CHAPTER 65.

An Act to amend the Tramways (Ireland) Act, 1860, and the Tramways (Ireland) Amendment Act, 1861, as regards the application of the same to the county and the county of the city of Dublin. [15th August 1876.]

WHEREAS it is expedient to amend and vary the provisions of The Tramways (Ireland) Act, 1860, and The Tramways (Ireland) Amendment Act, 1861, in this Act referred to as "The Tramways Acts," as regards the application of the same to the county of Dublin and the county of the city of Dublin:

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:

One approval by grand jury of county of Dublin and by municipal corporation to be sufficient.

1. It shall not in future be necessary for the grand jury of the county of Dublin or the municipal corporation of the city of Dublin to pronounce a provisional approval of any undertaking, under the Tramways Acts, but the said grand jury or said municipal corporation as the case may be in proceeding under the fifth section of the Tramways (Ireland) Act, 1860, shall definitely approve or disapprove of such undertaking, in the case of the said grand jury at the first presenting term at which the same shall be brought before them, and in the case of the said municipal corporation at a meeting of the said municipal corporation held for the consideration of the matter of any such undertaking in the manner herein-after mentioned; and it shall not be necessary to obtain any further or other approval from the said grand jury or municipal corporation at any subsequent term or meeting.

When meetings of corporation may be held.

2. A meeting of the said municipal corporation for the purpose aforesaid may be held during the present year on any day, and in any subsequent year any meeting of the said municipal corporation for the purpose aforesaid shall be held upon the first day of Easter or Michaelmas term in any year, or in case any such day shall be on Sunday, then on the next succeeding day, and notice of such meeting and of the object of the same shall be duly given in such manner as notices of meetings of the corporation are usually given seven clear days before the day of holding the same.

When advertisements must be published, and deposits made.

3. In the case of the county of Dublin or the county of the city of Dublin the advertisements required by the first section of the Tramways (Ireland) Act, 1860, shall be published at least two calendar months before the presenting term or meeting of the municipal corporation at which the application shall be made and the deposits required by the second and fourth sections and the notices required by the third section of the said Tramways (Ireland) Act, 1860, shall be made and given at least one calendar month before such presenting term or meeting.

Approval of grand jury or corporation may be traversed.

4. Any person entitled to appear on the inquiry before the grand jury or municipal corporation, as the case may be, may, in the case of their approval of the undertaking, traverse such approval, subject to and under the following regulation:—

Such traverse shall be entered with the Master of the Crown Office of the Court of Queen's Bench within three days after such approval.

And it shall be on either of the following grounds:—

First. That the preliminaries required by law for the application to the said grand jury or municipal corporation have not been complied with; or,

Second. That the construction of the undertaking according to the plan approved of by the grand jury or municipal corporation would not be beneficial to the public.

In the case of a traverse on the first ground same shall be disposed of by the Court of Queen's Bench after hearing such evidence as may be adduced.

In the case of a traverse on the second ground same shall be tried in all respects as traverses of grand jury presentments in the case of the county of Dublin, or as traverses of presentments made by the town council of Dublin in the case of the county of the city of Dublin are or may be triable, and according to the provisions by statute or otherwise in force with respect to such traverses respectively.

The Court of Queen's Bench or any judge thereof 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 before whom such traverse is tried shall make such order as may seem fit for the conducting of such trial and the appearance and intervention of the several traversers thereat.

Whenever a traverse has been entered under this Act, the same, if on the first ground herein-before mentioned, shall be disposed of by the Court of Queen's Bench in the term in which same has been entered, or in the term next after the entry of such traverse, and if such traverse is on the second ground herein-before mentioned, the same shall be tried at the after sittings which shall commence next after the entry of such traverse: Provided always, that it shall be lawful for the Court of Queen's Bench, or any judge thereof, if it shall seem fit, to postpone the trial of such traverse, and in case the Court of Queen's Bench shall rule, or the jury find, in favour of such traverse, as the case may be, the approval of the grand jury or municipal corporation 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 or town clerk, as the case may be, and the particular points of non-compliance complained of shall be also stated in such traverse.

Confirmation of an Order in Council.

5. Whereas a certain order by the Lord Lieutenant in Council bearing date the eleventh March one thousand eight hundred and sixty-seven, authorising the making and maintaining by the City of Dublin Tramways Company, Limited, of certain tramways therein mentioned, was made before any general rules were made in pursuance of the thirty-seventh section of the Tramways (Ireland) Act, 1860, regulating the times at which notices should be given, deposits made, and other proceedings taken in the county of Dublin and the county of the city of Dublin under the said Act, and said tramways have been under and by virtue of the authority of said order made and maintained, and are now being worked in the county of the city of Dublin, and doubts are entertained concerning the validity of the said order, by reason of the said order having been made before any such general rules as herein-before mentioned were made, and it is expedient to remove such doubts: Be it therefore enacted, that the order by the Lord Lieutenant in Council, made at the Council Chamber in Dublin and bearing date the eleventh day of March one thousand eight hundred and sixty-seven, authorising the making and maintaining of certain tramways in the city of Dublin in the said order mentioned, shall be and the same is hereby confirmed, and the said order shall for all purposes be deemed to have been made under and by virtue and in pursuance of and in conformity with the powers conferred by the Tramways Acts.

Interpretation of terms.

6. In the Tramways Acts the expression "grand jury" shall include the municipal corporation of the city of Dublin, and the term "county surveyor" shall include the city engineer of the said city.

This and recited Acts to be read together.

7. This Act and the Tramways Acts, save so far as the same are varied by this Act shall be read together as one Act.

CHAPTER 66.

An Act to amend the Law relating to Legal Practitioners.

[15th August 1876.]

WHEREAS it is expedient to amend the law relating to legal practitioners:

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 Legal Practitioners Act, 1876."

Solicitors may appear as proctors.

2. It shall be lawful for any certificated solicitor of the Supreme Court to appear as a proctor in the provincial courts of Canterbury and York.