ANNO VICESIMO QUARTO & VICESIMO QUINTO

VICTORIÆ REGINÆ.

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C A P. CII.

An Act to amend the Tramways (*Ireland*) Act (1860). [6th *August* 1861.]

WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act to facilitate internal Communication by means of Tramroads or Tramways:* (23 & 24 Vict. c. 152.) And whereas some of the Provisions of the said Act have been found to cause unnecessary Expense and Delay, and it is expedient to amend the same: 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; (that is to say,)

Act recited and this Act to be read together.

1. The said recited Act shall be continued and be in full Force except when the same shall be altered or amended by or be inconsistent with the Provisions of this Act, and the recited Act and this Act shall be read together as One Act.

One Approval by Grand Jury to be sufficient.

2. It shall not be necessary for the Grand Jury in future to pronounce a provisional Approval of the Undertaking, but the Grand Jury in proceeding under the Fifth Section of the said recited Act shall definitively approve or disapprove of the said Undertaking at the first Assizes at which the same shall be brought before them, and it shall not be necessary to obtain any further or other Approval from the Grand Jury at any subsequent Assizes.

Applications at Spring or Summer Assizes.

3. The Application to the Grand Jury for their Approval may be made either at the Spring or Summer Assizes.

Notices to be given for Spring Assizes.

4. In case the Application is made at the Spring Assizes, the Advertisements required by the First Section of the said Act shall be published in the Months of *November* or *December* or either of them immediately preceding, and the Deposits required by the Second and Fourth Sections of the said Act shall be made on or before the First and Twelfth Day of *December* respectively, and the Notices required by the Third Section shall be given on or before the Second Day of *December*.

Approval of Grand Jury may be traversed.

5. Any Person entitled to appear on the Inquiry before the Grand Jury may, in the Case of their Approval of the Undertaking, traverse such Approval, subject to and under the following Regulations:—

Such Traverse shall be entered with the Clerk of the Crown not later than Twelve o'Clock on the Day following the Approval of the Grand Jury;

It shall be on either of the following Grounds:—

First. That the Preliminaries required by Law for the Application to the Grand Jury have not been complied with;

Second. That the Construction of the Undertaking according to the Plan approved of by the Grand Jury would not be beneficial to the Public;

In case of a Traverse on the First Ground, same shall be disposed of by the Judges of Assize, or One of them, after hearing such Evidence as may be adduced;

In case of a Traverse on the Second Ground, same shall be tried in all respects as Issues joined in the Superior Courts of Common Law are or may be triable by Law at such Assizes;

The Judges of Assize, or One of them, may, if it shall appear fit, direct such Traverse to be tried by a Special Jury;

In case more Persons than One shall enter a Traverse on the Second Ground, there shall be One Trial of all such Traverses, and the Judge shall make such Order as may seem fit for the conducting of such Trial, and the Appearance and Intervention of the several Traversers thereat;

Every Traverse under this Act shall be determined or tried at the same Assizes at which it is entered, and in case the Judge shall rule or the Jury find in favour of such Traverse, as the Case may be, the Approval of the Grand Jury shall be void and of no Effect;

Every Traverse on the First Ground shall be confined to the specific Points mentioned by the Traverser in his Memorial lodged with the Secretary of the Grand Jury, and the particular Points of Non-compliance complained of shall be also stated in such Traverse.

Inquiry by Board of Works in the first instance.

6. The Inquiry by the Board of Works directed by the Ninth Section of the said Act shall take place before any Application is made to the Grand Jury, in order that their Report shall be submitted to the Grand Jury at the first Application, and the Board of Works shall institute such Inquiry upon the Request of the Promoters, and upon having deposited with them a reasonable Sum, not in any Case exceeding One hundred Pounds, to cover the Expenses of such Inquiry.

To be confined to Engineering Questions.

7. The Inquiry to be made by the Board of Works, and the Report to be made thereon, shall extend only to the Merits of the Undertaking in an Engineering Point of View, and to any Modification of the same in that Respect which may be advantageously made.

Existing Company may be empowered to execute Work.

8. Instead of constituting a new Company under the Fifteenth Section of the said Act, the Lord Lieutenant in Council may, if he shall so think fit, and if so desired by the Promoters, empower any existing Company incorporated by Act of Parliament or Charter, or constituted by any Statute regulating Joint Stock Companies, to execute such Undertaking, if it shall appear that such Company have Power to provide the necessary Capital and to apply the same to the Purposes of such Undertaking, but no such Order shall be deemed or taken to authorize or sanction the Employment by the said Company for the Purposes of such Undertaking or of the Application for the same of any Funds which independently of such Order they would not have Power so to apply.

Orders in Council valid without Confirmation by Parliament.

9. In any Case in which the Undertaking shall be approved of by the Grand Jury, and no Petition of Appeal shall be presented against such Approval to the Lord Lieutenant in Council by any of the Parties entitled under such Act to appeal, the Order in Council shall immediately take Effect without any Act of Parliament confirming the same, but in any Case in which such Petition of Appeal is presented before the Order in Council is made, such Order shall have no Effect until confirmed by Act of Parliament, even although no Person shall appear to sustain such Appeal, and when any Order shall be made after the Presentation of such Appeal the Fact of such Appeal having been presented shall be stated in such Order.

10. In

Grand Jury may give Permission for Tramway to cross a Highway.

10. In any Case in which Persons constructing any Tramway shall only seek under the Provisions of the said Act Power to cross a Highway, it shall be lawful for the Grand Jury, with the previous Approbation of the Presentment Sessions held for the Barony in which such proposed Crossing is situate, to give Permission for such Crossing to be made, and thereupon and immediately upon such Permission being given, and without any other Approval, it shall be lawful for the Persons constructing such Tramway to lay down the same across any public Road or Roads for which Permission shall have been so given; and it shall be lawful for the Grand Jury to annex to such Permission any Conditions or Stipulations which to them shall seem fit; and in case such Permission shall be used by the Promoters, they shall be bound by such Conditions and Stipulations as if the same had been inserted in a Special Act of Parliament authorizing such Crossing, and all Persons interested in same may have the same Rights and Remedies; and it shall be further lawful for the Grand Jury, if they shall so think fit, before such Permission is acted on, to require Persons of sufficient Substance, to be approved of as they may direct, to enter into a Bond to the Secretary of the Grand Jury, County Treasurer, or such other Person as they may appoint, in such Sum as they may name, conditioned for the Observance of all such Conditions and Stipulations.

Short Title.

11. This Act may be cited as "The Tramways (*Ireland*) Amendment Act, 1861."

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