



CHAP. lxxxviii.

An Act to authorise the construction of Tramways in and near the city of Dublin ; and for other purposes. A.D. 1871.

[29th June 1871.]

WHEREAS the laying down of tramways in certain streets in and near the city of Dublin, to be worked by animal power only, and constructed so as not to impede or injure the ordinary traffic of the streets, would be of great local and public 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 lay down and maintain the several tramways in this Act particularly described :

And whereas it is expedient that the Company incorporated by this Act should be empowered to enter into agreements as by this Act provided :

And whereas plans and sections showing the lines and levels of the tramways and works by this Act authorised to be made, and the lands to be taken for the purposes thereof, and books of reference to those plans containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of those lands, have been deposited with the respective clerks of the peace for the county of the city of Dublin, and for the county of Dublin, and those plans, sections, and books of reference are in this Act referred to as the deposited plans, sections, and books 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 :

1. This Act may be cited for all purposes as *The Dublin Tramways Act, 1871.* Short title.

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Provisions
of general
Acts herein
named incor-
porated.

2. The Companies Clauses Consolidation Act, 1845, Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act, 1863, and the Companies Clauses Act, 1869, and the Lands Clauses Consolidation Acts, 1845, 1860, and 1869, are incorporated with and form part of this Act, save where the same are expressly varied or excepted by this Act, and except as to the following provisions; namely,

- (1.) With respect to the purchase and taking of lands otherwise than by agreement:
- (2.) With respect to the entry upon lands by the promoters of the undertaking.

Interpreta-
tion of
terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or in part incorporated herewith shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction: the expression "the tramways" or "the undertaking" shall mean the tramways and works and undertaking by this Act authorised or any part thereof; the expressions "street" and "road" mean respectively any carriageway being a public highway, and the carriageway of any bridge forming part of or leading to the same; and the expression "the corporation" shall mean the Lord Mayor, aldermen, and burgesses of the city of Dublin; and the expression "road authority" shall mean the corporation, commissioners, grand jury, or other body having the control of the roads or streets referred to; the expression "district," in relation to a road authority, shall mean the area within the jurisdiction of such road authority; the expression "local authority" shall mean the corporation, commissioners, grand jury, or other corporation or persons entrusted with powers of improving, cleansing, or paving the district; the expression "district," in relation to a local authority, shall mean the area within the jurisdiction of such local authority.

Company
incorporated.

4. Frederick Barrington, William Leadbeater Barrington, Frank Howard Collins, William Henry Reynolds, and all other persons and corporations who have already subscribed or shall hereafter subscribe to 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 be incorporated by the name of "The Dublin 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.

5. Subject to the provisions of this Act, the Company may make, form, lay down, and maintain, in the lines and according to the levels shown on the deposited plans and sections, and in all respects in accordance with the deposited plans and sections, the street tramways herein-after described, with all proper rails, plates, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans, and described in the deposited books of reference, as may be required for that purpose. The tramways herein-before referred to and authorised by this Act are :—

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—
Power to
make tram-
ways accord-
ing to de-
posited
plans.

Tramways No. 1 and No. 1A, respectively one mile four furlongs and four chains or thereabouts in length, commencing in Parkgate Street in the city of Dublin at or near the south end of Circular Road, passing thence in an easterly direction along Parkgate Street, the quay on the south side of the Esplanade, Pembroke Quay, Ellis's Quay, Arran Quay, King's Inns Quay, Upper Ormond Quay, Lower Ormond Quay, and Bachelor's Walk, into and terminating in Eden Quay at a point three chains or thereabouts east of the north end of Carlisle Bridge in the said city :

Tramway No. 1B, being a short junction or crossing place, two chains in length, between tramways No. 1 and No. 1A, wholly in Bachelor's Walk, and commencing by a junction with tramway No. 1 at or near the junction of Bachelor's Walk and Lower Sackville Street :

Tramways No. 2 and No. 2A, wholly in the city of Dublin, respectively four furlongs and three chains or thereabouts in length, commencing on Eden Quay by junctions with tramway No. 1A at a point two chains from its termination, as herein-before described, passing thence along Eden Quay into and along Beresford Place, Store Street, and Amiens Street, and terminating in Amiens Street at or near the end of Lower Sheriff Street :

Tramways No. 5 and No. 5A, respectively three miles and five furlongs and half a chain in length or thereabouts, commencing in Amiens Street in the city of Dublin at or near the end of Lower Sheriff Street, as regards tramway No. 5 by a junction with tramway No. 2, and as regards tramway No. 5A by a junction with tramway No. 2A, and passing thence along Amiens Street into and along North Strand, across Newcomen Bridge, along North Strand Road, across Annesley Bridge, and thence into and along and terminating in Clontarf Road at Dollymount, in the parish of Clontarf in the county of Dublin, at or near the end of the road leading to Mount Prospect :

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Tramways No. 6 and No. 6A, wholly in the city of Dublin, respectively one mile one furlong and two chains or thereabouts in length, commencing in Lower Sackville Street at or near the lamp-standard and safety crossing at the south end thereof, and passing thence along Lower Sackville Street into and along Upper Sackville Street, Cavendish Row, Rutland Square East, North Frederick Street, Blessington Street, Berkeley Street, Upper Berkeley Street, and in a westerly direction along Circular Road, over Blaquiere Bridge, into and along Madras Place, and terminating at the western end of Madras Place near the junction of Glasnevin Road with Circular Road:

Tramway No. 6B, being a short curve of one chain and a half in length, to connect tramway No. 1 with tramway No. 6 at the junction of Bachelor's Walk and Lower Sackville Street:

Tramway No. 6C, being a short curve of one chain and a half in length, to connect tramway No. 2 with tramway No. 6A at the junction of Eden Quay and Lower Sackville Street:

Tramways No. 6D and No. 6E, being respectively short junctions or crossing places, two and a half chains in length, between tramways No. 6 and No. 6A, wholly in Lower Sackville Street, and commencing at or near the lamp-standard in that street at the junctions therewith of Abbey Street and Lower Abbey Street:

Tramway No. 7, seven furlongs nine and a quarter chains or thereabouts in length, commencing in the city of Dublin by a junction with tramway No. 6 at its termination, as herein-before described, and passing thence into and along and terminating in Glasnevin Road (crossing Westmoreland Bridge) at a point in the village and parish of Glasnevin, in the county of Dublin, two and a half chains or thereabouts south of the entrance gates to the grounds of Delvin House:

Tramway No. 7A, two furlongs and eight chains or thereabouts in length, commencing in the city of Dublin by a junction with tramway No. 6A at its termination, as herein-before described, and passing thence into and along and terminating in Glasnevin Road (crossing Westmoreland Bridge) by a junction with tramway No. 7 at or near the junction of Finglas Road with Glasnevin Road in the said parish of Glasnevin:

Tramway No. 7B, being a passing place three chains in length, wholly in Glasnevin Road in the parish of Glasnevin, commencing and terminating by junctions with tramway No. 7 at points two chains and five chains respectively north of the northern end of Prospect Cottages:

Tramway No. 7C, being a passing place three chains in length,

wholly in Glasnevin Road in the parish of Glasnevin, commencing and terminating by junctions with tramway No. 7 at points eleven chains and eight chains respectively south of the gates to the Botanic Gardens :

Tramway No. 7D, one furlong and four chains or thereabouts in length, wholly in Glasnevin Road in the parish of Glasnevin, commencing by a junction with tramway No. 7 at a point two chains south of the gates to the Botanic Gardens, and terminating by a junction with the same tramway at a point three chains from its termination, as hereinbefore described :

Tramways No. 8 and No. 8A, respectively one mile one furlong and nine and a half chains or thereabouts in length, commencing at the west end of Madras Place, as regards tramway No. 8 by a junction with tramway No. 6, and as regards tramway No. 8A by a junction with tramway No. 6A, and passing thence in a westerly direction into and along and terminating in Circular Road at or near the gates into Phoenix Park :

Tramways No. 9 and No. 9A, wholly in the city of Dublin, respectively three furlongs or thereabouts in length, commencing at or near the lamp-standard and safety crossing at the south end of Lower Sackville Street, as regards tramway No. 9 by a junction with tramway No. 6, and as regards tramway No. 9A by a junction with tramway No. 6A, and passing thence across Carlisle Bridge into and along Westmoreland Street, across the western end of College Green, into and along Grafton Street and Nassau Street, and terminating in Nassau Street at or near the junction therewith of Dawson Street :

Tramways No. 10, two miles six furlongs and nine chains or thereabouts in length, and No. 10A, two miles five furlongs and one and a half chains or thereabouts in length, respectively commencing in Nassau Street in the city of Dublin at or near the junction therewith of Dawson Street, as regards tramway No. 10 by a junction with tramway No. 9, and as regards tramway No. 10A by a junction with tramway No. 9A, at their respective terminations as hereinbefore described, and passing thence into and along Dawson Street, St. Stephen's Green North, and St. Stephen's Green West, Harcourt Street, Harcourt Road, Richmond Street, across La Touche Bridge, into and along Rathmines Road, Rathgar Road, and Roundtown Road, and terminating in Roundtown Road in the parish of Rathfarnham in the county of Dublin, as regards tramway No. 10 on the east side of Harold's Cross Road, and as regards tram-

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way No. 10A by a junction with tramway No. 10 at a point thereon two chains or thereabouts west of the junction of Brighton Road with Roundtown Road :

Tramway No. 10B, a passing place three chains in length, wholly in Roundtown Road in the said parish of Rathfarnham, commencing and terminating by junctions with tramway No. 10 at a point three chains from and at the termination thereof respectively :

Tramways No. 11 and No. 11A, four furlongs one and a half chains or thereabouts in length, wholly in the city of Dublin, respectively commencing in Nassau Street at or near the junction therewith of Dawson Street, as regards tramway No. 11 by a junction with tramway No. 9, and as regards tramway No. 11A by a junction with tramway No. 9A, and passing thence in an easterly direction along Nassau Street, into and along Leinster Street, Clare Street, and Merrion Square North, and terminating at or near the north-east corner of Merrion Square :

Tramways No. 12, two miles and three furlongs or thereabouts in length, and No. 12A, two miles three furlongs and two and a half chains or thereabouts in length, respectively commencing in the city of Dublin at or near the north-east corner of Merrion Square, as regards tramway No. 12 by a junction with tramway No. 11, and as regards tramway No. 12A by a junction with tramway No. 11A, and passing thence together into and along Lower Mount Street, across M'Kenna Bridge, into and along Northumberland Road, Haddington Road, Bath Avenue, across London Bridge, into and along London Bridge Road, Tritonville, and Sandymount Road, and thence, as regards tramway No. 12, along the east side of Sandymount Green and Newgrove Avenue into Beach Road, and as regards tramway No. 12A into and along Seafort Avenue and Beach Road to the end of Newgrove Avenue, and thence together along and terminating in Beach Road at or near the Martello Tower in the parish of Donnybrook in the county of Dublin :

Tramways No. 13 and No. 13A, respectively one mile three furlongs and nine chains or thereabouts in length, commencing at or near the north-east corner of Merrion Square aforesaid, and as regards tramway No. 13, by a junction with tramway No. 11, and as regards tramway No. 13A by a junction with tramway No. 11A, and passing into and along Merrion Square East, Lower Fitzwilliam Street, Lower Baggot Street, across Macartney Bridge, into and along Upper Baggot Street, Waterloo Road, Morehampton Road, and Donnybrook Road,

and terminating in the parish of Donnybrook in the county of Dublin in Donnybrook Road at a point one chain east of the junction therewith of Church Lane. A.D. 1871.

6. Every tramway to be made, formed, or laid down under this Act shall be constructed with two rails, to be laid at a distance (reckoning from the inside of the groove of each rail) of five feet three inches from each other, and shall be laid and maintained in such manner that the uppermost surface of the rail shall be on a level with the surface of the road, and shall not be opened for public traffic until the same has been inspected and certified to be fit for such traffic in the manner (if any) prescribed by the Board of Trade by any rules for the time being in force made by them; and all tramways so made, formed, or laid down under this Act within the city of Dublin shall be constructed in accordance with the provisions of this Act to the satisfaction of the engineer for the time being of the corporation. Mode of formation of tramways.

7. Where in any street or road in which a double line of tramway is laid there shall be less width between the outside of the footpath on either side of the street or road and the nearest rail of the tramway than nine feet six inches, the Company shall and they are hereby required to construct a passing place or places connecting the one tramway with the other, and by means of such passing place or places the traffic shall, when necessary, be diverted from the one tramway to the other. Passing places to be constructed where less than a certain width left between footway and tramway.

8. If any road authority shall hereafter alter the level of any road along or across which any tramway by this Act authorised is laid or authorised to be laid, the Company shall 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 so altered. Reserving power to road authorities to alter level of roads.

9. The Company from time to time, for the purpose of making, forming, laying down, maintaining, and renewing the tramways by this Act authorised, or any part or parts thereof respectively, may open and break up any road, subject to the following regulations: Power to break up streets, &c.

1. They shall give to the road authority notice of their intention, specifying the time at which they will begin to do so and the portion of road proposed to be opened or broken up, such notice to be given seven days at least before the commencement of the work:
2. They shall not open or break up or alter the level of any road except under the superintendence and to the reasonable satisfaction of the road authority, unless that authority refuses or neglects to give such superintendence at the time

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specified in the Company's notice or discontinues the same during the work :

3. They shall pay all reasonable expenses to which the road authority is put on account of such superintendence :
4. The Company shall not, without the consent of the road authority, open or break up at any one time a greater length than two hundred yards of any road which does not exceed a quarter of a mile in length, and in the case of any road exceeding a quarter of a mile in length the Company shall leave an interval of at least a quarter of a mile between any two places at which they may open or break up the road, and they shall not open or break up at any such place a greater length than two hundred yards :
5. Where the carriageway over any bridge forms part of or is a road within the jurisdiction of a road authority, but such bridge is vested in some person or persons, corporation, or company distinct from such road authority, any work which the Company may be empowered to construct, and which affects or in anywise interferes with the structural works of such bridge, shall be constructed under the superintendence (at the cost of the Company) and to the reasonable satisfaction of such person, persons, corporation, or company, unless after notice to be given by the Company seven days at least before the commencement of such work such superintendence is refused or withheld :
6. Where the carriageway in or upon which any tramway is proposed to be formed or laid down is crossed by any railway or tramway on the level, any work which the Company may be empowered to construct under this Act, and which affects or in anywise interferes with such railway or tramway or the traffic thereon, shall be constructed and maintained under the superintendence (at the cost of the Company) and to the reasonable satisfaction of the person, corporation, or company owning such railway or tramway, unless after notice to be given by the Company seven days at least before the commencement of such work such superintendence is refused or withheld.

Completion
of work and
reinstatement
of
roads.

10. When the Company have opened or broken up any portion of any road they shall be under the following further obligations; namely,

1. They shall with all convenient speed, and in all cases within three weeks at the most (unless the road authority otherwise consents in writing), complete the work on account of which

they opened or broke up the same, and (subject to the formation, maintenance, or renewal of the tramway) fill in the ground and make good the surface, and to the satisfaction of the road authority restore the portion of the road to as good condition as that in which it was before it was opened or broken up, and clear away all surplus paving or metalling material or rubbish occasioned thereby :

2. They shall in the meantime cause the place where the road is opened or broken up to be fenced and watched, and to be properly lighted at night :
3. They shall bear or pay all reasonable expenses of the repair of the road for six months after the same is restored, as far as those expenses are increased by the opening or breaking up.

If the Company fail to comply in any respect with the provisions of the present section, they shall for every such offence (without prejudice to the enforcement of specific performance of the requirements of this Act or to any other remedy against them) be liable to a penalty not exceeding twenty pounds, and to a further penalty not exceeding five pounds for each day during which any such failure continues after the first day on which such penalty is incurred, and any such penalty shall go and belong to the road authority, and shall form part of the funds applicable to the maintenance of the road.

11. Whereas the care, management, and superintendence of the Port of Dublin, as defined by "The Dublin Port and Docks Act, 1869," are vested in the Dublin Port and Docks Board, together with the building, repairs, and maintenance of all quay walls, bridges, and embankments included within the port, and among them Carlisle Bridge, and by the said Act of 1869 power was given or renewed to the said Board to construct tramways along Eden Quay and the North Wall and elsewhere for the convenience of the trade of Dublin, be it enacted as follows :

As to formation of tramways on Carlisle Bridge and Eden Quay.

(A.) The construction and maintenance of the tramways hereby authorised over Carlisle Bridge and the approaches thereto shall not prevent the rebuilding, repairing, or altering the said bridge by the Dublin Port and Docks Board at their discretion, nor shall the Company have or claim any right to compensation for the interference or removal of their tramways for the purpose of such rebuilding, repairing, or alteration :

(B.) So much of the tramways Nos. 1 and 1A, and of No. 2 and 2A, as are intended to be constructed along Eden Quay shall be so laid as that a sufficient space be left between the same and the quay wall to enable the board to lay

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down a tramway on Eden Quay in pursuance of the power contained in the said Act of 1869 :

(C.) Excepting as by this Act is expressly provided, nothing contained in this Act shall diminish, prejudice, or interfere with the rights, powers, authority, or property of the Dublin Port and Docks Board.

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

12. The Company shall, at their own expense, at all times maintain and keep in good condition and repair, and as to any particular road or part of a road, if required by the road authority, pave and keep paved with such materials and in such manner as the road authority shall direct, and to their satisfaction, so much of any road whereon any tramway of the Company is laid as lies between the rails of the tramway and (where two tramways of the Company are laid in any road at a distance of not more than four feet from each other) the portion of the road between the tramways, and in every case so much of the road as extends eighteen inches beyond the rails of and on each side of any tramway of the Company. If the Company abandon their undertaking or any part of the same, and take up any tramway or part of any tramway belonging to them, they shall with all convenient speed, and in all cases within six weeks at the most (unless the road authority otherwise consents in writing), fill in the ground and make good the surface, and to the satisfaction of the road authority restore the portion of road upon which such tramway was laid to as good a condition as that in which it was before such tramway was laid thereon, and clear away all surplus paving or metalling material or rubbish occasioned by such work, and they shall in the meantime cause the place where the road is opened or broken up to be fenced and watched, and to be properly lighted at night : Provided always, that if the Company fail to comply with the provisions of this section the road authority, if they think fit, may themselves, at any time after seven days notice to the Company, open and break up the road, and do the works necessary for the repair and maintenance or restoration of the road to the extent in this section above mentioned, and the expense incurred by the road authority in so doing shall be repaid to them by the Company.

Road authority and Company may contract for paving roads on which tramways are said.

13. The road authority on the one hand, and the Company on the other hand, may from time to time enter into and carry into effect, and from time to time alter, renew, or vary, contracts, agreements, or arrangements with respect to the paving and keeping in repair of the whole or any portion of the roadway of any road on which the Company shall lay any tramway, and the proportion to be paid by either of them of the expense of such paving and keeping in repair.

14. Notwithstanding anything in this Act contained, the Company shall not acquire or be deemed to acquire any right other than that of user by their horses, carriages, and servants of any road along or across which they lay any tramway.

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Right of
user only.

15. Nothing in this Act shall take away or affect any power which any road authority may have by law to widen, alter, divert, or improve any road.

Reserving
powers of road
authorities to
widen, &c.
roads.

16. 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 tube, 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, wires or apparatus, or not, give seven days notice to the company, 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 or person that the construction of the tramway as proposed would endanger any such main, pipes, tube, wire, or apparatus, or interfere with or impede the supply of water or gas, or the telegraphic or other communication, such company 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 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 or person, or of their surveyor or engineer, if they or he think fit to attend,

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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 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 or person, or in any other manner than such company 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 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 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 or person with water or gas :
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.

For protec-
tion of
sewers, &c.

17. Where any of the tramways or any work connected therewith interferes with any sewer, drain, watercourse, subway, defence, or work under the jurisdiction or control of the local authority, or in any way affects the sewerage or drainage of the districts under their control or any works in connexion therewith, as at present constructed or hereafter to be constructed, the Company shall not commence any tramway or work until they shall have

given to the local authority having such control, as the case may be, fourteen days previous notice in writing of their intention to commence the same by leaving such notice at the office of the local authority with all necessary particulars relating thereto, nor until the local authority shall have signified their approval of the same, unless the local authority do not signify their approval, disapproval, or other directions within fourteen days after service of the said notice and particulars as aforesaid; and the Company shall comply with and conform to all reasonable directions and regulations of the local authority in the execution of the said works, and shall provide by new, altered, or substituted works in such manner as the local authority shall reasonably require for the proper protection of and for preventing injury or impediment to the sewers and works hereinbefore referred to by or by reason of the tramways, and shall save harmless the local authority against all and every the expense to be occasioned thereby, and all such works shall be done under the direction, superintendence, and control of the engineer or other officer or officers of the local authority at the reasonable costs, charges, and expenses in all respects of the Company, and when any new, altered, or substituted work as aforesaid, or any work or defence connected therewith, shall be completed by or at the costs, charges, or expenses of the Company under the provisions of this Act, the same shall thereafter be as fully and completely under the direction, jurisdiction, and control of the local authority, and be maintained by them, as the case may be, as any sewers or works.

18. Nothing in this Act shall take away or abridge any power to open or break up any road along or across which any tramway is laid, or any other power now vested or hereafter to be vested in the road authority or in the local authority for any of the purposes for which such authority is respectively constituted, or in any company, body, or person for the purpose of laying down, repairing, altering, or removing any pipe for the supply of gas or water, or any tubes, wires, or apparatus for telegraphic or other purposes, or for the construction, cleansing, maintenance, and repair of sewers and works in connexion therewith; but in the exercise of such power the road authority, local authority, company, body, or person shall be subject to the following restrictions; (that is to say,)

Saving rights of road authorities to open roads.

1. They shall cause as little detriment or inconvenience to the Company as circumstances will admit:
2. Before they commence any work whereby the traffic on the tramway will be interrupted, they shall (except in cases of urgency, in which cases no notice shall be necessary) give to the Company notice of their intention to commence such work, specifying the time at which they will begin to do so,

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such notice to be given eighteen hours at least before the commencement of the work :

3. They shall not be liable to pay to the Company any compensation for injury done to the tramway by the execution of such work, or for loss of traffic occasioned thereby, or for the reasonable exercise of the powers so vested in them as aforesaid :
4. Whenever, for the purpose of enabling them to execute such work, the local authority or the road authority shall so require, the Company shall either stop traffic on the tramway to which the notice shall refer, where it would otherwise interfere with such work, or shore up and secure the same at their own risk and cost during the execution of the work there : Provided that such work shall always be completed by the road authority or the local authority, as the case may be, with all reasonable expedition :
5. Any company, body, or person shall not execute such work, so far as it immediately affects the tramway, except under the superintendence of the Company, unless they 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 ; and they shall execute such work at their own expense and to the reasonable satisfaction of the Company : Provided that any additional expense imposed upon them by reason of the existence of the tramway in any road or place where any such mains, pipes, tubes, wires, or apparatus shall have been laid before the construction of such tramway shall be borne by the Company.

Protecting
bridge over
railways and
canal.

19. Wheresoever the tramway shall be constructed upon a bridge carrying a road over a railway or canal the following provision shall apply :

- (1.) The Company shall give fourteen days notice in writing to the railway company or the canal company whose railway or canal, as the case may be, is crossed of the intention to commence the construction of the tramway, and shall at the same time send sufficient specifications or other information to show the nature of the interference with the bridge :
- (2.) If the engineer of the railway company or of the canal company, as the case may be, shall be of opinion that the mode proposed of constructing the tramway will render the bridge insecure or injure it, and no method is agreed on of constructing the tramway to the satisfaction of the

said engineer, the matter shall be referred to some engineer to be agreed upon between the parties, or if they cannot agree, to be appointed by the Board of Trade, and the award of such referee shall be binding on both companies :

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- (3.) The works on the bridge shall be executed under the superintendence and to the reasonable satisfaction of the engineer of the railway company or of the canal company, as the case may be :
- (4.) Any additional expense in the maintenance of the bridge, or of the roadway on the same, or of the approaches thereto, occasioned by the construction, use, and maintenance of the tramway, shall be borne by the Company.

20. With respect to the notices aforesaid, 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, or partly in writing and partly in print, and shall be sufficiently authenticated, if given by the local authority or road authority, by being signed by their clerk or secretary :
2. Any notice to be delivered by or to the Company to or by any road authority or local authority, or other body, or any company, may be delivered by being left at the principal office of that authority, body, or company, or of the Company, as the case may be, or by being sent by post in a registered letter addressed to their respective clerk or secretary at their principal office ; and every such letter shall be deemed to be received by the authority, body, or company, 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.

21. If any difference arises between the Company on the one hand, and the local authority or road authority, or any gas or water company, or any company, body, or person to whom any sewer, drain, tube, wires, or apparatus for telegraphic or other purposes may belong, or any other company, on the other hand, with respect to any interference or control exercised or claimed to be exercised by them or him, or on their or his behalf, or by the Company, by virtue of this Act, in relation to any of the Company's tramways or works, or in relation to any work or proceeding of the local authority, road authority, body, company, or person, or with respect to the propriety of or the mode of execution of any work relating to any tramway, or with respect to the amount of any compensation

Difference between Company and road authority, &c.

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to be made by or to the Company, or on the question whether any work is such as ought reasonably to satisfy the local authority, road authority, body, company, or person concerned, or with respect to any other subject or thing regulated by or comprised in this Act, the matter in difference shall (unless otherwise specially provided by this Act) be settled by an engineer or other fit person nominated as referee by the Board of Trade on the application of either party, and the expenses of the reference shall be borne and paid as the referee directs.

Penalty for obstruction in exercise of their powers.

22. If any person wilfully obstructs any person acting under the authority of the Company in the lawful exercise of their powers, or damages or destroys any property of the Company, he shall for every such offence be liable to a penalty not exceeding five pounds.

Power for Company to use tramways with flange-wheeled carriages, &c.

23. The Company may use on their tramways carriages with flange wheels or wheels suitable only to run on a grooved rail, and, subject to the provisions of this Act, the Company shall have the exclusive use of their tramways for carriages with flange wheels or other wheels suitable only to run on a grooved rail. All carriages used on any tramway shall be moved by animal power only. No carriage used on any tramway of the Company shall extend beyond the outer edge of the wheels of such carriage more than eight inches on each side.

Licenses to use the tramway may, in certain events, be granted to third parties by the Board of Trade.

24. If at any time after any tramway or part of any tramway by this Act authorised shall have been for two years opened for public traffic it shall be represented in writing to the Board of Trade by the corporation or by the road authority of any road in which such tramway or part of a tramway is laid, or by twenty inhabitant ratepayers of any parish in which any tramway or part of any tramway of the Company is laid, that the public are deprived of the full benefit of the tramway, the Board of Trade may (if they consider that *primâ facie* the case is one for inquiry) direct an inquiry, by a referee under this Act, into the truth of the representation, and if the referee report that the truth of the representation has been proved to his satisfaction, the Board may from time to time grant licenses to any company or person to use such tramways, in addition to the Company or their lessees, for similar traffic to that conveyed by the Company, with carriages to be approved by the Board, subject to the following provisions, conditions, and restrictions; that is to say,

1. The license shall be for any period not less than one year, nor more than three years, from the date of the license, but shall be renewable by the Board, if they, upon inquiry, think fit:
2. The license shall be to use the whole of the tramways by this Act authorised for the time being opened for public traffic,

or such part or parts of the tramways as the Board, having reference to the cause for granting the license, shall think right :

3. The license shall direct the number of carriages which the licensee or licensees shall run upon the tramways, and the mode in which and times at which such carriages shall be run :
4. The licenses shall specify the tolls to be paid to the Company by the licensee or licensees for the use of the tramway :
5. The licensee or licensees and their officers and servants shall permit one person duly authorised for that purpose by the Company to ride free of charge in or upon each carriage of the licensee or licensees run upon the tramways for the whole or any part of the journey :
6. The Board of Trade may at any time after the granting of any license revoke, alter, or modify the same for good cause shown to them.

25. If, on demand, any licensee fail to pay the tolls due in respect of any passengers carried in any carriage, it shall be lawful for the Company to detain and sell such carriage, or if the same shall have been removed from the tramways or premises of the Company to detain and sell any other carriages on such tramways or premises belonging to such licensee, and out of the moneys arising from such sale to retain the tolls payable as aforesaid, and all charges and expenses of such detention and sale, rendering the overplus (if any) of such moneys and such of the carriages as shall remain unsold to the person entitled thereto.

In default of payment of tolls Company may detain and sell licensee's carriages.

26. Every licensee shall, on demand, give to an officer or servant authorised in that behalf by the Company an exact account in writing, signed by such licensee, of the number of passengers conveyed by and every carriage used by him on the tramways.

Licensees to give account of passengers carried by them.

27. If any such licensee fail to give such account to such officer or servant demanding the same as aforesaid, or if any such licensee, with intent to avoid the payment of any tolls, give a false account, he shall for every such offence forfeit to the Company a sum not exceeding five pounds, and such penalty shall be in addition to any tolls payable in respect of the passengers carried by any such carriage.

Licensees not giving account of passengers carried liable to penalty.

28. If any dispute arise concerning the amount of the tolls due to the Company from any licensee, or concerning the charges occasioned by any detention or sale of any carriage under the provisions herein contained, the same shall be settled by a justice, and it shall

Disputes as to amount of tolls to be settled by justice.

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A.D. 1871. — be lawful for the Company in the meanwhile to detain the carriage, or (if the case so require) the proceeds of the sale thereof.

Owners of carriages liable for damage done by their servants.

29. Every licensee shall be answerable for any trespass or damage done by his carriages or horses, or by any of the servants or persons employed by him, to or upon the tramway, or to or upon the property of any other person; and, without prejudice to the right of action against the licensee or any other person, every such servant or other person may lawfully be convicted of such trespass or damage before a justice of the peace, either by the confession of the party offending or by the oath of some credible witness, and upon such conviction every such licensee shall pay to the Company or persons injured, as the case may be, the damage, to be ascertained by such justice, so that the same do not exceed fifty pounds.

Persons using tramways with carriages with flange wheels, &c. to forfeit 20*l.* on each occasion to the Company.

30. If any person or any other corporation than the Company (except under a lease from or by agreement with the Company, or under license from the Board of Trade, as by this Act provided,) use the tramways, or any of them, or any part thereof, with carriages having flange wheels or other wheels suitable only to run on a grooved rail, such person or corporation shall for every such offence be liable to a penalty not exceeding twenty pounds.

Corporation may use tramways for certain purposes.

31. The corporation may use the tramways authorised by this Act, at such times and in such manner as will not interfere with the traffic of the Company or their licensees, and subject to their reasonable byelaws, for the conveyance of scavenging stuff, and road metal required for their works, free of all tolls and charges by the Company in respect of such use.

Authorising agreements for use of tramways.

32. The Company on the one hand, and any other company, or any corporation or person, on the other hand, from time to time may enter into and carry into effect contracts, agreements, and arrangements for or with reference to the use by such other company, or by such corporation or person, of the tramways, or any of them, or any part or parts thereof respectively, and the tolls, rates, and charges to be paid for such use, and the terms and conditions of such user, and all incidental matters.

Penalties for wilful injury or obstruction to tramways, &c.

33. If any person without lawful excuse (the proof whereof shall lie on him) wilfully does any of the following things; (namely,)
Interferes with, removes, or alters any part of a tramway of the Company or of the works connected therewith;
Places or throws any stones, dirt, wood, refuse, or other material on any part of the tramway;
Does or causes to be done anything in such manner as to obstruct any carriage using a tramway, or to endanger the lives of persons therein or thereon;

Or knowingly aids or assists in the doing of any such thing ;
he shall for every such offence be liable (in addition to any proceedings by way of indictment or otherwise to which he may be subject) to a penalty not exceeding five pounds.

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34. The Company or their lessees, as the case may be, shall be answerable for all accidents, damages, and injuries happening through their act or default, or through the act or default of any person in their employment, by reason or in consequence of any of their works or carriages, and shall save harmless all road and other authorities, companies, or bodies, collectively and individually, and their officers and servants, from all damages and costs in respect of such accidents, damages, and injuries.

Company to be responsible for all damages.

35. Nothing in this Act shall limit the power of the road authority to regulate the passage of any traffic along or across any road along or across which any of the Company's tramways are laid down, and the road authority may exercise their authority as well on as off the tramway, and with respect as well to the traffic of the Company or their lessees as to the traffic of other persons.

Power for road authority to regulate traffic in streets.

36. Nothing in this Act, or in any byelaw made under this Act, shall take away or abridge the right of the public to pass along or across every or any part of any road along or across which any tramway of the Company is laid, whether on or off the tramway, with carriages not having flange wheels or wheels suitable only to run on the rail of the tramways.

Reservation of right of public to use streets.

37. If at any time after the opening of any tramway for traffic the Company shall discontinue the working of such tramway, or of any part thereof, for the space of three calendar months (such discontinuance not being occasioned by circumstances beyond the control of the Company, for which purpose the want of sufficient funds shall not be considered a circumstance beyond their control), and such discontinuance is proved to the satisfaction of the Board of Trade, the said Board, if they think fit, may by order declare that the powers of the Company in respect of the tramway or the part thereof so discontinued shall from the date of such order be at an end, and thereupon the said powers of the Company shall cease and determine. Where any such order has been made, the road authority may, at any time after the expiration of two months from the date of such order, and under the authority of a certificate to that effect by the Board of Trade, remove the tramway or part of the tramway so discontinued, and the Company shall pay to the road authority the cost of such removal, and of the making good of the road by the road authority, such cost to be certified by the clerk for the time being, or by some other authorised officer of the road

Tramways if discontinued to be removed.

A.D. 1871. — authority, whose certificate shall be final and conclusive, and if the Company fail to pay the amount so certified within one calendar month after delivery to them of such certificate, or a copy thereof, the road authority may, without any previous notice to the Company (but without prejudice to any other remedy which they may have for the recovery of the amount), sell and dispose of the materials of the tramway or part of the tramway removed, either by public auction or private sale, and for such sum or sums, and to such person or persons, as the road authority may think fit, and may, out of the proceeds of such sale, pay and reimburse themselves the amount of the cost certified as aforesaid, and of the cost of sale, and the balance (if any) of the proceeds of the sale shall be paid over by the road authority to the Company.

Proceedings
in case of
insolvency of
Company.

38. If at any time after the opening of any tramway for traffic it shall appear to the local authority, or to the road authority, that the Company are insolvent, so that they are unable to maintain such tramway or work the same with advantage to the public, and the corporation or such road authority shall make a representation to that effect to the Board of Trade, the Board of Trade may direct an inquiry by a referee into the truth of the representation, and if the referee shall find that the Company are so insolvent as aforesaid, the Board of Trade may, by order, declare that the powers of the Company shall, at the expiration of six calendar months from the making of the order, be at an end; and the powers of the Company shall cease and determine at the expiration of the said period, and thereupon the said local authority or road authority may remove the tramway in like manner, and subject to the same provisions as to the payment of the costs of such removal, and to the same remedy for recovery of such costs, in every respect as in cases of removal under the next preceding section.

As to wind-
ing up the
affairs of the
Company,
&c.

39. After the expiration of six calendar months from the making of any such order as in this Act above provided by the Board of Trade, declaring that the powers of the Company shall cease, the Court of Chancery in Ireland may at any time, upon the petition of the Company, or of any creditor of the Company, make an order for the winding-up of the affairs of the Company, and for the dissolution of the Company, and the Companies Act, 1862, and the Companies Act, 1867, in reference to the winding-up the affairs, and to the dissolution of a Company by the Court, may, so far as the said Court shall think it convenient and expedient so to do, be applied to the winding up the affairs of the Company under an order made for that purpose; or the said Court may otherwise regulate and conduct the winding-up the affairs of the Company as to the said Court may seem most convenient or expedient.

40. When the tramways by this Act authorised have been opened for traffic for a period of six months the Company may, with the consent of the Board of Trade, sell their undertaking to any person, persons, corporation, or company, and when any such sale has been made all the rights, powers, authorities, obligations, and liabilities of the Company in respect to their undertaking shall be transferred to, vested in, and may be exercised by and shall attach to the person, persons, corporation, company, or local authority to whom the same has been sold, in like manner as if such person, persons, corporation, or company had been authorised to construct the tramways of the Company instead of the Company.

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Power of
sale after
tramways
opened for
six months.

41. Every inquiry which by this Act the Board of Trade are empowered to make or direct shall be made in accordance with the following provisions :

Regulating
inquiries
before
referee ap-
pointed by
the Board of
Trade.

1. The inquiry shall be held in public before an officer in Dublin, to be appointed in that behalf by the Board, herein-after called the referee, and whose appointment shall be by writing, which shall specify all the matters referred to him :
2. Ten days notice at the least shall be given by the referee to the Company, and to the parties upon whose representation the Board of Trade shall have directed the inquiry, of the time and place at which the inquiry is to be commenced :
3. The inquiry shall be commenced at the time and place so appointed, and the referee may adjourn the inquiry from time to time, as may be necessary, to such time and place in the city of Dublin as he may think fit :
4. The referee, by summons, shall, on the application of any party interested in the inquiry, require the attendance before himself, at a place and time to be mentioned in the summons, of any person to be examined as a witness before him, and every person summoned shall attend the referee and answer all questions touching the matter to be inquired into ; and any person who wilfully disobeys any such summons, or refuses to answer any question put to him by such referee for the purposes of the said inquiry, shall be liable to a penalty not exceeding five pounds : Provided always, that no person shall be required to attend in obedience to any such summons unless the reasonable charges of his attendance shall have been paid or tendered to him ; and no person shall be required in any case in obedience to any such summons to travel more than ten miles from his place of abode :
5. The referee may and shall administer an oath or an affirmation, where an affirmation in lieu of an oath would be admitted in

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a court of justice, to any person tendered or summoned as a witness on the inquiry :

6. Any person who, upon oath or affirmation, wilfully gives false evidence before the referee shall be deemed guilty of perjury :
7. The referee shall make his report to the Board of Trade in writing, and shall deliver copies of the report, upon request, to all or any of the parties to the inquiry.

Capital.

42. The capital of the Company shall be two hundred and forty thousand pounds, in twenty-four thousand shares of ten pounds each.

Shares not to be issued until one fifth part thereof shall have been paid up.

43. 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.

44. 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 in any year upon any share.

Power to divide shares.

45. Subject to the provisions of this Act, the Company, with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose, may from time to time divide any share in their capital into half shares, of which one shall be called "preferred half share," and the other shall be called "deferred half share:" Provided always, that the Company shall not divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up, and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon), and the residue to the credit of the preferred half share.

Dividends on half shares.

46. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following ; (that is to say,) first, in payment of dividend after such rate, not exceeding six per centum per annum, as shall be determined at a general meeting of the Company especially convened for the purpose, on the amount for the time being paid up on the preferred half share, and the remainder (if any) in payment of dividend on the deferred half share, and the Company shall not pay

any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided. A.D. 1871.
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47. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid in priority to the deferred half share bearing the same number; but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year, no part of the deficiency shall be made good out of the profits of any subsequent year, or out of any other funds of the Company. Dividend on preferred shares to be paid out of the profits of the year only.

48. Forthwith after the creation of any half shares the same shall be registered by the directors, and each half share shall bear the same number as the number of the entire share certificate in respect of which it was issued, and the directors shall issue certificates of the half shares accordingly, and shall cause an entry to be made in the register of the entire shares of the conversion thereof: Provided always, that the directors shall not be bound to issue a certificate of any half share until the certificate of the existing share be delivered to them to be cancelled, unless it be shown to their satisfaction that the certificate is destroyed or lost, and on any certificate being so delivered up the directors shall cancel it. Half shares to be registered and certificates issued.

49. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share. Terms of issue to be stated in certificates.

50. The provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the forfeiture of shares for nonpayment of calls shall apply to all preferred half shares to be created under the authority of this Act, and every such preferred half share shall for that purpose be considered a whole share, distinct from the corresponding deferred half share: Provided always, that until any forfeited preferred half share shall be sold by the directors of the Company all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof, and of the arrears of calls for the time being due thereon, with interest. Forfeiture of preferred shares.

51. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company. Preferred shares not to be cancelled or surrendered.

52. The several half shares under this Act shall be half shares in the capital of the Company, and every two preferred or deferred half shares held by the same person shall confer such right of voting at meetings of the Company, and (subject to the provisions herein- Half shares to be half shares in capital.

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A.D. 1871. — before contained) shall confer and have all such other rights, qualifications, privileges, liabilities, and incidents as attach and are incident to an entire share.

Receipts on behalf of incapacitated persons.

53. If any money be payable to any shareholder being a minor, idiot, or lunatic, the receipt of his guardian or committee, as the case may be, shall be a sufficient discharge to the Company for the same.

Power to borrow.

54. The Company may from time to time borrow on mortgage any sum or sums not exceeding in the whole sixty thousand pounds, and of that sum they may borrow from time to time not exceeding ten thousand pounds in respect of every forty thousand pounds of their capital, but no part of any such sum of ten thousand pounds shall be borrowed until the whole of the respective forty thousand pounds of capital in respect of which it is to be borrowed is subscribed for, issued, and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," (before he so certifies,) that the whole of the respective forty thousand pounds of capital has been subscribed for, 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 forty thousand pounds has been paid on account thereof before or at the time of the issue or acceptance thereof, and that the respective forty thousand pounds of capital was issued bonâ fide, and is held by the subscribers or their assigns, and that such subscribers or their 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.

For appointment of a receiver.

55. 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, or principal and interest, the amount owing to the mortgagees by whom the application for a receiver shall be made shall not be less than five thousand pounds in the whole.

Moneys borrowed on mortgage to have priority.

56. All moneys to be borrowed on mortgage 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, but nothing

- in this section shall affect any claim in respect of land acquired by the Company for the purposes of this Act, or injuriously affected by the construction of the tramway, or by the exercise of any of the powers conferred upon the Company. A.D. 1871.
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Power to create debenture stock.
- 57.** The Company may create and issue debenture stock. Application of moneys.
- 58.** All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only.
- 59.** The first ordinary meeting of the Company after the passing of this Act shall be held within six months next after the passing of this Act. First ordinary meeting.
- 60.** The number of directors shall be six, but the Company may from time to time reduce the number of directors, so that the number be not less than three. Number of directors.
- 61.** The qualification of a director shall be the possession in his own right of not less than twenty shares. Qualification of directors.
- 62.** The quorum of a meeting of directors shall be three, but if the number of directors be reduced to three, the quorum shall be two. Quorum.
- 63.** Frederick Barrington, William Leadbeater Barrington, Frank Howard Collins, William Henry Reynolds, and such two other duly qualified persons as they or the majority of them shall nominate in this behalf, 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. First directors.

Election of directors.
- 64.** Subject to the provisions of this Act, the tramways shall be completed within three years from the passing of this Act, and on the expiration of that period the powers by this Act granted to the Period for completion of works.

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A.D. 1871. — 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.

Land by agreement.

65. The Company may from time to time purchase and acquire (by agreement) such land as they may require for their undertaking, not exceeding in the whole twenty acres.

Tolls for passengers.

66. The Company may demand and take for every passenger travelling upon any or either of the tramways, or any part or parts thereof respectively, including tolls for the use of the tramway and of carriages and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding one penny per mile (and for this purpose the fraction of a mile beyond an integral number of miles shall be deemed a mile), but the Company may charge for any less distance than three miles any sum not exceeding threepence: Provided always, that when the distance exceeds three miles the Company may only charge one penny for each mile completed beyond three miles.

Passengers luggage.

67. 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.

Cheap fares for labouring classes.

68. The Company shall and they are hereby required, on the requisition of the corporation, at all times after the opening of the tramways for public traffic, to run at least two carriages each way upon the whole or any part of the tramways every morning in the week and every evening in the week (Sundays, 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 artisans, 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); provided that in case of any complaint made to the corporation of the hours appointed by the Company for the running of such carriages, the corporation shall have power to fix and regulate the same from time to time.

Company not bound to carry goods.

69. The Company shall not be bound to carry, unless they think fit, any parcel, goods, articles, or things, other than passengers luggage, not exceeding the weight in this Act in that behalf mentioned.

Lists of tolls, &c. to be exhibited in carriages.

70. A list of all the tolls and charges authorised by this Act to be taken, and which shall be exacted by the Company, shall be exhibited in a conspicuous place inside and outside of each of the carriages used by the Company upon any of their tramways.

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

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Tolls to be paid as directed by the Company.

72. If any person travelling or having travelled in any carriage of the Company avoids or attempts to avoid payment of his fare, or if any person having paid his fare for a certain distance knowingly and wilfully proceeds in any such carriage beyond such distance, and does not pay the additional fare for the additional distance, or attempts to avoid payment thereof, or if any person knowingly and wilfully refuse or neglect, on arriving at the point to which he has paid his fare, to quit such carriage, every such person shall for every such offence be liable to a penalty not exceeding forty shillings.

Penalty on passengers practising frauds on the Company.

73. It shall be lawful for any officer or servant of the Company, and all persons called by him to his assistance, to seize and detain any person who shall be discovered either in or after committing or attempting to commit any such offence as in the next preceding section mentioned, and whose name or residence is unknown to such officer or servant, until such person can be conveniently taken before a justice, or until he be otherwise discharged by due course of law.

Transient offenders.

74. No person shall be entitled to carry or to require to be carried on any tramway any goods which may be of a dangerous nature; and if any person send by any tramway any such goods without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing to the book-keeper or other servant of the Company with whom the same are left at the time of such sending, he shall be liable to a penalty not exceeding twenty pounds for every such offence; and it shall be lawful for the Company to refuse to take any parcel that they may suspect to contain goods of a dangerous nature, or require the same to be opened to ascertain the fact.

Penalty for bringing dangerous goods on the tramway.

75. Subject to the provisions of this Act, the Company may from time to time make regulations—

Byelaws.

For preventing the commission of any nuisance in or upon any carriage or in or against any premises belonging to them;

For regulating the travelling in or upon any carriage belonging to them.

And for better enforcing the observance of all or any of such regulations it shall be lawful for the Company to make byelaws for all or any of the aforesaid purposes, and from time to time repeal or alter such byelaws, and make new byelaws: Provided that such byelaws be not repugnant to the laws of that part of the United

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A.D. 1871. Kingdom where the same are to have effect. Notice of the making of any byelaw under the provisions of this Act shall be published by the Company by advertisement to be inserted once in each of two successive weeks in some newspaper published in the city of Dublin, and once in the "Dublin Gazette," and unless such notice is published in manner aforesaid such byelaw shall be disallowed by the Board of Trade. No such byelaw shall have any force or effect which shall be disallowed by the Board of Trade within two calendar months after a true copy of such byelaw shall have been laid before the Board, and a true copy of every such proposed byelaw shall, not less than two calendar months before such byelaw shall come into operation, be sent to the Board of Trade.

Penalties in byelaws.

76. Any such byelaw may impose reasonable penalties for offences against the same, not exceeding forty shillings for each offence, with or without further penalties for continuing offences, not exceeding for any continuing offence ten shillings for every day during which the offence continues; but all byelaws shall be so framed as to allow in every case part only of the maximum penalty being ordered to be paid.

Proof of byelaws.

77. The production of a written or printed copy of any byelaws made under the authority of this Act, authenticated by the signature of any secretary or assistant secretary of the Board of Trade, shall, without proof of the signature of such secretary or assistant secretary, be evidence of the existence of such byelaws, and that all preliminaries requisite to the making and operation thereof have been duly observed and fulfilled.

Power to corporation to license drivers, conductors, &c.

78. The corporation shall have the like power of making and enforcing rules and regulations and of granting licenses with respect to all carriages using the tramways, and to all drivers, conductors, and other persons having charge of or using the same, and to the standings for the same, as the Commissioners of Police for the Dublin Metropolitan Police District are for the time being entitled to make, enforce, and grant with respect to hackney carriages, and the drivers and other persons having the charge thereof, and to the standings for the same in the streets and district of or under their control.

Provision as to purchase by corporation.

79. In case the corporation shall at any time within eleven years after the passing of this Act desire to purchase the tramways and the works and material connected therewith, and any lands or buildings acquired for the purposes of this Act, and shall apply to Parliament for powers so to do, and to enable the Company to sell the same, the Company shall not object to or oppose such application, and shall assent thereto and do all things necessary, and

render all needful facilities for obtaining such powers, and in the event of such powers being obtained shall accordingly sell the said tramways and premises to the corporation, and the terms of every such purchase shall, failing agreement between the corporation and the Company, be determined by arbitration in manner provided by "The Lands Clauses Consolidation Act, 1845," for the settlement by arbitration of questions of disputed compensation: Provided always, that in determining the amount to be paid by the corporation for such purchase the then actual bonâ fide value of the purchased property (exclusive of any compensation for goodwill, premium, compulsory sale, or other consideration whatsoever) shall be ascertained in the first instance, and to such value there shall be added, as compensation for goodwill, premium, compulsory sale, and every other consideration, thirty per centum on the value so ascertained: Provided also, that if the corporation so purchase the Company's tramways the Company shall be entitled to require the corporation also to purchase all the carriages and rolling stock of the Company for the time being used by them on tramways so purchased, the terms of such purchase, failing agreement between the corporation and the Company, to be settled by arbitration under the said "Lands Clauses Consolidation Act, 1845."

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80. The Company, on request of the corporation, shall at all reasonable times and from time to time produce to such person as the corporation shall require all the moneys, books, accounts, and vouchers with reference to the Company's tramway and undertaking, and permit such person to take copies of and extracts from the same books and accounts as he may think fit.

Accounts to be produced to corporation.

81. The Company on the one hand, and the City of Dublin Tramways Company, Limited, on the other hand, may from time to time enter into and carry into effect contracts or arrangements with respect to the following purposes, or any of them; (that is to say,)

Power to enter into arrangements with City of Dublin Tramways Company, Limited.

The vesting in the Company of the powers, rights, and privileges now vested in and exercised or enjoyed by the City of Dublin Tramways Company, Limited;

The user, working, maintenance, and management by the Company of the undertaking of the City of Dublin Tramways Company, Limited, or some part or parts thereof.

82. The Company shall not, out of any money by this Act authorised to be raised by calls or by borrowing, pay interest or dividend to any shareholder on the amount of 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

Interest not to be paid on calls paid up.

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A.D. 1871. — on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act, 1845.

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

83. 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.

Tramways not exempt from provisions of present and future general Acts.

84. 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.

Expenses of Act.

85. 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.