CHAPTER cxlvi.

An Act to confer further powers upon the Belfast Street Tramways Company and for other purposes. A.D. 1896.

[20th July 1896.]

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 city of Belfast which by an Order of the Lord Lieutenant of Ireland in Council made on the twenty-second day of December one thousand eight hundred and seventy-one 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 by the following Acts and Orders in Council subsequently passed in relation to the Company further powers have from time to time been conferred upon 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");

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

The Belfast Street Tramways Act 1888 (in this Act called "the Act of 1888");

The Belfast Street Tramways Order 1892 (in this Act called "the Belfast Order of 1892"); and

The Belfast Street Tramways Act 1893 (in this Act called "the Act of 1893"):

And whereas under the powers of the Sydenham District Belfast Tramways Order 1885 (in this Act called "the Sydenham Order of

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1885") the Sydenham District Belfast Tramways (Extension of Time) Order 1887 and the Sydenham District Belfast Tramways (Extension of Time) Order 1892 the Sydenham District Belfast Tramways Company (herein-after called "the Sydenham Company") have constructed certain street tramways in the parish of Holywood in the county of Down which tramways are now worked by the Company in accordance with the terms of certain agreements entered into in that behalf by the Company and the Sydenham Company under the authority of the Sydenham Order of 1885 the Act of 1888 and the Belfast Order of 1892 and dated respectively the fourteenth day of March one thousand eight hundred and eighty-eight and the ninth day of November one thousand eight hundred and ninety-two:

And whereas under the powers of the Belfast and Ligoniel Tramways Order 1892 (in this Act called "the Ligoniel Order of 1892") the Belfast and Ligoniel Tramways Company (herein-after called "the Ligoniel Company") have constructed a tramway from the tramways of the Company at Belfast to Ligoniel which tramway is worked by the Company in accordance with the terms of an agreement entered into by the Ligoniel Company and the Company under the powers of the Ligoniel Order of 1892 and the Belfast Order of 1892 and dated the eighth day of February one thousand eight hundred and ninety-three:

And whereas under the powers of the Belfast and County Down Railway Tramways Order 1895 (in this Act called "the County Down Order of 1895") the Belfast and County Down Railway Company (herein-after called "the County Down Company") have constructed certain tramways in the city of Belfast connected with the existing lines of the Company which tramways are worked by the Company in accordance with the terms of an agreement entered into by the Company and the County Down Company under the powers of the County Down Order of 1895 and the Belfast Order of 1892 and dated the twenty-fourth day of July one thousand eight hundred and ninety-five:

And whereas under the powers of the Cavehill and Whitewell Tramway Order 1881 (in this Act called "the Cavehill Order of 1881") and the Cavehill and Whitewell Tramway (Amendment) Order 1893 the Cavehill and Whitewell Tramway Company (herein-after called "the Cavehill Company") have constructed a tramway from the tramways of the Company to Glengormly:

And whereas it is expedient that provision be made for enabling the Company to work their tramways and any other tramways for the time being worked by them by electrical power and to exercise the powers by this Act conferred upon them in that behalf:

And whereas it is expedient that the Company and the Sydenham Company the Ligoniel Company and the Cavehill Company be

authorised to enter into and carry into effect agreements as herein-after provided for the purchase by the Company of the tramways and undertakings of such companies or any of them and that further powers be conferred upon the Company and the said companies of entering into working agreements as herein-after provided:

And whereas by the Act of 1872 and subsequent Acts the lord mayor aldermen and citizens of the city of Belfast (herein-after called "the Corporation") were empowered to purchase the undertaking of the Company within that city within six months after the expiration of twenty-one years from the passing of the Act of 1872 and within six months after the expiration of every succeeding period of seven years:

And whereas by an agreement dated the third day of December one thousand eight hundred and ninety-two made between the Corporation and the Company and scheduled to and confirmed by the Act of 1893 the Corporation agreed not to exercise their said powers for a period of fourteen years from the tenth day of August one thousand eight hundred and ninety-three and to allow the Company upon the terms and conditions contained in that agreement to continue in the occupation of their said tramways:

And whereas it is expedient that further powers be conferred upon the Corporation and the Company with respect to agreements as to the purchase or for the continued user by the Company of any tramways belonging to the Company and that provision be made as in this Act contained with respect to the purchase by the Corporation of electrical plant used in connexion with any of the aforesaid tramways and that power be conferred upon the Company to accept a lease or leases of any tramways which may be constructed acquired or owned by the Corporation or by the other public authorities herein-after mentioned in that behalf and to demand take and recover fares and charges in respect of any such tramways:

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

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 Belfast Street Tramways Act 1896. **Short title.**

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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 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" means the lord mayor aldermen and citizens of the city of Belfast:

The expression "the city" means the said city of Belfast as the same may from time to time be defined by Act of Parliament:

The expression "the Commissioners" means the Commissioners of Public Works in Ireland:

The expression "electrical power" means and includes electrical power either carried in the carriages or generated or applied from stations:

The expression "the four companies" means and includes the Sydenham Company the Ligoniel Company the County Down Company and the Cavehill Company:

The expression "superior courts" or "court of competent jurisdiction" or any other like expression in any Act wholly or partially incorporated with this Act shall for the purposes of this Act be read and have effect as if the debt or demand with

respect to which the same is used were a simple contract debt and not a debt or demand created by statute:

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 Corporation at a sum less than the aggregate amount of capital and debts of the Company.

Electrical power may be used.

4. Notwithstanding anything in any of the herein-before recited Acts and Orders in Council the Company may subject to the provisions of this Act use electrical power for the purpose of moving carriages and trucks on all or any of the tramways authorised by the herein-before recited Acts and Orders in Council relating to the Company and (during the continuance of any existing or future agreement between the Company and the four companies or any of them for the working by the Company of the tramways of the four companies or any of them or of any lease of such tramways or any of them to the Company or after the purchase by the Company of any such tramways) upon all or any of the tramways so worked leased or purchased by the Company and upon any other tramways for the time being owned or worked by the Company Provided always that the exercise of the powers hereby conferred with respect to the use of electrical power shall be subject to the regulations set forth in the schedule to this Act and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as and when they may think fit for securing to the public all reasonable protection against danger in the exercise of the powers by this Act conferred with respect to the use of electrical power Provided that such powers shall not be exercised within the city except with the consent in writing of the Corporation under their common seal Any such consent may be given by the Corporation for such period and subject to revocation in such manner and subject to such conditions as may be expressed in such consent.

System of electrical power subject to approval of Board of Trade

5. The Company shall use under the foregoing provisions of this Act such system only of electrical power as shall for the time being be approved of in writing by the Board of Trade and if at any time the Board of Trade are satisfied that the use of such system cannot be continued without danger the Board of Trade may by order direct the Company to cease to use such system and the Company shall thereupon cease to use such system and shall not again use the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

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Company may exercise powers of working contained in Orders in Council.

6. The Company shall in addition to the powers hereby conferred upon them have and may exercise during the continuance of any agreement for the working by the Company of the tramways of the four companies or any of them or of any lease of such tramways or any of them to the Company in respect of the tramways so worked or leased by them all such and the like powers of using mechanical power for moving carriages and trucks upon such tramways as are by the herein-before recited Orders in Council respectively conferred upon the company whose tramways are so worked or leased Provided that such powers shall not be exercised within the city except with the consent of the Corporation under their seal and on such conditions as they may prescribe.

As to laying down and maintaining works necessary for using electrical power.

7. If and whenever the Company shall have authority under the provisions of this Act or of the herein-before recited Orders in Council to work any tramways by means of electrical power the Company may subject to the provisions of this Act construct lay down place erect maintain renew and repair all such electric mains wires posts plates tubes grooves rails batteries dynamos accumulators apparatus machinery works and appliances and (with the consent of the Corporation as regards tramways within the city) effect such alterations in the position of such tramways or otherwise as may be requisite or necessary for the purpose of so working such tramways or adapting the same for the use of electrical power and for such purposes or any of them may open and break up any street or road in which the tramways or any of them or any part or parts of the tramways so to be worked by electrical power may be situate and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder (providing a proper substitute before interrupting the flow of water gas or sewage in any private pipe or drain and making compensation to all persons injuriously affected by any such interruption) and may exercise the powers conferred and shall be subject to the restrictions imposed by the following provisions respectively as if the works authorised by this section were part of a tramway to which such provisions respectively applied (that is to say) :—

Section 56 of the Act of 1872; and

As regards any works in connexion with any tramways for the time being belonging or leased to the Company sections 46 47 49 50 51 52 54 57 to 60 and 62 63 and 70 of the Act of 1872 and section 5 of the Act of 1884;

As regards any works in connexion with the tramways of the Sydenham Company sections 24 to 27 31 33 34 39 and 57 of the Sydenham Order of 1885;

As regards any works in connexion with the tramways of the Ligoniel Company sections 28 29 30 to 36 39 40 45 47 and 48 of the Ligoniel Order of 1892;

As regards any works in connexion with the tramways of the County Down Company sections 12 13 17 to 20 25 and 27 of the County Down Order of 1895;

As regards any works in connexion with the tramways of the Cavehill Company sections 17 21 to 25 27 29 30 32 33 38 and 56 of the Cavehill Order of 1881:

Provided that no posts and wires erected by the Company under the powers of this Act within the city in any street or road above the level of the surface thereof shall be erected otherwise than in such position and at such height and of such design as shall be approved by the city surveyor and that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section 15 of the former Act apply.

For protection of Belfast Water Commissioners.

8. Whereas certain mains pipes and other works belonging to and now in use by the commissioners acting in execution of the Belfast Water Acts 1840–1893 (herein-after called "the water commissioners") for the purpose of their water supply are laid in or under certain of the roads and streets along or across which the tramways belonging to or worked by the Company are laid and maintained And whereas it is expedient that provision should be made for preventing any interruption of the supply of water by the water commissioners within their limits of supply and with respect to laying additional mains pipes and other works under the roads and streets along or across which any tramways which the Company may for the time being work by mechanical power under the powers of this Act are laid Therefore the following provisions shall have effect:—

(A.) If any works matters or things which the Company are by this Act empowered or required to do or execute involves the alteration of the mains pipes or other works of the water commissioners such alteration shall be executed by the Company but to the reasonable satisfaction of the engineer for the time being of the water commissioners No such alteration shall be commenced until after fourteen days' notice thereof in writing accompanied by a plan of the proposed alteration shall have been given by the Company to the water commissioners and if the water commissioners by notice in writing to the Company within seven days after the receipt by them of notice of the intended commencement by the Company of any such alteration require that the water commissioners shall by their own engineer or workmen execute the same the water commissioners

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shall forthwith on the expiration of the first-mentioned notice execute the same as economically as possible and with all reasonable dispatch and the Company shall on the completion thereof pay to the water commissioners the reasonable expenses incurred by them in the execution thereof:

(B.) If any interruption whatsoever in the supply of water by the water commissioners shall be in any way occasioned by the Company or by the acts of any of their contractors agents workmen or servants or any person in the employ of them or any or either of them the Company shall forfeit and pay on demand to the water commissioners for the use and benefit of the water commissioners the sum of twenty pounds for every day during which such interruption shall continue such sum to be recovered by the water commissioners in any court of competent jurisdiction:

(C.) The expense of all repairs or renewals of any main pipe or service of the commissioners or any works in connexion therewith which may at any time hereafter be rendered necessary by the acts or defaults of the Company their contractors agents workmen or servants or any person in the employ of them or any or either of them shall be borne and paid by the Company and may be recovered against them by the water commissioners in any court of competent jurisdiction:

(D.) The water commissioners shall not be liable for any loss or damage which may happen to any tramways on which mechanical power is for the time being used under the powers of this Act or any works or appurtenances connected therewith or to the passengers conveyed upon such tramways by reason of any accident which may at any time happen to the now existing mains pipes or other works of the water commissioners at under or near such tramways nor for any loss or damage to the Company arising from the stoppage or loss of traffic on such tramways during the repair of the said mains pipes services or other works which may be necessary in consequence of such accident unless such loss or damage shall have been occasioned by the default or neglect of the water commissioners or of their agents officers workmen or servants:

(E.) Nothing in this Act shall prevent the water commissioners from laying at their own expense from time to time as they may think fit such additional mains pipes or house service pipes with all scour pipes and air and other valves for supplying water as they are now authorised to lay or from altering diverting repairing or from time to time inspecting any of their mains pipes or other works at under over across or near any such tramways and the water commissioners shall not

be liable for any damage to such tramways or works connected therewith or for any stoppage of such tramways or loss of traffic thereon that may be caused by the laying repairing or inspecting of any such mains pipes services or other works at under over across or near such tramways Provided that the operations of the water commissioners shall be carried on so as to interfere as little as possible with the traffic on such tramways and so far as they affect such tramways according to the directions and under the superintendence of the engineer for the time being of the Company :

(F.) The water commissioners shall not be liable for any damage or injury done to any such tramways by reason of any of the works executed under this Act or consequent on the execution thereof unless such damage or injury shall have been occasioned by the default or neglect of the water commissioners or of their agents officers workmen or servants :

(G.) If any difference shall arise between the Company or their engineer and the water commissioners or their engineer with respect to the amount of any costs expenses or charges under the provisions of this Act or any Act incorporated therewith to be paid by the Company to the water commissioners or with respect to any alteration of the mains pipes services or other works of the water commissioners to be executed by the Company or the water commissioners or the mode of executing the same such difference shall be settled by arbitration in accordance with the provisions of the Companies Clauses Consolidation Act 1845 with respect to the settlement of disputes by arbitration.

Power to construct generating stations &c.

9. The Company with the consent in writing of the Corporation shall be at liberty to construct erect and work generating stations with all necessary engines batteries dynamos accumulators and other apparatus works and appliances for the production of electricity upon and within but not beyond the limits of the lands herein-after specified (that is to say) :—

(1.) The Company's depôt situate on the east side of Kenbella Avenue near and to the north of the junction therewith of Hughenden Avenue in the townland of Shankill and parish of Skegoneill in the county of Antrim :

(2.) The Company's depôt situate in the Fall's Road adjoining the Fall's Public Park in the townland of Ballymurphy in the parish of Shankill in the county of Antrim :

(3.) The Company's depôt adjoining and on the north side of the Belfast Central Railway lying between Ennis Place on the one side and Oban Street and Napier Street on the other side in the

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townland of Malone Lower in the parish of Shankill in the county of Antrim :

(4.) The Company's depôt opening into Mount Pottinger Road near the junction therewith of Cluan Place in the townland of Ballymacarrett in the parish of Knockbreda in the county of Down :

(5.) The Company's stoneyard opening into the Lisburn Road and adjoining and on the south-western side of the Belfast Central Railway between the Union Workhouse and Lisburn Road in the townland of Malone Lower in the parish of Shankill in the county of Antrim :

(6.) The Company's sanitary depôt situate on the south side of the Newtownards Road in the townland of Ballycloghan in the parish of Holywood in the county of Down :

But the Company shall not erect or maintain any such buildings except in accordance with plans elevations and specifications previously approved in writing under the hand of the city surveyor.

Penalty for using electrical power contrary to Act.

10. If the Company use electrical power on any of the tramways which they are by this Act authorised to work by electrical power contrary to the provisions of this Act or to any of the regulations set forth in the schedule to this Act or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Act they shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence continues after conviction thereof Provided always that whether any such penalty has been recovered or not the Board of Trade in case in their opinion the Company have made default in complying with the provisions of this Act or with any of the regulations set forth in the schedule to this Act or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct the Company to cease to exercise the powers aforesaid and thereupon the Company shall cease to exercise the powers aforesaid and shall not again exercise the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Byelaws.

11. Subject to the provisions of this Act the Board of Trade may from time to time make and when made may rescind annul or add to byelaws with regard to any of the tramways upon which any

electrical power may be used under the authority of this Act for all or any of the following purposes (that is to say) :—

For regulating the use of the bell whistle or other warning apparatus fixed to the carriages or trucks :

For providing that carriages and trucks shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety :

For providing for the due publicity of all regulations and byelaws in force for the time being in relation to the tramways by exhibition of the same in conspicuous places on the carriages and elsewhere :

Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Act shall be liable to a penalty not exceeding forty shillings.

As to recovery of penalties.

12. The provisions of section 108 of the Act of 1872 with respect to the recovery and application of penalties shall apply to any penalty under this Act and to any penalty for non-observance of any byclaw made by the Board of Trade under the authority of this Act.

Orders and byelaws to be signed.

13. All orders and bye laws made by the Board of Trade under the authority of this Act shall be signed by a secretary or assistant secretary of the Board of Trade.

As to use of electrical power.

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

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

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

(3.) The powers by this Act conferred with respect to the use of electrical power shall be exercised only in accordance with regulations to be prescribed by the Board of Trade (hereinafter referred to as " the prescribed regulations ") and with any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time as or when they may think fit for regulating the employment of insulated returns or of uninsulated metallic returns of low resistance for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures

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or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return:

(4.) The Company using electrical power contrary to the provisions of this section or to any of the prescribed regulations or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this section shall for every such offence be subject to the penalty prescribed by the section of this Act of which the marginal note is "Penalty for using electrical power contrary to Act" but nothing in this Act shall render the Company liable to a double penalty for the same offence Provided always that whether any such penalty has been recovered or not the Board of Trade if in their opinion the Company in the use of electrical power under the authority of this Act have made default in complying with the provisions of this Act or with any of the prescribed regulations or with any regulation which may have been added thereto or substituted therefor as aforesaid may by order direct the Company to cease to use electrical power and thereupon the Company shall cease to use electrical power and shall not again use the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order:

(5.) The Company shall take all reasonable and proper precautions in constructing placing and maintaining their electric lines circuits and other works of any description and in using their electric lines circuits and other works so as not injuriously to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus Provided always that the Company shall be deemed to take all such reasonable and proper precautions as aforesaid if and so long as they adopt and employ at the option of the Company either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as the Board of Trade shall direct and in giving such directions the Board of Trade shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking Provided also that at the expiration of two years from the passing of this Act nothing in this subsection shall operate to

give any right of action in respect of or to protect any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents If any difference arises between the Company and any other party with respect to anything in this subsection contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board of Trade by an arbitrator to be appointed by the Board of Trade and the costs of such determination shall be in the discretion of the Board of Trade or of the arbitrator as the case may be:

(6.) Electric lines circuits or works of any company corporation or person authorised by Act of Parliament or Provisional Order confirmed by Parliament to supply energy for electric lighting purposes so far as the use thereof is limited to such purposes shall not be deemed to be electric wires lines and apparatus or wires lines or apparatus used for the purpose of transmitting electric power within the meaning of this section:

(7.) The expression "the Company" in this section shall include their lessees and licencees and any person owning working or running carriages over any tramway of the Company.

Company may acquire patent and other rights.

15. For the purpose of using electrical power it shall be lawful for the Company to hold acquire and exercise patent and other rights or licences (not being exclusive) relating to motive power or otherwise.

Agreements with public bodies.

16. The Company on the one hand and the respective grand juries of the counties of Antrim and Down and any other authorities having respectively the control or management of any streets or roads not within the city along which any tramways for the time being authorised or proposed to be authorised to be worked by electrical power are laid or any of them on the other hand may from time to time enter into and carry into effect agreements with respect to the use of electrical power on such tramways the mode of laying down or erection and maintenance of any mains wires apparatus or other works and the exercise of any powers by this Act conferred in that behalf.

For preventing malicious damage.

17. Any person who shall without lawful excuse (the proof whereof shall lie upon him) wilfully take up remove cut or injure any electric main wire post plate tube groove machinery or apparatus of the Company used for or in connexion with the working of any

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tramway worked by them by electrical power or fix or place in the tubes or grooves or on the rails of any such tramway any article matter or thing which might hinder or obstruct the working of such tramway or damage the same or the machinery apparatus engines or carriages of the Company or do or cause to be done any other matter or thing with intent to impede or endanger the working of any such tramway by means of electrical power or who shall knowingly aid or assist in or attempt to do any of the foregoing acts shall for every such offence be liable (in addition to any proceedings by way of indictment or otherwise to which he may be subject) to a penalty not exceeding ten pounds But this section shall not prevent the Corporation from removing or cutting any such electric main wire post plate tube groove machinery or apparatus which they may find it expedient to remove or cut in the exercise of any of their powers as municipal or sanitary authority or in the case of fire.

Agreements with Corporation as to supply of electrical power.

18. The Company on the one hand and the Corporation on the other hand may from time to time enter into and carry into effect agreements for or with respect to all or any of the following purposes and all matters incidental thereto (that is to say) :—

(1.) The supply to the Company by the Corporation of electrical energy for working any tramways which may for the time being be worked by the Company by electrical power under the foregoing provisions of this Act or otherwise :

(2.) The supply to the Corporation by the Company of electrical energy for any purpose for which the Corporation may for the time being be authorised to supply such energy :

(3.) The payments to be made or other consideration to be given by the Company to the Corporation or by the Corporation to the Company as the case may be in respect of any such supply of energy.

As to purchase by Corporation of electrical plant.

19. In the event of the Corporation determining in accordance with the provisions of the Act of 1872 as amended by the Act of 1884 the Act of 1888 and the Act of 1893 and the agreement scheduled thereto to purchase the tramways of the Company or any part thereof which may for the time being be worked by electrical power all engines dynamos batteries accumulators mains wires cables posts plates and other apparatus works and appliances of the Company suitable to and used by them for the purposes of the tramways so purchased shall subject to the provisions of any agreement with the Corporation and of any conditions attached to the consent of the Corporation authorising the use of electrical power be deemed to form part of the plant of the Company to be purchased under and in accordance with those Acts.

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As to purchase of tramways of other companies.

20.—(1.) The Company on the one hand and the Sydenham Company the Ligoniel Company and the Cavehill Company or any of them on the other hand may from time to time enter into and carry into effect agreements for or with respect to the purchase by the Company of the undertakings premises lands works and property of such companies or any of them or any part thereof respectively and all or any powers rights privileges authorities and interests of such companies or any of them as the case may be connected therewith on such terms and conditions and subject to such provisions as regards the debts liabilities and obligations of any company whose undertaking is so purchased (herein-after referred to as "the vendor company") as the contracting companies think fit but subject to the rights (if any) of the Corporation to purchase any tramways the subject of any such agreement.

(2.) The consideration for any such sale may as the contracting companies agree be by way of yearly or other payments whether fixed fluctuating contingent or otherwise or by way of immediate or future payments of any fixed contingent or other sum of money or by way of allotment to the vendor company or their nominees of any fully paid preferential or ordinary shares or stock of the Company which the Company have then created or are then authorised to create or by way of immediate future or contingent adoption or satisfaction by the Company of all or any debts of the vendor company or by more than one of those means or by making and securing any other benefit to the vendor company or to all or any of the shareholders thereof respectively.

(3.) No such agreement shall take effect without the sanction of three fourths of the votes of the respective shareholders of the companies parties thereto present in person or by proxy and entitled to vote and voting at general meetings of the respective companies convened with notice of the objects of the meeting nor shall any such agreement have any operation until it is approved by the Commissioners who shall approve the same upon being satisfied of its having received the sanction of the shareholders of the respective companies parties thereto as herein-before required.

(4.) In accordance with the terms of such agreement the Company and their directors officers and servants respectively shall be entitled from the time by the said agreement appointed for the sale to take effect to all rights powers and privileges of the vendor company and their directors officers and servants which by virtue of any Act of Parliament or Order in Council relating to the vendor company might be exercised and enjoyed by such company with respect to the tramways or undertaking agreed to be sold and which in accordance with the terms of the agreement are to be exercised

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and enjoyed by the Company their directors officers and servants respectively and the same may be exercised and enjoyed accordingly by the Company their directors officers and servants under and with the same regulations restrictions conditions obligations penalties and immunities in accordance with those Acts and orders as by the vendor company and their directors officers and servants And if the sale be of the whole of the undertaking of the vendor company then from and after the time agreed on for the sale to take effect the Acts and Orders in Council passed with respect to the vendor company as the same are respectively amended by this Act shall be read and have effect as if the same had been passed with respect to the Company instead of with respect to the vendor company.

(5.) In accordance with the terms and conditions of any agreement entered into under this section the premises thereby agreed to be sold to the Company and the rights powers privileges and authorities which in accordance with this section and the terms of such agreement are to be exercised and enjoyed by the Company shall as from the time by the agreement appointed for the sale to take effect be by this Act and subject to the provisions thereof and subject also to any other provisions of any deed agreement or conveyance executed in accordance with this Act transferred to and vested in the Company absolutely.

As to working agreements.

21. The Company on the one hand and the Sydenham Company the Ligoniel Company and the Cavehill Company or any of them (in this section called "the three companies") on the other hand may from time to time enter and carry into effect agreements for or with respect to the following objects or any of them and all matters incidental or necessary thereto (that is to say):—

(1.) The working running over use management occupation and maintenance by the Company of the undertakings and tramways of the three companies or any of them or any part or parts thereof respectively:

(2.) The supply by the Company under any agreement for the undertakings and tramways of the three companies or any of them being worked by the Company of cars engines and horses necessary for the purposes of any such agreement and the employment of officers and servants:

(3.) The supply by the Company to the three companies or any of them of motive power:

(4.) The payment appropriation division and apportionment between the contracting companies or any of them of the tolls fares and income arising on their respective undertakings:

(5.) The interchange of traffic between the undertakings of the contracting companies or any of them:

(6.) The employment of officers and servants and the appointment of joint committees for the carrying into effect of such agreements:

And for the purposes of and during the continuance of such agreement the Company shall have and may exercise in respect of the tramways worked run over used managed occupied or maintained by them in accordance with the terms thereof all such and the like powers rights and remedies for the taking collection and recovery of tolls fares and charges and otherwise howsoever as are by the Acts or Orders in Council respectively relating to such tramways conferred upon the company owning the same No such agreement shall take effect without the sanction of three fourths of the votes of the respective shareholders of the companies parties thereto present in person or by proxy and entitled to vote and voting at general meetings of the respective companies convened with notice of the objects of the meeting nor shall any such agreement have any operation until it is approved by the Commissioners.

Saving for existing agreements.

22. The powers by the two last preceding sections of this Act conferred upon the Company the Sydenham Company the Ligoniel Company and the Cavehill Company respectively shall be in addition to and not in substitution for any powers conferred upon the Company and those companies respectively by the herein-before recited Acts and Orders in Council and shall not prejudice or affect the provisions and stipulations of any agreement which may have been entered into between the Company and any of such other companies under the powers of such Acts or orders.

Agreements with Corporation as to continued occupation of tramways.

23. The Company on the one hand and the Corporation on the other hand may from time to time enter into and carry into effect agreements for or with respect to the user and occupation by the Company of any tramways or portions of tramways for the time being belonging to the Company and for the postponement of the date at which the right of the Corporation to purchase such tramways or portions of tramways shall be exercised for such periods (whether in extension of the period limited by the herein-before recited Acts and the agreement scheduled to the Act of 1893 or otherwise) and for such consideration whether by way of an annual payment by the Company or otherwise and on such terms and conditions as may be agreed between the Company and the Corporation.

Company may take a lease of tramways from local authority.

24. The Company may from time to time accept and take from the Corporation or the grand jury or other public authority in any district adjoining the city of Belfast a lease or leases of any tramway or tramways constructed acquired or owned by the Corporation

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or such grand jury or other public authority and of all lands works and property connected therewith on such terms and conditions and for such period as may be agreed between the Corporation or such grand jury or other authority as the case may be and the Company and during the continuance and subject to the terms and conditions of any such lease the Company may work maintain and use the tramway or tramways and works and property connected therewith thereby leased and may demand take and recover in respect of such tramway or tramways tolls fares and charges not exceeding the tolls fares and charges authorised to be taken upon such tramway or tramways by the Act or Acts or Order or Orders in Council relating to or regulating the same respectively.

For protection of the Postmaster General.

25. In the event of any tramways of the Company being worked by electrical power the following provisions shall unless such power is entirely contained in and carried along with the carriages have effect :—

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

(2.) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Company of their electric lines and works or by the working of the undertaking of the Company the Company shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection :

(3.) (A.) Before any electric line is laid down or any act or work for working the tramways by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Company or their agents not more than

twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work (B.) Any difference which arises between the Postmaster-General and the Company or their agents with respect to any requirements so made shall be determined by arbitration :

(4.) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :

(5.) Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the Court having cognisance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :

(6.) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :

(7.) For the purposes of this section and subject as therein provided sections 2 8 9 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Company were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section 7 of the Telegraph Act 1878 in relation to the matters mentioned in that section :

(8.) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :

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(9.) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Company or their agents were a company within the meaning of that Act:

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

(11.) In this section the expression "the Company" includes their lessees and any person owning working or running carriages on any of the tramways of the Company and the provisions of this section shall so far as relates to the Company extend to any tramways or undertaking for the time being worked by the Company.

Power to apply existing funds.

26. 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.

Power to raise additional capital.

27. The Company may from time to time raise by the creation and issue of new ordinary shares or new ordinary stock or preference shares or preference stock or (at the option of the Company) wholly or partly by any one or more of those modes respectively any further capital not exceeding in the whole one hundred and sixty thousand pounds Such preference shares or stock may be issued with such rights as between such preference shares or stock and any ordinary shares or stock of the Company to priority in distribution of assets as may be fixed by the meeting of the Company at which it shall be determined to issue any portion of such additional capital as preference capital Provided always that the terms and conditions on which such preference shares or stock are or is issued shall be stated in the certificates thereof.

Restriction as to votes in respect of preference capital.

28. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any shares or stock by this Act authorised to be created to which a preferential dividend shall be assigned.

Power to borrow.

29. The Company may from time to time borrow on mortgage of their undertaking in addition to the sums which by the hereinbefore recited Acts they are authorised to borrow any sum or sums

not exceeding in the whole forty thousand pounds and of that sum they may borrow any sum or sums not exceeding ten thousand pounds in respect of each forty thousand pounds of such additional capital but no part of any such sum of ten thousand pounds shall be borrowed until the whole of the forty thousand 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 existing provisions as to receiver.

30. The provisions of section 17 of the Act of 1888 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.

31. 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.

32. 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 to have priority.

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

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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.

Application of moneys.

34. 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 Act of 1872 to apply to additional capital &c.

35. The provisions of the sections of the Act of 1872 numbered respectively 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") and 23 shall apply to the additional capital by this Act authorised to be raised.

Fares on Sundays or public holidays not to be raised.

36. It shall not be lawful for the Company or any person working or using the tramways to take or demand on Sunday or any bank or other public holiday any higher tolls or charges than those levied by them on ordinary working days.

Interest not to be paid on calls paid up.

37. 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.

38. The Company shall not out of any money by this Act authorised to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other tramway or to execute any other work or undertaking.

Provision as to general Tramways Acts.

39. Nothing in this Act contained shall exempt any company named in this Act or the tramways of any such company 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 or charges.

Costs of the Corporation.

40. All proper costs charges and expenses which the Corporation have incurred or shall incur in relation to the Bill for this Act shall be paid by the Company.

Costs of Act.

41. 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.

SCHEDULE referred to in the foregoing Act.

Break power.

Every carriage used on any tramways for the time being worked by the Company by electrical power under the provisions of the foregoing Act shall be fitted with such mechanical appliances for preventing the motive power from operating and for bringing such carriage to a stand as the Board of Trade may from time to time think sufficient.

As to fittings of carriages &c.

Every carriage used on such tramways shall have its number shown in some conspicuous part thereof and shall be fitted :—

With an indicator by means of which the speed shall be shown ;

With a suitable fender to push aside obstructions ;

With a special bell whistle or other apparatus to be sounded as a warning when necessary ; and

With a seat for the driver of such carriage so placed in front of such carriage as to command the fullest possible view of the road before him.

Inspection of carriages.

The Board of Trade shall on the application of the authority having respectively the duty of directing the repairs or the control or management of any streets roads or places along which any tramway for the time being worked by the Company by electrical power is situate and may on complaint made by any person from time to time inspect any carriage used on such tramways and the machinery therein and may whenever they think fit prohibit the use on such tramways of any such carriage which in their opinion may not be safe for use on such tramways.

As to speed.

The speed at which carriages may be driven or propelled along such tramways shall not exceed the rate of eight miles within a radius of one mile from Castle Junction and beyond that of twelve miles an hour.

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

Printed by Eyre and Spottiswoode,

FOR

T. Digby Pigott, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, East Harding Street, Fleet Street, E.C. ; or
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