CHAPTER lxxix.

An Act to empower the Belfast Street Tramways Company to construct additional Tramways to raise further Money and for other purposes. [5th July 1888.]

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WHEREAS by the Belfast Street Tramways Act 1872 (in this Act called "the Act of 1872") the Belfast Street Tramways Company (in this Act called "the Company") were incorporated for the purpose of completing and maintaining certain street tramways in the borough of Belfast which by an Order of the Lord Lieutenant of Ireland in Council made on the 22nd day of December 1871 William Morris and Jorgen Daniel Larsen had been authorised to make and maintain and which are particularly described in the Act of 1872:

And whereas the following Acts have subsequently been passed in relation to the Company (that is to say):—

The Belfast Street Tramways Act 1873 (in this Act called "the Act of 1873"):

The Belfast Street Tramways Act 1875 (in this Act called "the Act of 1875"):

The Belfast Street Tramways Act 1878 (in this Act called "the Act of 1878"):

The Belfast Street Tramways Act 1880 (in this Act called "the Act of 1880"): and

The Belfast Street Tramways Act 1884 (in this Act called "the Act of 1884"):

And whereas the construction of the additional tramways by this Act authorised would be of public advantage and it is expedient that the Company be authorised to construct the same:

And whereas by the Sydenham District Belfast Tramways Order 1885 (in this Act called "the Order of 1885") made by the Lord Lieutenant of Ireland in Council on the 30th day of October 1885 the Sydenham District Belfast Tramways Company (in this Act called "the Sydenham Company") were incorporated for the

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purpose of constructing and maintaining certain street tramways in the parish of Holywood and county of Down:

And whereas by the Sydenham District Belfast Tramways (Extension of Time) Order 1887 (in this Act called "the Order of 1887") made by the said Lord Lieutenant on the 17th day of October 1887 the time limited by the Order of 1885 for the completion of the tramways thereby authorised was extended:

And whereas it is expedient that the agreement between the Sydenham Company and the Company for the working by the Company of certain of the tramways of the Sydenham Company a copy of which agreement is set forth in the schedule to this Act and which agreement is herein-after referred to as "the scheduled agreement" be confirmed and that provision be made for the sale and transfer of that part of the undertaking of the Sydenham Company to the Company in the event of the Company exercising the option conferred upon them in that behalf by the scheduled agreement:

And whereas there are at present no omnibuses working in the borough of Belfast except two attending on incoming and outgoing trains at the railway station and one running between Belfast and the district of Sydenham which there is reason to believe will cease running at the time of the opening of the tramway of the Sydenham Company and it is expedient that subject to the conditions in this Act contained the Company should be authorised to provide and use omnibuses in connexion with their tramways or otherwise and to demand take and recover tolls rates and charges for the use thereof and for the conveyance of passengers articles and goods:

And whereas it is expedient that the Company be authorised to raise further money:

And whereas plans and sections showing the situation lines and levels of the tramways authorised by this Act and books of reference to such plans respectively were duly deposited with the respective clerks of the peace for the counties of Antrim and Down and are herein-after respectively referred to as the deposited plans sections and books of reference:

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:—

Short title.

1. This Act may be cited as the Belfast Street Tramways Act 1888.

Incorporation of general Acts.

2. The provisions of the Companies Clauses Consolidation Act 1845—

With respect to the distribution of the capital of the Company into shares:

With respect to the transfer or transmission of shares:

With respect to the payment of subscriptions and the means of enforcing the payment of calls:

With respect to the forfeiture of shares for non-payment of calls:

With respect to the remedies of creditors of the Company against the shareholders:

With respect to the borrowing of money by the Company on mortgage or bond:

With respect to the conversion of the borrowed money into capital:

With respect to the consolidation of the shares into stock:

With respect to the making of dividends:

With respect to the giving of notices:

With respect to the provision to be made for affording access to the special Act by all parties interested:

and Part I. (relating to the cancellation and surrender of shares) and Part II. (relating to additional capital) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 the Lands Clauses Consolidation Act 1845 (except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking) and the Lands Clauses Consolidation Acts Amendment Act 1860 and Part III. (relating to working agreements) and Part V. (relating to amalgamation) of the Railways Clauses Act 1863 (for the purposes of which Act the Company and the Sydenham Company shall be respectively deemed to be railway companies) are (except where expressly varied by this Act) incorporated with and form part of this Act.

Interpretation.

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

The expression "the Corporation" shall mean the mayor aldermen and burgesses of the borough of Belfast:

The expression "the borough" shall mean the said borough of Belfast as the same may from time to time be defined by Act of Parliament or extended:

The expression "the borough surveyor" shall mean the surveyor for the time being of the borough:

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The expression "the Commissioners" shall mean the Commissioners of Public Works in Ireland:

The expression "the tramway" or "the tramways" shall mean and include the tramways hereby authorised to be made or any part or parts thereof respectively: and

The word "contingencies" in the Companies Clauses Consolidation Act 1845 (section 122) shall with reference to the Company be construed to include the contingency of the undertaking being sold to the local authority at a sum less than the aggregate amount of the capital and debts of the Company:

and subject to the provisions of this Act this Act shall be read and construed as one Act with the Acts of 1872, 1873, 1875, 1878, 1880 and 1884 as respectively amended by any subsequent Act and be executed accordingly Provided always that where in section 97 of the Act of 1872 the expression "the Board of Trade" is used that section shall be read and have effect as if the expression "the Commissioners" had been used instead of the expression "the Board of Trade."

Power to make tramways.

4. Subject to the provisions of this Act the Company may and (unless the Corporation otherwise agree under their corporate seal) shall 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 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:—

Shankill Road Extension.

A Tramway (No. 1) 1 mile 1 furlong 4 chains or thereabouts in length of which 7 furlongs 3·45 chains will be single line and 2 furlongs 0·55 chains will be double line commencing in Royal Avenue by junctions with the Company's existing tramways there at points three-quarters of a chain or thereabouts south of the intersection of North Street and Royal Avenue passing thence in a westerly direction along North Street Peter's Hill and Shankill Road and terminating in that road at a point $1\frac{1}{4}$ chains or thereabouts west of the entrance gate of the Shankill Graveyard in Shankill Road.

Woodstock Road Extensions.

A Tramway (No. 2) 1 mile 1 furlong 9·60 chains or thereabouts in length of which 7 furlongs 5·60 chains will be single line and 2 furlongs 4 chains will be double line commencing in Cromac Street by a junction with the westernmost of the

Company's existing tramways in that road at a point $1\frac{1}{4}$ chains or thereabouts south of Little May Street passing thence in an easterly direction to a point opposite the southern end of Dominic Street (along the site of a new road proposed to be constructed by the Corporation connecting East Bridge Street with Cromac Street) thence into and along East Bridge Street and across Albert Bridge (as the same will be reconstructed by the Corporation) Albert Bridge Road and Woodstock Road and terminating in that road at a point $2\frac{1}{2}$ chains or thereabouts south-east of Portallo Street:

A Tramway (No. 3) 1 furlong 6·70 chains or thereabouts in length of which 1 furlong 0·73 chains will be single line and 5·97 chains will be double line commencing in Albert Bridge Road by a junction with Tramway No. 2 above mentioned opposite the north-western end of Woodstock Road passing thence in an easterly direction along Albert Bridge Road and terminating in that road by junctions with the Company's existing tramways opposite Castlereagh Street.

Lisburn Road Extension.

A Tramway (No. 4) 5 furlongs 7·64 chains or thereabouts in length of which 4 furlongs 2·91 chains will be single line and 1 furlong 4·73 chains will be double line wholly in Lisburn Road commencing by junctions with the Company's existing tramways at their terminations and terminating in front of Maymount Villas at a point 7 chains or thereabouts south-west of Osborne Park.

Gauge of new tramways.

5. The tramways shall be made and maintained on the gauge of four feet eight and a half inches.

In making the tramways Company not to prevent traffic passing along street.

6. The Company shall not in the construction repair or maintenance of any of the tramways stop up or interfere with any street within the borough so as to prevent the passage of traffic along such street or alter the level of the surface of any street or part thereof within the borough except with the previous consent in writing of the Corporation.

Period for completion of works.

7. Tramways Nos. 1 and 4 shall be completed within one year from the passing of this Act or within such extended period not exceeding eighteen months from the passing of this Act as the Corporation may in writing prescribe or agree and Tramways Nos. 2 and 3 shall be completed within two years from the passing of this Act or within one year from the completion by the Corporation of the said street connecting East Bridge Street with Cromac Street and of the reconstruction of the said Albert Bridge whichever shall last happen and if the tramways be not completed within those

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respective periods then on the expiration thereof respectively the powers by this Act granted to the Company for making and completing the said tramways respectively or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed.

Power to apply existing funds.

8. The Company may from time to time apply towards any of the purposes of this Act or to the general purposes of their undertaking being in each case purposes to which capital is properly applicable any moneys which they have raised or may hereafter raise under any other Act or Acts and which may not be required for the purposes to which by the respective Acts such moneys are made applicable.

Penalty imposed unless the line is opened within the time limited.

9. If the Company fail within the respective periods limited by this Act to complete the tramways the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the respective tramways are completed and opened for public traffic or until the sum received in respect of such penalty amounts to five per centum on the estimated cost of the works and the said penalty may be applied for by any road authority landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act or by the Solicitor to Her Majesty's Treasury and in the same manner as the penalty provided in the 3rd section of the Railway and Canal Traffic Act 1854 and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the Accountant General of the Supreme Court of Judicature in Ireland in the bank named in such warrant or order and shall not be paid thereout except as herein-after provided But no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company were prevented from completing or opening such line by unforeseen accident or circumstances beyond their control Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control.

Application of penalties.

10. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the "Dublin Gazette" shall be applied towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the said tramways or any portion thereof and for which injury or loss no compensation or inadequate compensation shall have been paid and 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 tramway and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court of Justice in Ireland may seem fit and if no such compensation shall be payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Court thinks fit to order on the application of the Solicitor to 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 Court 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.

Restriction on displacing persons of the labouring class.

11. The Company shall not under the powers of this Act without the consent of the Local Government Board for Ireland purchase or acquire in any urban sanitary district as defined by the Public Health (Ireland) Act 1878 ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

The expression "labouring class" in this section includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Company may acquire and work omnibuses &c. and take rates and charges in respect thereof.

12. The Company may from time to time purchase hire and construct omnibuses and may from time to time purchase and hire horses and may use and work omnibuses along such routes as the Corporation from time to time approve and may from time to time exact demand take and recover in respect of passengers articles and goods carried in or by such omnibuses such fares and charges as they may think fit not exceeding in the case of passengers for every

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passenger twopence per mile Provided that a list of all rates and charges to be taken by the Company from time to time shall be exhibited in a conspicuous place inside each omnibus But this provision shall not be construed to alter the tolls and charges which the Company are authorised to make in respect of their tramways and in the event of any purchase of the undertaking of the Company under section 82 of the Act of 1872 and section 21 of the Act of 1884 as extended by this or any other Act such horses and omnibuses shall not unless the Company and the Corporation otherwise agree and then only to the extent of the agreement be deemed to be included among the plant of the Company:

Provided further that the Corporation shall have the like power of making and enforcing rules and regulations and of granting licenses with respect to the omnibuses which the Company may use and work under the powers of this section and to the owners drivers and conductors thereof as is conferred upon the Corporation by section 100 of the Act of 1872 and section 19 of the Act of 1873 in reference to carriages using the tramways and to drivers conductors and other persons having charge of or using the same.

Company when required by Corporation to sell omnibuses &c.

13. The Corporation may by resolution to be passed at a special meeting of the Corporation determine to give notice in writing under their corporate seal to the Company requiring the Company at the expiration of six months from the date of such notice to sell to a purchaser to be named by the Corporation the business of omnibus proprietors then carried on by the Company including the omnibuses then belonging to the Company (except those used on the tramways) and the horses depôts stabling stock and plant connected therewith for a sum of money to be fixed in case of difference by a single arbitrator to be appointed by the Commissioners and the Company accordingly shall sell the same to the said purchaser and thereupon the powers of the Company to work and use omnibuses shall cease Provided always that the Company within the said six months may appeal to the Commissioners against such sale and in that case shall give notice in writing under their common seal to the Corporation of their intention so to appeal and thereupon the matter shall be referred to the Commissioners and the decision of the Commissioners shall be final.

Power to raise additional capital.

14. The Company may from time to time raise by the creation and issue of new ordinary shares or new ordinary stock or (at the option of the Company) by either of those modes any further capital not exceeding in the whole seventy-six thousand pounds.

Power to borrow.

15. The Company may from time to time borrow on mortgage of their undertaking in addition to the sums which by their former Acts they are authorised to borrow any sum or sums not exceeding

in the whole nineteen thousand pounds and of that sum they may borrow any sum or sums not exceeding three thousand eight hundred pounds in respect of each fifteen thousand two hundred pounds of such additional capital but no part of any such sum of three thousand eight hundred pounds shal be borrowed until the whole of the fifteen thousand two hundred pounds additional capital in respect of which it is to be borrowed is issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 (before he so certifies) that the whole of such portion of additional capital has been issued and accepted and that one half thereof has been paid up and that not less than one-fifth part of the amount of each separate share or the whole of the stock in such portion of additional capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such portion of additional 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.

Repealing provisions of former Acts as to receiver.

16. The provisions of all former Acts relating to the Company for the appointment of a receiver are hereby repealed but without prejudice to any appointment heretofore made or proceedings now pending.

For appointment of a receiver.

17. 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 less than five thousand pounds in the whole.

Existing mortgages to have priority.

18. All mortgages granted by the Company before the passing of this Act in pursuance of the powers of any former Act relating to the Company and which shall be subsisting at the time of the passing of this Act shall during the continuance of such mortgages have priority over any mortgages to be granted by virtue of this Act.

Moneys borrowed on mortgage

19. All moneys borrowed or to be borrowed on mortgage under this Act or any other Act empowering the Company to borrow

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to have priority.

money on mortgage 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.

Application of moneys.

20. All moneys raised under this Act whether by shares stock or borrowing shall be applied for the purposes only of this Act and other the general purposes of the Company being in all cases purposes to which capital is properly applicable.

Certain sections of Acts of 1872 and 1873 to apply to additional works and capital.

21. The provisions of the sections of the Act of 1872 numbered 7, 8, 17, 21, 22 (which shall be read for the purposes of this Act as if the words "or the tramway undertaking" were inserted after the word "tramway") 23 and 41 (except so much thereof as relates to the gauge of the tramways) and 42 to 47 (both inclusive) 49 to 75 (both inclusive) 77, 78, 80, 81, 83, 84, 87 to 100 (both inclusive) and 102, 107, 108 and 109 and the provisions of the sections of the Act of 1873 numbered 19 and 23 shall apply to the additional works by this Act authorised and to the costs and expenses of and connected therewith and with this Act and the additional capital to be raised in respect thereof and to the tolls rates and charges to be demanded and taken by the Company on or in respect of the new tramways Provided always that the provisions of sections 45, 80, 81, 100 and 107 of the Act of 1872 shall not apply to or in respect of such parts of the tramways by this Act authorised as will be situate outside the borough and that in construing with respect to those parts of the tramways the other sections above mentioned of the Act of 1872 those sections shall be read and have effect as if the grand jury of the county of Antrim or the grand jury of the county of Down (as the case may be) were named therein instead of the Corporation and the respective surveyors of the said counties were named therein instead of the borough surveyor and as if the townland in which the respective tramway or part of a tramway will be situate were named in the said sections instead of the borough.

Works to be approved by borough surveyor.

22. All works to be executed under the powers of this Act so far as they shall be in the borough shall be executed in accordance in all respects with plans and specifications as the same are or may be altered modified or amended by and to be approved in writing under the hand of the borough surveyor.

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For protection of Belfast Water Commissioners.

23. The provisions of section 5 of the Act of 1884 for the protection of the Belfast Water Commissioners shall so far as applicable extend and apply to the tramways and works by this Act authorised whether the same be situate within or outside the borough in like manner in every respect as if the tramways and works by this Act authorised were the tramways and works authorised by the Act of 1884.

Power to make additional crossings &c.

24. The Company may from time to time hereafter subject to the provisions of this Act make all such crossings passing places sidings junctions and other works (including turning loops and triangles at the termini) in addition to those particularly specified in and authorised by this Act as may from time to time be necessary or convenient for the efficient working of the Company's tramways or any of them whether already authorised or authorised by this Act or for providing access to any stables or carriage sheds or works for the time being of the Company Provided that no such crossing passing place siding junction or other work shall be made in the borough without the consent of the Corporation nor outside the borough without the consent of the county surveyor.

Temporary tramways may be made when necessary.

25. Where by reason of the execution of any work affecting the surface or soil of any road along which any tramway authorised by this Act is laid it shall in the opinion of the road authority be necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Company may with the consent of the road authority subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make construct in the same or any adjacent road and with the like consent subject to the like conditions and in accordance with the like regulations maintain so long as occasion may require a temporary tramway or temporary tramways in lieu of the tramway or part of a tramway so removed or discontinued.

Corporation may require removal of Tramway No. 1.

26. If at any time within five years from the completion of Tramway No. 1 by this Act authorised the Corporation shall be of opinion that the existence or working thereof causes public inconvenience or obstruction to the other traffic of North Street it shall be lawful for the Corporation by notice in writing to require the Company to take up and remove the said tramway from North Street or such part thereof as may be defined in such notice and the Company shall thereupon proceed to remove and take up the said tramway and restore and make good the site thereof and the street in which it was laid with proper and suitable materials corresponding with those in the remainder of the said street and if the Company fail to comply with the terms of any such notice or to restore the

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site of the said tramway after it shall have been removed in accordance therewith the Company shall be liable to a penalty of five pounds for every day for which such default shall continue Provided always that no notice of removal shall be given by the Corporation before the expiration of twelve months after the opening of said Tramway No. 1.

Expense of altering foot way in North Street to be repaid by Company.

27. Before opening for use Tramway No. 1 in North Street the Company shall repay to the Corporation any expense which the Corporation may incur in taking up altering and relaying so much of the footways in North Street between Royal Avenue and Carrick Hill as the Corporation may think it necessary to take up alter and relay in connexion with or by reason of the construction of the said tramway.

Future alteration of North Street.

28. If at any time the Corporation shall alter North Street near its junction with Peter's Hill in order to lessen and improve the inclination thereof the Company shall contribute one half (not exceeding three hundred pounds) of the cost of such alteration.

As to tramway over bridge or arch on Shankill Road.

29. Where the tramway will be made over the bridge or arch carrying the Shankill Road over a stream the Company shall execute such works for the protection and security of the said bridge or arch as the borough surveyor shall reasonably require.

Limiting speed of cars in North Street.

30. It shall be lawful for the Corporation to prescribe and limit the speed at which cars shall travel on Tramway No. 1 in North Street and in any case where cars shall be permitted to travel on that tramway in North Street at any greater rate of speed than shall be allowed by any regulation of the Corporation relating thereto the Company shall be liable to a penalty of not exceeding five pounds.

As to tramway on Albert Bridge and in New Street.

31. Tramway No. 2 so far as it will be laid on the Albert Bridge and the approaches thereto shall be formed and laid down at such time or times during the construction of the said bridge and approaches as the Corporation may require and of such materials as shall be required by the borough surveyor and where that tramway will be made along the site of the new street connecting East Bridge Street with Cromac Street and across Albert Bridge and the approaches thereto it shall be laid in accordance with plans signed by Samuel Black Town Clerk of Belfast on behalf of the Corporation and by Joseph Barber Glenn on behalf of the Company.

Alterations of kerb in narrow places.

32. Notwithstanding anything on the deposited plans the distance between the rails of any of the tramways in the borough (other than those to be laid in North Street) which will be a double line shall (unless with the consent of the Corporation under their corporate seal) be four feet and no rail of any tramway or siding (other than

that in North Street) shall be laid nearer to the kerb or footway or the fence where there is no footway than nine feet six inches without such consent.

Buildings subject to borough byelaws.

33. Any buildings of the Company which shall be hereafter erected shall be subject to the provisions of the Local Acts and bye-laws relative to buildings in the borough.

As to tramways outside borough.

34. The whole of the tramways by this Act authorised without the borough shall be paved with proper granite setts on concrete foundations so as to correspond with the tramways within the borough.

Providing for removal of cars from rails in certain contingencies.

35. The Company shall cause to be provided on every car which shall run on Tramway No. 1 by this Act authorised means by which such car can in cases of emergency or obstruction to the traffic be turned off the rails and in every such case of emergency or obstruction of traffic the car shall be so turned off until it can again proceed on the rails unobstructed In case of default the Company shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty for not maintaining rails and road in good condition.

36. 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 by this Act authorised and all other tramways of the Company and the substructure upon which the same rest and also all paving concrete or other materials forming such tramways as well as the roadway of any part of the street lying between the rails (including the whole space between any double lines) and extending two feet beyond the outer rail on both sides and if the Company at any time fail to comply with this provision they shall be for every such offence subject to a penalty not exceeding five pounds for every day on which such non-compliance continues but nothing in this section or in any other Act relating to the Company shall render the Company liable to more than one penalty for each day in respect of the same offence.

Traffic to be suspended during works of drainage.

37. If and whenever in the opinion of the Corporation it shall be necessary or expedient for the purpose of constructing or altering any sewer or drain to interfere with any of the tramways of the Company constructed under this or any other Act or the roadway in which the same shall be made the Corporation may without any consent or concurrence on the part of the Company enter upon and interfere with such tramways or roadway after having given (except in the case of emergency) at least one month's previous notice in writing to the Company of their intention so to do and the Company shall during the execution of any such works either suspend the traffic upon such tramway or make provision at their own expense for carrying on the same in a manner satisfactory to the borough

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surveyor so as not to interfere with any such work and shall have no claim for compensation against the Corporation.

As to removal of tramways.

38. If any of the tramways of the Company are at any time taken up the site thereof shall be restored with proper and suitable materials corresponding with those in the remainder of the street from which they are removed at the time of such removal and if the Company fail within one week after the taking up of any such tramway to restore the site thereof in accordance with the provisions of this section to the satisfaction of the borough surveyor they shall be liable to a penalty of twenty pounds and to a further penalty of twenty pounds for every day after the first on which the default continues.

Compensation to Company in respect of application of section 82 of Act of 1872.

39. Whereas by section 82 of the Act of 1872 the Corporation are empowered within six months after the expiration of a period of 21 years from the passing of that Act and at certain other periods therein mentioned to require the Company to sell their undertaking or so much of the same as is within the borough to the Corporation And whereas by section 21 of the Act of 1884 it was provided that the expression "the undertaking" in the said section 82 of the Act of 1872 should be deemed to include all the tramways and works of the Company whether authorised under the last-mentioned Act or any Act subsequently passed or otherwise laid down and constructed by the Company within the borough as it might by law be defined at the time when the Corporation shall so require to purchase Be it therefore enacted as follows:—

1. If the Corporation require the Company by notice in writing to sell the undertaking or so much thereof as shall be within the borough as aforesaid within six months after the expiration of a period of 21 years after the passing of the Act of 1872 the Company shall be entitled to an additional allowance in respect of any tramways constructed by them under the authority of this Act:
2. Such additional allowance shall consist of a sum of money by way of compensation to the Company for loss of profits which might have been obtained by them from the tramways authorised by this Act if such tramways had remained in the possession of the Company for a period of 21 years from the passing of this Act and if the amount of such additional allowance be not agreed upon between the Company and the Corporation it shall be determined by a referee appointed in accordance with the said section 82 of the Act of 1872.

Purchase of land by agreement.

40. 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 six acres in addition to the lands which

they were by the recited Acts authorised to acquire and upon any land acquired under the powers of this section the Company may erect and hold offices buildings and other conveniences But nothing in this Act shall exonerate the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused by them upon any land acquired under the powers of this section.

Confirming the scheduled agreement.

41. The scheduled agreement is hereby confirmed and made binding upon the Sydenham Company and the Company respectively and full effect shall be given thereto accordingly.

As to sale of undertaking of Sydenham Company.

42. In the event of the Company exercising the option of purchasing certain of the tramways of the Sydenham Company in accordance with Article 12 of the scheduled agreement the following provisions shall have effect (that is to say) :—

(A.) The sale shall not take effect without the sanction of at least three fourths of the votes of the shareholders of the Company present in person or by proxy at a general meeting of the Company specially convened for the purpose :

(B.) The Company and their directors officers and servants respectively shall be entitled from the time of the sale taking effect to the management regulation maintenance user working and enjoyment of the tramways of the Sydenham Company included in the sale and of the traffic thereon and to the regulating taking and enjoying of the tolls fares rates charges and other payments and advantages in respect thereof :

(C.) All the rights powers and privileges of the Sydenham Company and their directors officers and servants respectively which by virtue of any of the Acts or orders relating to the Sydenham Company and this Act respectively might be exercised and enjoyed by them respectively with respect to the premises sold and transferred and which in accordance with the provisions of this Act are to be exercised and enjoyed by the Company and their directors officers and servants respectively with respect to such premises shall be exercised and enjoyed accordingly under and with the same regulations restrictions conditions obligations penalties and immunities in accordance with those Acts or orders and this Act respectively as by the Sydenham Company and their directors officers and servants respectively :

(D.) The tramways of the Sydenham Company included in the sale and the rights powers privileges and authorities to be in accordance with this Act exercised and enjoyed by the Company with respect to the same shall from the time at which the sale takes effect be by this Act and subject to the provisions

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thereof transferred to and vested in the Company absolutely as part of their tramway property and effects:

(E.) The sale shall be evidenced by a deed of conveyance duly stamped and wherein the full consideration for the deed is fully and truly set forth and such deed shall be duly stamped with a proper ad valorem stamp duty and the Company shall produce such deed duly stamped as aforesaid to the Commissioners of Inland Revenue within three months of the date of sale and in default of such production the ad valorem stamp duty with interest thereon at the rate of five pounds per centum per annum from the date of sale to the day of payment shall be recoverable from the Company with full costs of suit and all costs and charges attending the same.

Carrying of mails by Company.

43.—(1.) The Company if required by the Postmaster General shall perform with respect to any tramway owned or worked by them all such reasonable services in regard to the conveyance of mails as Her Majesty's Postmaster General from time to time requires provided as follows:—

(A.) Nothing in this section shall authorise the Postmaster General to require mails in excess of the following weights to be carried by the Company in or upon any carriage (that is to say):—

(i.) If the carriage is conveying or intended to convey passengers and not goods or parcels then in excess of the maximum weight for the time being fixed for the luggage of ordinary passengers; and

(ii.) If the carriage is conveying or intended to convey parcels only then in excess of such maximum weight as is for the time being fixed for ordinary parcels or if that maximum appears to the Postmaster General to be so low as to exclude him from availing himself of the use of any such carriage then as is for the time being fixed by agreement or in default of agreement by a referee to be appointed at the request of either party by the Lord Chief Justice of Ireland; and

(iii.) If the carriage is conveying or intended to convey both parcels and passengers but not goods then in excess of the maximum weight for the time being fixed for ordinary parcels or for the luggage of ordinary passengers whichever is the greater:

(B.) Mails when carried in or upon a carriage conveying passengers shall be so carried as not to inconvenience the passengers but so nevertheless that the custody of the mails by any officer of the Post Office in charge thereof shall not be interfered with:

(c.) Nothing in this section shall authorise the Postmaster General to require any mails to be carried by the Company in or upon a carriage conveying or intended to convey passengers but not goods or parcels except in charge of an officer of the Post Office travelling as a passenger:

(d.) If the Company carry goods as well as passengers and parcels the enactments relating to the conveyance of mails by railway shall subject to the provisions of this section apply in like manner as if the Company were a railway company and the tramway were a railway.

(2.) The remuneration for any services which have been performed by the Company in pursuance of this section shall be such as may be from time to time determined by agreement between Her Majesty's Postmaster General and the Company or in default of agreement by a referee to be appointed by the Lord Chief Justice of Ireland at the request of either party and this provision shall have effect in lieu of any provisions respecting remuneration contained in the enactments relating to the conveyance of mails by railway which are applied by this section.

(3.) For the purposes of this section the expression "mails" has the same meaning as in the Regulation of Railways Act 1873 and includes parcels within the meaning of the Post Office (Parcels) Act 1882.

(4.) For the purposes of this section a requisition by Her Majesty's Postmaster General may be signified by writing under the hand of any person who is at the time either such Postmaster General or a Secretary or Assistant Secretary of the Post Office or the Inspector General of Mails and any document purporting to be signed by any such person as aforesaid shall until the contrary is proved be deemed without proof of the official character of such person to have been duly signed as required by this section.

Interest not to be paid on calls paid up.

44. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him 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.

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

45. 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

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to Parliament for the purpose of obtaining an Act authorising the Company to construct any other tramway or to execute any other work or undertaking.

Provision as to general Tramways Acts.

46. 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.

Costs of Act.

47. 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.

The SCHEDULE referred to in the foregoing Act.

An Agreement made the 14th day of March 1888 between the Sydenham District Belfast Tramways Company (herein-after called "the Owning Company") of the one part and the Belfast Street Tramways Company (herein-after called "the Working Company") of the other part.

Whereas the Owning Company in pursuance of the powers vested in them by the Sydenham District Belfast Tramways Order 1885 and the Sydenham District Belfast Tramways (Extension of Time) Order 1887 are about to construct the tramway in said first-named Order called Tramway No. 1 and also the tramway in said Order called Tramway No. 2 as far as Belmont Church Road on the Strandtown Road together with all necessary sidings and passing places in connexion with the said tramways respectively (all of which are herein-after called "the said tramways") And whereas the cost of the said works including law costs engineer's fees and all preliminary charges in connexion with the obtaining the said Orders has been estimated to amount to the sum of 6,000*l.* And whereas the Owning Company are by the said Orders authorised to enter into agreements with the Working Company for the working or working and use of the tramways by said Orders authorised or any part of same for such time and upon such terms as they might deem fit but the Working Company have not powers to enter into working agreements with the Owning Company And whereas the Working Company are applying to Parliament for powers (inter alia) to enter into working agreements with the Owning Company in respect of the said tramways with the option of eventually purchasing the same and it has been agreed that the Owning Company shall contribute towards the expense of such application to Parliament as herein-after mentioned and so far as the same if and when obtained may admit the said respective companies have agreed to enter into the agreement herein-after stated Now these Presents witness that in pursuance of such agreement and in consideration of the premises it is hereby mutually agreed and declared by and between the said respective companies parties hereto and they respectively covenant for themselves and their assigns each with the other and with the assigns of the other in manner following (that is to say) :—

1. The Owning Company shall construct the said tramways to the reasonable satisfaction of the Working Company or in case of difference to the satisfaction of the surveyor for the time being of the borough of Belfast and shall do all things necessary to obtain a report from the officer appointed by the Commissioners of Public Works in Ireland to inspect the said tramways that they are fit for opening for public traffic.

2. Subject as herein-after mentioned this agreement shall be and remain in force until the 10th August 1893 and for such further term under Article 11 as herein-after provided.

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3. The Working Company shall (subject to the rights of the Postmaster General under the said Orders) during the continuance of this agreement have the exclusive right of running over using and working and shall at their own expense properly and efficiently work run over and use the said tramways and manage work and carry on the traffic upon the said tramways in such manner as they consider most beneficial and provide and supply all proper traffic superintendence clerks conductors drivers officers and other persons for the said tramways and traffic thereon and shall have the exclusive appointment and removal of them and pay their respective salaries and wages and shall supply and provide all rolling stock cars horses plant tools machinery stores materials stables depôts and other things required for the proper and efficient working of the said tramways and the traffic thereof.

4. The Working Company shall at their own expense during the continuance of this agreement maintain in repair and in good and efficient working order and in the manner prescribed by and in all things in accordance with the terms of the said Sydenham District Belfast Tramways Order 1885 so much of any street or road where the tramways are laid as the Owning Company are by the said Order required to pave with square setts and also the rails of the tramways and the substructure on which the same rest and all other works and conveniences of the tramways and they shall also supply and lay down on the line all rails sleepers and fastenings required from time to time for renewals of the permanent way and they shall in using and working the tramways comply in all respects with the terms of the said Order in regard thereto.

5. The Working Company shall pay all rates taxes and other outgoings for the time being payable in respect of the working of the said tramways.

6. In case this agreement shall determine on the 10th August 1893 or in case the same shall not then determine then at the determination thereof the said tramways shall be delivered up to the Owning Company in safe good and efficient working order and condition and to the satisfaction of the engineers for the time being of the two companies or in case of difference between them to the satisfaction of the surveyor for the time being of the borough of Belfast and such last-mentioned surveyor shall certify to the respective companies in writing his opinion as to the then existing state and condition of the said tramways and whether having regard to the terms of Article 4 of this agreement and to the ordinary wear and tear the Working Company should pay any and if so what sum towards putting the said tramways into good and sufficient working order and condition (fair wear and tear excepted) and said sum (if any) shall be paid forthwith by them to the Owning Company and the expenses of such surveyor shall be paid in equal shares by the said two companies.

7. The Working Company shall during the continuance of this agreement be entitled to the entire receipts of the said tramways but they shall from the date of the Owning Company complying with clause 1 hereof yay to the Owning Company clear of all deductions by way of rent for the use thereof the following rates of interest upon the actual cost of the construction of the said tramways including preliminary expenses as aforesaid but not exceeding in the whole 6,000*l.* viz :—For the first year commencing from the date of such compliance 3½ per cent. per annum for the second year 4 per cent. per annum for the third year 4½ per cent. per annum and for the fourth and fifth and sixth years respectively 5 per cent. per annum the said interests to be paid half-yearly on every 24th day of June and 25th day of December in each year clear of all deductions.

8. In ascertaining the amount of preliminary expenses herein referred to no promotion money shall be charged and for the purpose of controlling the amount of such preliminary expenses and the cost of the construction of the said tramways the same shall be subject to the approval of a joint committee consisting of Messrs. F. D. Ward James Crawford and William Quartus Ewart on behalf of the Owning Company and of Mr. George Hopkins C.E. on the part of the Working Company and if a difference of opinion arise between the said George Hopkins and the other members of the committee or a majority of them such difference shall be adjusted by Mr. Samuel Black Town Clerk of Belfast or him failing by someone to be agreed on between the Owning Company and the Working Company whose decision shall be final and binding on both parties.

9. The Working Company shall furnish to the Owning Company at their office in Belfast all such accounts in connexion with the said working as the Board of Trade may from time to time require from the Owning Company so far as they may be able to furnish the same.

10. The Working Company shall be responsible for and pay all loss and damages injuries and expenses that may arise or be incurred by reason of their working the traffic of the said tramways under this agreement and shall indemnify and preserve and keep harmless the Owning Company from or against all liability claim for compensation and demands for detention loss or injury or death which may be made or in any way arise or be occasioned by or out of the performance of the service and duties required of the Working Company under this agreement and that the Working Company shall bear and pay all losses damages and claims to which they may be liable as carriers or workers of the traffic.

11. If within six months after the expiration of 21 years from the 10th of August 1872 the Belfast Corporation shall not have exercised their right to purchase the lines of the Belfast Street Tramways or in case the said Corporation shall have exercised such right and the Working Company shall arrange or shall have arranged with the Belfast Corporation for the continued use of the lines of the Belfast Street Tramways for at least five years then in either of such events this agreement shall be continued for a further period of five years from the 10th day of August 1893 or for such further period as the said respective companies shall agree upon And the Working Company shall for the said further period of five years or for such other period as aforesaid as the case may be pay to the Owning Company without any deduction by way of rent interest upon the amount of the actual cost of the construction of the said tramways including preliminary expenses as aforesaid but not exceeding in the whole the said sum of 6,000*l.* at the rate of 5 per cent. per annum by half-yearly payments on every 24th day of June and 25th day of December and perform and observe all the other agreements and conditions which on their part are herein contained.

12. The Working Company at any time during the continuance of this agreement shall have the option of purchasing the said tramways at a price equal to the amount of the actual cost of construction of the said tramways including preliminary expenses as aforesaid but not exceeding in the whole the sum of 6,000*l.*

13. In the event of any dispute or difference (the mode of settling which is not herein-before provided) arising between the said companies in respect of or in reference to any of the matters provided for by this agreement it shall be referred to the said George Hopkins or him failing an engineer to be appointed by the Board of Trade as an arbitrator mutually selected and approved of by said companies to settle and adjust the matters so in dispute or difference and his

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award shall be final and conclusive and shall not be liable to be set aside or objected to for any matter of form And the said companies do hereby for themselves and their assigns further mutually covenant and agree each with the other and the assigns of the other to abide by fulfil observe and keep said award in every respect and particular.

14. The foregoing portions of this agreement are subject to the approval of Parliament.

15. The Owning Company shall on the sealing hereof pay to the Working Company the sum of 100*l.* towards the expenses of the said application to Parliament.

In witness whereof the said companies have hereunto respectively set their common seals the day and year first above written.

The common seal of the Sydenham District Belfast Tramways Company was affixed hereto in the presence of
James Crawford } Directors.
Thos. Valentine }
Silas Evans Secretary.

Seal of the Sydenham District Belfast Tramways Company.

The common seal of the Belfast Street Tramways Company was affixed hereto in the presence of
Geo. Richardson Director.
J. Barber Glenn Secretary.

Seal of the Belfast Street Tramways Company.

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