of any such presentment or order shall be paid into the Bank of Ireland to the account of the said Commissioners, or in such other manner as the Treasury from time to time direct.

In this section—

The expression "county" includes a county of a city, a county of a town and city, and a city or town and county:

The expression "grand jury," as regards any borough of which the council is authorised by law to make presentments, includes such council, and the expression "secretary to the grand jury," as regards any such town council, includes the town clerk.

CHAPTER 43.

An Act for promoting the extension of Tramway communication in Ireland, and for assisting Emigration, and for extending certain provisions of the Land Law (Ireland) Act, 1881, to the case of Public Companies.

[25th August 1883.]

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:

PART I.

POWERS OF GRAND JURY TO GUARANTEE.

Grand jury may present in favour of baronial guarantee.

1. (1.) It shall be lawful for the promoters of any tramway, being a public company, in making application to the grand jury of any county under the Tramways (Ireland) Acts, to propose that a barony or baronies in the county shall guarantee the payment of dividends, not exceeding five per centum, upon so much of the share capital of the undertaking as is for the time being paid-up capital as defined by this Act: And also that, in case of default on the part of the promoters, the completion, working, and maintaining of the undertaking may be provided for, under the circumstances specified in this Act, at the cost of the same barony or baronies.

(2.) The grand jury shall inquire into such proposal, and shall hear all persons interested, and may make a presentment to be submitted to the Lord Lieutenant in Council that such baronies or parts of baronies as the grand jury may specify shall be chargeable with the payment of dividends at such rate, not exceeding five per centum per annum as the grand jury may determine on so much of the share capital of the company as is for the time being paid-up capital as defined by this Act: And also that the same baronies or parts of baronies shall become chargeable, under the circumstances specified in this Act, with the payment from time to time of such sums as may be required for completing, working, or maintaining the undertaking.

The guarantee may be limited by the presentment to expire at a fixed period.

(3.) The presentment shall provide that the barony or baronies or parts of baronies which it is proposed to charge with any part

of such guarantee shall be represented in the direction or supervision of the affairs and finance of the company, so far as relates to the said tramway, or the part or parts thereof, in respect of which such barony or baronies or parts of baronies are proposed to be charged. This may be done—

(*a.*) By enabling the presentment sessions for such barony from time to time to elect a director or a local consulting director or directors of the company as the grand jury think necessary:

(*b.*) By enabling such presentment sessions from time to time to appoint an auditor, with power to inspect the books and accounts of the said company relating to the said tramway at stated and reasonable times:

(*c.*) By enabling such presentment sessions from time to time to appoint a delegate or delegates to attend and vote at the general meetings of the company on business relating to the said tramway, under such conditions as may be prescribed:

(*d.*) By any combination of the foregoing arrangements deemed proper:

(*e.*) The presentment may lay down a scale of payment, so far as they are chargeable upon the earnings of the undertaking, if any, for the directors and officials of the company, and may provide for the revision of such scale.

(4.) The presentment shall contain all such other conditions as the grand jury think proper to insert.

(5.) The presentment may apply to one barony only, if the grand jury so think fit. If it applies to more baronies than one, it shall determine the proportions of their liability respectively, or the presentment may provide that the proportions of such liability may be afterwards determined from time to time by arbitration or otherwise as the grand jury think expedient.

(6.) Nothing contained in this Act shall operate to prevent a company from promoting, constructing, and working two or more different tramway undertakings: Provided always that such company shall keep separate capital and revenue accounts for each tramway.

Petition of appeal against presentment.

2. In addition to the persons entitled under the Tramways (Ireland) Acts to appeal to the Lord Lieutenant in Council against the presentment of a grand jury approving of the undertaking, it shall be lawful for any persons, not less than twenty in number, who are collectively liable to pay one eighth or upwards of the county cess in any barony specified in the presentment of the grand jury, to present a petition of appeal to the Lord Lieutenant in Council against such presentment. Such petition of appeal shall operate in the same manner as a petition of appeal under the Tramways (Ireland) Acts to prevent the Order in Council from taking effect unless confirmed by Parliament.

Order in Council may adopt the presentment of the grand jury.

3. When any such presentment has been submitted to the Lord Lieutenant, the Order in Council, which the Lord Lieutenant is empowered to make under the Tramways (Ireland) Acts, may include, in addition to any provisions which it might have contained if this Act had not been passed, a confirmation of the presentment of the grand jury so far as it relates to any charge or liability to be defrayed by any barony.

Orders in Council under this Act shall only be made with the sanction of the Treasury.

Baronies to contribute pursuant to their guarantee.

4. During the continuance of the guarantee the net receipts from the tramway, after deducting from the gross receipts the expenses of the management and working and proper maintenance of the tramway, shall be applied to the payment of a dividend at the guaranteed rate on so much of the share capital of the company applicable to such tramway as is for the time being paid-up capital within the meaning of this Act; and in the event of a total failure or partial insufficiency in any half year of such net receipts to pay such dividend, then the sums required to pay such dividend or to make up any deficiency therein shall be charged upon and levied off the barony or baronies chargeable under the guarantee, and the sums so levied shall be applied for that purpose, and to no other purpose whatever.

Repayment by company of money contributed by baronies.

5. Whenever in any half year there remains any surplus of the receipts from the tramway (after deducting the expenses of the management and working of the tramway, and after deducting dividend at the guaranteed rate upon the capital of the company for the time being paid up), and any money shall in any previous half year have been contributed by the baronies under their guarantee, or for maintaining or working the tramway, such surplus shall be paid over by the company to the treasurer of the county until all moneys paid by the baronies, together with the costs and expenses of levying the same, shall have been repaid to such treasurer. All moneys so repaid to the treasurer shall be apportioned by him between the Treasury and the baronies in the proportions in which the Treasury and the baronies respectively have made payments on account of the undertaking. The amount which on such apportionment is found to be payable to the Treasury shall be paid by the treasurer of the county to the Commissioners of Public Works, for the use of the Exchequer, in such manner as the Treasury may from time to time order. The amount which is payable to the baronies shall be carried by the treasurer to the credit of the baronies in proportion to the amounts paid by them respectively, and shall be applied by him in reduction of the county cess payable by the baronies respectively.

Amount to be paid by baronies.

6. For the purpose of ascertaining the gross receipts and the net receipts from the tramway, and the sums (if any) which any barony shall pay in any half year as provided by the Order in Council, and for the other purposes mentioned in this Act, the Board of Trade may, during the continuance of the guarantee, from time to time appoint as arbitrators the county surveyor acting for the time being in the county in which such barony is situate, and two other persons to be selected by the Board of Trade, and may supply the place of any of such arbitrators dying or resigning or failing or becoming incapacitated to act, and such arbitrators shall from time to time ascertain and determine the amount of the gross receipts and of the net receipts, if any, as prescribed by this Act in respect of the tramway in each half year, and also any other matters which it may appear necessary to them to inquire into and determine upon in order to ascertain the amount which may be applicable out of the receipts of the undertaking to the payment

of the guaranteed dividend, and the amount, if any, which the guaranteeing baronies are liable to contribute towards such dividend, or towards the expenses of maintaining or working the undertaking, and the amount (if any) payable to the treasurer of the county under this Act, and shall thereupon apportion and determine the amount of such half-yearly sums, if any, to be paid by the baronies liable to pay the same or by the company, and the arbitrators shall set forth the several matters so determined by them in certificates under their hands, or, in case they do not agree, under the hands of any two of them, and such certificates shall be in all respects binding on the grand jury and the baronies and the company; and immediately after the delivery of such certificates to the secretary of the grand jury of the county, the baronies, or the company, as the case may be, shall be liable as herein provided for the payment of such sums as shall be specified in such certificates, and a copy of every such certificate shall be delivered to the company, and the company shall immediately thereon pay to such arbitrators their costs and expenses, and such remuneration for their trouble in regard thereto as the Board of Trade shall order.

It shall not be lawful for any county surveyor liable to be appointed an arbitrator under this provision, or for any assistant to such county surveyor, to promote or have any pecuniary interest in or connected with any proposed tramway.

Sums mentioned in certificates to be presented by grand jury and paid by county treasurer.

7. The arbitrators shall from time to time deliver the certificates by this Act directed to be prepared by them to the secretary of the grand jury of the county to which the guaranteeing barony or baronies belong, who shall lay such certificate before the grand jury at the assizes next after he shall have received the same; and the grand jury are hereby required, from time to time, and without application to presentment sessions, to present the sum mentioned in such certificates as payable by any barony, together with the costs and expenses of levying the same, to be raised and levied in like manner as any presentment made under the authority of an Act passed in the session of the sixth and seventh years of the reign of His late Majesty King William the Fourth, chapter one hundred and sixteen, and any Act amending the same; and if the grand jury fail to present the sum, or any part thereof, contained in any such certificate, together with the costs and expenses of levying the same, the treasurer of the county shall insert such sum, or such omitted part thereof, together with the costs and expenses of levying the same, in his warrant for raising the moneys presented at the same assizes, as if such sum had been duly presented by the grand jury to be raised and levied in manner herein-before mentioned, and the same shall be raised and levied accordingly as if the same had been so presented, and the treasurer shall pay over the amount, when received by him, as if such money had been presented by the grand jury.

Application of Act to cities and corporate towns.

8. In cases where for the purposes of the Tramways (Ireland) Act, 1860, the grand jury of a county of a city, or county of a town, municipal corporation, town or other commissioners, are in the place of the grand jury of the county within which the city, borough, town corporate, place, or district over which they have control, is locally situate, then such grand jury of a county of a

city, or county of a town, municipal corporation, or commissioners shall, for the purposes of this Act, be in like manner in the place of the grand jury of the county; and the provisions of this Act relative to a barony shall apply to the city, borough, town corporate, or other place or district within which such grand jury, municipal corporation, or commissioners have rating powers, and any rate or fund out of which the expense of making or maintaining roads might be defrayed shall for the purposes of this Act be in place of the grand jury cess leviable in a barony, and a resolution of such municipal corporation or commissioners, passed in the same manner as other resolutions for providing funds for the payment of debts, shall be in lieu of a presentment of a grand jury, and the matters and things which in the case of a grand jury of a county are prescribed to be done at the assizes, may be done at any convenient time appointed by the corporation or the commissioners.

Nothing contained in this section shall alter or affect the procedure prescribed with reference to the county of the city of Dublin, and the county of Dublin, by the Act of the session of the thirty-ninth and fortieth years of the reign of Her present Majesty, chapter sixty-five.

Nothing contained in this Act relative to the mode of enforcing payment of any sums due on account of a baronial guarantee, or as to the levying of moneys for making such payment, shall prejudice or affect any action or proceedings which may be taken by any company or person to whom any money is due on account of such guarantee.

TREASURY CONTRIBUTION TO GUARANTEE.

Treasury contribution to baronial charge.

9. When in any half year after the opening for traffic of a tramway belonging to a company the dividend on the share capital of which is guaranteed by a barony under this Act, such barony has paid to the company any sum in respect of guaranteed dividend, exclusive of any sum paid in respect of the completing, working, or maintaining of the undertaking, it shall be lawful for the Treasury, if and so long as the tramway is maintained in working order and carries traffic, to authorise the Board of Works, out of any moneys provided by Parliament, to pay to the treasurer of the county, to be put by him to the account of the barony, a sum not exceeding one half of the sum paid by the barony in respect of guaranteed dividend, exclusive as aforesaid, during such half year and not exceeding a sum equal to interest at the rate of two per cent. per annum on the paid-up capital as defined by this Act for the time being of the company.

The Treasury in sanctioning Orders in Council under this Act shall not undertake to pay in the aggregate a sum exceeding forty thousand pounds a year.

ENACTMENTS AS TO ORDERS IN COUNCIL.

Provision shall be made by Order in Council for the working of line.

10. (1.) Every Order in Council which confirms a presentment of a grand jury for a baronial guarantee under this Act shall contain all such provisions as may be necessary for securing that the tramway shall be completed, and shall be maintained in good order and condition, and shall be efficiently worked by the company

or their assigns, and that if default is made in such completing, or if at any time the receipts from the undertaking are insufficient to defray the expenses of management, and of efficiently maintaining and working the undertaking, then such sums as may be necessary for those purposes shall be contributed from time to time by the guaranteeing baronies, in the same proportions, and shall be assessed and levied in the same manner, as their contributions on account of their guarantee, and such Order shall provide for the manner in which such sums shall be applied for those purposes under the control of the grand jury.

(2.) Such Order shall also provide that if the guaranteeing baronies have been called upon to pay and have paid any money for completing the tramway, or if they have been called upon to pay and have, during a period of not less than two years to be fixed by the Order, continued to pay any money for maintaining or working the undertaking, then the undertaking, and all the property of the company connected with it, shall become the property of the grand jury, subject to any liabilities affecting such undertaking or property, and the undertaking shall be maintained and worked by the grand jury at the cost of the guaranteeing baronies; and the Order shall also provide for the mode in which the undertaking shall be so maintained and worked.

(3.) The Order shall also contain such provisions with respect to the inspection of the works, the audit of accounts, the keeping of books, documents, and vouchers, and their submission to the arbitrators appointed under this Act, as the Lord Lieutenant thinks proper.

(4.) Before any such Order in Council is made, the Commissioners of Public Works shall furnish to the Lord Lieutenant an estimate of the amount of paid-up capital which is necessary for the purposes of the undertaking; and the Lord Lieutenant in Council shall, having regard to such estimate and to such representations as may be made by the company, fix a limit upon the amount of capital upon which dividends may be guaranteed, and, subject to that limit, the amount of capital for the time being paid up shall be deemed to be the amount of the paid-up capital of the company so far as relates to such undertaking within the meaning of this Act.

Power to railway companies to subscribe towards tramways under this Act.

11. The Lord Lieutenant in Council may by Provisional Order empower any railway company to contribute towards the cost of the construction of any tramway to be made under the powers of this Act such sum of money by way of loan, subscription for shares, or otherwise, as may be agreed upon between the railway company and the promoters of the tramway.

Such Order in Council shall only be made where the railway company establishes, to the satisfaction of the Lord Lieutenant in Council, that a copy of the Provisional Order as applied for by the railway company has been submitted to the proprietors of the company, at a meeting held specially for that purpose, as if such Order were a Bill promoted in Parliament by the Company, and that all matters and things have been done and have happened, and all times have elapsed, which if such Order were a Bill so promoted as aforesaid should have been done and have happened and elapsed in order to constitute compliance with the Standing Orders of

Parliament applicable to Bills promoted by railway companies for the like purposes to those referred to in this section.

Such Order in Council shall not take effect unless confirmed by Parliament if a petition against it is presented to the Lord Lieutenant in Council, and the petitioner appears and proceeds therewith.

PART II.

EMIGRATION AND PURCHASE OF LANDS BY PUBLIC COMPANIES.

Emigration.

12. In the twentieth section of the Arrears of Rent (Ireland) Act, 1882, enabling grants to be made in aid of emigration, the sum of two hundred thousand pounds shall be substituted for the sum of one hundred thousand pounds, and the sum of eight pounds shall be substituted for the sum of five pounds in any cases in which the Lord Lieutenant shall so direct.

Provided that, to an extent not exceeding fifty thousand pounds, the moneys to be hereafter granted by the Commissioners of Public Works under the said section may be applied for the purpose of paying for or assisting in the removal of persons or families from districts or places within the unions referred to in the said section to other places in Ireland, whether within such unions or not, and their settlement there, or for other purposes incidental to such removal and settlement. Such grants shall only be made on the recommendation of the Lord Lieutenant, and on such terms as he may approve.

Advances by Land Commission.

13. (1.) The Treasury may authorise the Irish Land Commission to advance from time to time to any public company with whose constitution the Land Commission are satisfied, herein-after referred to as a public company, out of moneys to be provided by Parliament, if the Land Commission approve of the security and the expediency of the purchase, such sums as the Treasury think fit for aiding such company to purchase estates for the purpose of reselling to the tenants of the lands comprised in such estates their respective holdings, or for the purpose of assisting in the removal thereto of persons and families, as provided by the preceding section of this Act.

Such advances, where the estate or estates are purchased solely for the purpose of re-sale to the tenants, shall only be made when the Land Commission are satisfied that a competent number of the tenants on the estates proposed to be purchased are able and willing to purchase their holdings from the company.

(2.) When a company to whom an advance has been made under this section has purchased an estate, they shall, so far as concerns the re-sale of their holdings to the tenants thereon deal with it in the same manner in which it is provided in Part V. of the Land Law (Ireland) Act, 1881, that the Land Commission shall deal with estates purchased by them for the purpose of reselling to the tenants of the lands comprised in such estates their respective holdings.

(3.) The sale by the company of a holding to the tenant thereof may be made either in consideration of a principal sum being paid as the whole price or in consideration of a fine and of a fee farm rent, with this qualification, that the amount of the fee farm rent

shall not exceed seventy-five per cent. of the rent which in the opinion of the Land Commission would be a fair rent for the holding.

(4.) For the purposes of this section a competent number of tenants means a body of tenants who are not less in number than three fourths of the whole number of tenants on the estate, and who pay in rent not less than two thirds of the whole rent of the estate, and of whom a number, comprising not less than one half of the whole number of tenants on the estate, are able and willing to pay the whole price of their holdings, either immediately or by means of such advances as in this part of this Act mentioned.

The condition as to three fourths of the number of tenants may be relaxed on special grounds with the consent of the Treasury, and on the recommendation of the Lord Lieutenant.

(5.) The Land Commission may advance to a tenant proposing to pay the whole price of his holding any sum not exceeding seventy-five per cent. of the said price, and to a tenant purchasing subject to a fee farm rent a sum not exceeding one half of the amount of the fine payable by the tenant.

(6.) In sales by a company to tenants in pursuance of this section, a separate charge shall not be made for any expenses relating to the purchase, sale, or conveyance of the property, but such expenses shall be included in the price or fine payable by the purchaser.

Sale to public of parcels not purchased by tenants.

14. Where a public company have purchased an estate, they may sell any parcels which they do not sell to the tenants thereof in such manner as they think fit, in consideration either of a principal sum as the whole price, or of a fine and a fee farm rent, or partly in one way and partly in the other.

The Land Commission may advance to any purchaser of a parcel under this section, on the security of such parcel, one half of the principal sum paid as the whole price or of the fine.

The provisions of this part of this Act with respect to the charges for expenses and to the mode in which sales are to be made shall apply to the sale of a parcel in pursuance of this section in like manner as if the purchaser had been the tenant of the holding at the time of his making the purchase.

Terms of repayment of advances made by Commission.

15. (1.) Any advance made by the Land Commission for the purpose of supplying money for the purchase of a holding or parcel from a public company shall be repaid by an annuity in favour of the Land Commission for thirty-five years of five pounds for every hundred pounds of such advance, and so in proportion for any less sum.

(2.) Every such advance shall be secured to the Commission either in such manner as may be agreed on between the Commission and the person to whom the advance is made, and as the Commission think sufficient, or in manner provided by Part III. of the Landlord and Tenant (Ireland) Act, 1870, as amended by the Landlord and Tenant (Ireland) Act, 1872, in like manner in all respects as if the same were such an advance as is mentioned in those Acts, and as if the Land Commission were the Board therein mentioned, and as if the person receiving the advance were a tenant or purchaser therein mentioned.

33 & 34 Vict. c. 46.
35 & 36 Vict. c. 32.

Provided always, that where any such advance is secured in the manner provided by Part III. of the Landlord and Tenant (Ireland) Act, 1870, as amended by the Landlord and Tenant (Ireland) Act, 1872, the first half-yearly payment of the annuity shall, where the advance is not made on one of the gale days (namely, the first day of May or the first day of November), be due and paid on the second of such gale days after the date of the advance; and together with such first half-yearly payment there shall be due and paid an additional sum for interest on the advance at the rate of three and a half per cent. per annum from the date of the advance until the first gale day next after that date.

(3.) Any person liable to pay an annuity in this section mentioned may redeem the same, or any part thereof, or may prepay any instalments thereof in such manner and on such terms as is provided by section fifty-one of the Landlord and Tenant (Ireland) Act, 1870, or in such other manner, and on such other terms, as the Treasury may from time to time approve, having regard to the due repayment of the loan and the protection of the Land Commission against loss by the said loan.

Provision as to purchases and sales by a company.

16. (1.) A public company to whom an advance is made under this Act shall not purchase a leasehold estate for the purposes of this Act, unless the lease is for lives or years renewable for ever, or is for a term of years of which not less than sixty are unexpired at the time when the sale is made, or unless the company have purchased some greater right or interest in the estate in which the leasehold would be merged:

Provided that—

(*a.*) This part of this Act shall not empower the owner of a leasehold holding under a lease containing a prohibition against alienation to sell such leasehold unless such prohibition is determined or is waived; and

(*b.*) Nothing in this section shall prevent the purchase of an estate by reason only of a small part thereof being leasehold.

(2.) Any sale of a holding to a tenant by a company in pursuance of this part of this Act, may be made either in pursuance of Part II. of the Landlord and Tenant (Ireland) Act, 1870, or in such manner as the Land Commission may think expedient; and for the purpose of the application of the said Part II., "price" in section thirty-two of the Landlord and Tenant (Ireland) Act, 1870, shall be deemed to include a fine and a fee farm rent as well as a principal sum, and the enactments relating to the distribution of the price shall apply with the necessary modifications.

Application of certain provisions of the Land Law (Ireland) Act, 1881.

17. (1.) Section thirty of the Land Law (Ireland) Act, 1881, shall apply to all holdings for the purchase of which advances have been made by the Land Commission to a tenant pursuant to this part of this Act.

(2.) Section thirty-three of the said Act, relative to the supply of money by the Treasury, shall be extended and shall apply to the supplying of money for the purpose of advances by the Land Commission, under this part of this Act as fully as it applies to the advances mentioned in that section.

Price of holding may be fixed by arbitration.

18. When an estate has been purchased by a public company to whom an advance has been made by the Land Commission under

this Act, and any difference arises between such company and the tenant of any holding comprised in such estate relative to the sale of such holding to such tenant, either as to price or as to any other term of the contract, the difference shall, if the tenant so requires, be referred to the Land Commission, whose decision thereon shall be binding upon the company and the tenant.

Terms of repayment of advances to companies

19. Advances made by the Land Commission to a public company in pursuance of this Act shall be made repayable within such periods and at such rate of interest as are set forth in a minute of the Treasury made on the sixteenth day of August one thousand eight hundred and seventy-nine, with reference to loans, to which section two of the Public Works Loans Act, 1879, applies, or as the Treasury may from time to time fix in pursuance of that section.

The security for the repayment of such advances shall be in such form, and shall contain such conditions for obliging the company duly to carry out the purposes specified in this Act as to sales to tenants and otherwise, as the Land Commission may consider proper.

All contracts of sale by a public company to a tenant or other person pursuant to this Act shall be submitted to and shall be subject to the approval of the Land Commission.

If the Land Commission so direct, the purchase money payable by a tenant or other purchaser to a public company shall be paid to the Land Commission, and credited to the company as against any money for the time being owing by the company to the Land Commission.

If the Land Commission so direct, any rentcharge, annuity, or instalments on account of purchase money payable by a tenant or other purchaser to a public company, shall be reserved and made payable to the Land Commission, and all sums received by the Land Commission on account thereof shall be credited against any sums owing by the company to the Land Commission on account of rentcharge, purchase money, or otherwise.

So soon as all sums owing by a public company to the Land Commission shall have been paid and discharged, the Land Commission shall by order direct that such rentcharge, annuities, and instalments as last mentioned remaining unpaid, shall forthwith vest in and become payable to the said public company or its assigns, and the same shall then so vest and become payable accordingly.

Amendment of s. 31 of Land Act.

20. The planting of trees shall be included amongst the purposes for which money may be advanced by the Board of Works under the thirty-first section of the Land Law (Ireland) Act, 1881.

Power to modify in certain cases conditions and limitations in sub-section 3 of 31st section of Land Law (Ireland) Act, 1881, by Board of Works under recommendation of Lord Lieutenant.

21. The conditions and limitations contained in sub-section three of the thirty-first section of the Land Law (Ireland) Act, 1881, may be modified or dispensed with by the Board of Works, with the consent of the Treasury, in any special cases in which the Lord Lieutenant may for special reasons, to be stated under his hand, recommend that it is proper so to do.

PART III.

SUPPLEMENTAL.

Actions by secretary of the grand jury.

22. Whenever any money is payable under this Act by a company to the treasurer of any county, and also whenever a tramway undertaking has become the property of the grand jury of any

county under this Act, the secretary for the time being of the grand jury of that county may bring any action which may be necessary for the purposes of this Act in any court of competent jurisdiction, and may be the nominal plaintiff in such action, and as such entitled to sue on behalf of the grand jury, or of the ratepayers of any barony, and no such action shall abate or be discontinued by reason of the death, removal, or resignation of such secretary.

Amendment of Acts

23. The Tramways (Ireland) Acts are hereby amended as follows:

(1.) The enactment in section one of the Tramways (Ireland) Act, 1860, that it shall not be competent to make application for a tramway or tramways under the provisions of that Act to unite places between which statutory powers for making a railway or railways for directly connecting the same shall have been granted and be in force is hereby repealed, except in cases where such railway shall have been actually constructed, or shall be in actual course of construction, or where the railway company having such powers, shall satisfy the Lord Lieutenant in Council that it is their intention forthwith to proceed in good faith to construct such railway.

(2.) Notwithstanding the enactments to the contrary contained in sections twenty-six and twenty-seven of the Tramways (Ireland) Act, 1860, Orders in Council made under those sections for varying, extending, enlarging, or maintaining any tramway, or for extending the time limited for the completion of a tramway, or for authorising the abandonment of a tramway or part thereof, shall take effect when made, and shall not require to be confirmed by an Act of Parliament.

(3.) The times appointed by the Tramways (Ireland) Acts for the publishing of advertisements, the depositing of maps, plans, books of reference, memorials, and other documents, and the giving of notices may, so far as relates to proceedings under this Act, be varied from time to time by the Lord Lieutenant by Order in Council.

(4.) In the first sub-section of the twenty-ninth section of the Tramways (Ireland) Act, 1860, the period of fourteen days shall be substituted for the period of forty-eight hours, as the period within which the payment or deposit of money as security for the completion of the tramway as therein mentioned may be made.

(5.) Every Order in Council which sanctions a baronial guarantee under this Act may also provide that the forty-second section of the Tramways (Ireland) Act, 1860, shall not apply to the tramway in favour of which such guarantee is sanctioned.

(6.) Notwithstanding the limits prescribed by the fifth section of the Tramways (Ireland) Amendment Act, 1881, for the speed at which locomotives worked by steam may be driven along any tramway, the Board of Trade may from time to time by Order authorise such locomotives to be driven at a speed not exceeding twelve miles an hour elsewhere than through any town or village. So long as a locomotive is being driven on a tramway at a greater distance than thirty feet from

the centre of any public road, the limits of speed prescribed by the Tramways (Ireland) Acts or this Act shall not apply.

Construction of Act.

24. The Tramways (Ireland) Acts, and this Act, shall so far as is consistent with the tenor thereof be construed together.

Interpretation. 23 & 24 Vict. c. 152. 24 & 25 Vict. c. 102. 34 & 35 Vict. c. 114. 39 & 40 Vict. c. 65. 44 & 45 Vict. c. 17.

25. In this Act,—

"The Tramways (Ireland) Acts," means the Tramways (Ireland) Act, 1860, the Tramways (Ireland) Amendment Act, 1861, the Act of the session of the thirty-fourth and thirty-fifth years of the reign of Her present Majesty, chapter one hundred and fourteen, intituled "An Act to amend the Tramways (Ireland) Acts, 1860 and 1861," the Act of the session of the thirty-ninth and fortieth years of the reign of Her present Majesty, chapter sixty-five, intituled "An Act to "amend the Tramways (Ireland) Act, 1860, and the Tram- "ways (Ireland) Amendment Act, 1861, as regards the "application of the same to the county and the county of "the city of Dublin," and the Tramways (Ireland) Amendment Act, 1881.

In the construction of this Act and the Tramways (Ireland) Acts the word "tramway" shall be construed to include for the purposes of this Act a light railway.

The word "company" in this Act shall include a public company, body corporate, or other public body.

"The Treasury" means the Commissioners of Her Majesty's Treasury.

The expression "barony" shall include any specified part or parts of a barony.

Short title.

26. This Act may be cited for all purposes as the Tramways and Public Companies (Ireland) Act, 1883.

CHAPTER 44.

An Act to explain the effect of Section One hundred and ninety-five of the Municipal Corporations Act, 1882.

[25th August 1883.]

WHEREAS doubts have arisen as to the effect of section one hundred and ninety-five of the Municipal Corporations Act, 1882, and it is expedient to remove such doubts:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same as follows:

Short title.

1. This Act may be cited as the Borough Constables Act, 1883.

Explanation of 45 & 46 Vict. c. 50. s. 195.

2. Nothing in section one hundred and ninety-five of the Municipal Corporations Act, 1882, shall be taken to have repealed section twenty of the Town Police Clauses Act, 1847, or section twelve of the Prevention of Crimes Act, 1871.