



CHAPTER lxxxvi.

An Act for authorising the release of the balance of the deposit fund remaining deposited as security for the completion of certain of the tramways authorised by the Coventry and District Tramways Act 1880.

A.D. 1887.

[5th July 1887.]

WHEREAS by the Coventry and District Tramways Act 1880 (herein-after referred to as "the Act of 1880") the Coventry and District Tramways Company (herein-after referred to as "the Company") was incorporated and authorised to construct certain street tramways in and near the city of Coventry in the county of Warwick:

And whereas by the Coventry and District Tramways Act 1882 the Company was empowered to abandon the construction of one of the said tramways and to deviate in constructing a part of another of the said tramways and also to construct an additional tramway in the city of Coventry and the time named in the same Act for completing the whole of the works authorised by the said Acts was the twelfth day of July one thousand eight hundred and eighty-three:

And whereas by the Coventry and District Tramways Act 1883 the time for completing the said works was further extended to the twelfth day of July one thousand eight hundred and eighty-four:

And whereas by the Coventry and District Tramways Act 1884 the Company was empowered to abandon the construction of one of the tramways authorised by the Act of 1880 and the time for constructing the remainder of the said works was further extended to the twelfth day of July one thousand eight hundred and eighty-five:

And whereas the Company duly completed a considerable portion of their said tramways but was unable to construct the remainder

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And whereas by section 32 of the Act of 1880 it was enacted that the sum of two thousand eight hundred and ninety-seven pounds two shillings consolidated three pounds per centum annuities (herein-after referred to as "the deposit fund") which had been transferred into the Chancery Division of the High Court of Justice in England to the credit of "Ex parte the undertaking of the Coventry and Nuneaton Tramways Bill" in respect of the application to Parliament for that Act should not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the order or warrant mentioned in the said section or the survivors or survivor of them unless the Company should previously to the expiration of the period limited by that Act for completion of the tramways thereby authorised open the same for public traffic Provided that if within the said period the Company should open any portion of the tramways for public traffic then the court should on application of the said person or persons or the majority of the said persons or the survivors or survivor of them order a proportionate part of the deposit fund to be paid or transferred to them or as they should direct :

And whereas a portion of the deposit fund has been repaid in respect of the portions of the said tramways which have been opened for public traffic or abandoned as aforesaid and there is now standing in the name of the Paymaster-General for and on behalf of the Supreme Court of Judicature in England to the said credit the sum of one thousand and forty-seven pounds and two shillings consolidated three pounds per centum annuities in respect of the portion of the tramways other than the said tramway so authorised to be abandoned as aforesaid which have not been constructed by the Company :

And whereas the Company has not commenced to construct such last-mentioned portion of tramways nor placed any materials in any roads vested in or maintainable by any road authority nor damaged or interfered with any such road and have not interfered with the property of any landowners or other persons for the purpose of commencing or constructing the same :

And whereas the construction of the portion of the said Tramway No. 1 not constructed was rendered unnecessary by the construction of the additional tramway authorised by the Coventry and District Tramways Act 1882 :

And whereas it is expedient that provision be made for the release of the said balance of the deposit fund but this object cannot be attained without the authority of Parliament: A.D. 1887.

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 as the Coventry and District Tramways Act 1887. Short title.

2. Subject to the provisions of section 33 of the Act of 1880 relating to compensation to landowners and other persons injured and road authorities and for the protection of creditors the High Court of Justice in England shall at any time after the passing of this Act on application by the person or persons or the majority of the persons named in the warrant or order mentioned in section thirty-two of the Act of 1880 or the survivors or survivor of them or the executors or administrators of such survivor or by the Company order that the sum of one thousand and forty-seven pounds and two shillings consolidated three pounds per centum annuities being the balance of the deposit fund at the passing of this Act standing in the name of the Paymaster-General for and on behalf of the Supreme Court of Judicature in England to the credit of "Ex parte the undertaking of the Coventry and Nuneaton Tramways Bill" together with any interest or dividends thereon shall be paid out or transferred to the said person or persons or the majority of them or the survivors or survivor of them or the executors or administrators of such survivor or other the person or persons (including the Company) entitled thereto and upon such order being made the said balance and the interest or dividends thereon shall be paid out or transferred accordingly. Release of
balance of
deposit fund.

3. In the event of any of the tramways of the Company being worked by electricity the following provisions shall have effect: Provision for
protection of
the Post-
master-
General.

1. It shall not be lawful for the Company to lay down any line or rail or to do any act or work for working the tramways by electricity whereby any telegraphic line of the Postmaster-General is or may be injuriously affected and before any such line or rail is laid down or any such act or work is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing

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for a distance of six feet on each side of such point) the Company or their agents not more than twenty-eight nor less than fourteen days before commencing such work shall give written notice to the Postmaster-General specifying the course of the line or rail and the nature of the work including the gauge of any wire and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work;

2. Any difference which arises between the Postmaster-General and the Company or their agents with respect to any requirements so made shall be determined by the Board of Trade whose decision shall be final and sections thirty to thirty-two both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Company or their agents were a company within the meaning of that Act;
3. In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues;
4. Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice;
5. For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work;
6. For the purposes of this section and subject as therein provided sections two eight nine ten eleven and twelve of the

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Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Company were undertakers within the meaning of those sections without prejudice nevertheless to any operations which the other sections of the said Act would have had if this section had not been enacted. A.D. 1887.

4. 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. Costs of Act.

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