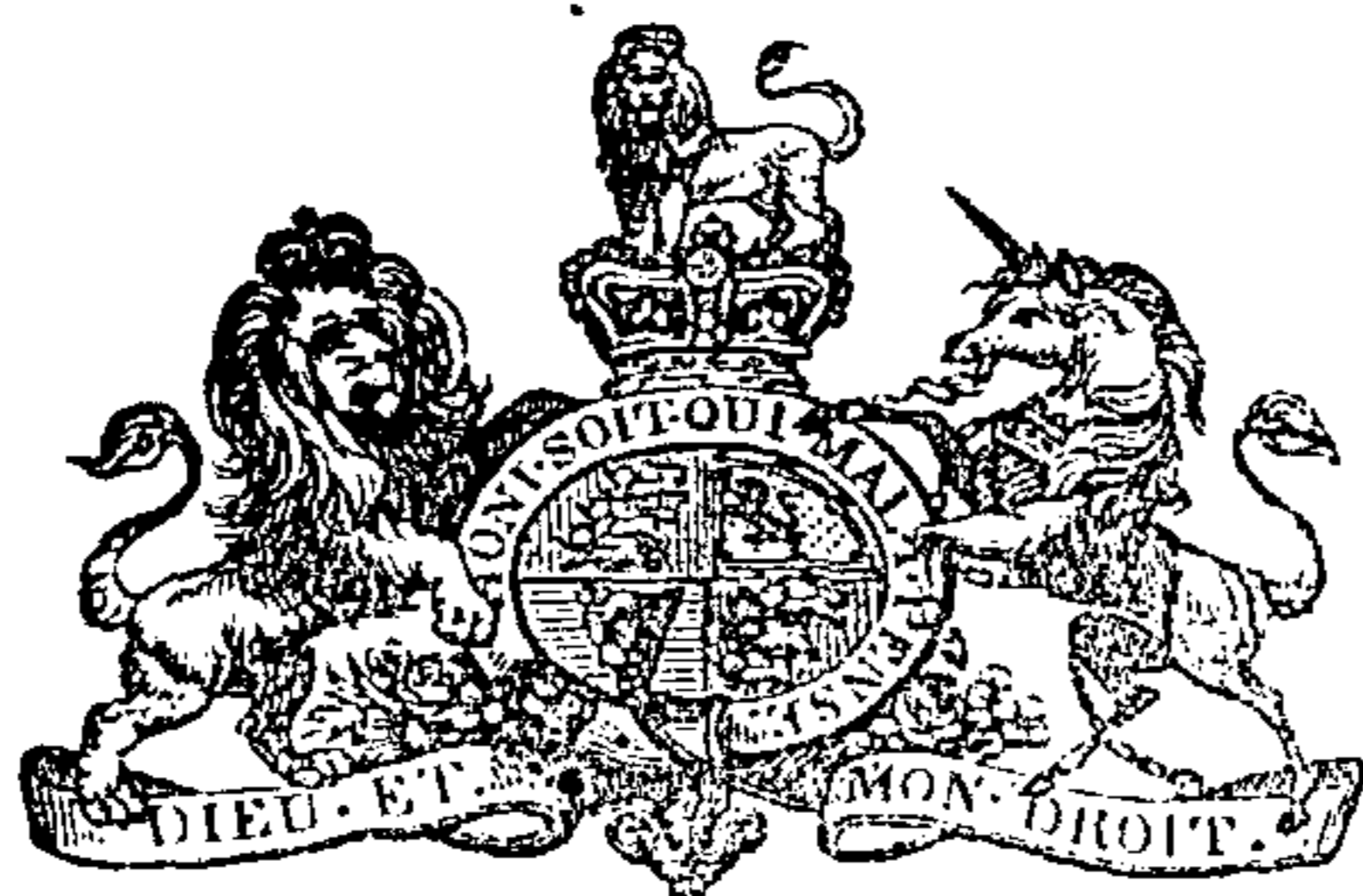


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CHAPTER clix.

An Act to authorise the construction of Tramways in and near the city of Dublin, and in the county of Dublin ; and for other purposes. A.D. 1878.
[4th July 1878.]

WHEREAS the laying down of tramways in certain streets and roads in and near the city of Dublin, and in the county of Dublin, to be worked by animal power only, and constructed so as not to impede or injure the ordinary traffic of the roads, would be of 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 plans and sections showing the lines and levels of the tramways and works authorised by this Act were duly deposited with the respective clerks of the peace for the county of the city of Dublin, and for the county of Dublin, and are herein-after respectively referred to as the deposited plans and sections :

And whereas the purposes of this Act cannot be effected 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 as the Dublin Southern District Tramways Act, 1878. Short title.

2. The Companies Clauses Consolidation Act, 1845, Part I. (relating to cancellation and surrender of shares) of the Companies Act, 1863, the 17th section of the Railways Clauses Consolidation Act, 1845, the Companies Clauses Act, 1869, the Lands Clauses Consolidation Act, 1845, except the provisions thereof with Incorporation of general Acts. 8 & 9 Vict. c. 16. 26 & 27 Vict. c. 118.

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A.D. 1878. respect to the entry upon, purchase, and taking of lands otherwise
 8 & 9 Vict. than by agreement, the Lands Clauses Consolidation Acts Amend-
 c. 20. ment Act, 1860, and section 3 (interpretation clause), section 19
 32 & 33 Vict. (local authority may lease or take tolls), and Parts II. and III. of
 c. 48. the Tramways Act, 1870, except so much of section 44 as empowers
 8 & 9 Vict. the promoters to sell their undertaking to any person, persons,
 c. 18. corporation, or company other than the local authority, notwith-
 23 & 24 Vict. standing anything contained in clause two of the said last-mentioned
 c. 106. Act, are incorporated with and form part of this Act, save where
 33 & 34 Vict. the same are expressly varied or excepted by this Act.
 c. 78.

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 Company" means the Company incorporated by this Act; the expression "the tramways" and "the undertaking" mean respectively the tramways and the undertaking by this Act authorised, or any part thereof; in the incorporated Acts the "work and railway" shall for the purposes of this Act mean the works by this Act authorised; and the expression "the corporation" shall mean the lord mayor, aldermen, and burgesses of the city of Dublin; and the expression "road authority" or "local authority" shall mean the corporation, grand jury of the county of Dublin, the commissioners, or other body having the control of the roads or streets referred to on which tramways are by this Act authorised to be laid down.

Company in-
corporated.

4. Sir Wilford Brett, Henry Lamplough, and William Abbott, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and are hereby 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 and are hereby incorporated by the name of "the Dublin Southern District Tramways Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

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

5. Subject to the provisions of this Act, and of Parts II. and III. of the Tramways Act, 1870, the Company may make, form, lay down, work, use, and maintain the tramways herein-after described in the lines and according to the levels shown on the deposited

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plans and sections, and in all respects in accordance with those plans and sections, with all proper rails, plates, works, and conveniences connected therewith. The tramways herein-before referred to and authorised by this Act are —

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33 & 34 Vict.
c. 78.

Tramway No. 1.—A tramway (single line), 0 miles 4 furlongs 1·75 chains in length, commencing by a junction with the northernmost of the existing tramways of the Dublin Tramways Company at or near the junction of Northumberland Road and Haddington Road, passing thence in a southerly direction along Northumberland Road (crossing Haddington Road) and Pembroke Road, and terminating in the last-mentioned road at a point eighty-two yards or thereabouts north-westward from the centre of Ball's Bridge.

Tramway No. 1A.—A short junction tramway (single line), three chains in length, commencing by a junction with the southernmost of the existing tramways at or near the junction of Northumberland Road and Haddington Road, passing thence in a southerly direction along Northumberland Road (crossing Haddington Road), and terminating in Northumberland Road by a junction with Tramway No. 1 at a point three chains from the commencement of that tramway.

Tramway No. 2.—A tramway (single line), 3 miles 0 furlongs 9·50 chains in length, commencing in Pembroke Road by a junction with Tramway No. 1 at its point of termination, passing thence in a south-easterly direction along Pembroke Road, across Ball's Bridge, along Merrion Road, Booterstown Road, Williamstown Road, Rockhill, and Main Street, Blackrock, and terminating in the last-named street on the north-western side of the Stone Cross at the eastern end of Main Street.

Tramway No. 3.—A tramway (single line), 0 miles 2 furlongs 9·00 chains in length, commencing in Baggot Street Upper by a junction with the northernmost of the existing tramways therein, at a point situate eleven yards or thereabouts westward from Waterloo Road, passing thence in an easterly direction along Baggot Street Upper and Pembroke Road, and terminating in that road by a junction with Tramway No. 1 at a point situate forty-two yards or thereabouts southward from the pillar letter box in the roadway at the junction of Northumberland Road and Pembroke Road.

Tramway No. 3A.—A short junction tramway (single line), three chains in length, wholly in Baggot Street Upper, commencing by a junction with the southernmost of the existing tramways

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therein at a point situate eleven yards or thereabouts westward from Waterloo Road, and terminating by a junction with Tramway No. 3 at a point three chains from the commencement of that tramway.

The intended tramways herein-before described shall pass or be made from, in, or through or into the several parishes, townships, townlands, and extra-parochial or other places following, or some of them; that is to say, St. Peter, St. Bartholomew, St. Mary Donnybrook, Booterstown, Monkstown, Pembroke, Beggar's Bush, Baggotrath, Ball's Bridge, Smots Court, Merrion, Baggotrath North, Baggotrath East, Intake, Pembroke, Blackrock, all in the county of the city of Dublin; St. Peter, St. Mary Donnybrook, Taney, Booterstown, Monkstown, Baggotrath West, Baggotrath East, Owenstown, Williamstown, Blackrock, Newtown - Blackrock, Rathmines East, Ranelagh South, Cullenswood, Sallymount, Rathmines, and Rathgar, and Pembroke, all in the county of Dublin.

Tramway No. 5.—A tramway (single line), 1 mile 2 furlongs 9·25 chains in length, commencing in the roadway on the western side of the Kingstown Station of the Dublin, Wicklow, and Wexford Railway Company, at a point opposite to, and thirteen yards or thereabouts from, the steps leading to the principal entrance to the said station, passing thence into and along the Royal Marine Road, George's Street Upper, Summerhill Road, Glasthule, Sandycove Road, and Breffni Road, and terminating in the last-named road opposite or nearly opposite to the centre of Castle Park Avenue at its north-eastern end.

Tramway No. 5A.—A tramway (single line), 0 mile 1 furlong 3·67 chains in length, commencing in the Royal Marine Road at its northern end by a junction with Tramway No. 5, passing thence along Royal Marine Road and into George's Street Upper, and terminating in George's Street Upper by a junction with Tramway No. 5 at a point seven yards or thereabouts from the Royal Marine Road.

Tramway No. 5B.—A tramway (single line), 0 mile 4 furlongs 4·15 chains in length, commencing in Summerhill Road or Glasthule, or one of them, by a junction with Tramway No. 5 at a point opposite to Islington Avenue, passing thence in an easterly direction along Glasthule and Sandycove Road, and terminating in the last-named road by a junction with Tramway No. 5 at a point thirty-three yards or thereabouts westward from East Sandycove Avenue.

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Tramway No. 6.—A tramway (single line), 0 miles 6 furlongs 0·65 chains in length, commencing in Breffni Road by a junction with Tramway No. 5 at its point of termination, passing thence in an easterly direction along Breffni Road, Ulverton Road, Castle Street, Dalkey, and terminating in that street at or near its eastern extremity. A.D. 1878.

The intended tramways herein-before described shall pass or be made from, in, through, or into the several parishes, townships, townlands, and extra-parochial or other places following; that is to say,

Monkstown, Dalkey, Kingstown, Dunleary, Glasthule, and Bullock, all in the county of Dublin.

In the following instances the tramway shall be so laid that for a distance of thirty feet or upwards a less space than nine feet six inches shall intervene between the outside of the footpath and the nearest rail of the tramway.

As regards Tramway No. 5.—On the north side of the road between a point in Summerhill Road thirty-three yards north-west of Islington Avenue and a point in Sandycove Road thirty-three yards north-west of East Sandycove Avenue.

As regards Tramway No. 5B.—On the south side of the road between a point in Summerhill Road thirty-three yards north-west of Islington Avenue and a point in Sandycove Road thirty-three yards north-west of East Sandycove Avenue.

As regards Tramway No. 6.—On both sides thereof from the north end of Ulverton Terrace to the termination of the tramway.

6. Before the Company shall form and lay down Tramway No. 2 by this Act authorised so far as the same is intended to be formed and laid down upon the Rock Road in the Pembroke township, they shall raise the surface of the said road so as to do away with the hollow which at present exists along the centre of the said road, and shall make the surface of the said road along which the tramway is to be formed and laid down level with the sides thereof to the reasonable satisfaction of the surveyor of the Pembroke Township Commissioners: Provided in case any differences shall arise between the engineer of the Company and the said surveyor in reference to any matter arising under this section, the same shall be from time to time referred to an engineer to be mutually agreed upon by the Company and the said surveyor, or, in case they cannot agree, to an engineer to be appointed, upon the application of both or either of the parties, by the Local Government Board for Ireland, whose decision shall be final.

Rock Road
to be made
up before
tramway
laid.

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Through
cross drains
to be made
on the Rock
Road.

7. Before forming or laying down the said tramway on the Rock Road the Company shall also, at the distance of every five hundred feet along the said road commencing from the point on the said road where the tramway is authorised to be laid down on the said road, or at such other points, not being less than five hundred feet lineal distance from each other on the said road, as shall be required in writing by the surveyor of the Pembroke Township Commissioners, make, to the reasonable satisfaction of the said surveyor, at every such point, a through cross drain (being not less than one such drain in every five hundred feet lineal distance measured along the said road) laid with an inclination of one foot in ten feet from points not less than two feet below the level of the channel course running on either side of the said road to the line of the main sewer intended to be laid down on the said road, and the Company shall, after the said through cross drains are made, maintain the same in good working order to the satisfaction of the said surveyor.

Company not
to lay ma-
terials on
footways.

8. In making the tramways authorised by this Act, the Company shall not, except with the consent of the surveyor to the Pembroke Township Commissioners, place on the flagway or footways of the streets and roads through which they will pass any of the materials used for the making of the tramways, or the materials excavated from the streets for the purpose of laying down such tramways.

Passing-
places to be
constructed
in certain
cases.

9. 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 may and they are hereby empowered 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.

Form and
delivery of
notices.
33 & 34 Vict.
c. 78.

10. With respect to any notice required by section 32 of the Tramways Act, 1870, and to the delivery thereof by or to the Company, the following provisions shall have effect; namely,

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

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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.

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11. 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.

Company may use tramways with flange-wheeled carriages, &c.

12. The Company may from time to time enter into and carry into effect agreements with any other company or person for or with reference to the use by such company or person of the tramways or any of them, or any part or parts thereof respectively; and such agreements, and the tolls, rates, and charges to be paid for such use, and all incidental matters, shall be subject to the approval of the Board of Trade.

Authorising agreements for use of tramways.

13. The local authority 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.

Local authority may use tramways for certain purposes.

14. Whenever the local authority shall or may at any time desire to construct or have constructed any junction, siding, refuge, or resting-place in any street or road within their jurisdiction in which any of the tramways by this Act authorised may be laid, the Company shall, upon demand of the local authority, make such alterations as may be necessary in the line and direction of the tramways to allow of the construction or maintenance of such siding, refuge, or resting-place.

Company to make sidings, &c. if required by local authority.

15. The capital of the Company shall be seventy thousand pounds in seven thousand shares of ten pounds each.

Capital.

16. The Company shall not issue any share created under the authority of this Act, nor shall any such share vest in the person or corporation accepting the same, unless and until a sum not being

Shares not to issue until one-fifth part paid up.

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Calls.

17. 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 the calls made in any year upon any share.

Receipt in case of persons not sui juris.

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

Power to borrow on mortgage.

8 & 9 Vict. c. 16.

19. The Company may from time to time borrow on mortgage any sum not exceeding in the whole seventeen thousand five hundred pounds, but no part thereof shall be borrowed until the whole capital of seventy thousand pounds is issued and accepted, and one half thereof is paid up, and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act, 1845, before he so certifies, that the whole of such capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one-fourth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns, are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

As to appointment of a receiver.

20. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be for less than one thousand pounds in the whole.

Company not to create debenture stock.

21. The Company shall not create or issue debenture stock.

Mortgage to comprise purchase money paid on compulsory sale.

22. 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,

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under section forty-three of the Tramways Act, 1870, and may comprise all or any moneys carried to the contingency fund according to the terms of the mortgage. A.D. 1878.
33 & 34 Vict.
c. 78.

23. Every mortgage deed granted by the Company under this Act shall be endorsed with notice that such mortgage will not be a charge upon the tramways in the event of its being purchased by the local authority under the forty-third section of the Tramways Act, 1870. Indorsement of notice of power of future purchase by local authority.
33 & 34 Vict.
c. 78.

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

25. 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. Passengers luggage.

26. The Company may demand and take tolls and rates of charge for passengers goods, articles, and things conveyed on the tramways, not exceeding the tolls and rates of charges specified in the Schedule to this Act annexed, subject to revision from time to time by the Board of Trade, which revision the said Board are hereby authorised to make, but not so as in any case to exceed the tolls specified in the said Schedule. Tolls for passengers goods, &c.

27. The Company, at all times after the opening of the tramways for public traffic, shall and they are hereby required to run at least one carriage each way 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 Board of Trade of the hours appointed by the Company for the running of such carriages, the said Board shall have power to fix and regulate the same from time to time. Cheap fares for labouring classes.

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

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List of tolls,
&c. to be ex-
hibited in
carriages.

Tolls to be
paid as di-
rected by the
Company.

Notice of
byelaws to
be given.

Proof of
byelaws.

Application
of moneys.

First ordi-
nary meeting.

Number of
directors.

Qualification
of directors.

Quorum.

Election of
directors.

29. 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.

30. The tolls and charges by this Act authorised shall be paid to such person, 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.

31. 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."

32. 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 operating thereof have been duly observed and fulfilled.

33. All moneys raised under this Act, whether by shares or borrowing, shall be applied for the purpose of this Act only.

34. The first ordinary meeting of the Company shall be held within six months next after the passing of this Act.

35. The number of directors shall be five.

36. The qualification of a director shall be the possession in his own right of not less than twenty shares.

37. The quorum of a meeting of directors shall be two.

38. Sir Wilford Brett, Henry Lamplough, and William Abbott, and two other qualified persons nominated by them, or the majority of them, and consenting to such nomination, shall be the 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 nominated as aforesaid, 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 or nominated as aforesaid being, if qualified, eligible for re-election; and at the first ordinary

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meeting to be held in every year after the first ordinary meeting, the shareholders present in person or by proxy shall elect persons to supply the places of the directors then retiring from office, agreeably to the provisions of the Companies Clauses Consolidation Act, 1845; and the several persons elected at any such meeting, being neither removed nor disqualified, nor having died or resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

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8 & 9 Vict.
c. 16.

39. 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 three acres.

Purchase of
land by
agreement.

40. Whereas, pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, a sum of one thousand eight hundred pounds, being five per cent. upon the amount of the estimate in respect of the tramways, has been deposited with the Chancery Division of the High Court of Justice in Ireland in respect of the application to Parliament for this Act, which sum is referred to in this Act as the deposit fund: Be it enacted, that, notwithstanding anything contained in the said Act, the said deposit fund shall not be paid or transferred to or on the application of the person or persons, or the majority of the persons, named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them, which persons, survivors or survivor, are or is in this Act referred to as the depositors, unless the Company shall, previously to the expiration of the period limited by this Act for completion of the tramways, open the same for the public conveyance of passengers: Provided that if within such period as aforesaid the Company open any portion of the tramways for the public conveyance of passengers, then, on the production of a certificate of the Board of Trade, specifying the length of the portion of the tramways opened as aforesaid, and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the tramways so opened bears to the entire length of the tramways hereby authorised, the said Chancery Division shall, on the application of the depositors, order the portion of the deposit fund specified in the certificate to be paid or transferred to them, or as they shall direct; and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified, and it shall not be necessary to produce any certificate of this Act having passed; anything in the above-mentioned Act to the contrary notwithstanding.

Deposit
money not to
be paid ex-
cept so far
as line is
opened.

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Application
of deposit
fund.

41. If the Company do not, previously to the expiration of the period limited for the completion of the tramways, complete the same, and open them for the public conveyance of passengers, then and in every such case the deposit fund, or so much thereof as shall not have been paid to the depositors, shall be applicable, and after due notice in the "Dublin Gazette" shall be applied, towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the tramways, or any portion thereof, and for which injury or loss no compensation or inadequate compensation has been paid, and also in compensating all road authorities for the expense incurred by them in taking up any tramway or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively, and in making good all damage caused to such roads by the construction or abandonment of such tramways, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the said Chancery Division may seem fit; and if no such compensation is payable, or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation, then the deposit fund, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer, in such manner as the said Chancery Division thinks fit to order, on the application of the Solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the said Chancery Division, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof; provided that until the deposit fund has been repaid to the depositors, or has become otherwise applicable as herein-before mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the depositors.

Mode of
formation of
tramways.

42. The Tramways No. 1, 1A, 2, 3, and 3A, to be made, formed, or laid down under this Act, shall be constructed on a gauge of five feet three inches, and the Tramways No. 5, 5A, 5B, and 6, to be made, formed, and laid down under this Act, shall be constructed on a gauge of four feet; and all such tramways shall be laid and

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maintained in such manner that the uppermost surface of the rail shall be on the level with the surface of the road. A.D. 1878.

43. The tramways shall not be opened for public traffic until they have been inspected and certified to be fit for such traffic by the Board of Trade; and all tramways and works authorised to be made, formed, and laid down under this Act shall be constructed in accordance with the provisions of this Act, to the reasonable satisfaction of the surveyor for the time being of the road authority having the control of the road on which such tramways and works respectively are or may be made, formed, and laid down: Provided, in case any differences shall arise between the engineer of the Company and the surveyor of the said road authority in reference to any matter arising under this section, the same shall be from time to time referred to an engineer, to be mutually agreed upon by the Company and the said road authority, or, in case they cannot agree, to an engineer to be appointed, upon the application of both or either of the parties, by the Local Government Board for Ireland, whose decision shall be final. Inspection by Board of Trade.

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

45. The Company shall at all times maintain and keep in good condition and repair, and so as not to be a danger or annoyance to the ordinary traffic, the rails of the tramways, and the substructure upon which the same rest; and if the Company at any time fail to comply with this provision, or with the provisions of section twenty-eight of the Tramways Act, 1870, they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues, and such penalty shall be a penalty within the meaning of section fifty-six of the said Act. Penalty for not maintaining rails and roads. 33 & 34 Vict. c. 78.

46. Every sewer authority shall at all times have free access to and communications with all their sewers and drains, and power to lay lateral and private drains to communicate therewith, without the consent or concurrence of the Company; and the provisions contained in the thirty-second and thirty-third sections of the Tramways Act, 1870, shall be applicable in the case of any sewer or private drain of or under the control of the sewer authority, as if the same were a pipe for the supply of gas or water. Sewer authority to have access to sewers. 33 & 34 Vict. c. 78.

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Company
may be re-
quired to use
improved
form of rail.

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

Power to
make, alter,
&c. crossings,
&c.

48. The Company may, subject to the provisions of this Act, with the consent of the local authority, from time to time make, maintain, alter, and remove such crossings, passing-places, sidings, junctions, and other works, in addition to those particularly specified in and authorised by this Act, as they find necessary or convenient for the efficient working of the tramways, or for providing access to any warehouses, stables, or carriage-houses, or works of the Company: Provided that, in the construction of any such works, no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road, if the owner or owners, or occupier or occupiers, of the premises abutting on the place where such rail is proposed to be laid shall, by writing under their hand addressed to the Company, express their objection thereto.

Application
of road ma-
terials exca-
vated in con-
struction of
works.

33 & 34 Vict.
c. 78.

49. Any paving, metalling, or material excavated by the Company in the construction of the undertaking, from any road under the jurisdiction or control of any road authority, may be applied by the Company, so far as may be necessary, in or towards the reinstating of the road, and the maintenance for six months after completion of any of the tramways within the district of such road authority, of so much of the roadway on either side of such tramways as the Company are by section 28 of the Tramways Act, 1870, required to maintain; and the Company shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of the road authority, or to such person or persons as he may appoint to receive the same: Provided that if, within seven days after the setting aside of the surplus arising from the excavation of any such paving, metalling, or material, and notice duly given, such surplus is not removed by such surveyor, or by some other person or persons named by him for that purpose, such surplus paving, metalling, or material shall absolutely vest in and belong to the Company, and may be dealt with, removed, and disposed of by them, in such manner as they may think fit. Any difference between

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the Company and any road authority or surveyors or other person, with reference to any of the matters aforesaid, shall be determined in manner provided by the Tramways Act, 1870, with respect to difference between the promoters and any road authority. A.D. 1878.
33 & 34 Vict.
c. 78.

50. The following provisions for the protection of the Dublin Tramways Company shall have effect : For protec-
tion of Dub-
lin Tram-
ways Com-
pany.

1. The junctions of Tramways Nos. 1 and 1a, and 3 and 3a, with the existing tramways of the Dublin Tramways Company shall be constructed under the superintendence and to the reasonable satisfaction of the engineer for the time being of that Company.

2. Except for the purposes of the junctions as aforesaid, the Company shall not alter or interfere with any of the rails or works of the Dublin Tramways Company.

51. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him ; but nothing in this Act shall 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. Interest not
to be paid on
calls paid up.

8 & 9 Vict.
c. 16.

52. 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 tramways, or to execute any other work or undertaking. Deposits for
future Bills
not to be
paid out of
capital.

53. Nothing in this Act contained shall exempt the Company or the tramways from the provisions of any general Act relating to tramways now in force, or which may hereafter pass during this or any future session of Parliament, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls or charges authorised by this Act. Company not
exempt from
provisions of
any present
and future
general
Tramway
Acts.

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

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SCHEDULE.

MAXIMUM TOLLS AND RATES OF CHARGE, WITH REGULATIONS.

PASSENGERS.

1. The maximum rates of charge to be made by the owners of the tramway for the conveyance of passengers thereon, including the tolls for the use of the tramway and of carriages, and cost of moving power, and every other expense connected with such conveyance, shall be—

For every passenger conveyed in a first-class carriage, the sum of twopence per mile :

For every passenger conveyed in a carriage of inferior class, the sum of one penny halfpenny per mile.

2. The foregoing restrictions shall not extend to any special trains that may be required to run on the tramway, but shall apply only to the express and ordinary trains appointed from time to time by the owners for the conveyance of passengers and goods on the tramway.

3. Every passenger travelling on the tramway may take with him his ordinary luggage, not exceeding one hundred pounds in weight for first-class passengers, and sixty pounds in weight for passengers of inferior class, without any charge being made for the carriage thereof.

GOODS.

4. Subject to the provisions herein-after contained respecting small parcels and single articles of great weight, the tolls to be taken by the owners of the tramway in respect of the tonnage of all articles conveyed in carriages thereon or on any part thereof shall be—

(Class 1.)

For dung and all sorts of manure, chalk, and all undressed materials for the repair of roads or highways ;

For all coals, coke, culm, ironstone, and iron ore ;

For all charcoal, limestone, stones for building, pitching, and paving, bricks, tiles, slates, clay, and sand ;

For all iron, lead, tin, and tin plates (except nails, utensils, or other articles of merchandise) ;

Not exceeding, for the use of the tramway, one penny per ton per mile :

If conveyed in carriages provided by the owners of the tramway, an additional sum per ton per mile not exceeding one eighth of a penny :

If drawn or propelled by power provided by the owners of the tramway, a further sum per ton per mile not exceeding three eighths of a penny.

(Class 2.)

For all other goods, wares, merchandise, articles, matters, or things (except carriages, herein-after otherwise provided for), not exceeding, for the use of the tramway, twopence per ton per mile :

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If conveyed in carriages provided by the owners of the tramway, a further sum per ton per mile not exceeding one halfpenny: A.D. 1878.

If drawn or propelled by power provided by the owners of the tramway, a further sum per ton per mile not exceeding one halfpenny.

(Class 3.)

For every carriage, of whatever description, (not being a carriage adapted and used for travelling on a tramway, and not weighing more than one ton,) not exceeding, for the use of the tramway, sixpence per ton per mile, and the sum of twopence per mile for every additional quarter of a ton or fractional part of a quarter of a ton above one ton which any such carriage may weigh:

If any such carriage be conveyed on a truck or platform provided by the owners of the tramway, an additional sum per mile not exceeding twopence:

If drawn or propelled by power provided by the owners of the tramway, a further sum per mile not exceeding twopence.

ANIMALS.

5. The tolls to be taken by the owners of the tramway in respect of animals conveyed in carriages on the tramway shall be—

(Class 4.)

For every horse, mule, ass, or other beast of draught or burden, ox, cow, bull, or head of neat cattle, conveyed in or upon any such carriage, not exceeding, for the use of the tramway, threepence per mile:

If conveyed in or upon any carriage provided by the owners of the tramway, an additional sum per mile not exceeding one penny:

If such carriage be drawn or propelled by power provided by the owners of the tramway, an additional sum per mile not exceeding twopence.

(Class 5.)

For every calf, pig, sheep, lamb, or other small animal conveyed in or upon any such carriage, not exceeding, for the use of the tramway, one penny per mile:

If conveyed in any carriage provided by the owners of the tramway, an additional sum per mile not exceeding one farthing:

If such carriage be drawn or propelled by power provided by the owners of the tramway, an additional sum per mile not exceeding twopence.

6. The maximum rate of charge to be made by the owners of the tramway for the conveyance of animals, articles, matters, or things respectively included in the classes before mentioned, including the tolls for the use of the tramway and of carriages, and cost of moving power, and every other expense connected with such conveyance, shall not exceed the amounts following:

For the matters mentioned in Class 1, not exceeding one penny halfpenny per ton per mile:

For the matters mentioned in Class 2, not exceeding threepence per ton per mile:

For any carriage mentioned in Class 3, not weighing more than one ton, not exceeding tenpence per mile; and if weighing more than one ton, not exceeding twopence per mile for every quarter of a ton, or fractional part of a quarter of a ton additional:

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For everything mentioned in Class 4, not exceeding sixpence per mile :

For everything mentioned in Class 5, not exceeding threepence farthing per mile.

Provided always, that it shall be lawful for the owners of the tramway to demand and take, in addition to the tolls and rates of charge herein-before authorised, a reasonable sum for the delivery and collection of goods and other services incidental to the business of a carrier, where such services respectively shall be performed by the owners of the tramway otherwise than on the premises of the tramway.

7. The following provisions and regulations shall be applicable to the calculation of the tolls :—

For passengers, animals, or things conveyed on the tramway for a less distance than four miles, the Company may demand toll as for four miles :

For a fraction of a mile beyond four miles or beyond any greater number of miles, the Company may demand tolls on merchandise for such fraction in proportion to the number of quarters of a mile contained therein, and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile ; and in respect of passengers every fraction of a mile beyond an integral number of miles shall be deemed a mile :

For a fraction of a ton the Company may demand toll according to the number of quarters of a ton in the fraction, and if there be a fraction of a ton that fraction shall be deemed a quarter of a ton :

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

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

8. With respect to small parcels and single articles of great weight, the owners of the tramway may lawfully demand for the carriage thereof on the whole or any part of the line the tolls following :

SMALL PARCELS.

For any parcel not exceeding seven pounds in weight, sixpence :

For any parcel exceeding seven pounds in weight but not exceeding fourteen pounds in weight, ninepence :

For any parcel exceeding fourteen pounds in weight but not exceeding twenty-eight pounds in weight, one shilling :

For any parcel exceeding twenty-eight pounds in weight but not exceeding fifty-six pounds in weight, one shilling and sixpence :

For parcels exceeding fifty-six pounds in weight but not exceeding five hundred pounds in weight, such reasonable sum as the owners of the tramway may think fit :

Provided always, that articles sent in large aggregate quantities, although made up of separate parcels, such as bags of sugar, coffee, meal, and the like, shall not be deemed small parcels, but that term shall apply only to single parcels in separate packages.

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SINGLE ARTICLES OF GREAT WEIGHT.

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For the carriage of any one boiler or cylinder, or any one piece of machinery, or single piece of timber or stone, or other single article, the weight of which, including the carriage, shall exceed three tons, the owners of the tramway may demand such sum as they think fit.

9. Nothing herein contained shall be held to prevent the owners of the tramway from taking any increased charge, over and above the charges herein-before limited, for the conveyance of goods of any description, by agreement with the owners of and persons in charge of such goods, either in respect of the conveyance of such goods, except small parcels by passenger or other trains, or by reason of any other special service performed by the owners of the tramway in relation to such goods.

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