



CHAPTER cxx.

An Act for empowering the Coventry and District Tramways Company to construct an additional Tramway in the city of Coventry and to deviate in constructing a part of their authorised Tramways to extend the time for constructing their undertaking and for other purposes.

A.D. 1882.

[12th July 1882.]

WHEREAS the Coventry and District Tramways Company were by the Coventry and District Tramways Act 1880 incorporated and empowered to construct certain street tramways in the parishes of Saint Michael Holy Trinity and Saint John-the-Baptist (in the city of Coventry) Foleshill Exhall and Bedworth in the county of Warwick and to work the same by animal steam or other mechanical or motive power and to raise capital for the purposes of that Act :

43 & 44 Vict.
c. clxxxv.

And whereas the construction of a tramway in Eaton Road Coventry commencing by a junction with the tramway by the said Act authorised to be laid in Warwick Road and terminating at or near the passenger station of the London and North-western Railway would be of public and local advantage and it is expedient that the Company be empowered to construct the same and to apply their funds for that purpose :

And whereas it is expedient that the Company be empowered to abandon the construction of their authorised Tramway No. 1A and to construct another tramway in lieu thereof in Broadgate and Cross Cheaping in the city of Coventry and also to deviate in constructing a part of their authorised Tramway No. 1 in manner herein-after appearing :

And whereas it is expedient that the time limited by the said Act for constructing and opening for public traffic the tramways thereby authorised and not hereby authorised to be abandoned be extended :

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And whereas it is expedient that the times prescribed by the said Act for holding the ordinary general meetings of the Company be altered as herein-after provided and that such other provision be made for regulating their affairs as is herein-after contained in that behalf:

And whereas plans and sections showing the lines and levels of the tramways and deviation by this Act authorised and a book of reference to those plans have been deposited with the clerk of the peace for the county of Warwick and those plans sections and book of reference are in this Act referred to respectively as the deposited plans sections and book of reference:

And whereas the objects of this Act 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:—

Short title.

1. This Act may be cited for all purposes as the Coventry and District Tramways Act 1882.

This Act and recited Act to be read together.

2. This Act and the recited Act as varied or amended by this Act shall be read together as one Act.

Incorporation of parts of 33 & 34 Vict. c. 78.

3. Section three (interpretation of terms) section nineteen (local authority may lease or take tolls) and Parts II. and III. of the Tramways Act 1870 so far as the same are applicable to and are not varied or excepted by or inconsistent with the provisions of this Act are hereby incorporated with and form part of this Act.

Interpretation.

4. In this Act the several words and expressions to which meanings are assigned by the Tramways Act 1870 have the same respective meanings unless there be something in the subject or context repugnant to such construction:

The expression "the tramways" or "the tramways by this Act authorised" means the tramways and deviation by this Act authorised to be constructed:

The expression "the Company" means the Coventry and District Tramways Company;

The expression "the recited Act" means the Coventry and District Tramways Act 1880;

For the purposes of this Act the expression "superior courts" or "court of competent jurisdiction" or any other like expression in this Act and in the Act in part incorporated herewith shall be read and have effect as if the debt or demand with respect

to which the expression is used were a simple contract debt and not a debt or demand created by statute. A.D. 1882.

5. The tramways by this Act authorised shall for all purposes be deemed to form part of the undertaking authorised by the recited Act and all the provisions of that Act except so far as they are varied amended or repealed by this Act shall as far as applicable apply to the tramways in like manner in every respect as if the tramways had been authorised by the recited Act. Tramways to form part of Company's authorised undertaking.

6. Subject to the provisions of this Act the Company may make form and lay down 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 the tramways herein-after described with all proper rails plates chairs sleepers weighbridges weighing machines works and conveniences connected therewith and may work use and maintain the same in connexion with and as part of their authorised undertaking. Power to make tramways.

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

A tramway (being Tramway No. 1A on the deposited plans) four chains and seventeen yards in length consisting of a single line to be wholly situate in Broadgate and Cross Cheaping in the city of Coventry commencing by a junction with the Company's authorised Tramway No. 1 at a point opposite the south-eastern corner of the City Hotel and terminating by a junction with the same tramway at a point opposite the passage leading to the Dolphin Inn which said Tramway No. 1A is intended to form a double line with the deviation by this Act authorised of the said authorised Tramway No. 1 between the said points ;

A tramway (being Tramway No. 1B on the deposited plans) one furlong two chains and six yards in length consisting of nine chains and twelve yards of single line and two chains and sixteen yards of double line commencing in the Warwick Road by a junction with the Company's authorised tramway at a point about thirty yards northward of the roadway of Stoneleigh Terrace and terminating at the city boundary at or near the termination of Eaton Road at the railway (passenger) station-yard ;

A deviation of the authorised Tramway No. 1 four chains and seventeen yards in length (single line) in Broadgate and Cross Cheaping in the city of Coventry between the said points of commencement and termination of Tramway No. 1A by this Act authorised.

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The tramways and deviation herein-before described will be situate in the parishes of Saint Michael and Holy Trinity in the city of Coventry in the county of Warwick.

Penalty imposed unless tramways opened within time limited by this Act.

17 & 18 Vict.
c. 31.

7. If the Company fail within the period limited by this Act to complete the tramways the Company shall be liable to a penalty of thirty-five pounds being not less than five per centum upon the amount of the estimate in respect of the tramways and the said penalty may be applied for by the road authority or any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act or by the Solicitor of Her Majesty's Treasury and in the same manner as the penalty provided in the third section of the Railway and Canal Traffic Act 1854. Such penalty 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 and with the privity of Her Majesty's Paymaster General on behalf of the Chancery Division of the High Court of Justice 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 such penalty shall not 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 the tramways 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.

8. The 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 may have been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the tramways or any of them and for which injury or loss no compensation or inadequate compensation shall have been paid and also in compensating the road authority for the expense incurred by them in taking up any such tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by the 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 Chancery Division of the High Court of Justice may seem fit. And if no such compensation shall be payable or if a portion of the sum of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such

compensation then the said sum of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the said Chancery Division thinks fit to order on the application of the Solicitor of 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 said Chancery Division 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 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.

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9. The Company may abandon the construction of Tramway No. 1A authorised by the recited Act and on and after the passing of this Act they shall be absolutely freed from all obligations with respect to or consequent on the making and maintaining of that tramway.

Company may abandon authorised Tramway No. 1A.

10. The tramways by this Act and the recited Act authorised may and shall be completed within one year from the passing of this Act and on the expiration of that period the powers by this Act and the recited Act conferred upon the Company for executing the same or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed and opened for public traffic.

Period for completion of works by this and recited Act authorised.

11. No portion of the tramways by this Act authorised shall be opened for public traffic until the same has been inspected and certified to be fit for such traffic by an officer appointed by the Board of Trade for that purpose.

Inspection by Board of Trade.

12. The Company may demand and take in respect of the tramways by this Act authorised the like tolls rates and charges and shall be subject to the same provisions regulations and conditions with respect thereto as they are by the recited Act authorised to demand and take and are subject to in respect of the tramways thereby authorised.

Tolls.

13. The next ordinary meeting of the Company after the passing of this Act shall be held in the month of September one thousand eight hundred and eighty-two and the subsequent ordinary meetings of the Company shall be held once only in every subsequent year in the month of March or in such other month as may be appointed for that purpose by an order of an extraordinary general meeting

Altering time for holding ordinary meetings. Directors may declare interim half-

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yearly dividend. half-yearly dividend out of the then ascertained profits of the
Company.

Closing of transfer books previous to declaring interim dividend. **14.** 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 in the district within which the Company's principal place of business 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.

Application of authorised capital to purposes of this Act. **15.** The Company may apply to the purposes of this Act any moneys which they are by the recited Act authorised to raise and which may not be or are no longer required for the purposes of the recited Act.

Altering power to borrow. **16.** Notwithstanding anything in the recited Act contained the Company may when and so soon as they have issued thirty-nine thousand pounds of capital borrow on mortgage any sum not exceeding nine thousand seven hundred and fifty pounds and they may borrow a further sum of five thousand pounds in respect of each additional twenty thousand pounds of capital issued by them but no part of any such sums of nine thousand seven hundred and fifty pounds or five thousand pounds respectively shall be borrowed until the whole of the respective portion of capital in respect of which the same is authorised to be borrowed is issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under section forty of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of such portion of capital has been issued and accepted and that one half thereof 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 issued and accepted and that one half thereof has been paid on account thereof before or at the time of the issue or acceptance thereof and that such shares were issued bonâ fide and are 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 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

8 & 9 Vict.
c. 16.

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that the proof aforesaid has been given which certificate shall be sufficient evidence thereof. A.D. 1882.

17. Nothing in this Act contained shall exempt the Company or the tramways by this Act authorised 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 and the recited Act. Tramways not exempt from provisions of present and future general Tramway Acts.

18. 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. Expenses of Act.

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