CHAPTER ccxxxvii.

An Act to authorise the construction of Tramways in and near the county of the town of Galway; and for other purposes. A.D. 1877.

[14th August 1877.]

WHEREAS the laying down of tramways in certain streets and roads in and near the county of the town of Galway, 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 these plans, were duly deposited with the clerk of the peace for the county of the town of Galway, 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 Galway and Salthill Tramways Act, 1877." 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 Incorporation of general Acts.

A.D. 1877.

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," except the provisions thereof with respect to the entry upon, purchase, and taking of lands otherwise than by agreement, "The Lands Clauses Consolidation Acts Amendment Act, 1860," and section 3 (interpretation clause) 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.

Interpretation.

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 "work and railway" shall, for the purposes of this Act, mean the works by this Act authorised; and the expression "the Commissioners" shall mean the Galway Town Commissioners; and the expression "road authority" shall mean the Commissioners or other body having the control of the roads or streets referred to.

Company incorporated.

4. William Leadbeater Barrington, Henry William Treffry, 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 Galway and Salthill 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.

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 conveniences connected therewith. The tramways herein-before referred to and authorised by this Act are,—

Tramway No. 1 (single line), two miles four furlongs or thereabouts in length, situate partly in the townland of Townparks, in the parish of St. Nicholas, partly in the townlands of Townparks, Kilcorkey, Cloghatiskey, Lenaboy, Cappanaveagh, Attithomasrevagh, and Pollnarooma East, in the parish of Rahoon, in the township of Galway, in the county of the town and borough of Galway, commencing at a point nine yards or thereabouts distant from the house at the south-east corner of Eyre Square and College Road, measured therefrom in a south-westerly direction, and passing thence along the following streets and roads, that is to say, Eyre Square South, Eyre Square West, William Street, Shop Street, Mainguard Street, Bridge Street, West Bridge, Dominick Street Lower, Swivel Bridge, Dominick Street Upper, William Street West, Salthill Road, Salthill Lower, Salthill, and the sea road leading to Blackrock, and terminating in the road leading from Salthill to Spiddle, at a point five yards distant or thereabouts from the south-east corner of the road leading from Blackrock to Rahoon measured therefrom in a southerly direction:

Tramway No. 1A (single line), four furlongs and six chains or thereabouts, in length, situate in the townland of Townparks, in the parish of St. Nicholas, in the township of Galway, in the county of the town and borough of Galway, commencing by a junction with Tramway No. 1 at a point 9 yards or thereabouts distant from the house at the south-east corner of Eyre Square and College Road, measured therefrom in a westerly direction, and passing thence along and through the following streets or roads—Eyre Square South, Eyre Square West, William Street, Shop Street, Mainguard Street, Bridge Street, West Bridge Street, Dominick Street Lower, and terminating by a junction with Tramway No. 1 at a point distant 6 yards or thereabouts from the house at the south-west corner of Dominick Street Lower, measured therefrom in a southerly direction:

Tramway No. 1B (single line), one mile two furlongs and nine and one half chains or thereabouts in length, situated partly in the townlands of Townparks, Kilcorkey, Cloghatiskey, Lenaboy, Cappanaveagh, in the parish of Rahoon, in the township of Galway, in the county of the town and borough of Galway, commencing by a junction with Tramway No. 1 at a point distant 1 chain or thereabouts from the house at the south-

A.D. 1877.

west corner of Dominick Street Lower, measured therefrom in a south-westerly direction, passing thence in a south-westerly direction through or along the following streets and roads, that is to say, Dominick Street Upper, William Street West, Salthill Road, Salthill Lower, Salthill, and the sea road leading to Blackrock, and terminating by a junction with Tramway No. 1 at a point opposite the western end of the house known as the Eglington Hotel, distant therefrom one chain or thereabouts measured in a southerly direction:

Tramway No. 1c (single line), being a passing place three chains or thereabouts in length, in the townland of Pollnarooma East, in the parish of Rahoon, in the township of Galway, in the county of the town and borough of Galway, commencing and terminating by junctions with Tramway No. 1 at points distant respectively four chains and one chain from the point of Tramway No. 1 herein-before described.

Single line in Bridge Street and Upper Dominick Street.

6. In making the tramways the Company shall only lay down a single line in Bridge Street between Mainguard Street and West Bridge, and a single line in Upper Dominick Street between the bridge and a point in the street opposite the house at present in the occupation of John O'Connor.

7. With respect to the Post Office telegraph system the following provisions shall take effect:

Restriction on works affecting Post Office telegraph system.

(A.) The Company shall not by any work or thing interfere with any telegraph post, wire, tube, apparatus, or work of Her Majesty's Postmaster General, or execute or do any work or thing causing or likely to cause any interruption of or impediment to postal telegraphic communication, unless and until the Company have given to the Postmaster General one calendar month's previous notice in writing of their intention to execute or do the proposed work or thing, specifying all necessary and proper particulars relating thereto, and unless and until the Postmaster General has approved of the proposed work or thing by writing delivered to the Company, or has failed to approve or to disapprove of the same for one calendar month after service of such notice and particulars on him: Provided always, that this section shall not be deemed to prevent the Company executing any repairs or other works or things which shall be necessary to prevent accidents, and in any such case the Company shall forthwith give notice to the Postmaster General of any such interference and the reason for the same:

(B.) Her Majesty's Postmaster General may annex to his approval under this Act of any work or thing such reasonable terms and conditions as to the time and mode of execution of any such work or thing as he thinks fit, and the Company shall observe and perform the same: Power for Postmaster General to annex conditions.

(C.) The engineer and other officers and servants and workmen of Her Majesty's Postmaster General may at and for all reasonable times enter on and into and remain on any of the tramways, lands, and works of the Company for the purpose of examining, repairing, altering, or removing any telegraph post, wire, tube, apparatus, or work the property of the Postmaster General being thereon: Power of entry for Postmaster General.

(D.) The Company shall from time to time make full compensation to Her Majesty's Postmaster General for any expense, loss, or damage which he is put to or sustains by reason of the Company, by any work or thing executed or done by them, interfering with any telegraph post, wire, tube, apparatus, or work of the Postmaster General; and if at any time any such work or thing causes an interruption of or impediment to postal telegraphic communication, the Company shall, in addition to making compensation as aforesaid, be liable to forfeit a sum not exceeding twenty pounds for every twenty-four hours during which that interruption or impediment continues; and the amount of any such expense, loss, damage, or forfeiture shall be a debt due from the Company to the Crown, and be recoverable accordingly with costs, or the same may be recovered with costs on behalf of the Postmaster General as a penalty is recoverable from the Company: Compensation by Company to Postmaster General, and penalty.

(E.) Inasmuch as it is contemplated to introduce a general measure for the better protection of the national telegraphs, and to enlarge the powers of the Postmaster General in relation thereto, this section shall only remain in force for one year from the date of the passing of this Act, and to the end of the then next session of Parliament. Provisions to remain in force for one year and to the end of the then next session of Parliament.

8. 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, Form and delivery of notices.

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:

A.D. 1877.

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.

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

9. 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 may 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.

Authorising agreements for use of tramways.

10. The Company may from time to time, subject to the provisions of Part III. of "The Railways Clauses Act, 1863," as amended or varied by "The Regulation of Railways Act, 1873," enter into and carry into effect agreements for or with reference to use by any other company, corporation, or person of the tramways or any of them, or any part or parts thereof respectively, and the tolls, rates, and charges to be paid for such use, and the terms and conditions of such user, and all incidental matters, and in construing the said provisions for the aforesaid purposes "the tramways" shall be deemed to be substituted for "the railway."

Accounts to be produced to Commissioners.

11. The Company, on request of the Commissioners, shall at all reasonable times, and from time to time, produce to such person as the Commissioners 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.

12. The capital of the Company shall be thirty-five thousand pounds, in three thousand five hundred shares of ten pounds each.

Shares not to be issued until one fifth paid

13. 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. A.D. 1877.

Calls.

14. 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 divide shares.

15. Subject to the provisions of this Act, the Company, with the authority of three fourths of the votes of the shareholders present in present or by proxy at a general meeting of the Company specially convened for the purpose, may from time to time divide any share in their capital into half shares, of which one shall be called "preferred half share" and the other shall be called "deferred half share": Provided always, that the Company shall not divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up, and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon), and the residue to the credit of the preferred half share.

Dividends on half shares.

16. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following; (that is to say,) first, in payment of dividend, after such rate, not exceeding six per centum per annum, as shall be determined once for all at a general meeting of the Company specially convened for the purpose, on the amount for the time being paid up on the preferred half share, and the remainder, if any, in payment of dividend on the deferred half share; and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided.

Dividends on preferred shares to be paid out of the profits of the year only.

17. Each preferred half share shall be entitled out of the profits of each year to the dividend which may have been attached to it by the Company as aforesaid, in priority to the deferred half share bearing the same number; but if in any year ending the thirty-first day of December there shall not be profits available for the payment of the full amount of dividend on any preferred half share for that year, no part of the deficiency shall be made good out of the profits of any of the subsequent years, or out of any other funds of the Company.

A.D. 1877.

Half shares to be registered and certificates issued.

18. Forthwith after the creation of any half shares the same shall be registered by the directors, and each half share shall bear the same number as the entire share certificate in respect of which it was issued, and the directors shall issue certificates of the half shares accordingly, and shall cause an entry to be made in the register of the entire shares of the conversion thereof: Provided always, that the directors shall not be bound to issue a certificate of any half share until the certificate of the existing share be delivered to them to be cancelled, unless it be shown to their satisfaction that the certificate is destroyed or lost, and on any certificate being so delivered up the directors shall cancel it.

Terms of issue to be stated on certificates.

19. The terms and conditions on which any preferred half share or deferred half share created under this Act is issued shall be stated on the certificate of each such half share.

Forfeiture of preferred shares.

20. The provisions of "The Companies Clauses Consolidation Act, 1845," with respect to the forfeiture of shares for non-payment of calls, shall apply to all preferred half shares to be created under the authority of this Act, and every such preferred half share shall for that purpose be considered a whole share distinct from the corresponding deferred half share: Provided always, that until any forfeited preferred half share shall be sold by the directors of the Company, all dividends which would be payable thereon if the same had not been forfeited shall be applied in or towards payment of any expenses attending the declaration of forfeiture thereof, and of the arrears of calls for time being due thereon, with interest.

Preferred shares not to be cancelled or surrendered.

21. No preferred half share created under the authority of this Act shall be cancelled or be surrendered to the Company.

Half shares to be half shares in capital.

22. The several half shares under this Act shall be half shares in the capital of the Company, and every two half shares, whether preferred or deferred, or one of each, held by the same person, shall confer such right of voting at meetings of the Company, and (subject to the provisions herein-before contained) shall confer and have all such other rights, qualifications, privileges, liabilities, and incidents as attach and are incident to an entire share.

Receipt in case of persons not sui juris.

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

Power to borrow.

24. The Company may from time to time borrow on mortgage any sum not exceeding in the whole eight thousand pounds, but no part thereof shall be borrowed until the whole capital of thirty-five

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. A.D. 1877.

For 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 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.

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.

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.

A.D. 1877.

Tolls for passengers.

30. The Company may demand and take for every passenger travelling upon the tramways, or any part or parts thereof, including tolls for the use of the tramways, and of carriages, and for motive power, and every other expense incidental to such conveyance, any tolls or charges not exceeding twopence per mile, and in computing the said tolls and charges the fraction of a mile shall be deemed a mile, but the Company may charge threepence for any distance not exceeding one mile, unless the Board of Trade shall order that the said charge shall be reduced to twopence.

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.

Tolls for goods, &c.

32. The Company may demand and take tolls and rates of charge for goods, articles, and things conveyed on the tramways, not exceeding the tolls and rates of charges specified in Schedule B. to "The Tramways (Ireland) Act, 1860."

Cheap fares for labouring classes.

33. 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 artizans, mechanics, and daily labourers, at fares not exceeding one halfpenny per mile (the Company, nevertheless, not being required to take any fare less than one penny): Provided that in case of any complaint made to the Board of Trade and the Commissioners of the hours appointed by the Company for the running of such carriages, the said Board and Commissioners shall have power to fix and regulate the same from time to time.

Company not bound to carry goods.

34. 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 inside and outside carriages.

35. 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

36. The tolls and charges by this Act authorised shall be paid to such persons 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. the Company.

37. 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 county of the town of Galway, and once in the Dublin Gazette. Notice of byelaws to be given.

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

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

40. The number of directors shall be three. Number of directors.

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

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

43. William Leadbeater Barrington, Henry William Treffry, and such other qualified person as they shall nominate, shall be the first 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. Election of directors.

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 two acres. Purchase of land by agreement.

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 present Majesty, chapter twenty, a sum equal to five per cent. upon the amount of the estimate in respect of the tramways has been Deposit money not to be repaid until tramways opened

A.D. 1877.

or half the capital paid up and expended.

transferred into the Court of Chancery in Ireland in respect of the application to Parliament for this Act: Be it enacted, that, notwithstanding anything contained in the said Act, the said sum so transferred as aforesaid in respect of the application for this Act 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, unless the Company shall, previously to the expiration of the period limited by this Act for the completion of the tramways, either open the tramways for the public conveyance of passengers, or prove to the satisfaction of the Board of Trade that the Company have paid up one half of the amount of the capital by this Act authorised to be raised by means of shares, and have expended for the purposes of this Act a sum equal in amount to such one half of the said capital; and if the said period shall expire before the Company shall either have opened the tramways for the public conveyance of passengers or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said sum deposited as aforesaid shall be applied in the manner herein-after specified, and the certificate of the Board of Trade that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so 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.

46. The said sum deposited 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 tramways, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred on the Company by this Act, and for which injury or loss no compensation, or inadequate compensation, shall have been paid, and also in compensating all road authorities for the expense incurred by them in taking up any tramways 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 Court of Chancery in Ireland may seem fit; and if no such compensation shall be payable, or if a portion of the said stock shall have been found sufficient to satisfy all just claims in

respect of such compensation, then the said stock, 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 account of Her Majesty's Exchequer in such manner as the Court of Chancery in Ireland 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 Court, if the Company is insolvent, and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the said sum has been repaid to the depositors or has become otherwise applicable as hereinbefore 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 person or persons, or the majority of the persons, named in such warrant or order as aforesaid, or the survivors or survivor of them.

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 three feet 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.

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 within the county of the town of Galway shall be constructed in accordance with the provisions of this Act, to the satisfaction of the engineer for the time being of the Commissioners.

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.

A.D. 1877.

Improved rail to be laid if ordered.

50. If at any time hereafter the Board of Trade shall think fit to order that an improved rail shall be adopted on the tramways, the Company shall thereupon lay down such improved rail.

Penalty for not maintaining rails and roads.

51. 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.

52. 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.

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

54. The Company may, subject to the provisions of this Act, with the consent of the local authority and road 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.

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

Saving rights of the Crown.

56. Nothing contained in this Act shall authorise the said Company to take, use, or in any manner interfere with any lands or hereditaments, or any rights of whatsoever description, belonging to the Queen's most Excellent Majesty in right of her Crown, and under the management of the Board of Trade, without the consent in writing of the Board of Trade on behalf of Her Majesty first had and obtained for that purpose (which consent the Board of Trade are hereby authorised to give), neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Interest not to be paid on calls paid up.

57. 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

A.D. 1877.

beyond the amount of the calls actually made as is in conformity with "The Companies Clauses Consolidation Act, 1845."

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

58. 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 present and future general Acts.

59. 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.

60. 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.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1877.