CHAPTER ccxxxv.

A.D. 1897.

An Act to empower the Dublin United Tramways Company to construct new Tramways and for other purposes. [6th August 1897.]

WHEREAS by the Dublin United Tramways Act 1881 the Dublin United Tramways Company (in this Act called "the Company") were incorporated and empowered to work and maintain in and near the city of Dublin and the townships adjoining thereto an extensive system of tramways:

And whereas it is expedient that the Company should be empowered to lay down and maintain the additional tramways in this Act described:

And whereas plans and sections showing the lines and levels of the tramways and works by this Act authorised and plans of the lands by this Act authorised to be acquired and a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the said lands were duly deposited with the respective clerks of the peace for the county of Dublin and for the county of the city of Dublin with the town clerk of the Dublin Municipal Corporation the town clerk of the Dalkey Township Commissioners the clerk of the Rathdown Union the clerk of the South Dublin Poor Law Union the clerk of the North Dublin Poor Law Union the secretary and surveyor of the Rathmines and Rathgar Township Commissioners the secretary and surveyor of the Pembroke Township Commissioners and with the county surveyor of the county of Dublin and those plans sections and book of reference are in this Act referred to as the deposited plans sections and book of reference respectively:

And whereas it is expedient that the Company should be authorised to exercise the other powers in this Act mentioned:

And whereas the objects of this Act cannot be attained without the authority of Parliament:

[*Price* 1*s.* 3*d.*]

A.D. 1897.

May it therefore please Your Majesty that it may be enacted and be it enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

Short title.

1. This Act may be cited for all purposes as the Dublin United Tramways (New Lines) Act 1897.

Incorporation of general Acts.

2. The provisions of the Lands Clauses Acts and of the Companies Clauses Acts 1845 and 1863 are incorporated with and form part of this Act save where the same are expressly varied by or are inconsistent with this Act And subject to the provisions of this Act the provisions of sections 26 to 32 35 to 38 41 42 46 to 55 57 and 59 to 63 of the Tramways Act 1870 inclusive shall apply to the tramways by this Act authorised as fully and effectually as if those sections in the said Act had been expressly re-enacted and repeated in this Act and for the purposes of this Act the words "the London or Edinburgh Gazette" in Schedule C Part II subsection 2 of the Act of 1870 shall mean the Dublin Gazette.

Interpretation.

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

The expression "road authority" or "local authority" in this Act and the sections of the Tramways Act 1870 in the preceding section specified shall for the purposes of this Act mean the grand jury of the county of Dublin and the township commissioners or other body having the control of the roads or streets within their respective districts;

The expression "the corporation" shall mean the Right Honourable the Lord Mayor Aldermen and Burgesses of the City of Dublin;

The expression "road" shall include street bridge footpath or public place;

The expression "district" in relation to a road or local authority shall mean the area within the jurisdiction of such road or local authority;

The expression "engineer" shall include the surveyors of the road authorities and the county or district surveyors of the county Dublin;

The expression "the tramways" means the tramways by this Act authorised.

Correction of errors &c. in deposited plans and book of reference.

4. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Dublin or for the county of the city of Dublin for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the said county or for the said county of the city as the case may be and a duplicate thereof shall also be deposited with the clerks of the unions within which the several parishes are included in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerks of the peace and clerks of unions respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate.

Power to make tramways.

5. The Company may make form lay down work use and maintain the tramways hereinafter 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 posts wires works appliances and conveniences connected therewith The tramways hereinbefore referred to and authorised by this Act are—

Tramway No. 1.—A double line 4 furlongs 5·30 chains in length commencing by junctions with the Company's tramways in Harold's Cross Road near Maria Ville passing thence in a north-easterly direction along Kenilworth Square North Kenilworth Road Grosvenor Place and Grosvenor Road terminating by junctions with the Company's tramways in Rathgar Road:

Tramway No. 1A.—A double and partly-interlaced line 1 furlong 9·70 chains in length commencing by junctions with the Company's tramways in Rathmines Road near the westerly end of Castlewood Avenue passing thence in an easterly and northerly direction along Castlewood Avenue and Belgrave

A.D. 1897.

Square North terminating by junctions with the Company's tramways at the western end of Charleston Road :

Tramway No 1B.—A double line 4·20 chains in length commencing by junctions with the Company's tramways in Oakley Road formerly Cullenswood Avenue situate under the bridge of the Dublin Wicklow and Wexford Railway passing thence along Oakley Road formerly Cullenswood Avenue at the southern side of the open space known as the "Angle" into Cullenswood Road and terminating therein by junctions with the Company's tramways opposite the south-western end of Westmoreland Park Road :

Tramway No. 1c.—A double line (partly interlaced) 3 furlongs 8·00 chains in length commencing by junctions with the Company's tramways in Cullenswood Road near Chelmsford Road passing into and along Chelmsford Road and the Appian Way thence into Upper Leeson Street terminating by junctions with the tramways of the Company near the southern end of Waterloo Road :

Tramway No. 1D.—A double line 3 furlongs 0·00 chains in length commencing by junctions with the Company's tramways at the northern end of Waterloo Road passing thence in an easterly direction along Baggot Street Upper Pembroke Road and terminating in Pembroke Road by junctions with the existing tramways of the Dublin Southern District Tramways Company :

Tramway No. 2.—A double line 2·15 chains in length commencing by junctions with Tramway No. 1c in Upper Leeson Street and terminating in the same street by junctions with the Company's tramways :

Provided always that the following tramways situate in Rathmines and Rathgar township shall be laid down and constructed as follows :—

Tramway No. 1.—For the length of the tramway line along Kenilworth Square North the outer rail to be laid within 3 feet 6 inches of the footpath on the Square side of the said road and 12 feet 4 inches shall be left clear between the kerb on the side of such road next the houses and the nearest rail if width of road will permit :

Tramway No. 1A.—The usual double line to be laid 14 feet 6 inches from outside rail to outside rail and to be carried on throughout with cross-overs or interlacing lines as the engineer of the road authority may direct on the narrow portions of the road Loops to be made near the Big Lamp at the Chains :

Tramway No. 1c.—The full length of Chelmsford Road and Appian Way to be on the cross-over or interlacing system and cross-overs or interlacings are to be introduced into the present line in Charleston Road as the said engineer may direct No lines shall be laid overlapping or interlacing each other unless with the consent of the said engineer.

All the above alterations from the deposited plans as to Tramways No. 1 No. 1A and No. 1c and the alteration of the existing line to be carried out to the satisfaction in all respects of the engineer of the Rathmines and Rathgar Improvement Commissioners and at the expense of the Company and if interlacing lines are adopted the Company shall at their own expense pave the whole width of the road where such interlacings occur.

Tramways to be part of undertaking of Company.

6. The tramways shall subject to the provisions of this Act be deemed for all purposes part of the undertaking of the Company.

Mode of formation of tramways.

7. The tramways shall be constructed on a gauge of five feet three inches and shall be laid and maintained in such manner that the uppermost surface of the rail shall be on the level with the surface of the road as now existing or as altered under the powers of this Act.

Recovery of penalties.

8. Any penalty under this Act or any other Act relating to the tramways or under any bye-laws or regulations made under this Act or such other Act may be recovered in manner provided by the Summary Jurisdiction Acts.

Inspection by Board of Trade.

9. 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.

Wood pavement in certain roads.

10. The Company shall lay down and maintain wood pavement for the full width of their lines and eighteen inches on both sides thereof and also before and in front of and for thirty feet on both sides of the New Town Hall and of any church or hospital in any road in the township of Rathmines and Rathgar along and past which their new lines shall be laid down and constructed if and whenever required by the Rathmines and Rathgar Improvement Commissioners so to do.

Pavement in certain roads.

11. The Company shall within two years after the passing of this Act at their own expense pave the whole width of the Rathmines Road from Portobello Bridge to Grosvenor Road with setts the same as are at present laid in the existing tramways on the said road and the Company shall thereafter maintain the whole of such pavement at their own expense and to the approval of the engineer of the Rathmines and Rathgar Improvement Commissioners.

A.D. 1897.

As to construction of tramways.

12. In the construction of the tramways the Company shall lay the same in macadamised streets at such a level and in such manner as shall be prescribed by the road authority If this is not done the Company shall be bound upon being required to do so by the road authority to alter the levels of the rails and tramway paving to suit the level at which it may be found necessary that such street should be paved by the road authority and in all cases the entire paving and the materials used in the same shall be the same as that used by the road authority in the paving of the street and shall be laid to the satisfaction of the said engineer of the road authority If it is found necessary for the road authority to repair pave macadamise or alter the levels of any of the adjoining streets or roads in consequence of the tramways works or paving to be laid down or constructed by the Company the road authority shall be reimbursed or paid the full costs of such work by the Company.

As to cross-overs and interlacing lines.

13. If in any road in the townships of Rathmines and Rathgar or Pembroke in which a double line of tramway is laid there shall be less space between the outside of the footpath on either side of the road and the nearest rail of the tramway than nine feet six inches the Company may and they are hereby empowered (they having first obtained the consent in writing of the road authority) to construct a cross-over connecting the one line of tramway with the other or interlacing lines Where interlacing lines are adopted the Company shall at their own expense pave the whole width of the road where such interlacings occur.

Tramways to be kept on level of surface of road.

14. If and whenever after the passing of this Act any road authority alters the level of any road along or across which any part of the tramways is laid or authorised to be laid the Company may and shall from time to time alter or (as the case may be) lay their rails and the entire pavement so that the uppermost surface thereof shall be on a level with the surface of the road as altered And in default thereof the road authority (without prejudice to any other remedy) may so alter the rails and pavement and recover the cost of and incident thereto from the Company in any court of competent jurisdiction.

Company to maintain roadways.

15. The Company shall at all times maintain in good order and repair the several portions of roadway upon which the tramways by this Act authorised or any of them may be laid down and constructed to the satisfaction of the engineer of the road authority and shall pave the same with setts to be approved of by the engineer of such road authority.

Tramcars not to delay in Castlewood Avenue.

16. No tramcar shall be allowed to stop in Castlewood Avenue longer than is absolutely necessary for the purpose of allowing passengers to alight from or get upon the car.

Tolls.

17. The Company may (subject to any special provisions in any agreement made with the commissioners of Rathmines and Rathgar and Pembroke townships respectively) demand and take in respect of the tramways by this Act authorised the tolls rates and charges which they are by the Dublin Tramways Act 1871 authorised to demand and take with respect to the tramways by that Act authorised as if the tramways by this Act authorised had formed part of the tramways by that Act authorised.

Penalty imposed unless tramways opened within the time limited.

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

Application of penalty.

19. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the Dublin Gazette shall be applied towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the tramway or any portion thereof or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company

A.D. 1897.

by this Act 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 tramway and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit and if no such compensation shall be payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent and has been ordered to be wound up or the tramway or tramways in respect of which the penalty has been incurred or any part thereof has been abandoned be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the Company.

Period for completion of tramways.

20. If the tramways are not completed within two years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the tramways or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Stoppage of roads during execution of works.

21. Subject to the provisions of this Act the Company may during the execution of the works with the consent in writing of the road authority in whose district any road shall be situate stop the carriage way or footway of any road as they think necessary.

Further provisions as to construction of tramways.

22. In addition to any of the requirements of section 26 of the Tramways Act 1870 the Company shall at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing laying down maintaining and renewing any of the tramways or any materials or plant in connection therewith by this Act authorised lay before the Board of Trade and the road authority or the corporation as the case may be a plan showing the proposed mode of constructing laying down maintaining and renewing such tramways and works intended to be executed and a statement of the materials intended to be used therein and the Company shall not commence the construction laying down maintenance (except for the purpose of

necessary repairs) or renewal of any of the tramways or works or any part thereof respectively until such plan and statement have been approved by the Board of Trade and the road authority or the corporation as the case may be and after such approval the works shall be executed in accordance in all respects with such plan and statement and under the superintendence and to the reasonable satisfaction of the engineer of the road authority or the corporation as the case may be.

As to rails of tramways.

23. The rails of the tramways shall be such as the Board of Trade may approve.

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

24. 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.

Power to acquire lands.

25. Subject to the provisions of this Act the Company may from time to time enter upon take and use for the purposes of their undertaking the lands hereinafter described delineated on the deposited plans and described in the deposited book of reference relating thereto (that is to say):—

(*a.*) A plot of ground on the street known as Sir John Rogerson's Quay 382 feet by 153 feet or thereabouts bounded on the west side by Forbes Street on the south side by Kent Street on the east side by premises belonging or reputed to belong to the Merchants' Warehouse Company and on the north by the street known as Sir John Rogerson's Quay in the city of Dublin:

(*b.*) The houses lands yards and premises known as Connolly's sheds or stabling at the corner of Castle Street and Ulverton Road and the houses and premises No. 3 Castle Street all situate in the township of Dalkey in the county of Dublin:

(*c.*) The premises occupied by Mr. J. Jones Mr. Thomas Curtis Mrs. Curtis and Mr. Martin Quinn as well as the premises known as O'Neill's Cottages all of which said premises are situate at the corner of Castle Street and Railway Road in the said township of Dalkey having a frontage or entrance to the said streets.

Power to erect generating stations.

26. The Company may on the lands on Sir John Rogerson's Quay described in the last preceding section and on the premises known as the Dublin Southern District Tramways Company's depôt in Castle Street in the township of Dalkey in the county of Dublin

A.D. 1897.

construct and maintain stations for generating electrical power with all necessary works and conveniences.

Period for compulsory purchase of lands.

27. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Land by agreement.

28. The Company may purchase and acquire by agreement any lands not exceeding in the whole ten acres and may erect and hold offices buildings and other conveniences (except stations for generating electrical power) on any such lands and may by agreement take easements over lands Provided always that nothing in this Act contained shall exempt the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land taken under the powers of this section.

Restrictions on displacing persons of labouring class.

29.—(1.) The Company shall not under the powers by this Act granted purchase or acquire in any urban sanitary district as defined by the Public Health (Ireland) Act 1878 ten or more houses which on the fifteenth day of December last were or have been since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

(*a.*) They shall have obtained the approval of the Local Government Board for Ireland to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(*b.*) They shall have given security to the satisfaction of the said Local Government Board for the carrying out of the scheme.

(2.) The approval of the Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3.) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme

to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced :

Provided that the Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit.

(4.) Any provisions of any scheme under this section or any conditions subject to which the Local Government Board may have approved of any scheme under this section or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of mandamus to be obtained by the Local Government Board out of the High Court.

(5.) If the Company acquire or appropriate any house or houses under the powers by this Act granted in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the consolidated fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

(6.) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 202 203 and 214 of the Public Health (Ireland) Act 1878 shall be incorporated with this Act and shall apply to the purchase of lands by the Company for the purposes of any scheme under this section in the same manner in all respects as if the Company were a sanitary authority within the meaning of the Public Health (Ireland) Act 1878 and the scheme were one of the purposes of that Act.

(7.) The Company may on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking :

A.D. 1897.

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this section shall for a period of twenty-five years from the passing of this Act be appropriated for the purpose of dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment:

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as they may see fit.

(8.) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health (Ireland) Act 1878.

(9.) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(10.) Any houses on any of the lands shown on the deposited plans occupied or which may have been occupied by persons of the labouring class within five years before the passing of this Act which have been acquired by or on behalf of the Company and for which houses no substitutes have been or are directed to be provided by any scheme approved by the Local Government Board under the powers of any previous Act relating to the Company shall for the purposes of this section be deemed to have been acquired under the powers of this Act and to have been occupied on the fifteenth day of December last by the same number of persons belonging to the labouring class as were occupying the said houses at the date of their acquisition Provided that if the Local Government Board is unable to ascertain the number of such persons who were then occupying the said houses the said houses shall be deemed to have been occupied by such number of such persons as in the opinion of the Local Government Board they might have been sufficient to accommodate.

(11.) For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but

working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

For protection of Rathmines and Pembroke Main Drainage Board.

30. For the protection of the Rathmines and Pembroke Main Drainage Board (in this section called "the drainage board") the following provisions shall unless otherwise agreed on in writing between the Company and the drainage board have effect:—

(1.) The Company shall not commence the construction of the tramways or any or either of them or any part thereof within the Pembroke township until they have executed such works and done such things as shall in the opinion of the drainage board be sufficient to secure the safety of the sewers and other works of the drainage board under or alongside of the said tramways nor until they shall have given to the drainage board twenty-one days' notice in writing of their intention to commence the said tramways by leaving such notice at the office of the clerk to the drainage board with plans sections and all other necessary particulars of the construction of the said tramways nor until the drainage board shall have signified their approval of the same unless the drainage board fail to signify such approval within twenty-one days after the service of the said notice and delivery of the said plans sections and particulars and in case such plans sections and particulars are not agreed upon any difference between the Company and the drainage board shall be determined by an engineer to be nominated on the application of either party by the Local Government Board for Ireland and the costs of the reference shall be in the discretion of such engineer and his decision shall be final:

(2.) Notwithstanding anything contained in this Act the drainage board by their servants or officers shall at all times have free access and entry to their sewers and works for the purpose of inspecting examining maintaining repairing renewing and extending or enlarging the same or any part thereof and shall have control of all ventilators manholes or other openings in or connected with their said sewers or works:

(3.) The drainage board shall not be liable to pay to the Company any compensation for injury done to the tramways by reason of the exercise of the aforesaid powers by the said drainage board:

A.D. 1897.

(4.) Any expense imposed upon the drainage board in the maintenance and repair of their sewers and works or any of them by reason of the construction existence or user of the said tramways shall be borne and paid by the Company and may be recovered by the drainage board in any court of competent jurisdiction :

(5.) The Company shall make good and shall indemnify the drainage board against any loss damage or injury to the sewers or works of the drainage board which may be occasioned by reason of the tramways :

(6.) Nothing in this Act shall take away or abridge any powers vested in the drainage board for the purposes for which the drainage board is constituted.

Provision as to gas and water companies.

31. For the purpose of making forming laying down maintaining repairing or renewing any of their tramways and works the Company may from time to time where and as far as it is necessary or may appear expedient for the purpose of preventing frequent interruption of the traffic by repairs or works in connection with the same alter the position of any mains or pipes for the supply of gas or water or any tubes wires or apparatus for telegraphic or other purposes save those belonging to or the property of the road authority or the corporation subject to the provisions of this Act and also subject to the following restrictions (that is to say) :—

(1.) Before laying down a tramway in a road or before executing any of the works authorised by this Act in any road in which any mains or pipes tubes wires or apparatus may be laid the Company shall whether they contemplate altering the position of any such mains or pipes tubes wires or apparatus or not give seven days' notice to the company persons or person to whom such mains or pipes tubes wires or apparatus may belong or by whom they are controlled of their intention to lay down or alter the tramway or works and shall at the same time deliver a plan and section of the proposed works If it should appear to any such company persons or person that the construction of the tramway or works as proposed would endanger any such mains or pipes tubes wires or apparatus or interfere with or impede the supply of water or gas or the telegraphic or other communication such company persons or person as the case may be may give notice to the Company to lower or otherwise alter the position of the said mains or pipes tubes wires or apparatus in such manner as may be considered necessary and any difference as to the necessity of such lowering or alteration shall be settled in manner provided by this Act for the settlement of differences

between the Company and other companies or persons and all alterations to be made under this section shall be made with as little detriment and inconvenience to the company persons or person to whom such mains or pipes tubes wires or apparatus may belong or by whom the same are controlled or to the inhabitants of the district as the circumstances will admit and under the superintendence of such company persons or person or of their surveyor or engineer if they or he should think fit to attend after receiving not less than forty-eight hours' notice for that purpose which notice the Company are hereby required to give:

(2.) The Company shall not remove or displace any of the mains or pipes valves syphons plugs tubes wires or apparatus or other works belonging to or controlled by any such company persons or person or do anything to impede the passage of water or gas or the telegraphic or other communication into or through such mains or pipes without the consent of such company persons or person or in any other manner than such company persons or person shall approve until good and sufficient mains pipes valves syphons plugs tubes wires apparatus or other works necessary or proper for continuing the supply of water or gas or telegraphic or other communication as sufficiently as the same was supplied by the mains or pipes tubes wires or apparatus proposed to be removed or displaced shall at the expense of the Company have been first made and laid down in lieu thereof and ready for use and to the satisfaction of the surveyor or engineer of such water or gas or other company or of such persons or person or in case of disagreement between such surveyor or engineer and the Company as an engineer appointed by the Board of Trade shall direct:

(3.) The Company shall not lay down any such mains or pipes contrary to the regulations of any Act of Parliament relating to such water or gas or other company persons or person or relating to telegraphs:

(4.) The Company shall make good all damage done by them to property belonging to or controlled by any such company persons or person and shall make full compensation to all parties for any loss or damage which they may sustain by reason of any interference with such property or with the private service pipes of any person supplied by any such company persons or person with water or gas:

(5.) If by any such operations as aforesaid the Company interrupt the supply of water or gas in or through any main or main

A.D. 1897.

pipe they shall be liable to a penalty not exceeding twenty pounds for every day upon which such supply shall be so interrupted:

Provided always that nothing in this section contained shall authorise or empower the Company to alter the position of or to take up divert remove or otherwise interfere with any mains pipes tubes wires or apparatus belonging to or the property of any road authority or of the corporation unless such diversion removal or alteration is required by such road authority or the corporation and then the road authority or the corporation shall have power to carry out the necessary works and the Company shall pay to the road authority or the corporation all reasonable expenses and costs they may be put to in connection with such taking up diversion removal or other interference with any such mains pipes tubes wires or apparatus.

Company to raise or lower surface of roadway where required by road authority.

32. Before the Company shall form or lay down any tramways upon any road they shall if required by the road authority raise or lower (as the case may be) the surface of such road so as to form the most desirable longitudinal section thereof to the satisfaction of the engineer of the road authority and also shall subject to like approval execute all or any works necessary for the purpose of making the cross section of such road from the said tramways to the edge of the footpaths in strict conformity and equal level therewith Provided that in case any difference shall arise between the Company and the engineer of the road authority in reference to any matter arising under this section the same shall be referred to an engineer to be mutually agreed upon by the Company and the road authority or in case they cannot agree to an engineer to be appointed upon the application of both or either of the parties by the Board of Trade whose decision shall be final.

Further provisions for protection of road authority and corporation.

33. The Company shall pay all reasonable expenses of the road authority or the corporation in directing superintending and controlling the execution alteration and relaying of any sewers drains water-courses subways works mains pipes valves syphons plugs tubes or apparatus which may be interfered with under the powers of this Act in the district of such road authority or the corporation.

Injury to sewers drains &c. may be dealt with by road authority at once.

34. If at any time (and notwithstanding the provisions aforesaid) any sewer drain waterpipe or electric cable or apparatus vested in or belonging to the road authority or the corporation shall be or become injured or damaged by reason or in consequence of any act deed matter or thing of or by the Company or their contractors

or servants the road authority or the corporation (without prejudice to any other remedy open to them) may immediately thereupon or at any time thereafter at the cost and risk in all respects of the Company do and execute such acts and works as the road authority or the corporation may deem necessary in order to effect the reinstatement of such sewer drain or waterpipe to as good a condition as it was in prior to such damage or injury.

Power to raise new capital.

35. The Company may subject to the provisions of Part II. of the Companies Clauses Act 1863 from time to time raise by the creation and issue of new shares any additional capital not exceeding in the whole two hundred thousand pounds and such new shares may be wholly or partially ordinary shares or wholly or partially preference shares as the Company think fit but the Company shall not issue any share created under the authority of this Act of less nominal value than ten pounds nor shall any share vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such share shall have been paid in respect thereof.

Calls.

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

Dividends on new shares.

37. Every person who becomes entitled to new shares shall in respect of the same be a holder of shares in the Company and shall be entitled to a dividend with the other holders of shares of the same class or description proportioned to the whole amount from time to time called and paid on such new shares.

Restriction as to votes in respect of preferential shares.

38. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares to which a preferential dividend shall be assigned.

Receipts on behalf of incapacitated persons.

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

Power to apply existing capital to purposes of Act.

40. The Company may apply for the purposes of this Act to which capital is properly applicable all or any part of the capital which they are now authorised to raise and which may not be required for the purposes for which the same was authorised to be raised.

A.D. 1897.

Provisions as to breaking up of roads.

41. The Company shall not without the consent of the road authority open or break up at any one time a greater length of roadway than sixty yards of any one road in the district of such road authority.

Re-building of Ball's Bridge.

42. The Company shall pay to the Pembroke Commissioners the costs and expenses of and incident to the widening and improving of the bridge known as Ball's Bridge the works in connection with the widening and improving of the same to be carried out by the said commissioners when and as they may think desirable and to be paid for by the Company on receipt of the certificate of the engineer of the said commissioners that the work has been completed.

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

43. 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.

Interest not to be paid on calls paid up.

44. The Company shall not out of any money by this Act authorised to be raised by calls or by borrowing pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him: Provided always that this Act shall not prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Provision as to general Tramway Acts.

45. Nothing herein contained shall be deemed or construed to exempt the tramways from the provisions of any general Act relating to tramways now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges authorised to be taken by the Company.

Form and delivery of notices.

46. With respect to any notices to be given in pursuance of this Act and to the delivery thereof by or to the Company the following provisions shall have effect namely:—

(1.) Every notice shall be in writing 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 addressed to their respective clerk or secretary at their principal office.

Costs of Act.

47. All the 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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