CHAPTER clviii.

An Act to authorise the construction of Tramways in and near the city of Dublin; and for other purposes. A.D. 1878.

[4th July 1878.]

WHEREAS the laying down of tramways in certain streets and roads in and near the city of Dublin, to be worked by animal power only, and constructed so as not to impede or injure the ordinary traffic of the roads, would be of local and public advantage:

And whereas it is expedient that the persons herein-after named, with others, should be incorporated into a company, and should be empowered to lay down and maintain the several tramways in this Act particularly described:

And whereas plans and sections showing the lines and levels of the tramways and works authorised by this Act, and also books of reference to those plans, were duly deposited with the respective clerks of the peace for the county of the city of Dublin and for the county of Dublin, and are herein-after respectively referred to as the deposited plans, 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:

1. This Act may be cited as the Dublin Central Tramways Act, 1878. Short title.

2. The Companies Clauses Consolidation Act, 1845, Part I. (relating to cancellation and surrender of shares) of the Companies Act, 1863, the 17th section of the Railways Clauses Consolidation Act, 1845, Part I. (relating to construction of a railway) of the Railways Clauses Act, 1863, the Companies Clauses Act, 1869, the Lands Clauses Consolidation Act, 1845, the Lands Clauses Incorporation of general Acts. 8 & 9 Vict. c. 16. 26 & 27 Vict. c. 118. 8 & 9 Vict. c. 20.

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Consolidation Acts Amendment Act, 1860, and section 3 (interpretation clause), section 19 (local authority may lease or take tolls), and Parts II. and III. of the Tramways Act, 1870, notwithstanding anything contained in clause two of the said last-mentioned Act, are incorporated with and form part of this Act, save where the same are expressly varied or excepted by this Act; but nothing in the Tramways Act, 1870, as incorporated with this Act, shall empower the Company to sell their undertaking to any person, persons, corporation, or company.

26 & 27 Vict. c. 92.
32 & 33 Vict. c. 48.
8 & 9 Vict. c. 18.
23 & 24 Vict. c. 106.
33 & 34 Vict. c. 78.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or in part incorporated herewith shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the Company" means the Company incorporated by this Act; the expressions "the tramways" and "the undertaking" mean respectively the tramways and the undertaking by this Act authorised, or any part thereof; in the incorporated Acts the expression "work and railway" shall, for the purposes of this Act, mean the works by this Act authorised; and in this Act the expression "the corporation" shall mean the lord mayor, aldermen, and burgesses of the city of Dublin; and the expression "road authority" or "local authority" shall mean the corporation, grand jury, the commissioners, or other body having the control of the roads or streets referred to on which tramways are by this Act authorised to be laid down.

Company incorporated.

4. James Fitzgerald Lombard, William Martin Murphy, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a Company for the purpose of making and maintaining the tramways and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of "the Dublin Central Tramways Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Power to make tramways according to deposited plans, 33 & 34 Vict. c. 78.

5. Subject to the provisions of this Act, and of Parts II. and III. of the Tramways Act, 1870, the Company may make, form, lay down, work, use, and maintain the tramways herein-after described, in the lines and according to the levels shown on the deposited plans and sections, and in all respects in accordance with those plans and sections, with all proper rails, plates, works, and con-

veniences connected therewith, and may also enter upon, take, and use such of the lands delineated on the said plans, and described in the deposited books of reference, and specified in the First Schedule hereto, as may be required for that purpose. The tramways herein-before referred to and authorised by this Act are—

Tramway No. 1, three miles four furlongs three chains or thereabouts in length, being a double line of tramway from its point of commencement herein-after described, to a point distant 2·8 chains or thereabouts, measured in a northerly direction along Rathfarnham Road, from the centre of Bushy Park Road and said road, in the parishes of St. Andrew, St. Bridget, and St. Peter, in the county of the city of Dublin, parish of St. Peter, and townland of Portobello, parish of St. Nicholas Without, and townland of Cherry Orchard, in the city of Dublin, parish of St. Nicholas Without, township of Rathmines and Rathgar, county of Dublin, townland of Cherry Orchard, parish of St. Peter, township of Rathmines and Rathgar, county of Dublin, townlands of Portobello, Harold's Cross West, and Rathmines West, parish of Rathfarnham, township of Rathmines and Rathgar, county of Dublin, townland of Rathgar, parish of Rathfarnham, county of Dublin, townlands of Terenure and Rathfarnham, commencing by a junction with a Tramway No. 1D. of the "North Dublin Street Tramways" at a point in Dame Street distant eleven yards or thereabouts, measured in a southerly direction, from the house at the south-west corner of Temple Lane and Dame Street, thence curving until it enters Great George's Street South, thence through Great George's Street South, Aungier Street, Redmond's Hill, Wexford Street, Camden Street Lower, Camden Street Upper, Harrington Street, Circular Road South, Clanbrassil Street Upper, Clanbrassil Bridge, Harold's Cross Road, Terenure Road, Rathfarnham Road, Dodder Bridge, Rathfarnham Road, and terminating at a point 2·3 chains, or thereabouts, measured in a southerly direction along said road from opposite the centre of the entrance gate leading to Rathfarnham Castle:

Tramway No. 1A, being a double line of tramway, three miles or thereabouts in length, in the parishes of St. Andrew, St. Bridget, St. Peter, county of the city of Dublin, parish of St. Peter, townland of Portobello, parish of St. Nicholas Without, townland of Cherry Orchard, city of Dublin, parish of St. Nicholas Without, township of Rathmines and Rathgar, county of Dublin, townland of Cherry Orchard, parish of St. Peter, township of Rathmines and Rathgar, county of

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Dublin, townlands of Portobello, Harold's Cross West, and Rathmines West, parish of Rathfarnham, township of Rathmines and Rathgar, county of Dublin, townland of Rathgar, parish of Rathfarnham, county of Dublin, townland of Terenure, commencing by a junction with Tramway No. 1 of "the North Dublin Street Tramways" at a point in Dame Street distant eight yards or thereabouts, measured in a southerly direction, from the house at the south-west corner of Temple Lane and Dame Street, thence curving until it enters Great George's Street South, thence through Great George's Street South, Aungier Street, Redmond's Hill, Wexford Street, Camden Street Lower, Camden Street Upper, Harrington Street, Circular Road South, Clanbrassil Street Upper, Clanbrassil Bridge, Harold's Cross Road, Rathfarnham Road, terminating by a junction with Tramway No. 1 at a point 2·8 chains or thereabouts, measured along Rathfarnham Road in a northerly direction, from the centre of Bushy Park Road and Rathfarnham Road:

Tramway No. 1B, being a curve one chain or thereabouts in length, in the parish of St. Andrew, in the county of the city of Dublin, commencing by a junction with Tramway No. 1 of "the North Dublin Street Tramways" at a point in Dame Street distant twenty-four yards or thereabouts, measured in a westerly direction along said Tramway No. 1, from the house at the south-west corner of Temple Lane and Dame Street, thence curving in a south-easterly direction until it enters Great George's Street South, terminating by a junction with Tramway No. 1 at a point one chain or thereabouts distant from the point of commencement:

Tramway No. 1C, one chain or thereabouts in length, being a double line and a curve, in the parish of St. Andrew, in the county of the city of Dublin, commencing by a junction with Tramway No. 1D of "the North Dublin Street Tramways" at a point in Dame Street distant twenty-four yards or thereabouts from the house at the south-west corner of Temple Lane and Dame Street, measured in a westerly direction along said tramway No. 1D, thence curving in a south-easterly direction until it enters Great George's Street South, terminating by a junction with Tramway No. 1A at a point one chain or thereabouts distant from the point of commencement:

Tramway No. 1D, being a double line and a passing place 2·5 chains or thereabouts in length, in the parish of Rathfarnham, county of Dublin, townland of Rathfarnham, commencing at a point distant 2·5 chains or thereabouts, measured in a

southerly direction, from the centre of the Dodder Bridge, and terminating at a point 2·5 chains or thereabouts, measured in a southerly direction along Rathfarnham Road, from its point of commencement:

Tramway No. 1E, being a double line and a passing place 2·5 chains or thereabouts in length, in the parish of Rathfarnham, county of Dublin, townland of Rathfarnham, commencing at a point one chain or thereabouts, measured in a northerly direction, from opposite the centre of the entrance gate to Rathfarnham Castle, terminating at a point 2·5 chains or thereabouts, measured in a southerly direction along Rathfarnham Road, from point of commencement:

Tramway No. 2, one mile five furlongs seven chains or thereabouts in length, being a double line of tramway from the point of commencement to a point distant two chains or thereabouts, measured in a south-easterly direction along Sandford Road, from opposite the centre of Bushfield Avenue and said road, in the parish of St. Peter, city of Dublin, parish of St. Peter, city of Dublin and townland of Ranelagh North; parish of St. Peter, township of Rathmines and Rathgar, county of Dublin; townlands of Ranelagh North, Ranelagh South, and Cullenswood, parish of St. Peter, county of Dublin; townland of Milltown, parish of Donnybrook, township of Rathmines and Rathgar, county of Dublin; townland of Sallymount, parish of Donnybrook, Pembroke township, county of the city of Dublin, townlands of Donnybrook West and Clonskeagh, commencing by a junction with Tramway No. 1 at a point in Camden Street Upper distant twenty-seven yards or thereabouts from the house at the south-east corner of Grantham Street and Camden Street Upper, measured therefrom in a southerly direction, thence curving in a south-easterly direction through Charlotte Street, Harcourt Road, across the lines of "the Dublin Tramways Company," Charlemount Street Lower, Charlemount Bridge, Ranelagh Road, Cullenswood Road, Sandford Road, St. James Road, terminating in St. James Road at a point opposite the centre of the entrance gate to Vergemount Lodge, and distant therefrom ten yards or thereabouts:

Tramway No. 2A, being a double line of tramway, one mile one furlong and 2·3 chains or thereabouts in length, in the parish of St. Peter, city of Dublin, parish of St. Peter, city of Dublin, and townlands of Ranelagh North, parish of St. Peter, township of Rathmines and Rathgar, county of Dublin; townlands of Ranelagh North, Ranelagh South, and Cullens-

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wood, parish of Donnybrook, township of Rathmines and Rathgar, county of Dublin; townland of Sallymount, parish of Donnybrook, Pembroke township, county of the city of Dublin, townland of Donnybrook West, commencing by a junction with Tramway No. 1A at a point in Camden Street Upper, distant twenty-seven yards or thereabouts from the house at the south-east corner of Grantham Street and Camden Street Upper, measured therefrom in a southerly direction, thence curving through Charlotte Street, Harcourt Road, across the lines of "the Dublin Tramway Company," Charlemont Street Lower, Charlemont Bridge, Ranelagh Road, Cullenswood Road, and Sandford Road, terminating by a junction with Tramway No. 2 at a point two chains or thereabouts, measured along Sandford Road in a south-easterly direction, from opposite the centre of Bushfield Avenue and said road:

Tramway No. 2B, being a double line and a passing place, 2·5 chains or thereabouts in length, in the parish of St. Peter, Milltown, County of Dublin, townland of Milltown, parish of Donnybrook, Pembroke township, county of the city of Dublin, townlands of Donnybrook West and Clonskeagh, commencing at a point 2·5 chains or thereabouts, measured along Sandford Road in a north-westerly direction, from the south-east corner of Belmont Avenue, terminating at a point 2·5 chains or thereabouts, measured in a south-easterly direction, from its point of commencement along Sandford Road:

Tramway No. 2c, being a double line and a passing place, 2·5 chains or thereabouts in length, in the parish of Donnybrook, Pembroke township, county of the city of Dublin, and townland of Clonskeagh, commencing at a point 3·5 chains or thereabouts, measured in a north-westerly direction along St. James's Road, from the centre of the entrance gate of Vergemount Lodge, thence to a point 2·5 chains or thereabouts, measured in a south-easterly direction, from point of commencement:

Tramway No. 3, seven furlongs and seven chains or thereabouts in length, being a single line from its commencement to a point opposite the door of the house No. 47, Cullenswood Avenue, thence being a double line to a point one chain or thereabouts, measured southward along Belgrave Square East, from the centre of Charleston Road and said square, and from thence a single line, in the parish of St. Peter, township of Rathmines and Rathgar, county of Dublin, townlands of Ranelagh South, Cullenswood, Rathmines East, Rathmines

South, parish of St. Peter, county of Dublin, townland of Milltown, commencing by a junction with Tramway No. 2 at a point in Ranelagh Road distant twenty-two yards or thereabouts, measured in a south-easterly direction along said road, from opposite the centre of Ranelagh Avenue, thence into Cullenswood Avenue, Charleston Road, Belgrave Square East, Belgrave Road, Palmerston Road, terminating at a point seven yards or thereabouts distant from the south-east corner of Palmerston Road, measured in a westerly direction from said corner:

Tramway No. 3A, two furlongs two chains or thereabouts in length, being a single line from its commencement to a point opposite the door of the house No. 47, Cullenswood Avenue, from thence a double line, in the parish of St. Peter, township of Rathmines and Rathgar, county of Dublin, townlands of Ranelagh South, Cullenswood, Rathmines East, commencing by a junction with Tramway No. 2A at a point in Ranelagh Road distant eleven yards or thereabouts, measured in a north-westerly direction along said road, from opposite the centre of Ranelagh Avenue, thence along the roadway in front of M'Gowan's Cottages, Cullenswood Avenue, Charleston Road, Belgrave Square East, terminating at a point one chain or thereabouts, measured in a southerly direction along Belgrave Square East, from the centre of Charleston Road:

Tramway No. 3B, one chain or thereabouts in length, being a double line and a curve, in the parish of St. Peter, township of Rathmines and Rathgar, county of Dublin, townland of Ranelagh South, commencing by a junction with Tramway No. 2 at a point in Ranelagh Road distant eleven yards or thereabouts, measured in a south-easterly direction along said road, from opposite the centre of Ranelagh Avenue and Ranelagh Road, and terminating in the roadway in front of M'Gowan's Cottages by a junction with Tramway No. 3A at a point one chain or thereabouts measured from the point of commencement:

Tramway No. 3C, one chain or thereabouts in length, being a double line and a curve, in the parish of St. Peter, township of Rathmines and Rathgar, county of Dublin, townlands of Ranelagh South, and Cullenswood, commencing by a junction with Tramway No. 2A at a point in Ranelagh Road distant seventeen yards or thereabouts, measured in a south-easterly direction along said road, from opposite the centre of Ranelagh Avenue and said road, and terminating by a junc-

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tion with Tramway No. 3 at a point in Cullenswood Avenue one chain or thereabouts from its point of commencement:

Tramway No. 3D, 2·5 chains or thereabouts in length, being a double line and a passing place, in the parish of St. Peter, township of Rathmines and Rathgar, county of Dublin, townland of Rathmines East, commencing at a point in the centre of Belgrave Road, and extending thence for 2·5 chains or thereabouts, measured in a southerly direction along Palmerston road:

Tramway No. 3E, 2·5 chains or thereabouts in length, being a double line and a passing place, in the parish of St. Peter, township of Rathmines and Rathgar, county of Dublin, townland of Rathmines East, parish of St. Peter, county of Dublin, townland of Milltown, commencing at a point 2·5 chains or thereabouts in length, measured along Palmerston Road in a southerly direction, from the south-west corner of Windsor Road and Palmerston Road, terminating at a point 2·5 chains or thereabouts from its point of commencement:

Tramway No. 3F, 2·5 chains or thereabouts in length, being a passing place, in the parish of St. Peter, township of Rathmines and Rathgar, county of Dublin, townland of Rathmines South, commencing at a point 3·5 chains or thereabouts, measured along Palmerston Road in a northerly direction, from the wall at the south-west corner of said road and Palmerston Park, terminating at a point 2·5 chains or thereabouts from its point of commencement:

Provided that the junctions of the Dublin Central Tramway lines with the lines of the North Dublin Street Tramways in Dame Street, herein-before referred to, shall be made under the superintendence and to the satisfaction of the engineer for the time being of the North Dublin Street Tramways Company.

Contemporaneous construction of tramways authorised by Act.

6. The Company shall at the same time make and construct the Harold's Cross line and the Clonskeagh line by this Act authorised, and shall not open for traffic either of such lines of tramway until the other of such lines shall have been completed, without the consent in writing of the corporation.

As to the due working of tramways.

7. The Company shall, after the said tramways shall have been constructed, work and continue to work the same, so as to well and sufficiently accommodate the traffic thereon, and shall in such working use all reasonable endeavours to develop such traffic; and the manner of such working shall be subject to revision from time to time by the Board of Trade, which revision the said Board are hereby authorised to make.

Improvement of approaches to bridges and widening of Aungier Street, &c.

8. The Company shall improve the approaches of Charlemount Bridge and Clanbrassil Bridge, and shall widen the south end of Aungier Street, in accordance with the deposited plans, within a period of three years from the passing of this Act, to the reasonable satisfaction of the engineer for the time being of the corporation of Dublin: Provided, in case any difference shall arise between the said engineer and the engineer for the time being of the Company in reference to any matter arising under this section, the same shall be from time to time referred to an engineer to be mutually agreed upon by the corporation and the Company, or, in case they cannot agree, to an engineer to be appointed upon the application of both or either of the parties by the Local Government Board for Ireland, whose decision shall be final.

Contribution to cost of widening Wexford Street, and as to paving of streets.

9. When and so soon as the corporation of Dublin widen Wexford Street the Company shall subscribe the sum of five hundred pounds towards the expense thereof, and the Company shall, in the construction of their tramways, pave the whole of the present roadways of Redmond's Hill and Wexford Street, and if and whenever the said streets or either of them shall have been widened by the corporation, the Company shall also pave such additional width as may be added thereto, and the Company shall also pave the entire length of the line of tramways by this Act authorised, within the municipal boundaries of the city of Dublin, to a width of two and a half feet outside the outer rails.

For protection of Dublin Tramways Company.

10. In making, forming, laying down, and maintaining Tramway No. 2 across any of the tramways of the Dublin Tramways Company the following provisions shall apply:

1. The Company shall construct the crossings over the tramways of the Dublin Tramways Company, situate at Harcourt Road, by Tramway No. 2, under the superintendence and to the satisfaction of the engineer for the time being of the said Dublin Tramways Company:
2. The Dublin Tramways Company may from time to time erect such signals and conveniences incident to such crossings, and may from time to time appoint and remove such signalmen or other persons as may be necessary for the prevention of danger at and near such crossings, and all the expenses of erecting and maintaining those signals and conveniences (if any) and of employing those signalmen or other persons, and all incidental current expenses, shall at the end of every half year be repaid by the Company to the Dublin Tramways Company, and in default thereof may be recovered from the Company in any court of competent jurisdiction:

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3. The Company in using said crossings shall be subject to such reasonable byelaws as may from time to time be made respecting their use by the Dublin Tramways Company, and such byelaws shall be reduced into writing, and shall have affixed thereto the common seal of the Dublin Tramways Company:

4. If the Company shall at any time consider that an unnecessary expenditure is incurred by the Dublin Tramways Company in the employment of signalmen as aforesaid, or that the byelaws and regulations of that Company as to the use of the said crossings are unreasonable, they may upon either of those points, after giving one week's notice to the Dublin Tramways Company, from time to time apply to the engineer of the Board of Works in Ireland to determine the question in difference between the two companies, and the decision of such engineer shall be final, but in arriving thereat he shall have regard to the working of the traffic of the Dublin Tramways Company and their right to have the same provided for in the first instance, as the original occupants.

Part of Sandford Road to be paved.

11. Where the Tramways No. 2 and No. 2A are laid down in the Sandford Road, opposite to Sandford Church, the Company shall pave the whole width of the said road opposite to Sandford Church, and to Bushfield Avenue, to the extent of the width of Bushfield Avenue and the pathways.

Passing places to be constructed in certain places.

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

Company not to lay materials on footways.

13. In making the tramways authorised by this Act, the Company shall not place on the flagways or footways of the streets and roads through which they will pass, any of the materials used for the making of the tramways, or the materials excavated from the streets for the purpose of laying down such tramways.

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

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

1. Every notice shall be in writing or print, or partly in writing and partly in print, and shall be sufficiently authenticated,

if given by the local authority or road authority, by being signed by their clerk or secretary:

2. Any notice to be delivered by or to the Company, to or by any road authority or local authority, or other body, or any company, may be delivered by being left at the principal office of that authority, body, or company, or of the Company, as the case may be, or by being sent by post in a registered letter, addressed to their respective clerk or secretary at their principal office; and every such letter shall be deemed to be received by the authority, body, or company, or by the Company (as the case may be), on the day on which the same ought to be delivered at their principal office in the ordinary course of post.

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

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

Local authority may use tramways for certain purposes.

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

Company to make sidings, &c. if required by the corporation.

17. Whenever the corporation shall or may at any time desire to construct or have constructed any junction, siding, refuge, or resting place in any street or road in which any of the tramways by this Act authorised may be laid, the Company shall, upon demand of the corporation, make such alteration as may be necessary in the line and direction of the tramways, and shall construct and maintain such sidings, refuges, and resting places.

Authorising agreements for use of tramways.

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

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Accounts to be produced to corporation.

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

Capital.

20. The capital of the Company shall be eighty thousand pounds, in eight thousand shares of ten pounds each.

Shares not to issue until one fifth part paid up.

21. The Company shall not issue any share created under the authority of this Act, nor shall any such share vest in the person or corporation accepting the same, unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Receipt in case of persons not sui juris.

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

Calls.

23. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Power to borrow on mortgage.

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

8 & 9 Vict. c. 16.

As to appointment of a receiver.

25. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their

mortgages, by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be for less than one thousand pounds in the whole.

Company not to create debenture stock.

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

Mortgage to comprise purchase money paid on compulsory sale. 33 & 34 Vict. c. 78.

27. Every mortgage of the Company's undertaking shall be deemed to comprise all purchase money which may be paid to the Company in the event of a compulsory sale to the local authority, under section forty-three of the Tramways Act, 1870, and may comprise all or any moneys carried to the contingency fund according to the terms of the mortgage.

Indorsement of notice of power of future purchase by the local authority. 33 & 34 Vict. c. 78.

28. Every mortgage deed granted by the Company under this Act shall be indorsed with notice that such mortgage will not be a charge upon the tramways in the event of its being purchased by the local authority under the forty-third section of the Tramways Act, 1870.

Period for completion of works.

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

Tolls.

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

Passengers luggage.

31. Every passenger travelling upon the tramways may take with him his personal luggage, not exceeding twenty-eight pounds in weight, without any charge being made for the carriage thereof.

Cheap fares for labouring classes.

32. The Company, at all times after the opening of the tramways for public traffic, shall and they are hereby required to run at least one carriage each way every morning in the week and every evening in the week (Sundays, Christmas Day, and Good Friday always excepted), at such hours, not being later than seven in the morning or earlier than six in the evening respectively, as the Company think most convenient for artisans, mechanics, and daily labourers, at fares not exceeding one halfpenny per mile (the Com-

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pany, nevertheless, not being required to take any fare less than one penny).

Company not bound to carry goods.

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

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

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

Tolls to be paid as directed by the Company.

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

Notice of byelaws to be given.

36. Notice of the making of any byelaw under the provisions of this Act shall be published by the Company, by advertisement, to be inserted once in each of two successive weeks in some newspaper published in the city of Dublin, and once in the "Dublin Gazette."

Proof of byelaws.

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

Application of moneys.

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

First ordinary meeting.

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

Number of directors.

40. The number of directors shall be three.

Qualification of directors.

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

Quorum.

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

Election of directors.

43. James Fitzgerald Lombard, William Martin Murphy, and one other qualified person nominated by them, and consenting to such nomination, shall be the directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid, or

any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act or nominated as aforesaid being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting, the shareholders present in person or by proxy shall elect persons to supply the places of the directors then retiring from office, agreeably to the provisions of the Companies Clauses Consolidation Act, 1845; and the several persons elected at any such meeting, being neither removed nor disqualified, nor having died or resigned, shall continue to be directors until others are elected in their stead, in manner provided by the same Act.

8 & 9 Vict. c. 16.

Company may purchase land by agreement.

44. 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 four acres.

Deposit money not to be paid except so far as line is opened.

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

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certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

Application of deposit fund.

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

Mode of formation of tramways.

47. Every tramway to be made, formed, or laid down under this Act shall be constructed with two rails, to be laid at a distance (reckoning from the inside of the groove of each rail) of five feet three inches from each other, and shall be laid and maintained in such manner that the uppermost surface of the rail shall be on a level with the surface of the road; and that in all curves, passing angles, from street to street, or from road to road, all rails shall, where practicable, be at a distance, reckoning as aforesaid, of nine feet six inches from the kerbstone, and that in places which will not admit of such distance the tramway shall be laid centre to centre with the street or roadway.

As to inspection by Board of Trade.

48. The tramways shall not be opened for public traffic until they have been inspected and certified to be fit for such traffic by the Board of Trade; and all tramways so made, formed, and laid down under this Act shall be constructed in accordance with the provisions of this Act, to the satisfaction of the engineer for the time being of the local authority.

Tramways to be kept on level of surface of road.

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

Penalty for not maintaining rails and roads.

33 & 34 Vict. c. 78.

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

Sewer authority to have access to sewers.

33 & 34 Vict. c. 78.

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

Company may be required to use improved form of rail.

52. The Board of Trade may from time to time, upon the application of the local authority, require the Company to adopt and apply such improvements in the tramways, including the rails

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thereof and the wheels of the carriages, as experience may from time to time suggest, having regard to the greater security to the public and advantage to the ordinary traffic; and the Company shall, with all reasonable despatch, comply with any order made by the Board of Trade for the purpose of carrying out any such improvements.

Power to make additional crossings, &c.

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

Application of road materials excavated in construction of works.

54. Any paving, metalling, or material excavated by the Company in the construction of the undertaking from any road under the jurisdiction or control of any road authority may be applied by the Company, so far as may be necessary, in or towards the reinstating of the road, and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Company are by section 28 of the Tramways Act, 1870, 33 & 34 Vict. c. 78. required to maintain; and the Company shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of the road authority, or to such person or persons as he may appoint to receive the same: Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving, metalling, or material, and notice duly given, such surplus is not removed by such surveyor, or by some other person or persons named by him for that purpose, such surplus paving, metalling, or material shall absolutely vest in and belong to the Company, and may be dealt with, removed, and disposed of by them in such manner as they may think fit. Any difference between the Company and any road authority, or surveyors or other person, with reference to any of the matters aforesaid, shall be determined 33 & 34 Vict. c. 78. in manner provided by the Tramways Act, 1870, with respect to difference between the promoters and any road authority.

Interest not to be paid on calls paid up.

55. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him; but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act, 1845.

8 & 9 Vict. c. 16.

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

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

Company not exempt from provisions of any present and future general Tramway Acts.

57. 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.

Expenses of Act.

58. 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.

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The SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

Lands to be taken compulsorily.

Certain lands and houses numbered 44 and 45, Aungier Street, belonging or reputed to belong to and in the occupation of Andrew Ryan; 46, Aungier Street, belonging or reputed to belong to Thomas M'Clelland, and in the occupation of Thomas Stritch and others; 47, Aungier Street, belonging or reputed to belong to the said Thomas M'Clelland, and in the occupation of Edward M'Kernan and others, in the parish of Saint Peter and county of the city of Dublin; also a piece of land situate in front of the house numbered 47, Cullenswood Avenue, in the parish of Saint Peter, township of Rathmines and Rathgar, and county of Dublin, bounded on the north by Cullenswood Avenue aforesaid, on the west by a railway bridge of the Dublin, Wicklow, and Wexford Railway, on the south by the front wall of the said house, and on the east by a party wall, such piece of land belonging or reputed to belong to Helen Bonnor, and in the occupation of Mary Kelly.

THE SECOND SCHEDULE.

Maximum Tolls and Rates of Charge, with Regulations.

Passengers.

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

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

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

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

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

GOODS.

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

(*Class* 1.)

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

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

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

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

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

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

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

(*Class* 2.)

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

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

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

(*Class* 3.)

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

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

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

ANIMALS.

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

(*Class* 4.)

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

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

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

(*Class* 5.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SMALL PARCELS.

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

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

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

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

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

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

SINGLE ARTICLES OF GREAT WEIGHT.

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

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

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