over and duty of cleansing the surface of every road in which any tramway is laid shall continue in the road authority, who may cleanse the same without reference to the tramways, but whatever cleansing, owing to snow or other matters impeding the traffic, shall be requisite for the proper working of the tramways shall be executed by the Company, who shall, in performing the same, remove the snow or other matter to such other parts of the road and at such times as the road authority or their surveyor may direct, or in default of directions, to such other part or parts of the road as the Company may think fit, provided that the Company do not thereby obstruct the public traffic along the road.

Power to
make ad-
ditional
crossings
and sidings
into private
premises by
agreement.

47. The Company may, subject to the provisions of this Act, with the consent of the road authority, from time to time make, maintain, alter, and remove such crossings, passing-places, sidings, junctions, and other works, in addition to those particularly specified in and authorised by this Act, as they find necessary or convenient for the efficient working of the tramways, or any of them, or for providing access to any warehouses, stables, carriage or engine houses or works of the Company, or by agreement with any railway or other company, body, or persons to any stations, yards, wharves, warehouses, buildings, land, or premises of such company, body, or persons near to or abutting on any street or road in which any tramway of the Company is laid : Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between the said rail and the outside of the footpath on either side of the road if any owner or occupier of premises abutting on the place where such rail is proposed to be laid shall, by writing under his hand addressed to the Company, express his objection thereto.

Temporary
tramways
may be
made when
necessary.

48. Where, by reason of the execution of any work affecting the surface or soil of any road along which any of the tramways is laid, it shall, in the opinion of the road authority, be necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof, the Company shall, within seven days of receiving an order in writing from the road authority under the hand of their clerk or surveyor, discontinue or take up such tramway or part of the tramway for such term as may be necessary for the execution of the said works : Provided that the Company may, subject to such conditions and in accordance and in all respects with such regulations as the road authority may from time to time make, construct on the same or any adjacent road, and, with the like consent, subject to the like conditions, and in accordance with the like regulations, maintain, so long as

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occasion may require, a temporary tramway or temporary tramways in lieu of the tramway or part of the tramway so removed or discontinued. If any difference arises between the Company and the road authority with respect to the reasonableness of any regulations or with respect to the mode of constructing any temporary tramway or tramways under the authority 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. A.D. 1880.

49. The local or road authority shall at all times have free access to and communication with all their sewers and drains, and power to lay lateral and private drains and pipes to communicate therewith, without the consent or concurrence of the Company; and the provisions contained in the thirty-second and thirty-third sections of the Tramways Act, 1870, shall be applicable in the case of any sewer or private drain of or under the control of the local or road authority as if the same were a pipe for the supply of gas or water. Sewer authority to have access to sewers.

50. The Company and any road authority may, subject to the provisions of this Act, from time to time enter into any agreements with respect to the construction, maintaining, removing, renewing, repairing, and using of the tramways situate within the district of such road authority, and the rails, plates, chairs, sleepers, and works connected therewith, and the facilitating of the traffic over the same. Agreements between the Company and road authorities.

51. The carriages used on the tramways may, subject to the provisions of this Act, be moved by steam power or other mechanical power during a period of seven years after the opening of the tramways for public traffic, and, with the consent of the Board of Trade, during such further periods of seven years as the said Board may from time to time by order specify: Provided always, that in the exercise of the powers by this Act conferred with respect to the use of steam or any mechanical power, the Company shall be subject to the regulations set forth in the schedule to this Act 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 these powers. Use of steam or mechanical power to be subject to regulations of Board of Trade.

52. The Company or any person using steam or any mechanical power on any of the tramways contrary to the provisions of this Penalty for using steam or mechani-
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cal power
contrary to
order or
regulations.

Act, or to any of the regulations set forth in the schedule to this Act annexed, or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Act, shall for every such offence be subject to a penalty not exceeding ten pounds, and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day after the first during which such offence continues: Provided always, that whether any such penalty has been recovered or not, the Board of Trade, in case in their opinion the Company or any person using steam or any mechanical power on the tramways of the Company under the authority of this Act have or has made default in complying with the provisions of this Act, or with any of the regulations set forth in the schedule to this Act annexed, or with any regulation which may have been added thereto or substituted therefor as aforesaid, may by order direct the Company or such person to cease to exercise the powers aforesaid, and thereupon the Company or such person shall cease to exercise the powers aforesaid, and shall not again exercise the same or any of the same unless with the authority of the Board of Trade; and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Byelaws for
regulating
user of
steam, &c.

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

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

For regulating the emission of smoke or steam from engines used on the tramways of the Company;

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety;

For regulating the entrance to, exit from, and accommodation in the carriages used on the tramways of the Company, and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages;

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

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Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Act shall be liable to a penalty not exceeding forty shillings. A.D. 1880.

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

55. The provisions of the Tramways Act, 1870, relating to the making of byelaws by the local authority of any district in which any tramway is laid, with respect to the rate of speed to be observed in travelling on the tramway, shall not authorise any such local authority to make any byelaw sanctioning a higher rate of speed than that authorised by this Act, or by any regulation made by the Board of Trade under the authority of this Act, at which engines are to be driven or propelled on the tramways of the Company under the authority of this Act; but any such local authority may, if they think fit, make byelaws under the provisions of the said Act for restricting the rate of speed to a lower rate than that so prescribed. Amend-ment of 33 & 34 Vict. c. 78. as to byelaws by local authority.

56. All orders and byelaws made by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of the Board of Trade. Orders and byelaws of Board of Trade.

57. Before the Company or any person use steam or any mechanical power under the authority of this Act on the tramways or any part thereof, they or he shall give two months previous notice of such intention to every road authority within whose district the tramways or any part thereof upon which they or he intend to use such power are or is situate. Where at the time of the giving of any such notice any contract, agreement, or arrangement is in force with respect to the user by the Company or such person, or the paving and keeping in repair, of the whole or any part of the roadway of any road within the district of such road authority upon which such tramways or such part of such tramways are or is laid, or with respect to the payment by the Company or such person to such road authority of any annual or other sum in relation to such user, paving, and keeping in repair of such road, then and in every such case, with the consent of the Board of Trade, it shall be lawful for the Company or such person by such notice, or for such road authority by notice to be served upon the Company or such person not later than forty days after the receipt by such road authority of such first-mentioned notice, to determine such contract, agree- Contracts with road authorities where steam or mechanical power is to be used.

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A.D. 1880. — ment, or arrangement, and thereupon such contract, agreement, or arrangement shall from and after the commencement of the use of steam or any mechanical power upon such tramways or such part thereof be determined and of no effect.

Before using steam or any mechanical power on the tramways or any part thereof, and thereafter from time to time, the Company or such person and every such road authority may enter into or renew, with or without modification, any contract, agreement, or arrangement with respect to the user by the Company or such person, or the paving and keeping in repair, of the whole or any part of the roadway of any road within the district of such road authority upon which such tramways or such part of such tramways are or is used, or with respect to the payment by the Company or such person to such road authority of any annual or other sum in relation to such user, paving, and keeping in repair of such road, which they may think fit and the Board of Trade may approve.

In case any difference arises between any such road authority and the Company or such person as to the determination of any such contract, agreement, or arrangement, or in case any such road authority, after request in writing by the Company or such person, or the Company or such person, after request in writing by any such road authority, during a period of one month after such request, refuse or fail to enter into any such contract, agreement, or arrangement, or to renew the same with or without modification, or to make a new contract instead thereof, or in case of any difference as to the terms of any such contract, agreement, or arrangement, or any renewal thereof, with or without modification, or any new contract instead thereof, then and in every such case the difference with respect to such determination or the reasonableness of such refusal or failure, or the terms of such contract, agreement, or arrangement, or any renewal thereof, with or without modification, or any new contract instead thereof, shall from time to time, on the appeal of either of the parties to the Board of Trade, be determined in manner provided by the Tramways Act, 1870, with respect to all differences between the promoters and any road authority; and thereupon the parties shall in all respects conform to such determination and make and observe any contract, agreement, or arrangement thereby prescribed: Provided always, that while any such appeal is pending the Board of Trade may order that no steam or mechanical power shall be used on the tramways to which such appeal relates.

No steam or mechanical power shall be used on the tramways or any portion of the tramways unless there is in force in relation to the tramways or such portion of the tramways a contract, agree-

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ment, or arrangement in accordance with the provisions of this section. A.D. 1880.

Any moneys which may from time to time be received by such road authority under any contract, agreement, or arrangement in accordance with the provisions of this section shall be applied by them towards the expenses of repairing, improving, and maintaining the highways within their district, having regard in the first instance to the requirements of the roads upon which the tramways are laid.

58. Where steam or any mechanical power is used by the Company or any person on the tramways or any part thereof, no contract, agreement, or arrangement made before or after the commencement of the use of steam or mechanical power as aforesaid with respect to the user by the Company or such person, or the paving and keeping in repair, of the whole or any part of the roadway of any road within the district of any road authority upon which such tramways or such part of such tramways are or is laid, or with respect to the payment by the Company or such person to such road authority of any annual or other sum in relation to such user, paving, and keeping in repair of such road, shall continue in force for any period exceeding two years at any one time after the commencement of the use of steam or mechanical power as aforesaid, or the making of such contract, agreement, or arrangement: Provided always, that any such contract, agreement, or arrangement may from time to time be renewed, with or without modification, or a new contract, agreement, or arrangement may be made instead thereof.

Where steam or mechanical power is used, contract with road authority not to be for longer than two years at a time.

59. The Company may demand and take for every passenger travelling upon the tramways or any part thereof, including the use of the tramways and of the carriages, and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding one penny per mile or fraction of a mile, but for any less distance than two miles any tolls or charges not exceeding twopence may be charged.

Tolls for passengers.

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

Passengers luggage.

61. A list of the tolls and charges by this Act authorised to be taken for passengers, including thereon the cheap fares for the labouring classes, and which shall be charged by the Company from

List of tolls to be exhibited.

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Company
may carry
animals,
goods, and
other things.

62. The tramways may be used for the carriage of passengers, animals, goods, materials, articles, and things; but the Company shall not be bound to carry animals, goods, materials, articles, or things other than personal luggage as aforesaid carried by passengers, and not exceeding twenty-eight pounds in weight.

Tolls for
animals,
goods, &c.

63. The Company may demand and take in respect of any animals, goods, materials, articles, or things conveyed by them on the tramways, including the use of the tramways, waggons and trucks, and motive power, and every other expense incidental to such conveyance (except a reasonable sum for loading or unloading, and for delivery and collection of goods, minerals, parcels, and other things, and any other service incidental to the business of a carrier, where any such service is performed by the Company), any tolls or charges not exceeding the rates per mile following :

ANIMALS.

For every horse, mule, or other beast of draught or burden, per head sixpence.

For every ox, cow, bull, or head of cattle, per head sixpence.

For every calf, pig, sheep, or other small animal, per head threepence.

GOODS.

For all coals, culm, cannel, limestone, chalk, lime, salt, sand, fire-clay, cinders, dung, compost, and all sorts of manure, and all undressed materials for the repair of public roads or highways, per ton threepence.

For all timber, deals, staves, iron, ironstone, iron ore, pig iron, bar iron, rod iron, sheet iron, hoop iron, plates of iron, slabs, billets, and rolled iron, bricks, slag, and stone, stone for building, pitching, and paving, tiles, slates, and clay (except fireclay), and for wrought iron not otherwise specially classed herein, and for heavy iron castings, including railway or tramway chairs and plates, per ton fourpence.

For all sugar, grain, corn, flour, hides, dyewoods, and metals (except iron), nails, anvils, vices, and chains, and for light iron castings, per ton sixpence.

For cotton, wools, drugs, manufactured goods, earthenware, and all other wares, coke, charcoal, merchandise, fish, vegetables, and all other articles, matters, or things not otherwise specially classed herein, per ton sixpence.

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VEHICLES.

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For every carriage of whatever description having two wheels,
one shilling.

For every carriage of whatever description having four wheels,
one shilling and sixpence.

With respect to small parcels not exceeding five hundredweight in weight and single articles of great weight, notwithstanding anything in this Act, the Company may demand and take any tolls and charges not exceeding the following; (that is to say,)

SMALL PARCELS.

For any parcel not exceeding seven pounds in weight, one penny.

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight, twopence.

For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight, threepence.

For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight, fourpence.

For any parcel exceeding fifty-six pounds and not exceeding five hundredweight, one penny for every additional twenty-eight pounds or fraction thereof:

Provided always, that articles sent in large aggregate quantities, although made up in separate parcels, such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but that term shall apply only to single parcels in separate packages: Provided also, that the foregoing tolls and charges shall not apply in the case of any parcel under fifty-six pounds in weight which exceeds four feet in length or measures more than twelve cubic feet, in respect of which the Company may charge such sum as they think fit.

FOR THE CARRIAGE OF SINGLE ARTICLES OF GREAT WEIGHT.

For the carriage of any boiler, cylinder, or single piece of machinery or single piece of timber or stone, or other single article, the weight of which, including the carriage, exceeds four tons but does not exceed eight tons, such sum as the Company may think fit, not exceeding two shillings per ton.

For the carriage of any single piece of timber, stone, or machinery, or other single article, the weight of which, including the carriage, exceeds eight tons, such sum as the Company may think fit.

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REGULATIONS AS TO TOLLS.

For animals, goods, materials, articles, or things conveyed on the tramways for a less distance than three miles, the Company may demand tolls and charges as for three miles.

For a fraction of a ton (except in the case of small parcels) the Company may demand tolls according to the number of quarters of a ton in such fraction, and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton.

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

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

With respect to bulky articles or goods, the Company shall have the option of charging per ton measurement, reckoning at the rate of fifty cubic feet to the ton.

Mode, &c.
of payment
of tolls.

64. The tolls and charges by this Act authorised shall be paid at such times and places, and to such persons upon or near to the tramways, and in such manner and under such regulations as the Company may from time to time, by notice to be annexed to the list of tolls, appoint.

Periodical
revision of
tolls.

65. If at any time after three years from the opening for public traffic of the tramways or any portion of the tramways, or after three years from the date of any order made in pursuance of this section in respect of the tramways or any portion of the tramways, it is represented in writing to the Board of Trade by the local authority of any district in which the tramways or such portion of the tramways are or is wholly or partly situate, or by twenty inhabitant ratepayers of any such district, or by the Company, that under the circumstances then existing all or any of the tolls and charges demanded and taken in respect of the traffic on the tramways or on such portion of the tramways should be revised, the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act, 1870; and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised, the said Board may make an order in writing altering, modifying, reducing, or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways or on such portion of the tramways

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in such manner as they think fit, and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section: Provided always, that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Act authorised.

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66. The Company, at all times after the opening of the tramways for public traffic, shall and they are hereby required to run at least two carriages each way every morning in the week and every evening in the week (Sunday, Christmas Day, and Good Friday always excepted), at such hours, not being later than seven in the morning or earlier than six in the evening respectively, as the Company think most convenient for artizans, mechanics, and daily labourers, at fares not exceeding one halfpenny per mile, the Company nevertheless not being required to take any fare less than one penny; and the Company shall be liable to a penalty not exceeding one pound for every day, except as aforesaid, on which they do not run such number of carriages as aforesaid in accordance with the provisions of this section: Provided also, that in case of any complaint made to the Board of Trade of the hours appointed by the Company for the running of such carriages, the said Board shall have power to fix and regulate the same from time to time.

Cheap fares
for labour-
ing classes.

67. The local authorities may use the tramways in their respective districts for sanitary purposes at any time between the hours of twelve o'clock at night and six o'clock in the morning on paying such tolls as may be agreed upon between the Company and the respective local authority, or as, in case of difference, may from time to time be fixed or directed by the Board of Trade.

User of
tramways
by local
authorities
for sanitary
purposes.

68. Where under the provisions of the Tramways Act, 1870, and this Act, any matter in difference is referred to the arbitration of any person nominated by the Board of Trade, the provisions of the Common Law Procedure Act, 1854, shall apply in every such arbitration, and the decision of the arbitrator shall be final and conclusive and binding on all parties.

Provisions
as to arbi-
tration.
17 & 18 Vict.
c. 125.

69. With respect to notices and to the delivery thereof by or to the Company, the following provisions shall have effect; namely,

Form and
delivery of
notices.

1. Every notice shall be in writing or print (including lithograph), or partly in writing and partly in print, and if given by the local or road authority shall be sufficiently authenticated by being signed by their surveyor or clerk:
2. Any notice to be delivered by or to the Company to or by the local or road authority may be delivered by being left at the principal office of the local or road authority or of the

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Company, as the case may be, or by being sent by post in a registered letter addressed to their respective clerk or surveyor at their principal office; and every such letter shall be deemed to be received by the local or road authority or by the Company, as the case may be, on the day on which the same ought to be delivered at their principal office in the ordinary course of post.

Interest not
to be paid
on calls
paid up.

70. The Company shall not, out of any money by this Act authorised to be raised by shares or by borrowing, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him: Provided always, that this Act shall not 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.

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

71. 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.

Provision
as to general
Tramway
Acts.

72. Nothing herein contained shall be deemed or construed to exempt the tramways 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 by this Act.

Saving
rights of
Corporation
of Coventry.

73. Except as is by this Act expressly provided, nothing in this Act shall extend or be construed to extend to take away, prejudice, or affect in any manner any estate, rights, powers, authorities, privileges, or duties whatsoever vested in, belonging, or appertaining to the mayor, aldermen, and citizens of the city of Coventry, or the council of the said city, whether in their municipal capacity or as an urban sanitary authority.

Expenses of
Act.

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

[43 & 44 VICT.] *Coventry and District Tramways* [Ch. clxxxv.]
Act, 1880.

The SCHEDULE referred to in the foregoing Act.

A.D. 1880.

Break Power of Engines.

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

As to Fittings of Engines, &c.

Every engine used on the tramways of the Company shall have its number shown in some conspicuous part thereof, and shall be fitted—

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

With a suitable fender to push aside obstructions ;

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

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

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

As to Carriages.

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

Inspection of Engines and Carriages.

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

As to Speed.

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

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

