



## CHAPTER ccxx.

An Act to authorise the use of mechanical power upon the undertaking of the Dublin Southern District Tramways Company to enable that Company to acquire the undertaking of the Blackrock and Kingstown Tramways Company and for other purposes. [24th August 1893.] A.D. 1893.

WHEREAS under or by virtue of the Dublin Southern District Tramways Act 1878 (in this Act called "the Act of 1878") and the Dublin Southern District Tramways Act 1883 (in this Act called "the Act of 1883") the Dublin Southern District Tramways Company (in this Act called "the Company") have laid down and are now working the tramways thereby respectively authorised:

And whereas it is expedient that the Company should be empowered as provided by this Act to use any electrical or mechanical power other than steam in substitution for or in addition to animal power for moving carriages upon all or any of their tramways:

And whereas by the Blackrock and Kingstown Tramways Act 1883 (in this Act called "the Blackrock Act of 1883") the Blackrock and Kingstown Tramways Company (in this Act called "the Blackrock Company") were incorporated and were authorised to construct and have constructed tramways from Blackrock to Kingstown in the county of Dublin and the tramways so constructed form a continuous line of tramway with the tramways of the Company and it is expedient that the Company be authorised to acquire by agreement the undertaking of the Blackrock Company:

And whereas it is expedient that the Company should be empowered to raise a further sum of money for the purpose of this Act and for the general purposes of their undertaking:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

[Ch. CCXX.] *Dublin Southern District Tramways* [56 & 57 VICT.]  
Act, 1893.

A.D. 1893.

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:—

Short title.

1. This Act may be cited for all purposes as the Dublin Southern District Tramways Act 1893.

Incorporation of general Acts.

2. The provisions of the Companies Clauses Consolidation Act 1845 with respect to the following matters (that is to say):—  
The distribution of the capital of the Company into shares;  
The transfer or transmission of shares;  
The payment of subscriptions and the means of enforcing the payment of calls;  
The forfeiture of shares for nonpayment of calls;  
The remedies of creditors of the Company against the shareholders;  
The borrowing of money by the Company on mortgage or bond;  
The conversion of borrowed money into capital;  
The consolidation of shares into stock; and  
The provision to be made for affording access to the special Act:

Part I (relating to cancellation and surrender of shares) and Part II (relating to additional capital) of the Companies Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act and shall apply to the Company and to the capital by this Act authorised to be raised by them.

Interpretation.

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

The expression "the Company" means the Dublin Southern District Tramways Company;

The expression "the tramways" shall mean the tramways of the Company;

The expression "the Blackrock Company" means the Blackrock and Kingstown Tramways Company;

The expression "electrical power" includes any mechanical power other than steam power;

The expression "the Blackrock undertaking" means the whole of the tramways buildings plant rolling stock machinery works and property real and personal of the Blackrock Company



[56 & 57 VICT.] *Dublin Southern District Tramways* [Ch. ccxx.]  
Act, 1893.

(except cash in hand or with their bankers book debts and credits) and the rights powers privileges and interests of the Blackrock Company in over or relating to their undertaking. A.D. 1893.

4. The number of directors of the Company shall not be less than three nor more than five and two shall form a quorum. Directors.

The qualification shall be the same as is provided by the 36th section of the Act of 1878. Qualification.

5. The carriages and trucks used on the tramways or any part thereof may subject to the provisions of this Act be moved by animal power and with the consent in writing of the Board of Trade during a period of seven years after the passing of this Act and with the like consent during such further periods of seven years as the said Board may from time to time specify in any order to be signed by a secretary or an assistant secretary to the said Board by electrical power Provided always that the exercise of the powers hereby conferred with respect to the use of electrical power shall be subject to the regulations set forth in the schedule to this Act and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of the powers by this Act conferred with respect to the use of electrical power on the tramways The provisions of the Acts of 1878 and of 1883 so far as they are inconsistent with this enactment are hereby repealed. Carriages may be moved by animal or electrical power.

6. The Company or any other company or person using electrical power on any of the tramways contrary to the provisions of this Act or to any of the regulations set forth in the schedule to this Act 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 during which such offence continues after conviction thereof 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 other company or person using electrical power on the tramways 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 or with any regulation which may have been added thereto or substituted therefor as aforesaid Penalty for using electrical power contrary to Act or regulations.

[Ch. ccxx.] *Dublin Southern District Tramways* [56 & 57 Vict.]  
Act, 1893.

A.D. 1893. may by order direct the Company or such other company or person to cease to exercise the powers aforesaid and thereupon the Company or such other company or 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. 7. 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 any of the tramways upon which electrical 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;

For providing that engines carriages and trucks 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 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 by exhibition of the same in conspicuous places on the carriages and elsewhere:

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.

As to  
recovery  
of penalties.

8. 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.

Amendment  
of the  
Tramways  
Act 1870 as  
to byelaws  
by local  
authority.

9. The provisions of the Tramways Act 1870 relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramways shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed than that authorised by this Act or by any regulation or byelaw made by the Board of Trade under the authority of this Act at which engines are to be driven or propelled



on the tramways under the authority of this Act but the local authority may if they think fit make byelaws under the provisions of the Tramways Act 1870 for restricting the rate of speed to a lower rate than that so prescribed.

A.D. 1893.

10. 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.

Authentica-  
tion of bye-  
laws.

11. Where the Company or any other company or person intend to use electrical 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.

As to  
contracts  
with road  
authorities  
where  
electrical  
power is to  
be used.

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 other company or 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 other company or 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 other company or person by such notice or for such road authority by notice to be served upon the Company or such other company or person not later than forty days after the receipt by such road authority of such first-mentioned notice to determine such contract agreement or arrangement and thereupon such contract agreement or arrangement shall from and after the commencement of the use of electrical power upon such tramways or such part thereof be determined and of no effect.

Before using electrical power on the tramways or any part thereof and thereafter from time to time the Company or such other company or 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 other company or 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 other company or person to such road authority of any annual or other sum in relation to such user paving and keeping

[Ch. CCXX.] *Dublin Southern District Tramways* [56 & 57 VICT.]  
Act, 1893.

A.D. 1893. 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 other company or 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 other company or person or the Company or such other company or 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 Company 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 electrical power shall be used on the tramways to which such appeal relates.

No electrical 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 agreement or arrangement in accordance with the provisions of this section.

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.

Where  
electrical  
power is  
used  
contract

**12.** Where electrical power is used by the Company or any other company or person on the tramways or any part thereof no contract agreement or arrangement made before or after the commencement of the use of electrical power as aforesaid with respect to the user:



by the Company or such other company or 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 any such part of such tramways are or is laid or with respect to the payment by the Company or such other company or 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 electrical 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.

A.D. 1893.  
with road authority not to be for longer than two years at a time.

**13.** The following provisions shall apply to the use of electric power under this Act unless such power is entirely contained in and carried along with the carriages:—

Restrictions on use of electric power.

(1.) The Company shall employ either insulated returns or uninsulated metallic returns of low resistance:

(2.) The Company shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances:

(3.) The exercise of the powers by this Act conferred with respect to the use of electric power shall be subject to regulations to be prescribed by the Board of Trade within nine months after the passing of this Act herein-after referred to as the prescribed regulations 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 or when they may think fit for regulating the employment of insulated returns or of uninsulated metallic returns of low resistance for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return:

(4.) The Company using electric power contrary to the provisions of this Act or to any of the prescribed regulations or to any regulations added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Act

A.D. 1893.

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 during which such offence continues after conviction thereof. Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Company in the use of electric power under the authority of this Act have made default in complying with the provisions of this Act or with any of the prescribed regulations or with any regulations added thereto or substituted therefor as aforesaid may by order direct the Company to cease to use electric power and thereupon the Company shall cease to use electric power and shall not again use 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 :

- (5.) The Company shall take all reasonable and proper precautions in constructing placing and maintaining their electric lines circuits and other works of any description and in using their electric lines circuits and other works so as not injuriously to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus. Provided always that the Company shall be deemed to take all such reasonable and proper precautions as aforesaid if and so long as they adopt and employ at the option of the Company either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as the Board of Trade shall direct and in giving such directions the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking. Provided also that at the expiration of a period of three years from the passing of this Act nothing in this subsection shall operate to give any right of action in respect of or to protect any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents. Provided further that the Board of Trade may by order extend the said period of three years in



A.D. 1893.

respect of all or any part or parts of such wires lines or apparatus and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order and the reasons therefor. If any difference arises between the Company and any other party with respect to anything in this subsection contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be:

- (6.) Nothing in this section shall apply to the use of any electric line circuit or work of any company corporation or person authorised by Act of Parliament or Provisional Order confirmed by Parliament to supply energy for electric lighting purposes so far as such use is limited to such purposes:
- (7.) The expression "the Company" in this section shall include their lessees and the licensees or any person owning or working any of the tramways of the Company.

**14.** Subject to the provisions of this Act the Company may place and maintain on any street or road in which the tramways are laid down such posts and overhead electric wires as may be necessary and proper for working the tramways by electrical power.

Power to lay posts wires &c.

**15.** For the purpose of making forming laying down maintaining repairing or renewing any of their tramways the Company may from time to time where and as far as it is necessary or may appear expedient for the purpose of preventing frequent interruption of the traffic by repairs or works in connexion with the same alter the position of any mains or pipes for the supply of gas or water or any tubes wires or apparatus for telegraphic or other purposes subject to the provisions of this Act and also subject to the following restrictions (that is to say) :—

Provision as to gas and water companies.

- (1.) Before laying down a tramway in a road in which any mains or pipes tubes wires or apparatus may be laid the Company shall whether they contemplate altering the position of any such mains or pipes tubes wires or apparatus or not give seven days notice to the company corporation persons or person to whom such mains or pipes tubes wires or apparatus may belong or by whom they are controlled of their intention to lay down or alter the tramway and shall at the same time deliver a plan and section of the proposed work. If it should appear to any such company corporation or person that the construction of the tramway as proposed would endanger any such mains or pipes tubes wires or apparatus or interfere with or impede the supply



A.D. 1893.

of water or gas or the telegraphic or other communication such company corporation or person as the case may be may give notice to the Company to lower or otherwise alter the position of the said mains or pipes tubes wires or apparatus in such manner as may be considered necessary and any difference as to the necessity of any such lowering or alteration shall be settled in manner provided by this Act for the settlement of differences between the Company and other companies or persons and all alterations to be made under this section shall be made with as little detriment and inconvenience to the company corporation or person to whom such mains or pipes tubes wires or apparatus may belong or by whom the same are controlled or to the inhabitants of the district as the circumstances will admit and under the superintendence of such company corporation or person or of their surveyor or engineer if they or he should think fit to attend after receiving not less than forty-eight hours notice for that purpose which notice the Company are hereby required to give :

- (2.) The Company shall not remove or displace any of the mains or pipes valves syphons plugs tubes wires or apparatus or other works belonging to or controlled by any such company corporation or person or do anything to impede the passage of water or gas or the telegraphic or other communication into or through such mains or pipes without the consent of such company corporation or person or in any other manner than such company corporation or person shall approve until good and sufficient mains pipes valves syphons plugs and other works necessary or proper for continuing the supply of water or gas or telegraphic or other communication as sufficiently as the same was supplied by the mains or pipes tubes wires or apparatus proposed to be removed or displaced shall at the expense of the Company have been first made and laid down in lieu thereof and ready for use and to the satisfaction of the surveyor or engineer of such water or gas or other company or corporation or of such person or in case of disagreement between such surveyor or engineer and the Company as an engineer appointed by the Board of Trade shall direct :
- (3.) The Company shall not lay down any such pipes contrary to the regulations of any Act of Parliament relating to such water or gas or other company or relating to telegraphs :
- (4.) The Company shall make good all damage done by them to property belonging to or controlled by any such company corporation or person and shall make full compensation to



all parties for any loss or damage which they may sustain by reason of any interference with such property or with the private service pipes of any person supplied by any such company corporation or person with water or gas:

A.D. 1893.

- (5.) If by any such operations as aforesaid the Company interrupt the supply of water or gas in or through any main or main pipe they shall be liable to a penalty not exceeding twenty pounds for every day upon which such supply shall be so interrupted.

**16.** For the protection of the Pembroke Township Commissioners (herein-after called "the commissioners") the following provisions shall notwithstanding anything in this Act contained apply and have effect unless otherwise agreed upon between the commissioners and the Company:—

For the protection of the Pembroke Township Commissioners.

- (1.) The engineer of the commissioners shall have power to direct the Company in what position the iron posts which are intended by this Act to be erected are to be placed and he shall be also empowered to have them removed to other positions if he should think it advisable so to do and such displacement removal and re-erection shall be solely at the expense of the Company:
- (2.) If the commissioners shall deem it necessary that their township shall be lighted by electricity they the said commissioners shall be at liberty to use the said iron posts for the purpose of placing electric lamps thereon and no charge for such user of such posts shall be made to the commissioners by the said Company.

**17.** For the protection of the Blackrock Township Commissioners (herein-after called "the commissioners") the following provisions shall notwithstanding anything in this Act contained apply and have effect unless otherwise agreed upon between the commissioners and the Company:—

For the protection of the Blackrock Township Commissioners.

- (1.) The engineer of the commissioners shall have power to direct the Company in what position the iron posts which are intended by this Act to be erected are to be placed and he shall be also empowered to have them removed to other positions if he should think it advisable so to do and such displacement removal and re-erection shall be solely at the expense of the Company:
- (2.) If the commissioners shall deem it necessary that their township shall be lighted by electricity they the said commissioners shall be at liberty to use the said iron posts for the

[Ch. ccxx.] *Dublin Southern District Tramways* [56 & 57 VICT.]  
Act, 1893.

A.D. 1893.

purpose of placing electric lamps thereon and no charge for such user of such posts shall be made to the commissioners by the said Company.

For the protection of the Dalkey Township Commissioners.

**18.** For the protection of the Dalkey Township Commissioners (herein-after called "the commissioners") the following provisions shall notwithstanding anything in this Act contained apply and have effect unless otherwise agreed upon between the commissioners and the Company:—

- (1.) The engineer of the commissioners shall have power to direct the Company in what position the iron posts which are intended by this Act to be erected are to be placed and he shall be also empowered to have them removed to other positions if he should think it advisable so to do and such displacement removal and re-erection shall be solely at the expense of the Company:
- (2.) If the commissioners shall deem it necessary that their township shall be lighted by electricity they the said commissioners shall be at liberty to use the said iron posts for the purpose of placing electric lamps thereon and no charge for such user of such posts shall be made to the commissioners by the said Company.

For the protection of the Kingstown Township Commissioners.

**19.** The Company shall at and subject to the supervision and approval of the Kingstown Township Commissioners town surveyor and at the expense of the Company in the first instance pave in a good and substantial manner the entire width of the roadway from kerb to kerb from the foot of Dunleary Hill along the whole route of the tramways up to Sandy-cove Avenue East and shall also construct and carry out the works as recommended by the town surveyor in his report dated the seventeenth day of January one thousand eight hundred and ninety-three and when such works have been carried out to the satisfaction of the town surveyor the Kingstown Township Commissioners shall pay to the Company the sum of one thousand five hundred pounds towards the expense of such paving of the roads and streets aforesaid And for the further protection of the Kingstown Township Commissioners the following provisions shall notwithstanding anything in this Act contained apply and have effect unless otherwise agreed upon between the said commissioners and the Company:—

- (1.) The engineer of the said commissioners shall have power to direct the Company in what position the iron posts which are intended by this Act to be erected are to be placed and he shall be also empowered to have them removed to other positions if he should think it advisable so to do and such displacement



removal and re-erection shall be solely at the expense of the Company : A.D. 1893.

- (2.) If the said commissioners shall deem it necessary that their township shall be lighted by electricity they the said commissioners shall be at liberty to use the said iron posts for the purpose of placing electric lamps thereon and no charge for such user of such posts shall be made to the said commissioners by the said Company.

**20.** In the event of any of the tramways of the Company being worked by electricity the following provisions shall have effect:— Provisions  
for protec-  
tion of the  
Postmaster  
General.

- (1.) The Company shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. If any question arises as to whether the Company have constructed their electric lines or other works or work their undertaking in contravention of this subsection such question shall be determined by arbitration and the Company shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator :

- (2.) (a) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster General (other than repairs or the laying of lines crossing the line of the Postmaster General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Company or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster General specifying the course of the line 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 ;

[Ch. ccxx.] *Dublin Southern District Tramways* [56 & 57-VICT.]  
Act, 1893.

A.D. 1893.

(b) 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 arbitration :

- (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 2 8 9 10 11 and 12 of the 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 operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section 7 of the Telegraph Act 1878 in relation to the matters mentioned in that section :
- (7.) The expression " electric line " has the same meaning in this section as in the Electric Lighting Act 1882 :
- (8.) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways



[56 & 57 VICT.] *Dublin Southern District Tramways* [Ch. ccxx.]  
Act, 1893.

Act 1868 shall apply in like manner as if the Company or their agents were a company within the meaning of that Act:

A.D. 1893.

(9.) Nothing in this section contained shall be held to deprive the Postmaster General of any of his existing rights to proceed against the Company by indictment action or otherwise in relation to any of the matters aforesaid.

21. The Company may purchase acquire and hold patent and other rights or licenses to use patent rights in relation to electrical power and may enter into agreements with the owners or licensees of any such rights with respect thereto upon such terms and conditions as they may think fit.

Power to  
acquire  
patent  
rights &c.

22.—(1.) The Company may purchase and the Blackrock Company may sell the undertaking of the Blackrock Company for the price and on the terms and conditions contained in the agreement set out in the Second Schedule to this Act.

Power to  
Company  
to purchase  
Blackrock  
Company's  
undertaking.

(2.) On and after such purchase the Company shall have and enjoy in respect of the Blackrock undertaking and the working and use thereof all the powers rights privileges and authorities and shall be subject to all the obligations and liabilities of the Blackrock Company including the power to take tolls and charges as fully and effectually as if the Company had been named in the Blackrock Act of 1883 instead of the Blackrock Company.

(3.) On and after such purchase the carriages and trucks used on the tramways forming part of the Blackrock undertaking may be moved by electrical power as well as by animal power subject to the same provisions as in this Act contained with respect to the moving by electrical power of the carriages and trucks on the tramways of the Company. The purchase shall be evidenced by a duly stamped deed of conveyance which shall within three months from the date of completion of the purchase be produced to the Commissioners of Inland Revenue and in default of production the ad valorem stamp duty with interest at the rate of five pounds per centum per annum from the date of completion to the date of payment shall be recoverable from the purchasers with full costs of suit and all costs and charges attending the same.

23. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise by the creation and issue of new shares any additional capital not exceeding in the whole one hundred and fifty thousand pounds and such new shares may be wholly or partially ordinary shares or wholly or partially preference shares as the Company think fit but the Company shall not issue any share of less nominal value than ten pounds nor shall any share

Power to  
raise addi-  
tional  
capital.]

[Ch. ccxx.] *Dublin Southern District Tramways* [56 & 57 Vict.]  
Act, 1893.

A.D. 1893. — vest in the person or corporation 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. **24.** One fifth of the amount of a share shall be the greatest amount of a call and three months at least shall be the interval between successive calls and three fourths of the amount of a share shall be the utmost aggregate amount of calls made in any year upon any share.

Restriction as to votes in respect of preferential shares. **25.** Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares created by the Company under this Act to which a preferential dividend shall be assigned.

Receipts on behalf of incapacitated persons. **26.** If any money be payable to any shareholder or mortgagee being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company for the same.

Power to borrow. **27.** The Company may in respect of the additional capital of one hundred and fifty thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of their undertaking in addition to the sums which they are already authorised to borrow any sum or sums not exceeding in the whole thirty-seven thousand five hundred pounds at the times and subject to the restrictions herein-after contained (that is to say) In respect of each fifty thousand pounds of the said additional capital the Company may borrow the sum of twelve thousand five hundred pounds but no part of any such sum of twelve thousand five hundred pounds shall be borrowed until shares for the whole of the portion of capital in respect of which it is to be borrowed are issued and accepted and one half of such portion of capital is paid up and the Company have proved to the justice who is to certify under section 40 of the Companies Clauses Consolidation Act 1845 (before he so certifies) that shares for the whole of such portion of capital have been issued and accepted and that one half 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 paid on account thereof before or at the time of the issue or acceptance thereof and the Company have proved to such justice as aforesaid before he so certifies that such shares were issued and accepted and paid up 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 that the proof aforesaid has been given which certificate shall be sufficient evidence thereof. A.D. 1893.

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

**29.** All moneys after the passing of this Act to be borrowed on mortgage under any former Act relating to the Company or under this Act from the time when the same shall be advanced and the interest for the time being due thereon shall have priority against the Company and all the property from time to time of the Company over all other claims on account of any debts incurred or to be incurred or engagements entered into or to be entered into by them after the passing of this Act. Moneys borrowed on mortgage to have priority.

**30.** All mortgages granted by the Company under the authority of any Act or Acts passed before the passing of this Act which shall be subsisting at the passing of this Act shall during the continuance thereof have priority over all mortgages granted under the authority of this Act. Existing mortgages to have priority.

**31.** The Company shall not create debenture stock. Company not to create debenture stock.

**32.** 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 the local authority under the Act of 1878 or the Act of 1883 or 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 compulsory sale.

**33.** 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 or the undertaking in the event of Indorsement of notice of future pur-

[Ch. ccxx.] *Dublin Southern District Tramways* [56 & 57 VICT.]  
Act, 1893.

A.D. 1893.

chase by  
the local  
authority.

Application  
of moneys.

their being purchased by the local authority under the Act of 1878 or the Act of 1883.

**34.** All moneys raised under this Act whether by shares or borrowing shall be applied only for the purposes of this Act and for the general purposes of the Company's undertaking being in every case purposes to which capital is properly applicable and the Company may apply to the purposes of this Act to which capital is properly applicable any moneys authorised to be raised by them and not required for the purposes of the Act of 1878 or the Act of 1883.

Interest not  
to be paid  
on calls  
paid up.

**35.** No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise 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.

**36.** 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.

**37.** Nothing in this Act contained shall 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 to be taken by the Company.

Costs of  
Act.

**38.** 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.



SCHEDULES referred to in the foregoing Act.

A.D. 1893.

FIRST SCHEDULE.

Every engine used on the tramways 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. Brake power of engines.

Every engine used on the tramways shall have its number shown in some conspicuous part thereof and shall be fitted— As to fittings of engines &c.

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.

Every carriage or truck used on the tramways 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. As to 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 or truck used on the tramways and the machinery therein and may whenever they think fit prohibit the use on the tramways of any such engine carriage or truck which in their opinion may not be safe for use on the tramways. Inspection of engines and carriages.

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

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

A.D. 1893.

SECOND SCHEDULE.

MEMORANDUM OF AGREEMENT made the 14th day of April 1893 between the BLACKROCK AND KINGSTOWN TRAMWAY COMPANY having their registered office at 41 Dame Street in the city of Dublin (herein-after called "the Vendors") of the one part and the DUBLIN SOUTHERN DISTRICT TRAMWAYS COMPANY having their registered office at Clare Street House Bristol England (herein-after called "the Purchasers") of the other part.

Whereas the Vendors are the owners of an undertaking called the Blackrock and Kingstown Tramway Company which consists of the lines of tramways running between Blackrock and Kingstown in the barony of Rathdown and county of Dublin and also of the horses rolling stock and machinery and other effects used in connexion with the working of said undertaking and also of the interest in the lease of certain premises known as the tramway stables situate at Newtown Avenue Blackrock in the county of Dublin Now therefore it is hereby agreed as follows :—

1. The Vendors shall sell and the Purchasers shall purchase the said undertaking.

2. The consideration for the said sale shall be the sum of seven thousand five hundred pounds.

3. The purchase shall be completed on the 15th day of July 1893 and at 2 o'clock in the afternoon of that day by the payment of the said sum of seven thousand five hundred pounds by the Purchasers and by the execution of a conveyance of the said undertaking to the Purchasers by the Vendors.

4. In the meantime the undertaking the possession of which was given to the Purchasers on the 1st instant shall be carried on by the Purchasers in the ordinary and usual manner so as to maintain the undertaking as a going concern.

5. On or at any time after the 15th day of July 1893 the Vendors shall at the expense of the Purchasers execute and do all such assurances and things as may reasonably be required by the Purchasers by vesting in them the property of the undertaking as is agreed to be hereby sold.

6. This agreement shall be subject to the approval of Parliament.

7. This agreement is entered into by the directors of the Vendors subject to the approval in general meeting of the Vendors Company otherwise it shall be null and void and of no effect.



[56 & 57 VICT.] *Dublin Southern District Tramways* [Ch. ccxx.]  
*Act, 1893.*

In witness whereof the common seals of the Vendor and Purchasing Companies have been affixed hereto the day and year first herein written. A.D. 1893.

Present when the seal of the Vendor Company (the words from "possession" to "purchases" having been first struck out on the first page hereof) affixed hereto

CHARLES HARRELL  
Secretary.



Present when the seal of the Purchasing Company affixed hereto

SAMUEL WHITE  
Secretary.



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FOR

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