CAP. CLII.

An Act to facilitate internal Communication in *Ireland* by means of Tramroads or Tramways. [28th *August* 1860.]

'WHEREAS it would be of great public and local Advantage if Powers were given to Persons desirous to promote the Construction of Tramways in *Ireland* to make use for that Purpose, under proper Control, of public Roads, Post Roads, and Common Highways, where the same can be done without Injury to public Interests, and to purchase and hold such Lands contiguous to such Roads and Highways, or agreed to be sold by the Owners, as shall be found useful and necessary for the Completion of such Undertakings, and to use such Tramways for the Conveyance of Passengers, Produce, Minerals, Merchandise, and other Goods, in Carriages, Waggons, and Trucks moved by Animal Power:' Be it therefore 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:

Notice by Advertisement as in Sched (A.) Part. I.

I. Any Persons intending to apply under this Act for Authority to make and maintain a Tramway, which Persons are herein-after called the Promoters, shall in the Months of *April* and *May*, or either of them, immediately preceding the Application, publish Notice of their Intention by Advertisement, according to the Regulations contained in Schedule (A.) to this Act, Part I.: Provided always, that it shall not be competent to make Application for a Tramway or Tramways under the Provisions of this 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.

Deposit of Plan, Section, &c. as in Sched. (A.) Part II.

II. On or before the First Day of *May* in the same Year, the Promoters shall deposit with the Secretary of the Grand Jury of any County within which the Tramway is proposed to be made—

1. A Copy of the Advertisement published by them;
2. A published Map to a Scale of not less than a Quarter of an Inch to a Mile, with the Line of the proposed Tramway delineated thereon, so as to show its general Course and Direction;
3. A Plan, Book of Reference, and Section, prepared according to the Regulations contained in Schedule (A.) to this Act, Part II.;

and with the County Surveyor and the Clerk of each Union through which the Tramway is proposed to be made a Copy of each of the same Documents.

Notice to Owners of Lands as in Sched. (A.) Part III.

III. On or before the Second Day of the same Month of *May*, the Promoters shall give to the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers, of all Lands which the Promoters intend to apply for Power to take, Notice of their Intention, according to the Regulations contained in Schedule (A.) to this Act, Part III.

Deposit of Memorial and Estimate, and Lists as in Sched. (A.) Part IV.

IV. On or before the Twelfth Day of the same Month of *May*, the Promoters shall deposit with the Secretary of the said Grand Jury—

1. A Memorial of the Promoters, signed by them or some or One of them, addressed to the Lord Lieutenant in Council, praying for an Order in Council authorizing the making of the Tramway, with a Draft of the proposed Order scheduled to the Memorial;
2. An Estimate of the Expense of the Undertaking, signed by the Person making the same;
3. Lists of the Owners and others to whom the Promoters have given such Notice as is herein-before required, prepared according to the Regulations contained in Schedule (A.) to this Act, Part IV.;

and with the County Surveyor a Duplicate of each of the same Documents.

Preliminary Inquiry by Grand Jury at Summer Assizes.

V. At the Summer Assizes of the same Year the said Grand Jury shall, on the Application of the Promoters, inquire whether or not the Requirements contained in the foregoing Enactments have been complied with (for which Purpose they shall have Power to summon Witnesses,

Witnesses, and require the Production of Documents, and take Evidence on Oath or otherwise), and shall hear any Person interested in contending that such Requirements have not been complied with who shall lodge with the Secretary of the Grand Jury a Memorial complaining of Noncompliance in some Particular specifically stated in such Memorial, and shall then proceed to inquire generally into the *primâ facie* Merits of the Undertaking. With reference thereto the Grand Jury shall take into consideration the Report of the County Surveyor on the Undertaking, (who is hereby required to make a Report thereon to the Grand Jury, and to deliver a Copy thereof to the Promoters Three clear Days at least before the Inquiry by the Grand Jury,) and shall hear in opposition to the Application any Owner, Lessee, or Occupier of any Lands proposed to be taken for the Purposes of the Undertaking, or alleged to be injuriously affected thereby, and any Railway or other Company or Person desiring to be heard in opposition on the Ground of Competition, or any Part of whose Rails, Trams, Stations, Works, or Accommodations is proposed to be taken or in any Manner used or interfered with for the Purposes of the Undertaking, and the Inhabitants of any Town, Place, or District alleged to be injuriously affected by the Undertaking. The Grand Jury shall then approve provisionally or disapprove, as they may think fit, of the Undertaking, with or without Modification, having regard to the Compliance or Noncompliance of the Promoters with the Requirements aforesaid, and to the *primâ facie* Merits of the Undertaking, in engineering, financial, and other respects; and such provisional Approval or such Disapproval (with, in case of Disapproval, the Grounds thereof,) shall be certified in Writing under the Hand of the Secretary of the Grand Jury; and in all Cases where the proposed Undertaking is provisionally approved of by any Grand Jury or Grand Juries, it shall be lawful for any Railway Company or Owner of Land who may have opposed the Application for the same to appeal against any such provisional Approval to the Lord Lieutenant in Council, who shall, as soon as may be, inquire into the Grounds of such provisional Approval, and allow or disallow the Appeal.

Tramway not wholly in One County.

VI. Where the proposed Tramway does not lie wholly within One County, the foregoing Enactments shall apply equally to every County within which any Part of it lies, except that the Promoters may, if they think fit, deposit with the Secretary of the Grand Jury, and the Surveyor of any County, and the Clerk of any Union, such Plan, Book of Reference, Section, Estimate, and Lists only as relate to so much of the proposed Tramway as lies within that particular County.

Appeal to Lord Lieutenant in Council against Disapproval.

VII. Where the proposed Tramway does not lie wholly within One County, and the Undertaking is provisionally approved of by any One of the Grand Juries before whom the Application comes, but is disapproved of by any other or others of such Grand Juries, it shall be lawful for the Promoters to appeal against such Disapproval to the Lord Lieutenant in Council, who shall, as soon as may be, inquire into the Grounds of Disapproval, and allow or disallow the Appeal.

On Disapproval, &c. Application deemed to have failed.

VIII. Where the proposed Tramway lies wholly within One County, and the Grand Jury of that County disapproves of the Undertaking, and also where the proposed Tramway does not lie wholly within One County, and either the Grand Juries of all the several Counties disapprove of the Undertaking, or any One of them disapproves of it, and no Appeal is brought against such Disapproval, or any Appeal brought is disallowed, then and in every such Case the Application of the Promoters shall be deemed to have wholly failed.

On Approval, local public Inquiry by Board of Works as in Sched. (A.) Part V.

IX. In every other Case the Commissioners of Public Works, herein-after called the Board of Works, as soon as may be after such provisional Approval or such Allowance of Appeal as aforesaid, on the Application of the Promoters, and on being furnished by them with Duplicates of all such Plans and other Documents as are herein-before required to be deposited, and with all such other Plans and Documents and all such other Information as the Board of Works may require, shall, by such fit Persons or Person as they shall appoint for the Purpose, make public Inquiry concerning the Merits of the Undertaking (to be held on or near some Part of the Lands proposed to be taken for the Tramway, and according to the Regulations contained in Schedule (A.) to this Act, Part V.), and shall report

report their Opinion thereon, and by such Report recommend, if they think fit, any such Modification of the Undertaking, in an engineering or financial or other respect, as may seem to them of public or local Advantage.

At Spring Assizes definitive Approval or Disapproval.

X. At the Spring Assizes next after the said Summer Assizes the Grand Jury of each County within which any Part of the proposed Tramway lies, shall on the Application of the Promoters take into consideration the Report of the Board of Works, and also the further Report of the County Surveyor on the Undertaking, (who is hereby required to make a further Report thereon to the Grand Jury, and to deliver a Copy thereof to the Promoters Three clear Days at least before the Inquiry by the Grand Jury,) and shall hear in opposition to the Application any such Owner, Lessee, Occupier, Company, Person, or Inhabitants as aforesaid. The Grand Jury shall then definitively approve or disapprove, as they may think fit, of the Undertaking, with or without Modification, having regard to the Merits of the Undertaking in engineering, financial, and other respects, which definitive Approval or Disapproval (with, in case of Disapproval, the Grounds thereof,) shall be certified in Writing under the Hand of the Secretary of the Grand Jury.

Appeal, &c. as before.

XI. On the Conclusion of such Proceedings at the Spring Assizes, the Promoters shall have the like Right of Appeal as is herein-before given to them in respect of Proceedings at the Summer Assizes, and on definitive Disapproval or on Disallowance of Appeal (as the Case may be) the Application of the Promoters shall be deemed to have wholly failed.

Notice, &c. of Appeal.

XII. On the Promoters bringing an Appeal they shall give Notice thereof by Advertisement inserted in the *Dublin Gazette* and in the same Newspaper or Newspapers in which the Advertisement required by Section I. of this Act was inserted by them. On any such Appeal, the Lord Lieutenant in Council shall, as far as may be requisite, take into consideration all such Reports and Documents and other Things relative to the Undertaking as were before the Grand Jury whose Disapproval is appealed from, and shall hear in opposition to the Appeal any such Owner, Lessee, Occupier, Company, Person, or Inhabitants as aforesaid.

On definitive Approval, Lord Lieutenant in Council to make Order.

XIII. Where the Undertaking is definitively approved of by the only Grand Jury or by all the Grand Juries before whom the Application comes, or all Appeals against the Disapproval of it are allowed, then and in every such Case the Lord Lieutenant in Council shall settle and make an Order in Council, authorizing the making and maintaining of the Tramway, subject and according to the Provisions of this Act, by such Persons or Person or Body Corporate or Company, in such Manner, subject to such Restrictions and Provisions, and on such Terms and Conditions as shall be therein specified.

Order to be confirmed by Act of Parliament.

XIV. Thereupon, and on the Promoters doing everything required to be done by them by any Provision for securing the Completion of the Tramway applicable in their Case, the Lord Lieutenant in Council shall, as soon as conveniently may be, procure all necessary Steps to be taken for the Confirmation of such Order in Council by Act of Parliament, and until such Confirmation the Order shall have no Effect whatever. The Bill for any such Act shall be introduced on or before the First of *June*, and treated in all respects as a Public Bill. The Order to be confirmed by the Bill shall be specified in a Schedule to it, but shall not be set out at length therein. The Promoters shall deposit, for the Use of the Members of the Houses of Parliament respectively, so many Copies of the Order in such Offices of the Houses respectively as the Clerk of the Parliaments and the Speaker of the House of Commons respectively may from Time to Time direct.

If desired by Promoters, Company to be constituted by the Order.

XV. Where the Promoters desire that a Joint Stock Company shall be constituted for the Execution of the Undertaking, the Order authorizing the making of the Tramway shall contain proper Provisions, with apt Terms, for uniting into a Company for that Purpose such Persons as shall be named or referred to therein, being Subscribers to the Undertaking, and for incorporating them into a Company, by an appropriate Name, with perpetual Succession and a Common Seal, and with Power to purchase and hold Land for the

the Purpose of the Undertaking, subject and according to the Restrictions of this Act and of the Order.

Order to prescribe Capital, &c.

XVI. Every such Order shall prescribe the Amount of the Share Capital of the Company (the same and every Part thereof to be applied only in carrying into execution the Objects and Purposes of the Order,) the Number of the Shares into which the Capital shall be divided, the Amount of each Share, the Amount and Intervals of Calls, and the maximum aggregate Amount to be called within a certain Time.

Order may empower Company to borrow, under Restrictions.

XVII. Any such Order may (where it seems to the Lord Lieutenant in Council expedient) empower the Company to borrow on Mortgage or Bond such Money as in the Order shall be specified (the same and every Part thereof to be applied only in carrying into execution the Objects and Purposes of the Order), and may provide, in such Manner as may seem fit, for the Payment of Interest on and the Discharge of the Principal Money borrowed, and for the Appointment of a Receiver on behalf of Mortgagees: Provided always, that no such Order shall empower the Company to borrow more Money in the whole than One Third of the Amount of their Share Capital, or to borrow any Money whatever until the whole of their Share Capital is subscribed for, and One Half of it is actually paid up, and they prove to the Justice who is to certify, under the Provisions contained in the Fortieth Section of the Companies Clauses Consolidation Act, 1845, that all such Capital has been subscribed for *bonâ fide*, and is held by Subscribers or their Assigns, and for which such Subscribers or their Assigns are legally liable.

Order to prescribe for Management, &c. of Company.

XVIII. Every such Order shall prescribe the Time within which the First General Meeting of the Shareholders shall be held, and may prescribe or provide for any such Thing relating to the Constitution, Management, Rights, Powers, or Duties of the Company as is ordinarily prescribed or provided for in a Special Act authorizing the Construction of a Railway and incorporating a Company for that Purpose.

Railways Clauses Consolidation Act and others incorporated with Order in Council.

XIX. Every such Company, and no other, shall be deemed to be a Tramway Company within the Meaning of this Act, and (subject to the other Provisions of this Act) the Companies Clauses Consolidation Act, 1845, shall apply to every Tramway Company, and shall be incorporated with the Order constituting it, and (subject as aforesaid) the Lands Clauses Consolidation Act, 1845, the Railways Clauses Consolidation Act, 1845, and the Railways Act (*Ireland*), 1851, shall apply to every Tramway authorized by any Order (whether a Tramway Company is thereby constituted or not), and shall be incorporated with every such Order.

Construction of incorporated Acts with Order in Council.

XX. In the Construction of the said Acts in connexion with any such Order—

The Expression "the Special Act," used in the said Acts, shall be taken to mean or apply to any such Order as and when confirmed by Act of Parliament;

The Expressions "the Undertaking" and "the Railway," used in the said Acts, shall be respectively taken to mean or apply to the Tramway and Works by such Order authorized;

The Expression "the Company," used in the said Acts, shall be taken to mean, as to the Companies Clauses Consolidation Act, 1845, a Tramway Company, and as to the said other Acts, the Persons or Person or Body Corporate or Company authorized by any such Order to make a Tramway;

and the said Acts shall be read as if the Board of Works were therein named instead of "the Board of Trade," and as if *Dublin* were therein named instead of *London*.

Plan and Section of authorized Alterations to be deposited before Tramway is begun.

XXI. It shall not be lawful for the Persons authorized to make a Tramway under this Act to begin to make the same without first depositing in like Manner as a Plan and a Section are herein-before required to be deposited a Plan and a Section (prepared in like Manner as the original Plan and Section) of all such Alterations from the original Plan and Section as shall be authorized by the Order in Council, and without also first furnishing a Duplicate thereof to the Board of Works.

Plan and Section furnished to Board of Works to be

XXII. For the Purposes of the Application of the Railways Act (*Ireland*), 1851, to a Tramway under this Act, any Map, Plan, Book of Reference, and Section furnished to the Board of Works under this Act shall be sufficient, and the same shall be used and proceeded on

sufficient for Purposes of 14 & 15 Vict. c. 70.

on in lieu of the Maps or Plans and Schedules of Lands, Works, and Names by the last-mentioned Act required. Such Estimates, and such Draft Award, and Copies thereof and of Parts thereof, as are by the same Act required, shall be deposited in like Manner as Plans and other Documents are herein-before required to be deposited, and not otherwise, and the Terms of Notice of Deposit to be published under that Act shall be altered accordingly.

Some Provisions of incorporated Acts excepted.

XXIII. The Provisions of the said Acts directing Deposits to be made with Clerks of the Peace (except the Provisions relative to Access to the Special Act) and with Clerks of Poor Law Unions and Postmasters, and the Provisions with respect to the crossing of Roads and other Interferences therewith (other than the Provisions of the Railways Clauses Consolidation Act, 1845, Sections LXV., LXVI., LXVII.), and the Provisions with respect to the Use of Locomotive Engines or other Moving Power, not being Animal Power, shall be excepted out of the Incorporation herein-before made; and it shall be lawful for the Lord Lieutenant in Council, in and by any such Order, if the Circumstances of the Case appear so to require, to vary or except any of the Provisions of any of the said Acts.

Construction and Gauge.

XXIV. Every Tramway made under this Act shall be worked by Animal Power only, and shall (unless in any Case the Order in Council otherwise provides) be constructed with Iron Rails or Trams, and on the Gauge of Five Feet Three Inches. Any such Tramway may be authorized to be constructed wholly or partly along or across any Post Road, Road now or formerly a Turnpike Road, public Highway, Street, Square, Market Place, Court, Lane, Alley, Bridge, or Quay, or other public Thoroughfare, Passage, or Place whatsoever, on the Level.

Maximum Tolls and Rates of Charge, with Regulations, in Sched. (B.)

XXV. Any such Order in Council may prescribe the maximum Tolls and Rates of Charge to be taken and made for Passengers, Animals, and Things conveyed on the Tramway, not exceeding the Tolls and Rates of Charge specified in Schedule (B.) to this Act, and may make Regulations for the Calculation and charging thereof; and in the Absence in any Case of any special Provisions for those Purposes, or so far as any such special Provisions shall not extend, the maximum Tolls and Rates of Charge, and the Regulations, shall be those specified in the same Schedule.

Tramway may be varied, enlarged, &c.

XXVI. It shall be lawful for the Lord Lieutenant in Council, on the like Proceedings and Inquiry as are herein-before specified being taken and made, to make an Order authorizing the varying, extending, or enlarging of any Tramway already authorized, and the Maintenance of the Tramway, as and when so varied, extended, or enlarged. No such Order shall have any Effect until confirmed by an Act of Parliament, Proceedings for the obtaining of which shall be taken in manner herein-before provided with respect to an original Order for the making of a Tramway.

Time for Completion may be extended, or Abandonment may be authorized.

XXVII. It shall be lawful for the Lord Lieutenant in Council, by Order, when the Circumstances of any Case appear to render it expedient, to extend the Time limited for the Completion of a Tramway, or to authorize the Abandonment of all or any Part of a Tramway: Provided always, that it shall not be lawful for the Lord Lieutenant in Council to make any such Order without Notice being given to the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands in which the Work or the Part thereof intended to be abandoned is situate, or without Notice being given to such other Persons or Authorities as the Lord Lieutenant in Council may think fit, or without hearing any Person or Authority concerned and desiring to be heard. No such Order shall have any Effect until confirmed by an Act of Parliament, Proceedings for the obtaining of which shall be taken in manner herein-before provided with respect to an original Order for the making of a Tramway.

On Abandonment, Damage to be made good, and Land taken to be used for Highway Pur-

XXVIII. Provided always, That any Order in Council authorizing the Abandonment of a Tramway, or any Part thereof, shall be made and take effect subject to the following Restrictions and Conditions:

1. The Order shall contain such Provisions as may appear expedient for compelling the Owners of the Tramway to make good any Damage that may have been caused to any

any Post Road, Turnpike Road, public Highway, Street, Square, Market Place, Court, Lane, Alley, Bridge, or Quay, or other public Thoroughfare, Passage, or Place, by or in consequence of the making of the Tramway, or of the Part thereof authorized to be abandoned (as the Case may be): poses, or to go back to original Owner.

2. If, on the Application for the Order, it is shown to the Lord Lieutenant in Council that all or any Lands acquired by the Owners of the Tramway for the Purposes thereof, or of the Part thereof authorized to be abandoned (as the Case may be), may with Advantage be dedicated for Highway Purposes to the Use of the Public, and to that End be placed under the Control of the Grand Jury, Municipal Corporation, Body of Commissioners, or other Body having the Control of the public Roads in the County, City, Borough, Town Corporate, Place, or District where the Lands are situate, the Order in Council shall contain such Provisions in that Behalf as may appear expedient:
3. In the Absence of any such Provisions, and so far as all or any such Provisions shall not extend, the Lands acquired by the Owners of the Tramway for the Purposes thereof, or of the Part thereof authorized to be abandoned (as the Case may be), shall go to and vest in the Person or Persons from whom the same were acquired, his or their respective Heirs, Successors, Executors, Administrators, or Assigns, (according to the Tenure of the Lands,) discharged from all Estates, Interests, and Claims of the Owners of the Tramway, or any Person claiming under them, and as if any Order authorizing the making of the Tramway had never been made or confirmed, or as near thereto as Circumstances will admit.

Deposit as Security for Completion by a Company.

XXIX. Where the Promoters are not an existing Tramway Company, and a Tramway Company is constituted by the Order in Council authorizing the Undertaking, and also where the Promoters are an existing Tramway Company, but are not possessed of a Tramway actually open for Traffic, then and in every such Case the Promoters shall give Security for the Completion of the proposed Tramway as follows:

1. Within Forty-eight Hours after the making of the Order they shall, with the Privity of the Accountant General of the Court of Chancery, either pay in his Name into the Bank of *Ireland* a Sum of Money equal to One Twentieth Part of the estimated Cost of the Undertaking, or deposit in his Name in the Bank of *Ireland*, or transfer into his Name there, Exchequer Bills or other Government Securities equivalent to that Sum at the Price at which such Bills or Securities were originally purchased by the Promoters (to be proved by the Broker's Certificate of such Purchase):
2. Before making any such Payment, Deposit, or Transfer, they shall obtain from the Clerk of Her Majesty's Privy Council in *Ireland* a Warrant under his Hand authorizing the same, and stating the Title of the Account to which such Money, Bills or Securities, shall be placed, which Warrant shall be sufficient Authority to the said Accountant General for permitting such Payment, Deposit, or Transfer: Provided always, that in case of the Accountant General's Office being closed at the Time when any such Payment, Deposit, or Transfer is required, the same may be made and shall be received and acted on by the Bank of *Ireland* without his actual Privity:
3. The Court of Chancery, on the Petition in a summary Way of the Persons or Person making such Payment, Deposit, or Transfer, or the Majority of such Persons, or the Survivors or Survivor of them, herein-after called the Depositors or Depositor, may order that any Money so paid, or any Interest or Dividend accrued on any Bills or Securities so deposited or transferred, be invested in any such Securities as the Depositors or Depositor may desire and the Court approve:
4. In the following Cases, and not otherwise, the Court of Chancery, on the Petition in a summary Way of the Depositors or Depositor, shall order the Money, Bills or Securities, so paid, deposited, or transferred, and any Securities in which any Investment may be made as aforesaid, and any Interest or Dividend accrued thereon respectively, to be paid or transferred to or into the Names or Name of the Depositors or Depositor; namely,
   (1.) If an Act of Parliament confirming the Order in Council with respect to which such Payment, Deposit, or Transfer is made does not pass in the Session current

current at the Date of the Order, or, if Parliament be not then sitting, then in the Session beginning next after that Date:

(2.) If such an Act does so pass, and within the Time limited for the Completion of the Tramway the Company open it for Traffic, or prove to the Board of Works that they have paid up One Half of their Share Capital, and have expended for the Purposes of the Order a Sum equal to such Half, or else execute a Bond in twice the Amount paid into the Bank, or represented by the Deposit or Transfer aforesaid, conditioned for Payment to Her Majesty, Her Heirs or Successors, of that Amount, in the event of their failing either to open the Tramway for Traffic, or to give such Proof as aforesaid, within the Time limited for the Completion of the Tramway (such Bond to be prepared to the Satisfaction of and deposited with the Board of Works, and to be made with a Surety or Sureties approved of by the Board of Works):

5. If an Act confirming the Order passes as aforesaid, and the Time limited for Completion of the Tramway expires before it is opened for Traffic, or before such Proof as aforesaid is given, then the Money, Bills, or Securities paid, deposited, or transferred, and any Securities in which any Investment may have been made as aforesaid, and any Interest or Dividend accrued thereon respectively, or the Monies secured by any Bond given as aforesaid, (as the Case may be,) shall, immediately on the Expiration of the Time so limited, be forfeited to Her Majesty, and be paid or transferred, by the Officer or Person in whose Name the same shall then be standing, or by whom the same may be recovered and received, to the Account of Her Majesty's Exchequer, and shall then be carried to and form Part of the Consolidated Fund of the United Kingdom:

6. The Certificate of the Board of Works that a confirming Act of Parliament has or has not passed as aforesaid, or that the Tramway has or has not been opened for Traffic, or that such Proof or such Bond as aforesaid has or has not been given, shall be conclusive Evidence thereof.

Deposit, where Time extended.

XXX. Where an Order in Council authorizes an existing Tramway Company, being possessed of a Tramway actually open for Traffic, to make another Tramway, or extends the Time limited for the Completion by a Tramway Company of their Tramway, then and in every such Case the Order shall provide that after the Expiration of a Time thereby limited (not exceeding in the former Case Five and in the latter Case Three Years from the passing of the confirming Act) the Payment of Dividend on the Company's ordinary Capital shall be suspended until the Tramway to which the Order relates is opened for Traffic.

In other Cases other Security for Completion to be taken.

XXXI. Where the Provisions of either of the Two last preceding Sections are not applicable, the Lord Lieutenant in Council shall make such other Provision as may seem fit for securing the Completion of the Tramway within the Time limited.

Expenses to be paid by Promoters.

XXXII. All Costs, Charges, and Expenses necessarily incurred in connexion with the making of any such Order in Council, or any Proceeding preliminary thereto, shall be paid by the Promoters, and all other Costs, Charges, and Expenses shall be in the Discretion of the Lord Lieutenant in Council.

Power to Promoters and County Surveyor to enter and survey.

XXXIII. For the Purposes of any Application made or intended to be made under this Act, it shall be lawful for the County Surveyor, his Assistants, Servants, and Workmen, and also for the Promoters, their Engineers, Surveyors, Agents, Servants, and Workmen, at all reasonable Times, and causing as little Inconvenience as may be, to enter on any Lands in or near the Line of the proposed Tramway, (not being Lands which cannot be authorized to be taken under this Act for the Purposes of a Tramway, without the Consent in Writing of the Owner thereof,) and to survey or otherwise examine the same, and to dig or bore therein; provided that he or they first obtain Authority so to do in Writing under the Hand of a Justice of the Peace at Petty Sessions in and for the District where the Lands are situate, such Justice not having any pecuniary Interest in the Undertaking. The Promoters shall also make full Compensation for any Damage caused under this Provision, the Amount of

of such Compensation to be fixed by Two or more Justices of the Peace at Petty Sessions in and for the same District (whose Order shall be conclusive), and to be recovered as any Compensation Money for Lands taken by the Promoters is recoverable.

Rules as to Deposits.

XXXIV. No Deposit required by this Act shall be of any Effect if made on a *Sunday*; and any Deposit made after Eight o'Clock in the Evening of any Week Day but *Saturday* shall be deemed to be made on the following Day, and if made after that Hour on a *Saturday* shall be deemed to be made on the following *Monday*.

Secretary of Grand Jury, &c. to permit Inspection, &c.

XXXV. The Secretary of a Grand Jury and Clerk of Union shall make a Memorandum in Writing on every Document deposited with him under this Act showing the Time of Deposit, and shall permit any Person to inspect and examine the same at all reasonable Hours and during a reasonable Time, and to make Copies of or Extracts from it.

Proceedings of Grand Jury to be Part of Fiscal Business.

XXXVI. Everything required to be done under this Act by the Grand Jury of a County shall be deemed to be a Part of their Fiscal Business; and all Enactments for the Time being in force respecting the Fiscal Concerns of a County, or the Fiscal Business to be transacted by a Grand Jury, before or at any Assizes, shall apply to everything done by a Grand Jury under this Act, so far as the same Enactments shall be applicable thereto.

Counties of Dublin and of City of Dublin.

XXXVII. With respect to the County of *Dublin* and the County of the City of *Dublin*, for the Purposes of this Act, Two successive Presenting Terms for those Counties respectively shall be in the Place of the Summer and Spring Assizes for other Counties, and the Times at which Notices shall be given, Deposits made, and other Proceedings taken shall be from Time to Time regulated by General Rules made in manner herein-after provided.

Tramway in City or Town.

XXXVIII. Where a proposed Tramway lies wholly or partly in a City, Borough, or Town Corporate, or other Place or District in which the public Roads are not under the Control of the Grand Jury of the County within which such City, Borough, Town Corporate, Place, or District is locally situate, then and in every such Case, for the Purposes of this Act, the Grand Jury of the County of the City or County of the Town, Municipal Corporation, Town or other Commissioners having the Control of the public Roads in such City, Borough, Town Corporate, Place, or District, or other Body having such Control, or in case all such public Roads are not under the Control of any One such Body then each such Body as to the public Roads under its Control, shall be in the Place of the Grand Jury of the County, with all the like Rights, Powers, and Duties; and the Secretary, Town Clerk, Clerk, or other like Officer of any such Body shall be in the Place of the Secretary of the Grand Jury of a County, with all the like Rights, Powers, and Duties; and (except as to the County of the City of *Dublin* which is herein-before provided for) Meetings of each such Body shall be held for the Purposes of this Act at Times as nearly as may be corresponding with the respective Times of the Summer and Spring Assizes for the County within which such City, Borough, Town Corporate, Place, or District is locally situate:

Provided always, that the Power of any such Body (including the Municipal Corporation of the City of *Dublin*) to approve or disapprove of any Undertaking shall be subject to the following Restrictions:

1. Such Approval or Disapproval shall have no Effect unless it is determined on by a Majority of not less than Two Thirds of such Members of the Body as shall be present at a Meeting of the Body specially summoned by Notice in Writing, specifying the Time and Place and Object of the Meeting, delivered at the usual or last known Place of Abode of each Member of the Body Seven clear Days at least before the Day of the Meeting:
2. Any Five Members of the Body dissenting from the Approval of any Undertaking may, within One Month after such Approval, appeal against the same to the Lord Lieutenant in Council, and on any such Appeal being brought such Notice shall be given by Advertisement or otherwise, and such Persons shall be heard in support of and in opposition to the Appeal, as shall be from Time to Time directed by General Rules made in manner herein-after provided:

Provided

Provided also, that where in any such City, Borough, Town Corporate, Place, or District the public Roads or any of them shall, by virtue of any special Agreement or by Usage or otherwise, be in fact under the Control of a Body not being the Body in Law having or entitled to have such Control, then and in every such Case, for the Purposes of this Act, the Body in fact having such Control shall be deemed to be the Body to which the present Provision applies.

As to altering Level of Streets when Tramways pass through Towns.

XXXIX. Where any Tramway shall be made through any City or Town, it shall not be lawful to alter the Level of any Street therein without the Consent of Two Thirds of the Owners of the Houses adjoining the same, or in such a Manner as to prevent convenient Access to all the Houses adjoining such Street, and in no Case shall the Level be altered more than Four Feet; and when any Street shall be so raised or sunk, the whole of the Surface of the Roadway of such Street shall be brought by the Promoters to the same Level, unless it shall appear to the Board of Works that such Alteration is objectionable.

Persons interested in Tramways not to vote, but not to be disqualified.

XL. If any Member of a Grand Jury, Municipal Corporation, or Body of Commissioners, or other Body having the Control of the public Roads in any County, City, Borough, Town Corporate, Place, or District, shall be also the Promoter or Owner or One of the Promoters or Owners, or a Member or Shareholder of a Tramway Company, being the Owners of a Tramway lying wholly or in part within such County, City, Borough, Town Corporate, Place, or District, it shall not be lawful for him to vote on or otherwise act in relation to any Question directly or indirectly concerning such Tramway or Tramway Company; but no Member or Shareholder of a Tramway Company shall be disqualified from being a Member of any such Municipal Corporation, Body of Commissioners, or other Body as aforesaid by reason of any Contract entered into between the Tramway Company and such Municipal Corporation, Body of Commissioners, or other Body: Provided always, that nothing herein-before contained shall be deemed to render invalid any Resolution or Act of a Grand Jury, Municipal Corporation, Body of Commissioners, or other Body as aforesaid on or in relation to which any Person shall be found to have voted or acted contrary to this Enactment.

Promoters of Tramways on tidal Lands to deposit Map at the Admiralty.

XLI. Where any Part of a Tramway is proposed to be made on tidal Lands within the Flow of ordinary Spring Tides, the Promoters shall, on or before the First Day of *May* in the Year in which their Application is begun, deposit with the Secretary of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, a Copy of so much of the Plan and Section aforesaid as relates to such tidal Lands. The Board of Works, in the course of their public Inquiry, shall inquire whether or not the last-mentioned Requirement has been complied with, and shall take into consideration any Communication that the Lord High Admiral or Commissioners may think fit to make to the Board of Works respecting such tidal Lands, and shall in their Report respecting the Undertaking refer to such Communication, and state any Recommendation that they may think fit to make in consequence thereof. The Preliminary Inquiries Act, 1851, shall apply, *mutatis mutandis*, in respect of any Application for an Order in Council under this Act, as if the same were an Application to Parliament for such a Bill as is in that Act mentioned.

Lands not to be taken without Owner's Consent, except Lands adjoining to public Roads.

XLII. Nothing in this Act, or in any Order under it, shall be deemed to authorize any Lands to be taken for the Purposes of the Undertaking without the Consent in Writing of the Owner thereof, except such Lands as may be not more than Thirty Feet distant at any Point on a Line drawn horizontally from the Centre of some Post Road, Turnpike Road, public Highway, Bridge, or Quay.

Demesnes, &c. not to be taken without Owner's Consent.

XLIII. Nothing in this Act, or in any Order under it, shall be deemed to authorize to be taken for the Purposes of the Undertaking any Mansion House, or House wholly built of Stone or Brick, with Lime, or any of the Outbuildings or Offices thereof, or any Part of any Yard, Haggard, Garden, Orchard, or Plantation attached or belonging thereto, or any Part of any Deer Park or other Park or Demesne, or planted or ornamental Walk, Drive, Approach, or Avenue, or of any Ground ornamentally planted, or of any Lawn or Bleach Green, without the Consent in Writing of the Owner thereof respectively, although

although the same may lie within such limited Distance as in the last preceding Section is mentioned.

Owners of Sewers, &c. not to be impeded from Access.

XLIV. Nothing in this Act, or in any Order under it, shall be deemed to empower the Owners or Promoters of a Tramway to impede, at any Time, the Owners of any Sewer, Drain, Main, or Pipe from having Access to the same for the Purpose of cleansing, repairing, removing, adding to, or amending it, or to give the Owners or Promoters of a Tramway any Claim for Compensation or Damages for or by reason of any unavoidable Injury to or for any temporary Stoppage of the Tramway that may be necessary for or in the Execution of any such Cleansing, Repair, Removal, Addition, or Amendment.

Lord Lieutenant in Council may make General Rules for Execution of this Act.

XLV. It shall be lawful for the Lord Lieutenant in Council, by Order, to make from Time to Time such General Rules as may seem fit for the effectual Execution of this Act, and the Regulation of the Procedure on Appeals, and on Inquiries by the Board of Works, and generally of all Proceedings under this Act, and also for fixing the Amount of any Fees, and the Allowance, Taxation, and Payment of any Costs, Charges, and Expenses to be taken, allowed, and paid under this Act, and for the Remuneration of any County Surveyor, Engineer, Surveyor, or other Person employed in the Execution of this Act under the Direction or Authority of a Grand Jury or of the Board of Works or otherwise, and from Time to Time to revoke or amend any such Rules; but no such Rules shall have any Effect until the Expiration of One Month after the same shall have been published in the *Dublin Gazette*, and laid before both Houses of Parliament.

General Railway Acts in Sched. (C.) to apply to Tramways.

XLVI. The Acts specified in Schedule (C.) to this Act shall, as far as Circumstances will admit, and as far as those Acts are not inconsistent with this Act, apply to Tramways under this Act. For the Purposes of those Acts, a Tramway under this Act shall be deemed to be a Railway (although the Moving Power is Animal only), and the Word "Company" in any of those Acts shall be deemed to mean the Owners of a Tramway under this Act (whether a Company or not), and the Board of Works shall be deemed to be in the Place of the Lords of the Committee of Her Majesty's Privy Council appointed for Trade and Foreign Plantations, and with respect to the Constabulary, the Inspector General of Constabulary shall be deemed to be in the Place of the Secretary-at-War, in any of those Acts mentioned: Provided always, that with respect to Tramways under this Act, such Rates of Speed as the Board of Works may from Time to Time direct shall be deemed to be substituted in Sections VI. and XI. of the Act fourthly in the same Schedule specified for the Rates therein respectively mentioned or referred to.

Tramways not exempted from future General Acts.

XLVII. Nothing in this Act, or in any Order under it, shall be deemed to exempt any Tramway from the Provisions of any future General Act relating to Tramways or Tramway Companies, or their Accounts, or from any future Revision or Alteration, under Authority of Parliament of the maximum Tolls or Rates of Charge authorized by this Act, or any Order under it.

Order in Council may apply amended Standing Orders.

XLVIII. Provided always, That if at any Time it shall appear to the Lord Lieutenant in Council to be expedient that any Provision that may be hereafter adopted in the Standing Orders of either House of Parliament relative to Private Bills should be applied to Tramways or Proceedings under this Act, it shall be lawful for the Lord Lieutenant in Council, by Order, to apply such Provision accordingly in such Manner as may seem fit, notwithstanding that the same may be inconsistent with any of the Regulations contained in the Schedules to this Act, and from Time to Time to revoke or amend any such Order; but no such Order shall have any Effect until the Expiration of One Month after the same shall have been published in the *Dublin Gazette*, and laid before both Houses of Parliament.

Interpretation of Terms.

XLIX. In this Act—

The Expression "the Lord Lieutenant in Council" means the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, by and with the Advice of Her Majesty's Privy Council in *Ireland*;

The Word "County" includes any Riding or Division of a County for which Riding or Division separate Assizes are held, but not a County of a City or County of a Town;

The Word "Lands" includes Lands, Houses, Buildings, and Hereditaments of any Tenure;

The Word "Owner," used with reference to Lands, means any Person who, under the Provisions of any Order in Council made under this Act, is enabled to sell and convey Lands to the Owners of a Tramway;

And the Words "Persons" and "Person" shall (unless there be something repugnant in the Subject or Context) be construed to include a Body Corporate or a Company.

Extent of Act. Short Title.

L. This Act shall extend to *Ireland* only, and may be cited as "The Tramways (*Ireland*) Act, 1860."

SCHEDULES.

SCHEDULE (A.)

PART I.

Notices by Advertisement.

1. Every Advertisement shall state—
   (1.) The Objects of the intended Application:
   (2.) The Description of the Termini, with the Names of the Parishes, Townlands, Townships, and Extra-parochial Places from, through, or into which the Tramway is intended to be made:
   (3.) The Times and Places at which the Deposit required by Section II. of this Act will be made:
   (4.) The Intention of the Promoters (if they intend) to apply for Powers for the compulsory Purchase of Lands.

2. The whole Notice shall be included in One Advertisement, which shall be headed with a short Title descriptive of the Undertaking.

3. The Advertisement shall be inserted in Three successive Weeks in some one and the same Newspaper of the County in which the Lands to which the Application relates are situate, or if there be none then in a Newspaper of some adjoining or neighbouring County. Where the Application relates to Lands situate in more than One County, the Advertisement shall be inserted once in each of Three successive Weeks in a Newspaper published at least Twice a Week in Dublin, and in a Newspaper of the County in which is the principal Office of the Promoters, and in a Newspaper of every County in which any new Work is proposed to be executed, or in which any Lands are situate in respect of which any new or further Powers for the Completion of Works already authorized are intended to be applied for.

4. The Advertisement shall in all Cases be also inserted once in the Dublin Gazette.

PART II.

Form in which Plans, Books of Reference, Sections and Cross Sections, shall be prepared.

Plan.

1. Every Plan required to be deposited shall be drawn to a Scale of not less than Four Inches to a Mile, and shall describe the Line or Situation of the whole of the Work (no alternative Line or Work being in any Case permitted), and the Lands in or through which it is to be made, maintained, varied, extended, or enlarged, or through which every Communication to or from the Work shall be made; and where it is the Intention of the Parties to apply for Powers to make any lateral Deviation from the Line of the proposed Work, the Limits of such Deviation shall be defined upon the Plan, and all Lands included within such Limits shall be marked thereon; and unless the whole of such Plan shall be upon a Scale of not less than a Quarter of an Inch to every One hundred Feet an enlarged Plan shall be added of any Building, Yard, Courtyard, or Land within the Curtilage of any Building,

Building, or of any Ground cultivated as a Garden either in the Line of the proposed Work or included within the Limits of the said Deviation, upon a Scale of not less than a Quarter of an Inch to every One hundred Feet.

2. The Plan shall exhibit thereon the Distances in Miles and Furlongs from One of the Termini; and a Memorandum of the Radius of every Curve, not exceeding One Mile in Length, shall be noted on the Plan in Furlongs and Chains; and where tunnelling, as a Substitute for open cutting, is intended, such tunnelling shall be marked by a dotted Line on the Plan.

3. If it be intended to divert, widen, or narrow any Turnpike Road, public Carriage Road, Navigable River, Canal, Tramway, or Railway, the Course of such Diversion, and the Extent of such widening or narrowing, shall be marked on the Plan.

Book of Reference.

4. The Book of Reference to every such Plan shall contain the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of all Lands in the Line of the proposed Work, or within the Limits of Deviation as defined upon the Plan, and shall describe such Lands.

Section.

5. The Section shall be drawn to the same horizontal Scale as the Plan, and to a vertical Scale of not less than One Inch to One hundred Feet, and shall show the Surface of the Ground marked on the Plan, the intended Level of the proposed Work, the Height of every Embankment and the Depth of every Cutting, and a Datum horizontal Line, which shall be the same throughout the whole Length of the Work or any Branch thereof respectively, and shall be referred to some fixed Point (stated in Writing on the Section) near either of the Termini.

6. The Line of the Tramway marked on the Section shall correspond with the upper Surface of the Trams.

7. Distances on the Datum Line shall be marked in Miles and Furlongs to correspond with those on the Plan; a vertical Measure from the Datum Line to the Line of the Tramway shall be marked in Feet and Inches, or decimal Parts of a Foot, at each Change of the Gradient or Inclination; and the Proportion or Rate of Inclination between each such Change shall also be marked.

8. Wherever the Line of the Tramway is intended to cross any Turnpike Road, public Carriage Road, navigable River, Canal, Tramway, or Railway, the Height of the Tramway over or Depth under the Surface thereof, and the Height and Span of every Arch of all Bridges and Viaducts by which the Tramway will be carried over the same, shall be marked in Figures at every Crossing thereof; and where the Tramway will be carried across any such Turnpike Road, public Carriage Road, Tramway, or Railway on the Level thereof, such Crossing shall be so described on the Section, and it shall also be stated if such Level will be unaltered.

9. If any Alteration be intended in the Water Level of any Canal, or in the Level or Rate of Inclination of any Turnpike Road, public Carriage Road, Tramway, or Railway, which will be crossed by the Line of Tramway, then the same shall be stated on the Section, and each Alteration shall be numbered; and Cross Sections, in reference to the said Numbers, on a horizontal Scale of not less than One Inch to every Three hundred and thirty Feet, and on a vertical Scale of not less than One Inch to every Forty Feet, shall be added, which shall show the present Surface of such Canal, Road, Tramway, or Railway, and the intended Surface thereof when altered; and the greatest of the present and intended Rates of Inclination of such Road, Tramway, or Railway shall also be marked in Figures thereon; and where any public Carriage Road is crossed on the Level, a Cross Section of such Road shall also be added, and all such Cross Sections shall extend for Two hundred Yards on each Side of the centre Line of the Tramway.

10. Wherever the extreme Height of any Embankment or the extreme Depth of any Cutting shall exceed Five Feet, the extreme Height over or Depth under the Surface of the Ground shall be marked in Figures upon the Section; and if any Bridge or Viaduct of

more than Three Arches shall intervene in any Embankment, or if any Tunnel shall intervene in any Cutting, the extreme Height or Depth shall be marked in Figures on each of the Parts into which such Embankment or Cutting shall be divided by such Bridge, Viaduct, or Tunnel.

11. Where tunnelling, as a Substitute for open cutting, or a Viaduct as a Substitute for solid Embankment, is intended, the same shall be marked on the Section.

12. Every Plan and Section shall be signed by the Engineer of the Promoters.

Part III.

Notices to Owners, Lessees, and Occupiers of Lands.

1. The Notice required to be given by Section III. of this Act shall be given in respect of all Lands intended to be taken, or which may be taken as being within the Limits of Deviation defined upon the Plan, and shall be as nearly as may be in the Form set forth in the Appendix marked (A.)

2. Such Notice shall be given by being delivered personally to every Person to whom the same is to be given, or by being left at his usual or last known Place of Abode, or, in his Absence from the United Kingdom, with his Agent, on or before the First Day of May, or by being forwarded by Post in a registered Letter, addressed with a sufficient Direction to his usual Place of Abode, and posted on or before the Twenty-eighth Day of April at the Chief Post Office in Dublin, Belfast, Cork, or Athlone, at such Hours and according to such Regulations as Her Majesty's Postmaster General shall from Time to Time appoint for the Posting and Registration of such Letters.

3. In all Cases the written Acknowledgment of the Person applied to shall, in the Absence of other Proof, be sufficient Evidence of a Notice having been given, and in case of a Notice having been forwarded by Post in a registered Letter, the Production of the Post Office Receipt for such Letter, duly stamped, in such Form as the Postmaster General shall appoint, shall be sufficient Evidence of the due Delivery of such Letter; provided it appear that the same was properly and sufficiently directed, and was not returned by the Post Office as undelivered.

4. Except in the Case of Delivery of Letters by Post, a Notice served on a Sunday shall be of no Effect, and a Notice served after Eight o'Clock in the Evening of any Week Day but Saturday shall be deemed to be served on the following Day, and if served after that Hour on a Saturday shall be deemed to be served on the following Monday.

Appendix (A.) to Part III.

[*Form referred to in Regulation* 1.]

No.———

Sir,

We beg to inform you, that Application is intended to be made to the Lord Lieutenant in Council, through the [Grand Jury of the County of , *or as the Case may be,*] at the ensuing [Summer Assizes, *or as the Case may be,*] for an Order in Council [*here insert a short Statement of the Objects of the proposed Order*], and that the Property mentioned in the annexed Schedule, or some Part thereof, in which we understand you are interested as therein stated, will be required for the Purposes of the said Undertaking, according to the Line thereof as at present laid out, or may be required to be taken under the usual Powers of Deviation to the Extent of Yards on either Side of the said Line which will be applied for, and will be passed through in the Manner mentioned in such Schedule.

We also beg to inform you, that a Plan and Section of the said Undertaking, with a Book of Reference thereto, have been or will be deposited with the [Secretary of the Grand Jury of the said County, *or as the Case may be*], on or before the of , on which Plan your Property is designated by the Numbers set forth in the annexed Schedule.

As we are required to report whether you assent to or dissent from the proposed Undertaking, or whether you are neuter in respect thereto, you will oblige us by writing your Answer

Answer of Assent, Dissent, or Neutrality in the Form left herewith, and returning the same to us with your Signature on or before the Day of next; and if there should be any Error or Mis-description in the annexed Schedule, we shall feel obliged by your informing us thereof, at your earliest Convenience, that we may correct the same without Delay.

We are, Sir,
Your most obedient Servants,

To

Note.—If the Application be forwarded by Post, the Words "Parliamentary Notice" are to be printed or written on the Cover.

SCHEDULE referred to in the foregoing Notice, describing the Property therein alluded to, and the Manner in which the Line of the proposed Work, as delineated upon the Plan and Section, will affect the same.

——	Parish, Township, Townland, or Extra-parochial Place.	Number on Plan.	Description.	Owner.	Lessee.	Occupier.	Description of the Section of the Line deposited, showing the greatest Height of Embankment and Depth of Cutting where the Property is intersected by the centre Line of the proposed Work.
Property in the Line of the proposed Work, as at present laid out (including Property any Part of which is within Eleven Yards, or thereabouts, of the centre Line of such proposed Work, as delineated upon the Plan).							

——	Parish, Township, Townland, or Extra-parochial Place.	Number on Plan.	Description.	Owner.	Lessee.	Occupier.
Property within the Limits of the Deviation intended to be applied for.						

Note.—Where the Property is not intersected by the centre Line, the Description of the Section is not given in the last Column.

PART

PART IV.

Lists of Owners, &c. assenting, dissenting, and neuter.

Separate Lists shall be made of the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers, to whom Notice has been given, distinguishing those who have assented, dissented, or are neuter in respect of such Notice, or who have returned no Answer thereto; and where no written Acknowledgment has been returned to a Notice sent by Post, or where a Notice by Post has been returned as undelivered, the Direction of the Letter in which the Notice was sent shall be inserted in the Lists.

PART V.

Public Inquiry by Board of Works.

1. The Board of Works shall direct their Attention especially to the following Heads of Inquiry, and shall require Evidence from the Promoters thereon; namely,—

(1.) The Financial Arrangements made or proposed by the Promoters:

(2.) Where the Promoters propose that a Company should be incorporated by Order in Council for the Execution of the Undertaking, the Number and Amount of Shares actually subscribed for or agreed to be taken, and the Amount of Share Capital and of Loans proposed to be authorized:

(3.) The Sufficiency of the Estimate for the Works:

(4.) The Merits, in an engineering point of view, of the proposed Tramway; the Character of the Gradients and Curves; the Number and Extent of the Tunnels, if any; the Crossings or other User of public Roads on the Level; and any peculiar engineering Difficulties, with the Modes proposed for overcoming them:

(5.) The Degree of Favour or Objection with which the Project is regarded by the Landowners and others in the Neighbourhood of the proposed Tramway.

2. The Board of Works shall hear in opposition to the Undertaking any such Owner, Lessee, Occupier, Company, Person, or Inhabitants as is or are entitled to be heard under the Provisions of this Act before a Grand Jury.

3. The Board of Works may call for the Production of any Documents in the Possession or Power of the Promoters, or of any Company or Person admitted to be heard in opposition to the Undertaking, which the Board of Works may think necessary, and may examine any such Person and his Witnesses, and the Witnesses for any such Company and for the Promoters, on Oath or otherwise, and administer any Oath or Declaration necessary for that Purpose.

SCHEDULE (B.)

Maximum Tolls and Rates of Charge, with Regulations.

PASSENGERS.

1. The maximum Rates of Charge to be made by the Owners of the Tramway for the Conveyance of Passengers thereon, including the Tolls for the Use of the Tramway and of Carriages, and Cost of Moving Power, and every other Expense connected with such Conveyance, shall be—

For every Passenger conveyed in a First-class Carriage, the Sum of Twopence per Mile:

For every Passenger conveyed in a Carriage of inferior Class, the Sum of One Penny Halfpenny per Mile.

2. The foregoing Restrictions shall not extend to any Special Trains that may be required to run on the Tramway, but shall apply only to the Express and Ordinary Trains appointed

appointed from Time to Time by the Owners for the Conveyance of Passengers and Goods on the Tramway.

3. Every Passenger travelling on the Tramway may take with him his ordinary Luggage, not exceeding One hundred Pounds in Weight for First-class Passengers and Sixty Pounds in Weight for Passengers of inferior Class, without any Charge being made for the Carriage thereof.

GOODS.

4. Subject to the Provisions herein-after contained respecting small Parcels and single Articles of great Weight, the Tolls to be taken by the Owners of the Tramway in respect of the Tonnage of all Articles conveyed in Carriages thereon, or on any Part thereof, shall be—

(*Class* 1.)

For Dung, and all Sorts of Manure, Chalk, and all undressed Materials for the Repair of Roads or Highways:

For all Coals, Coke, Culm, Ironstone, and Iron Ore:

For all Charcoal, Limestone, Stones for building, pitching, and paving, Bricks, Tiles, Slates, Clay, and Sand:

For all Iron, Lead, Tin, and Tin Plates (except Nails, Utensils, or other Articles of Merchandise):

Not exceeding for the Use of the Tramway One Penny per Ton per Mile:

If conveyed in Carriages provided by the Owners of the Tramway, an additional Sum per ton per Mile not exceeding One Eighth of a Penny:

If drawn or propelled by Power provided by the Owners of the Tramway, a further Sum per Ton per Mile not exceeding Three Eighths of a Penny.

(*Class* 2.)

For all other Goods, Wares, Merchandise, Articles, Matters or Things (except Carriages, herein-after otherwise provided for), not exceeding for the Use of the Tramway Twopence per Ton per Mile:

If conveyed in Carriages provided by the Owners of the Tramway, a further Sum per Ton per Mile not exceeding One Halfpenny:

If drawn or propelled by Power provided by the Owners of the Tramway, a further Sum per Ton per Mile not exceeding One Halfpenny.

(*Class* 3.)

For every Carriage, of whatever Description (not being a Carriage adapted and used for Travelling on a Tramway, and not weighing more than One Ton), not exceeding for the Use of the Tramway Sixpence per Ton per Mile, and the Sum of Twopence per Mile for every additional Quarter of a Ton or fractional Part of a Quarter of a Ton above One Ton which any such Carriage may weigh:

If any such Carriage be conveyed on a Truck or Platform provided by the Owners of the Tramway, an additional Sum per Mile not exceeding Twopence:

If drawn or propelled by Power provided by the Owners of the Tramway, a further Sum per Mile not exceeding Twopence.

ANIMALS.

5. The Tolls to be taken by the Owners of the Tramway in respect of Animals conveyed in Carriages on the Tramway shall be,—

(*Class* 4.)

For every Horse, Mule, Ass, or other Beast of Draught or Burden, Ox, Cow, Bull, or Head of Neat Cattle, conveyed in or upon any such Carriage, not exceeding for the Use of the Tramway Threepence per Mile:

If

If conveyed in or upon any Carriage provided by the Owners of the Tramway, an additional Sum per Mile not exceeding One Penny:

If such Carriage be drawn or propelled by Power provided by the Owners of the Tramway, an additional Sum per Mile not exceeding Twopence.

(*Class 5.*)

For every Calf, Pig, Sheep, Lamb, or other small Animal conveyed in or upon any such Carriage not exceeding for the Use of the Tramway One Penny per Mile:

If conveyed in any Carriage provided by the Owners of the Tramway, an additional Sum per Mile not exceeding One Farthing:

If such Carriage be drawn or propelled by Power provided by the Owners of the Tramway, an additional Sum per Mile not exceeding Twopence.

6. The maximum Rate of Charge to be made by the Owners of the Tramway for the Conveyance of Animals, Articles, Matters, or Things respectively included in the Classes before mentioned, including the Tolls for the Use of the Tramway, and of Carriages, and Cost of Moving Power, and every other Expense connected with such Conveyance, shall not exceed the Amounts following:

For the Matters mentioned in Class 1., not exceeding One Penny Halfpenny per Ton per Mile:

For the Matters mentioned in Class 2., not exceeding Threepence per Ton per Mile:

For any Carriage mentioned in Class 3., not weighing more than One Ton, not exceeding Tenpence per Mile, and if weighing more than One Ton, not exceeding Twopence per Mile for every Quarter of a Ton or fractional Part of a Quarter of a Ton additional:

For everything mentioned in Class 4., not exceeding Sixpence per Mile:

For everything mentioned in Class 5., not exceeding Threepence Farthing per Mile:

Provided always, that it shall be lawful for the Owners of the Tramway to demand and take, in addition to the Tolls and Rates of Charge herein-before authorized, a reasonable Sum for the Delivery and Collection of Goods and other Services incidental to the Business of a Carrier where such Services respectively shall be performed by the Owners of the Tramway otherwise than on the Premises of the Tramway.

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7. The following Provisions and Regulations shall be applicable to the Calculation of the Tolls:

For Passengers, Animals, or Things conveyed on the Tramway for a less Distance than Four Miles the Company may demand Tolls as for Four Miles:

For a Fraction of a Mile beyond Four Miles or beyond any greater Number of Miles the Company may demand Tolls on Merchandise for such Fraction in proportion to the Number of Quarters of a Mile contained therein, and if there be a Fraction of a Quarter of a Mile such Fraction shall be deemed a Quarter of a Mile; and in respect of Passengers every Fraction of a Mile beyond an integral Number of Miles shall be deemed a Mile:

For a Fraction of a Ton the Company may demand Toll according to the Number of Quarters of a Ton in the Fraction, and if there be a Fraction of a Ton the Fraction shall be deemed a Quarter of a Ton:

With respect to all Things, except Stone and Timber, the Weight shall be determined according to the usual Avoirdupois Weight:

With respect to Stone and Timber, Fourteen Cubic Feet of Stone, Forty Cubic Feet of Oak, Mahogany, Teak, Beech, or Ash, and Fifty Cubic Feet of any other Timber, shall be deemed One Ton Weight, and so in proportion for any smaller Quantity.

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8. With respect to small Parcels and single Articles of great Weight, the Owners of the Tramway may lawfully demand for the Carriage thereof on the whole or any Part of the Line the Tolls following:

SMALL PARCELS.

For any Parcel not exceeding Seven Pounds in Weight, Sixpence:

For any Parcel exceeding Seven Pounds in Weight but not exceeding Fourteen Pounds in Weight, Ninepence:

For

For any Parcel exceeding Fourteen Pounds in Weight but not exceeding Twenty-eight Pounds in Weight, One Shilling:

For any Parcel exceeding Twenty-eight Pounds in Weight but not exceeding Fifty-six Pounds in Weight, One Shilling and Sixpence:

For Parcels exceeding Fifty-six Pounds in Weight but not exceeding Five hundred Pounds in Weight, such reasonable Sum as the Owners of the Tramway may think fit:

Provided always, that Articles sent in large aggregate Quantities, although made up of separate Parcels, such as Bags of Sugar, Coffee, Meal, and the like, shall not be deemed small Parcels, but that Term shall apply only to single Parcels in separate Packages.

SINGLE ARTICLES OF GREAT WEIGHT.

For the Carriage of any One Boiler or Cylinder, or any One Piece of Machinery, or single Piece of Timber or Stone, or other single Article, the Weight of which, including the Carriage, shall exceed Three Tons, the Owners of the Tramway may demand such Sum as they think fit.

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9. Nothing herein contained shall be held to prevent the Owners of the Tramway from taking any increased Charge, over and above the Charges herein-before limited, for the Conveyance of Goods of any Description, by Agreement with the Owners of and Persons in charge of such Goods, either in respect of the Conveyance of such Goods, except small Parcels, by Passenger or other Trains, or by reason of any other special Service performed by the Owners of the Tramway in relation to such Goods.

SCHEDULE (C.)

General Acts relating to Railways by this Act made applicable to Tramways.

—	Session and Chapter.	Title.
1	1 & 2 Vict. c. 98* - -	An Act to provide for the Conveyance of the Mails by Railways.
2	3 & 4 Vict. c. 97. - -	An Act for regulating Railways.
3	5 & 6 Vict. c. 55. - - -	An Act for the better Regulation of Railways, and for the Conveyance of Troops.
4	7 & 8 Vict. c. 85. - - -	An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways.
5	17 & 18 Vict. c. 31. - -	The Railway and Canal Traffic Act, 1854.

* As amended by 10 & 11 Vict. c. 85. s. 16.

CAP. CLIII.

An Act to amend the Law relating to the Tenure and Improvement of Land in *Ireland*. [28th *August* 1860.]

'WHEREAS it is expedient that Provision should be made for facilitating Improvements of Landed Property in *Ireland*:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal,