



CHAPTER cxcii.

An Act for authorising the construction of Tramways in the borough of Belfast in the county of Antrim, and for other purposes. A.D. 1872.
[10th August 1872.]

WHEREAS by an Order of the Lord Lieutenant of Ireland in Council made on the twenty-second day of December one thousand eight hundred and seventy-one, pursuant to the provisions of the Tramways (Ireland) Act, 1860, and the Tramways (Ireland) Amendment Act, 1861, William Morris and Jorgen Daniel Larsen, and their executors, administrators, and assigns respectively, were authorised and empowered to make, form, lay down, and maintain certain street tramways in the borough of Belfast, to be worked by animal power only, and constructed and the traffic over the same to be managed and carried on so as not to impede or injure the ordinary traffic of the streets, and the works authorised by the said Order in Council are now in course of construction :

And whereas it is expedient that the said Order in Council be repealed, and that the said William Morris and Jorgen Daniel Larsen, and others, the persons in this Act in that behalf named, should be incorporated into a company for the purpose of completing and maintaining the said tramways, being the tramways by this Act authorised, and for other the purposes of this Act :

And whereas it is expedient that such further powers as are in this Act contained be conferred upon the Company and upon the mayor, aldermen, and burgesses of the said borough :

And whereas plans and sections showing the lines and levels of the tramways and works by this Act authorised, and the lands to be taken for the purposes thereof, and books of reference to those plans, containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of those lands, have been deposited with the clerk of the peace for the county of Antrim, and those

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A.D. 1872. plans, sections, and books of reference are in this Act referred to as the deposited plans, sections, and books of reference :

And whereas the objects of this Act cannot be attained without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

Short title.

1. This Act may be cited for all purposes as "The Belfast Street Tramways Act, 1872."

Provisions of general Acts herein named incorporated.

2. "The Companies Clauses Consolidation Act, 1845," Part I. (relating to cancellation and surrender of shares) of "The Companies Clauses Act, 1863," and "The Companies Clauses Act, 1869," and "The Lands Clauses Consolidation Acts, 1845, 1868, and 1869," are incorporated with and form part of this Act, save where the same are expressly varied or excepted by this Act, and except as to the following provisions of "The Lands Clauses Consolidation Act, 1845," namely,

- (1.) With respect to the purchase and taking of lands otherwise than by agreement;
- (2.) With respect to the entry upon lands by the promoters of the undertaking;
- (3.) With respect to small portions of intersected lands.

Tramways, Ireland, Acts not to apply.

3. "The Tramways (Ireland) Act, 1860," "The Tramways (Ireland) Amendment Act, 1861," and "The Tramways (Ireland) Amendment Act, 1871," shall not apply to the tramways hereby authorised or to the undertaking of the Company.

Interpretation of terms.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or in part incorporated herewith shall have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the Order in Council" shall mean the Order in Council made on the twenty-second day of December one thousand eight hundred and seventy-one, as aforesaid; the expression "the tramways" or "the undertaking" shall mean the tramways and works and undertaking by this Act authorised, or any part thereof; the expressions "street" and "road" shall mean respectively any carriageway being a public highway and the carriageway of any bridge forming part of or leading to the same; the expression "the corporation" shall mean the mayor, aldermen, and burgesses of the borough of Belfast; the expression "the borough" shall mean the borough of Belfast; the expression "the borough

surveyor" shall mean the borough surveyor for the time being of the corporation; the expression "the commissioners" shall mean the Commissioners of Public Works in Ireland; and in this Act, and in any Act wholly or in part incorporated herewith, the expression "superior courts" or "court of competent jurisdiction," or any other like expression, shall be read and have effect as if the debt or demand with respect to which the expression is used were a common simple contract debt, and not a debt or demand created by statute; and the word "contingencies" in the Companies Clauses Consolidation Act, 1845, (section 122,) as incorporated with this Act, shall include the contingency of the undertaking being sold to the local authority at a sum less than the aggregate amount of the capital and debts of the Company.

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5. William Morris, Jorgen Daniel Larsen, and Richard Henry Smith, and all other persons and corporations who have already subscribed or who shall hereafter subscribe to the undertaking, and their executors, administrators, successors, and assigns respectively, shall be united into a company for the purpose of making, completing, and maintaining the tramways herein-after described, and for other the purposes of this Act, and for those purposes shall be incorporated by the name of "The Belfast Street Tramways Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Company incorporated.

6. The capital of the Company shall be ninety thousand pounds, divided into nine thousand shares of ten pounds each.

Capital.

7. The Company shall not issue any share created under the authority of this Act, nor shall any share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Shares not to be issued until one fifth part thereof shall have been paid up.

8. One fifth of the amount of a share shall be the greatest amount of a call, and three months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of calls in any year upon any share.

Calls.

9. Subject to the provisions of this Act, the Company, with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose, may from time to time divide any share in their capital into half shares, of which one shall be called "pre-

Power to divide shares.

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A.D. 1872: preferred half share," and the other shall be called "deferred half share:" Provided always, that the Company shall not divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up, and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole amount payable thereon), and the residue to the credit of the preferred half share.

Dividends on half shares.

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

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

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

Half shares to be registered and certificates issued.

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

Terms of issue to be stated in certificates.

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

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

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Forfeiture
of preferred
half shares.

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

Preferred
half shares
not to be
cancelled, &c.

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

Half shares
to be half
shares in
capital.

17. If any money be payable to any shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate, as the case may be, shall be a sufficient discharge to the Company for the same.

Receipts on
behalf of in-
capacitated
persons.

18. The Company may from time to time borrow on mortgage any sum or sums not exceeding in the whole twenty-two thousand five hundred pounds, and of that sum they may borrow from time to time any sum not exceeding twelve thousand five hundred pounds in respect of the first fifty thousand pounds of their capital, and ten thousand pounds in respect of the remaining forty thousand pounds of their capital, but no part of such sums of twelve thousand five hundred pounds and ten thousand pounds shall be borrowed until the whole of the respective fifty thousand pounds and forty thousand pounds of capital in respect of which it is to be borrowed is subscribed for, issued, and accepted, and one half thereof is paid up, and the Company have proved to the justice, who is to certify under the fortieth section of "The Companies Clauses Consolidation Act, 1845," (before he so certifies) that the whole of the respective fifty thousand pounds and forty thousand pounds of capital has been subscribed for, issued, and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such fifty thousand pounds and forty

Power to
borrow.

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thousand pounds respectively has been paid on account thereof before or at the time of the issue or acceptance thereof, and that the respective fifty thousand pounds or forty thousand pounds of capital was issued bonâ fide and is held by the subscribers or their assigns, and that such subscribers or their assigns are legally liable for the same; and upon production to such justice of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Arrears may be enforced by appointment of a receiver.

19. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver; and in order to authorise the appointment of a receiver in respect of principal the amount owing to the mortgagees by whom the application for a receiver shall be made shall not be less in the whole than one tenth part of the sum for the time being borrowed by the Company.

Moneys borrowed on mortgage to have priority.

20. All moneys to be borrowed on mortgage under this Act, from the time when the same shall be advanced, and the interest for the time being due thereon, shall have priority against the Company and all the property from time to time of the Company over all other claims on account of any debts incurred or to be incurred or engagements entered into or to be entered into by them; but nothing in this section shall affect any claim in respect of land acquired by the Company for the purposes of the Order in Council or of this Act, or injuriously affected by the construction of the tramway or by the exercise of any of the powers conferred upon the Company.

Mortgages to comprise purchase money paid on compulsory sale.

21. Every mortgage of the Company's undertaking shall be deemed to comprise all purchase money which may be paid to the Company in the event of a compulsory sale to the local authority under the provisions of this Act, and may comprise all or any moneys carried to the contingency fund according to the terms of the mortgage.

Indorsement of notice respecting future purchase by the corporation.

22. Every mortgage deed granted by the Company under this Act shall be indorsed with notice that such mortgage will not be a charge upon the tramways in the event of their being purchased by the corporation under the provisions of this Act.

No debenture stock.

23. The Company shall not create or issue debenture stock.

Application of moneys.

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

First ordinary meeting.

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

26. The quorum of a general meeting of the Company, whether ordinary or extraordinary, shall be ten shareholders holding in the aggregate not less than two thousand pounds of the capital of the Company. A.D. 1872.
Quorum
of general
meetings.

27. The number of directors shall be six, but the Company may from time to time reduce the number of directors, so that the number be not less than four. Number of
directors.

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

29. The quorum of a meeting of directors shall be three. Quorum.

30. William Morris, Jorgen Daniel Larsen, and Richard Henry Smith, and such three other duly qualified persons as they or the majority of them shall nominate in that behalf, shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act; at that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act or nominated as aforesaid being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting, the shareholders present in person or by proxy shall (subject to the power herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions in "The Companies Clauses Consolidation Act, 1845," contained, and the several persons elected at any such meeting, being neither removed nor disqualified, nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act. First
directors.

Election of
directors.

31. The Order in Council shall be and the same is hereby repealed. Repeal of
Order in
Council.

32. The Company shall, as soon as may be after the passing of this Act, repay the said William Morris and Jorgen Daniel Larsen, or the survivor of them, or the executors or administrators of such survivor, all the costs, charges, and expenses incurred by them of or preliminary to or incidental to the preparing for and obtaining of the Order in Council, and all moneys which shall have been expended by them in the construction of any of the works authorised by the Order in Council or otherwise in carrying the Order in Council into effect. Company
to repay pro-
motors of
Order in
Council their
outlay.

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Works
already executed by
promoters
vested in
Company.

33. All works executed by the said William Morris and Jorgen Daniel Larsen, under or by virtue of the Order in Council, and all lands and buildings acquired by them under or by virtue of the Order in Council or for purposes connected with the works thereby authorised, shall be and the same are hereby vested in the Company to the same extent and interest as the same respectively were, at the time of the passing of this Act, vested in the said William Morris and Jorgen Daniel Larsen, and may be held, used, and enjoyed accordingly.

Saving pre-
vious rights
and liabilities.

34. Notwithstanding the repeal of the Order in Council, and except as by this Act otherwise expressly provided, everything before the passing of this Act done or suffered under or with reference to the Order in Council shall be as valid as if the same had not been repealed, and such repeal and this Act respectively shall accordingly be subject and without prejudice to everything so done or suffered, and to all rights, liabilities, claims, and demands, both present and future, which if the said order had not been repealed and this Act had not been passed would be incident to and consequent on any and everything done or suffered; and with respect to all such rights, liabilities, claims, and demands, the Company shall to all intents and purposes represent the said William Morris and Jorgen Daniel Larsen: Provided always, that the generality of this enactment shall not be limited or confined by any of the provisions of this Act.

Contracts
prior to Act
to be binding.

35. All deeds, bonds, contracts, and agreements, securities, orders, resolutions, and proceedings, and other acts and things done, made, instituted, executed, or entered into before the passing of this Act by or with the said William Morris and Jorgen Daniel Larsen as promoters of or with reference to the Order in Council, and now in force, shall be as binding and of as full force and effect in all respects against, in favour of, or with reference to the Company, and may be enforced as fully and effectually as if instead of the said William Morris and Jorgen Daniel Larsen the Company had been a party or privy thereto.

Actions, &c.
not to abate.

36. Nothing in this Act contained shall release, discharge, or suspend, any action, suit, or other proceeding at law or in equity, which shall be pending by or against the said William Morris and Jorgen Daniel Larsen, as promoters of or with reference to the Order in Council, but any such action, suit, or other proceeding may be maintained, prosecuted, or continued by, in favour of, or against the Company (as the case may be) in the same manner and as effectually and advantageously as the same might have been maintained, prosecuted, or continued by, in favour of, or against the said William Morris and Jorgen Daniel Larsen.

37. Subject to the provisions of this Act, the Company may make, form, lay down, and maintain, in the lines and according to the levels shown on the deposited plans and sections, and in all respects in accordance with those plans and sections, the tramways herein-after described, with all proper rails, plates, works, and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference to those plans respectively as may be required for that purpose. The tramways herein-before referred to and authorised by this Act are :

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Power to
make tram-
ways accord-
ing to de-
posited plans.

ROUTE No. 1.—BELFAST CENTRAL RAILWAY STATION TO BELFAST AND NORTHERN COUNTIES RAILWAY STATION.

A tramway, No. 1, (one mile and eight and a quarter chains in length,) commencing in Victoria Street opposite Police Square at a point one chain north-east of the weighing machine situate at the eastern end of that square, and thence passing in a northerly direction along Victoria Street, into and along Corporation Street, and into and along Great George's Street, and into and in a north-easterly direction along York Street and York Road, and terminating in that road in the open space fronting the Belfast and Northern Counties Railway terminus at a point about two and a quarter chains north of the principal entrance to the said terminus.

A tramway, No. 1A, (two chains in length,) commencing by a junction with tramway No. 1 in Victoria Street at a point one chain north of Ann Street, and passing thence by a line crossing to the south-eastward to and terminating at the south-east corner of Ann Street at its intersection with Victoria Street.

A junction tramway, No. 1B, (three and a quarter chains in length,) commencing by a junction with the double line of rails of tramway No. 1 in York Road opposite Bentinck Street, and thence passing in a north-easterly direction to and terminating in the Belfast and Northern Counties Railway terminus by a junction with the line of rails of that railway at the southern end of the passenger platform at that station.

ROUTE No. 2.—NORTHERN COUNTIES RAILWAY STATION TO COMMERCIAL BUILDINGS.

A tramway, No. 2, (three furlongs and four and a quarter chains in length,) commencing by a junction with the double line of rails of tramway No. 1 in York Street at a point one and a half chains north-east of Great George's Street, and passing thence in a south-westerly direction along York Street, into

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and in a south-easterly direction along Donegall Street, and terminating in the last-named street at a point about three chains north-west of Waring Street.

ROUTE No. 3.—COUNTY COURT HOUSE TO COMMERCIAL BUILDINGS.

A tramway, No. 3, (five furlongs and five chains in length,) commencing in the Crumlin Road opposite Court Street, and thence passing in a south-easterly direction along Crumlin Road, and across Carlisle Circus, and into and along Antrim Road (otherwise Clifton Street), into and in a south-easterly direction along Donegall Street, and terminating in that street by a junction with tramway No. 2 at a point three quarters of a chain south-east of York Street.

ROUTE No. 4.—CENTRAL RAILWAY STATION TO ROYAL BOTANICAL GARDENS.

A tramway, No. 4, (one mile four furlongs and four chains in length,) commencing in Victoria Street by a junction with tramway No. 1 at a point one and a half chains south of High Street, and curving thence in a westerly direction into and passing along High Street and Castle Place, and into and along Donegall Place, and into and in a westerly direction along Donegall Square North and Wellington Place, and thence into and in a southerly direction along College Square East, Fisherwick Place, Glengall Place, Great Victoria Street, Dublin University or Botanic Road, and terminating in the last-named road at a point one chain south-west of the west entrance gate of the Royal Botanical Gardens.

A tramway, No. 4A, (nine and a quarter chains in length,) commencing in Donegall Street aforesaid by a junction with tramway No. 2 at its termination, and passing thence in a southerly direction along Donegall Street, into and in a westerly direction along Waring Street and the road or street at the western end thereof lying between the Belfast Bank and Exchange and the Commercial Reading Rooms, into and along Bridge Street and High Street, and terminating in the last-named street by a junction with the southern line (tramway No. 4) at a point three quarters of a chain south-west of Bridge Street.

ROUTE No. 5.—CENTRAL RAILWAY STATION TO ORMEAU (RIVER LAGAN) BRIDGE.

A tramway, No. 5, (one mile and four and a quarter chains in length,) commencing in Victoria Street by a junction with tramway No. 1 at its commencement, and passing thence in a

southerly direction along Victoria Street, Great Edward Street, Cromac Street, and Ormeau Road, and terminating in the last-named road at a point four and a quarter chains north of the centre of the bridge carrying that road over the River Lagan.

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A tramway, No. 5A, (two furlongs and one and three quarter chains in length,) commencing by a junction with tramway No. 5 in Victoria Street at a point one chain north of the junction of Chichester Street, and proceeding in a southerly direction for a short distance along Victoria Street, and into and in a westerly direction along Chichester Street and Donegall Square North, and terminating in Donegall Square North by a junction with tramway No. 4 at a point one and a quarter chains west of Donegall Place.

38. The corporation may at any time, on giving one month's notice in writing to the Company, require the removal of tramway No. 4A, by this Act authorised, and thereupon the Company shall remove the same, and shall repair and make good the street or road, and failing such removal, repair, and making good of the street or road by the Company, the corporation may effect such removal of the tramway, and such repair and making good of the street or road, and the expenses thereof shall be defrayed by the Company and paid by them to the said corporation.

As to lines
along Bridge
Street.

39. The sum of fifteen hundred and thirty pounds (being five pounds per centum upon the estimated cost of the construction of the tramways and works by the said Order in Council authorised) deposited in the Belfast Bank at Belfast, in the names of the mayor and treasurer for the time being of the corporation and to the separate credit of "tramways account," as security for the completion of the said tramways and works, shall become and is hereby forfeited to the corporation in the event of the Company failing to complete, within the time herein-after in that behalf limited, the said tramways and works by this Act authorised, or any part or parts thereof: Provided always, that the Company shall, until such forfeiture, be entitled to any interest or dividend which may from time to time accrue on the said sum, or upon any securities in which it may for the time being be invested, and the said sum shall be returned to the Company upon the production of a certificate of the commissioners of the completion within the time limited, as herein-after provided, of the said tramways and works.

Security for
completion
of works.

40. The sum of fifteen hundred and thirty pounds (being five per centum upon the amount of the estimate of expense of the tramways authorised by the Order in Council) which has been deposited with the Court of Chancery in Ireland, pursuant to

Release of
deposit with
Court of
Chancery in
respect of

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the Order in
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the requirements of the 29th section of "The Tramways (Ireland) Act, 1860," and the interest and dividends thereon, shall, on the application of the person or persons, or the majority of the persons, named in the warrant or order issued in pursuance of that Act, or the survivors or survivor of them, or of the executors or administrators of the last survivor, by petition in a summary way at any time after the passing of this Act to the High Court of Chancery in Ireland, be transferred and paid to the person or persons whom they or he may appoint in that behalf.

Mode of
formation of
tramways.

41. Every tramway to be made, formed, or laid down under this Act shall be constructed with two rails, to be laid at a distance (reckoning from the inside of the groove of each rail) of five feet three inches from each other, and shall be laid and maintained in such manner that the uppermost surface of the rail shall be on a level with the surface of the road: Provided always, that no part or projection of any carriage or waggon used on any of the said tramways shall come nearer to the outside of the footpath or kerbstone in any road or street than seven feet six inches, save by special permission of the corporation, and that no tramway shall be opened for public traffic until the same has been inspected and approved of in the manner prescribed in that behalf by the commissioners. All tramways made, formed, or laid down under this Act shall be constructed in accordance with the provisions of this Act to the satisfaction of and under the supervision of the borough surveyor.

Passing
places to be
constructed
where less
than a cer-
tain width
left between
footway and
tramway.

42. Where in any street or road in which a double line of tramway is laid there shall be less width between the outside of the footpath on either side of the street or road and the nearest rail of the tramway than nine feet six inches the Company shall, with the consent of the corporation, construct a passing place or places connecting the one line of tramway with the other, and by means of such passing place or places the traffic shall, when necessary, be diverted from the one line of tramway to the other.

Reserving
power to
road autho-
rities to alter
level of roads.

43. If any road authority shall hereafter alter the level of any street or road along or across which any tramway by this Act authorised is laid or authorised to be laid, the Company shall alter or (as the case may be) lay their rails so that the uppermost surface thereof shall be on a level with the surface of the road so altered.

Penalty for
not main-
taining rails
and roads.

44. The Company shall at all times maintain and keep in good condition and repair, and so as not to be a danger or annoyance to the ordinary traffic, the rails of the tramways and the substructure upon which the same rest, and if the Company at any time fail to comply with this provision they shall be subject to a penalty not

exceeding five pounds for every day on which such non-compliance continues. A.D. 1872.

45. Whenever the corporation shall or may at any time desire to construct or have constructed any siding, refuge, or resting place in any street or road in which any of the tramways by this Act authorised may be laid, the Company shall upon demand of the corporation make such alterations as may be necessary in the line and direction of the tramways to allow of the construction or maintenance of such siding, refuge, or resting place.

Corporation may require construction of sidings, refuges, or resting places.

46. The Company from time to time for the purpose of making, forming, laying down, maintaining, and renewing the tramways by this Act authorised, or any part or parts thereof respectively, may open and break up any street or road, subject to the following regulations:

Power to break up streets, &c.

1. They shall give to the corporation notice of their intention, specifying the time at which they will begin to do so, and the portion of street or road proposed to be opened or broken up, such notice to be given seven days at least before the commencement of the work:
2. They shall not open or break up or alter the level of any street or road, except under the superintendence and to the reasonable satisfaction of the corporation, unless the corporation refuses or neglects to give such superintendence at the time specified in the Company's notice, or discontinues the same during the work:
3. They shall pay all reasonable expenses to which the road authority is put on account of such superintendence:
4. The Company shall not, without the consent of the corporation, open or break up at any one time a greater length than two hundred yards of any street or road which does not exceed a quarter of a mile in length, and in the case of any street or road exceeding a quarter of a mile in length the Company shall leave an interval of at least a quarter of a mile between any two places at which they may open or break up the street or road, and they shall not open or break up at any such place a greater length than two hundred yards:
5. Where the carriageway over any bridge forms part of or is a street or road within the borough, but such bridge is vested in some person or persons, corporation, or company distinct from the corporation, any work which the Company may be empowered to construct and which affects or in anywise interferes with the structural works of such bridge, shall be constructed under the superintendence (at the cost of the Company) and to the reasonable satisfaction of such person,

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persons, corporation, or company, unless after notice to be given by the Company seven days at least before the commencement of such work such superintendence is refused or withheld :

6. Where the carriageway in or upon which any tramway is proposed to be formed or laid down is crossed by any railway or tramway on the level, any work which the Company may be empowered to construct under this Act, and which affects or in anywise interferes with such railway or tramway or the traffic thereon, shall be constructed and maintained under the superintendence (at the cost of the Company) and to the reasonable satisfaction of the person, corporation, or company owning such railway or tramway, unless after notice to be given by the Company seven days at least before the commencement of such work, such superintendence is refused or withheld.

Completion
of work and
reinstatement
of roads.

47. When the Company have opened or broken up any portion of any street or road, they shall be under the following further obligations ; namely,

1. They shall with all convenient speed, and in all cases within three weeks at the most (unless the corporation otherwise consents in writing), complete the work on account of which they opened or broke up the same, and (subject to the formation, maintenance, or renewal of the tramway) fill in the ground and make good the surface, and to the satisfaction of the corporation restore the portion of the street or road to as good condition as that in which it was before it was opened or broken up, and clear away all surplus paving or metalling material or rubbish occasioned thereby :
2. They shall in the meantime cause the place where the street or road is opened or broken up to be fenced and watched, and to be properly lighted at night :
3. They shall bear or pay all reasonable expenses of the repair of the street or road for six months after the same is restored as far as those expenses are increased by the opening or breaking up.

If the Company fail to comply in any respect with the provisions of the present section, they shall for every such offence (without prejudice to the enforcement of specific performance of the requirements of this Act or to any other remedy against them) be liable to a penalty not exceeding twenty pounds, and to a further penalty not exceeding five pounds for each day during which any such failure continues after the first day on which such penalty is incurred ; and any such penalty shall go and belong to the corporation, and shall

form part of the funds applicable to the maintenance of the street or road. A.D. 1872.

48. All works to be executed under the powers of this Act shall be executed in accordance in all respects with plans and specifications as the same are or may be altered, modified, or amended by and to be approved in writing under the hand of the borough surveyor, and the original contract or contracts for the execution of each and every of the works by this Act authorised shall be put up to public competition by public tender, and the tender or tenders shall be submitted for the consideration and selection of a committee of six persons, of whom three shall be appointed or elected by the corporation and three shall be appointed by the Company, and which said committee shall examine and decide on the said tender or tenders, and shall select and determine the contractor or contractors. Further provisions as to construction of works, &c.

49. The Company shall, except as is otherwise provided for by this Act, at their own expense at all times maintain and keep in good condition and repair, and as to any particular street or road or part of a street or road, if required by the corporation, pave and keep paved with such materials and in such manner as the corporation shall direct, and to their satisfaction, and under the supervision of the borough surveyor of the corporation, so much of any street or road whereon any tramway of the Company is laid as lies between the rails of the tramway and (where two lines of tramway of the Company are laid in any street or road at a distance of not more than four feet from each other) the portion of the street or road between the lines of tramway, and in every case so much of the street or road as extends two feet beyond the rails of, and on each side of any tramway of the Company. If the Company abandon their undertaking, or any part of the same, and take up any tramway or part of any tramway belonging to them they shall with all convenient speed, and in all cases within one month at the most (unless the corporation otherwise consents in writing), fill in the ground and make good the surface, and to the satisfaction of the corporation, and under supervision of the borough surveyor, restore the portion of road upon which such tramway was laid to as good a condition as that in which it was before such tramway was laid thereon, and clear away all surplus paving or metalling material or rubbish occasioned by such work, and they shall in the meantime cause the place where the street or road is opened or broken up to be fenced and watched, and to be properly lighted at night: Provided always, that if the Company fail to comply with the provisions of this section the corporation, if they think fit, may themselves, at any time after seven days notice to the Company, open and Repair and maintenance of part of street or road where tramway is laid.

A.D. 1872. — break up the street or road, and do the works necessary for the repair and maintenance or restoration of the street or road to the extent in this section above mentioned, and the expense incurred by the road authority in so doing shall be paid to them by the Company.

Corporation may do repairs to paving, &c. at expense of Company.

50. Notwithstanding anything in this Act contained, all paving, macadamising, and other works and repairs necessary for the proper maintenance of the tramways and works by this Act authorised (except the rails and sleepers thereof), and of the streets and roads through which the same are or may be laid, may (if the corporation think fit) be executed by the corporation at the expense of the Company, and in that event the corporation shall, once in each and every month, render an account to the Company of all the costs and expenses which the Company have incurred therefor, made up to the last day of the month next immediately preceding, and which said account shall be delivered to the Company within the month next following, and the Company shall within seven days from the date of the delivery of such account pay to the corporation the amount thereof, and such amount in default of payment may be recovered in any court of competent jurisdiction.

Application of surplus metalling, &c.

51. Any metalling or material excavated by the Company in the construction of their works from any street or road under the jurisdiction or control of the corporation may be applied by the Company, so far as may be necessary, in or towards the reinstating of the street or road, and to the maintenance of the said street or road for six months after the completion of any of the tramways, or for so much of the roadway on either side of such tramways as the Company are required to maintain; and the Company shall, if so required, deliver up the surplus metalling or material not used or required to be retained for the purposes aforesaid to the borough surveyor, or to such person or persons as he may appoint to take away the same; provided that if within thirty days after notice being given to the said surveyor of the existence of any surplus as aforesaid such surplus is not removed by the said surveyor, or by some person or persons named by him for that purpose, such surplus metalling or material shall absolutely vest in and belong to the Company, and may be dealt with, removed, and disposed of by them in such manner as they may think fit; and any difference between the Company and the corporation, or the borough surveyor, or other person, with reference to any of the matters aforesaid, shall be determined in manner by this Act provided.

Company to pay for stone pitching used

52. In the event of the Company desiring to use in the construction of the tramways and works by this Act authorised, all

or any part of the stone pitching which may be in any street or road along which any of the tramways by this Act authorised are to be laid, and which may be disturbed or removed by the Company in such construction, and which may be suitable or adapted for the purpose of the said tramways and works, and the paving connected therewith, the Company shall be at liberty to acquire such pitching, upon paying to the corporation the then market value of the material so disturbed, such value, in the event of difference, to be determined in manner by this Act provided.

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by them in
construction
of tramways.

53. The corporation on the one hand and the Company on the other hand may from time to time enter into and carry into effect, and from time to time alter, renew, or vary, contracts, agreements, or arrangements with respect to the paving and keeping in repair of the whole or any portion of the roadway of any street or road on which the Company shall lay any tramway, and the proportion to be paid by either of them of the expense of such paving and keeping in repair.

Corporation
and Company
may contract
for paving
roads on
which tram-
ways are laid.

54. Notwithstanding anything in this Act contained, the Company shall not acquire or be deemed to acquire any right other than that of user by their horses, carriages, and servants of any street or road along or across which they lay any tramway.

Right of
user only.

55. Nothing in this Act shall take away or affect any power which the corporation, or the owners, commissioners, undertakers, or lessees of any railway, tramway, or inland navigation, may have by law to widen, alter, divert, or improve any street or road, railway, tramway, or inland navigation.

Reserving
powers of
corporation,
&c. to widen,
&c. roads.

56. For the purpose of making, forming, laying down, maintaining, repairing, or renewing any of their tramways, the Company may, from time to time, where and as far as it is necessary or may appear expedient, for the purpose of preventing frequent interruption of the traffic by repairs or works in connexion with the same, alter the position of any mains or pipes for the supply of gas or water, or any tube, wires, or apparatus for telegraphic or other purposes, subject to the provisions of this Act, and also subject to the following restrictions; (that is to say,)

Company
may alter
position of
gas and water
pipes, &c.

1. Before laying down a tramway in a street or road in which any mains or pipes, tubes, wires, or apparatus may be laid, the Company shall, whether they contemplate altering the position of any such mains or pipes, wires or apparatus, or not, give seven days notice to the corporation, or to the company or person or persons to whom such mains or pipes, tubes, wires, or apparatus may belong, or by whom they are controlled, of their intention to lay down or alter

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the tramway, and shall at the same time deliver a plan and section of the proposed work. If it should appear to the corporation, or to the Belfast Water Commissioners, or any such company or person or persons, that the construction of the tramway as proposed would endanger any such main, pipes, tube, wire, or apparatus, or interfere with or impede the supply of water or gas, or the telegraphic or other communication, the corporation, or the Belfast Water Commissioners, or such company or person or persons (as the case be), may give notice to the Company to lower or otherwise alter the position of the said mains or pipes, tubes, wires, or apparatus in such manner as may be considered necessary, and any difference as to the necessity of any such lowering or alteration shall be settled in manner provided by this Act for the settlement of differences between the Company and the corporation, or Belfast Water Commissioners, or other companies or person or persons; and all alterations to be made under this section shall be made with as little detriment and inconvenience to the corporation, or to the Belfast Water Commissioners, or to the company or person or persons to whom such mains or pipes, tubes, wires, or apparatus may belong, or by whom the same are controlled, or to the inhabitants of the district, as the circumstances will admit, and under the superintendence of the corporation, or of the borough surveyor, or of such commissioners or company, or person or persons, or of their surveyor or engineer, if they or he think fit to attend, after receiving not less than forty-eight hours notice for that purpose, which notice the Company are hereby required to give:

2. The Company shall not remove or displace any of the mains or pipes, valves, syphons, plugs, tubes, wires, or apparatus or other works belonging to or controlled by the corporation, or Belfast Water Commissioners, or any such company or person or persons, or do anything to impede the passage of water or gas, or the telegraphic or other communication into or through such mains or pipes, without the consent of the corporation, or of the said commissioners or company, or person or persons, as the case may be, or in any other manner than the corporation or such company, person or persons, shall approve, until good and sufficient mains, pipes, valves, syphons, plugs, and other works necessary or proper for continuing the supply of water or gas, or telegraphic or other communication, as sufficiently as the same was supplied by the mains or pipes, tubes, wires, or apparatus proposed to

be removed or displaced, shall, at the expense of the Company, have been first made and laid down in lieu thereof and ready for use, and to the satisfaction of the borough surveyor, or of the surveyor or engineer of such commissioners, water or gas or other company, or of such person or persons, as the case may be, or, in case of disagreement between such surveyor or engineer and the Company, as an engineer appointed by the commissioners shall direct:

3. The Company shall not lay down any such pipes contrary to the regulations of any Act of Parliament relating to the corporation or the Belfast Water Commissioners, or to such water or gas or other company, or relating to telegraphs:
4. The Company shall make good all damage done by them to property belonging to or controlled by the corporation, or by the Belfast Water Commissioners, or any such company or person or persons, and shall make full compensation to all parties for any loss or damage which they may sustain by reason of any interference with such property, or with the private service pipes of any person or persons supplied by the corporation or by the said commissioners, or by any such company, or person or persons, with water or gas:
5. If by any such operations as aforesaid the Company interrupt the supply of water or gas in or through any main or main pipe, they shall be liable to a penalty not exceeding twenty pounds for every day upon which such supply shall be so interrupted.

57. Where any of the tramways or any works connected therewith interferes with any sewer, drain, watercourse, subway, defence, or work, under the jurisdiction or control of the corporation, or in any way affects the sewerage or drainage of the districts under their control, or any works in connexion therewith, as at present constructed or hereafter to be constructed, the Company shall not commence any tramway or work until they shall have given to the corporation fourteen days previous notice in writing of their intention to commence the same, by leaving such notice at the office of the borough surveyor with all necessary particulars relating thereto, nor until the corporation shall have signified their approval of the same, unless the corporation do not signify their approval, disapproval, or other directions within fourteen days after service of the said notice and particulars as aforesaid; and the Company shall comply with and conform to all reasonable directions and regulations of the corporation in the execution of the said works, and shall provide by new, altered, or substituted works, in such manner as the corporation shall reasonably require, for the proper

For protection of sewers, &c.

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protection of and for preventing injury or impediment to the sewers and works herein-before referred to by or by reason of the tramways, and shall save harmless the corporation against all and every the expense to be occasioned thereby; and all such works shall be done under the direction, superintendence, and control of the borough surveyor, or other officer or officers of the corporation, at the reasonable costs, charges, and expenses in all respects of the Company; and when any new, altered, or substituted work as aforesaid, or any work or defence connected therewith, shall be completed by or at the costs, charges, or expenses of the Company, under the provisions of this Act, the same shall thereafter be as fully and completely under the direction, jurisdiction, and control of the local authority, and be maintained by them, as the case may be, as any sewers or works.

Saving rights of corporation, &c. to open roads.

58. Nothing in this Act shall take away or abridge any power to open or break up any road along or across which any tramway is laid or any other power now vested or hereafter to be vested in the corporation for any of the purposes for which such authority is respectively constituted, or in any commissioners, company, body, or person, for the purpose of laying down, repairing, altering, or removing any pipe for the supply of gas or water, or any tubes, wires, or apparatus for telegraphic or other purposes, or for the construction, cleansing, maintenance, and repair of sewers and works in connexion therewith, but in the exercise of such power, the corporation, company, body, or persons shall be subject to the following restrictions; (that is to say,)

1. They shall cause as little detriment or inconvenience to the Company as circumstances will admit:
2. They may order the temporary stoppage of traffic on the said tramways, or any of them, on giving twenty-four hours previous notice in writing to the Company:
3. Before they commence any work whereby the traffic on the tramway will be interrupted, they shall (except in cases of urgency, in which cases no notice shall be necessary,) give to the Company notice of their intention to commence such work, specifying the time at which they will begin to do so, such notice to be given eighteen hours at least before the commencement of the work:
4. They shall not be liable to pay to the Company any compensation for injury done to the tramway by the execution of such work, or for loss of traffic occasioned thereby, or by reason of the temporary stoppage of the traffic, or for the reasonable exercise of the powers so vested in them as aforesaid:

5. Whenever, for the purpose of enabling them to execute such work, the corporation shall so require, the Company shall either stop the traffic on the tramway to which the notice shall refer, where it would otherwise interfere with such work, or shore up and secure the same at their own risk and cost during the execution of the work there: Provided that such work shall always be completed by the corporation, as the case may be, with all reasonable expedition:

6. Any company, body, or person shall not execute, such work, so far as it immediately affects the tramway, except under the superintendence of the Company, unless they refuse or neglect to give such superintendence at the time specified in the notice for the commencement of the work, or discontinue the same during the progress of the work; and they shall execute such work at their own expense, and to the reasonable satisfaction of the Company: Provided that any additional expense imposed upon them by reason of the existence of the tramway in any street or road or place where any such mains, pipes tubes, wires, or apparatus shall have been laid before the construction of such tramway shall be borne by the Company.

59. Wheresoever any tramway shall be constructed upon a bridge carrying a road over a railway or canal, the following provision shall apply:

Protecting
bridges over
railways and
canals.

(1.) The Company shall give fourteen days notice in writing to the railway company or the canal company whose railway or canal, as the case may be, is crossed, of the intention to commence the construction of the tramway, and shall, at the same time, send sufficient specifications or other information to show the nature of the interference with the bridge:

(2.) If the engineer of the railway company or of the canal company, as the case may be, shall be of opinion that the mode proposed of constructing the tramway will render the bridge insecure or injure it, and no method is agreed on of constructing the tramway to the satisfaction of the said engineer, the matter in difference shall be determined in manner by this Act provided:

(3.) The works on the bridge shall be executed under the superintendence and to the reasonable satisfaction of the engineer of the railway company, or of the canal company, as the case may be:

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(4.) Any additional expense in the maintenance of the bridge, or of the roadway on the same, or of the approaches thereto, occasioned by the construction, use, and maintenance of the tramway, shall be borne by the Company.

Form and delivery of notices.

60. With respect to the notices aforesaid, and to the delivery thereof by or to the Company, the following provisions shall have effect; namely,

1. Every notice shall be in writing or print, or partly in writing and partly in print, and shall be sufficiently authenticated if given by the corporation by being signed by the town clerk, or the borough surveyor, or the clerk or secretary of such authority :

2. Any notice to be delivered by or to the Company to or by any road authority or local authority, or other body, or any company, may be delivered by being left at the principal office of that authority, body, or company, or of the Company, as the case may be, or by being sent by post in a registered letter, addressed to their respective clerk or secretary at their principal office; and every such letter shall be deemed to be received by the authority, body, or company, or by the Company (as the case may be), on the day on which the same ought to be delivered at their principal office in the ordinary course of post.

Exclusive use by Company of flange-wheeled carriages on tramways. Animal power only to be used. Width of carriages limited.

61. The Company may use on their tramways carriages with flange wheels or wheels suitable only to run on a grooved rail, and, subject to the provisions of this Act, the Company shall have the exclusive use of their tramways for carriages with flange wheels or other wheels suitable only to run on a grooved rail. All carriages used on any tramway shall be moved by animal power only. No carriage used on any tramway of the Company shall extend beyond the outer edge of the wheels of such carriage more than eleven inches on each side.

Settlement of differences between promoters and corporation, &c.

62. If any difference arises between the Company or any lessee of the Company on the one hand, and the corporation or any gas or water company, or any company, body, or person to whom any sewer, drain, tube, wire, or apparatus for telegraphic or other purposes may belong, or any other company, on the other hand, with respect to any interference or control exercised or claimed to be exercised by them or him, or on their or his behalf, or by the Company by virtue of this Act, in relation to any tramway or work, or in relation to any work or proceeding of the corporation or other body, company, or person, or with respect to the propriety of or

the mode of execution of any work relating to any tramway, or with respect to the amount of any compensation to be made by or to the Company, or on the question whether any work is such as ought reasonably to satisfy the corporation or other body, company, or person concerned, or with respect to any other subject or thing regulated by or comprised in this Act, the matter in difference shall, unless otherwise specially provided by this Act, be settled by an engineer or other fit person nominated as referee by the commissioners on the application of either party, and the expenses of the reference shall be borne and paid as the referee directs.

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63. If any person wilfully obstructs any person acting under the authority of the Company in the lawful exercise of their powers, or damages or destroys any property of the Company, or of any lessees or licensees of any tramway, he shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty for obstruction of Company in exercise of their powers.

64. If at any time after any tramway or part of any tramway by this Act authorised shall have been for two years opened for public traffic, it shall be represented in writing to the commissioners, by the corporation, or by twenty inhabitant ratepayers of any parish in which any tramway or part of any tramway of the Company is laid, that the public are deprived of the full benefit of the tramway, the commissioners may (if they consider that *primâ facie* the case is one for inquiry) direct an inquiry, by a referee under this Act, into the truth of the representation, and if the referee report that the truth of the representation has been proved to his satisfaction the commissioners may from time to time grant licenses to the corporation, or to any company or person, to use such tramways, in addition to the Company or their lessees, for similar traffic to that conveyed by the Company, with carriages to be approved by the commissioners, subject to the following provisions, conditions, and restrictions; that is to say,

Licenses to use the tramway may, in certain events, be granted to third parties by the commissioners.

1. The license shall be for any period not less than one year, nor more than three years, from the date of the license, but shall be renewable by the commissioners, if they, upon inquiry, think fit:
2. The license shall be to use the whole of the tramways by this Act authorised for the time being opened for public traffic, or such part or parts of the tramways as the commissioners, having reference to the cause for granting the license, shall think right:
3. The license shall direct the number of carriages which the licensee or licensees shall run upon the tramways, and the mode in which, and times at which, such carriages shall be run:

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4. The licenses shall specify the tolls to be paid to the Company by the licensee or licensees for the use of the tramway :
5. The licensee or licensees and their officers and servants shall permit one person, duly authorised for that purpose by the Company, to ride free of charge in or upon each carriage of the licensee or licensees run upon the tramways for the whole or any part of the journey :
6. The commissioners may at any time after the granting of any license, revoke, alter, or modify the same for good cause shown to them.

In default of payment of tolls, Company may detain and sell licensee's carriages.

65. If on demand any licensee fail to pay the tolls due in respect of any passengers carried in any carriage, it shall be lawful for the Company to detain and sell such carriage, or if the same shall have been removed from the tramways or premises of the Company to detain and sell any other carriages on such tramways or premises belonging to such licensee, and out of the moneys arising from such sale to retain the tolls payable as aforesaid, and all charges and expenses of such detention and sale, rendering the overplus (if any) of such moneys and such of the carriages as shall remain unsold to the person entitled thereto.

Licensees to give account of passengers carried by them.

66. Every licensee shall, on demand, give to an officer or servant authorised in that behalf by the Company, an exact account in writing, signed by such licensee, of the number of passengers conveyed by and every carriage used by him on the tramways.

Penalty on licensees not giving account of passengers carried, or giving false account.

67. If any such licensee fail to give such account to such officer or servant demanding the same, as aforesaid, or if any such licensee, with intent to avoid the payment of any tolls, give a false account, he shall for every such offence forfeit to the Company a sum not exceeding five pounds, and such penalty shall be in addition to any tolls payable in respect of the passengers carried by any such carriage.

Disputes as to amount of tolls to be settled by justices.

68. If any dispute arise concerning the amount of the tolls due to the Company from any licensee, or concerning the charges occasioned by any detention or sale of any carriage under the provisions herein contained, the same shall be settled by two justices of the peace, and it shall be lawful for the Company in the meanwhile to detain the carriage, or (if the case so require) the proceeds of the sale thereof.

Licensees liable for damage done by their servants.

69. Every licensee shall be answerable for any trespass or damage done by his carriages or horses, or by any of the servants or persons employed by him, to or upon the tramway, or to or upon the property of any other person ; and, without prejudice to the right of action against the licensee or any other person, every such

servant or other person may lawfully be convicted of such trespass or damage before two justices of the peace, either by the confession of the party offending or by the oath of some credible witness, and upon such conviction every such licensee shall pay to the Company or persons injured, as the case may be, the damage, to be ascertained by such justice, so that the same do not exceed fifty pounds. A.D. 1872.

70. If any person without lawful excuse (the proof whereof shall lie on him) wilfully does any of the following things; (namely,) Penalties for wilful injury or obstruction to tramway.

- Interferes with, removes, or alters any part of a tramway of the Company, or of the works connected therewith;
- Places or throws any stones, dirt, wood, refuse, or other material on any part of the tramway;
- Does or causes to be done anything in such manner as to obstruct any carriage using a tramway, or to endanger the lives of persons therein or thereon;
- Or knowingly aids or assists in the doing of any such thing;

he shall for every such offence be liable (in addition to any proceedings by way of indictment or otherwise to which he may be subject) to a penalty not exceeding five pounds.

71. If any person or any other corporation than the Company (except as herein-after provided, or under a lease from or by agreement with the Company, or under license from the commissioners as by this Act provided) use the tramways or any of them, or any part thereof, with carriages having flange wheels, or other wheels suitable only to run on a grooved rail, such person or corporation shall for every such offence forfeit to the Company a sum not exceeding twenty pounds. Persons using tramways with carriages with flange wheels, &c. to forfeit 20% on each occasion to the Company.

72. The corporation may use the tramways authorised by this Act, at such times and in such manner as will not interfere with the traffic of the Company or their lessees or any licensees, and subject to the reasonable byelaws of the Company, for the conveyance of scavenging stuff, road metal, and other materials required for their streets, roads, and works, free of all tolls and charges by the Company in respect of such use; and the corporation may, if they shall so determine or deem expedient, provide and use their own carriages or waggons for such purposes: Provided always, that all waggons used by the corporation, or any person in their employment, on the tramway shall be with flange wheels or wheels suitable to run on a grooved rail; and the Company shall not be liable for any accidents, damages, and injuries arising from or occurring through the act or default of the servants of the corporation, or of any person in their employment, in connexion with such use of the tramways by the corporation. Corporation may use tramways for certain purposes.

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Authorising agreements for use of tramways.

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

Company to be responsible for all damage.

74. The Company or their lessees, as the case may be, shall be answerable for all accidents, damages, and injuries happening through their act or default, or through the act or default of any person in their employment, by reason or in consequence of any of their works or carriages, and shall, except as is herein-before provided, save harmless all other authorities, companies, or bodies, collectively and individually, and their officers and servants, from all damages and costs in respect of such accidents, damages, and injuries.

Power for corporation to regulate traffic in streets.

75. Nothing in this Act shall limit the power of the corporation to regulate the passage of any traffic along or across any street or road along or across which any of the Company's tramways are laid down, and the corporation may exercise their authority as well on as off the tramway, and with respect as well to the traffic of the Company or their lessees as to the traffic of other persons.

Corporation may require Company to appoint a watchman and make rules and regulations as to speed on tramways.

76. The corporation may at any time, by notice in writing under the hand of the town clerk or the borough surveyor, require the Company to provide a watchman for the purpose of regulating the working of the tramways at the junctions of Bridge Street with Waring Street, and of Waring Street with Donegall Street, so as to ensure the greatest possible amount of safety and as little inconvenience as possible to the public traffic, and thereupon the Company shall appoint such watchman, and shall adopt such precautions and regulations as to the rate of speed to be observed in travelling upon the tramways or tramway as the corporation may from time to time direct.

Reservation of right of public to use streets.

77. Nothing in this Act, or in any byelaw made under this Act, shall take away or abridge the right of the public to pass along or across every or any part of any road or street along or across which any tramway of the Company is laid, whether on or off the tramway, with carriages not having flange wheels, or wheels suitable only to run on the rail of the tramways.

78. If at any time after the opening of any tramway for traffic the Company shall discontinue the working of such tramway, or of any part thereof, for the space of three calendar months, (such discontinuance not being occasioned by circumstances beyond the control of the Company, for which purpose the want of sufficient funds shall not be considered a circumstance beyond their control,) and such discontinuance is proved to the satisfaction of the commissioners, the commissioners, if they think fit, may by order declare that the powers of the Company in respect of the tramway or the part thereof so discontinued, shall, from the date of such order, be at an end, and thereupon the said powers of the Company shall cease and determine. Where any such order has been made the corporation may, at any time after the expiration of two months from the date of such order and under the authority of a certificate to that effect by the commissioners, remove the tramway or part of the tramway so discontinued, and the Company shall pay to the corporation the cost of such removal, and of the making good of the street or road by the corporation, such cost to be certified by the borough surveyor, or by some other authorised officer of the corporation, whose certificate shall be final and conclusive; and if the Company fail to pay the amount so certified within one calendar month after delivery to them of such certificate, or a copy thereof, the corporation may without any previous notice to the Company (but without prejudice to any other remedy which they may have for the recovery of the amount) sell and dispose of the materials of the tramway or part of the tramway removed, or of the carriages, waggons, or other plant, goods, and effects of or belonging to the Company, either by public auction or private sale, and for such sum or sums, and to such person or persons, as the corporation may think fit, and may, out of the proceeds of such sale, pay and reimburse themselves the amount of the cost certified as aforesaid and of the cost of sale, and the balance (if any) of the proceeds of the sale shall be paid over by the corporation to the Company.

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Tramways if discontinued to be removed.

79. If the corporation, within five years from the completion of the tramways respectively, or of such part thereof as shall be completed within the time limited as herein-after provided, shall at any time, or from time to time, by resolution, determine that all or any of the tramways, or any part thereof respectively, shall be discontinued and ought to be removed, the corporation may give notice to the Company requiring them to remove such tramways or tramway, or part of a tramway, as is specified in the said notice, and the Company shall, within one month after the notice so given, remove the said tramways or tramway, or part of a tramway, and repair and make good the street or road to the satisfaction of and under the supervision of the borough surveyor; and if the Company do not

As to removal of tramways.

A.D. 1872. within one month remove such tramways or tramway, or part of a tramway, and make good such street as aforesaid, the corporation may (without prejudice to any other remedy against the Company) remove the tramways or tramway, or part of a tramway, and repair and make good such street or road as aforesaid, and may sell all or any part of the materials removed, and out of the proceeds of such sale reimburse themselves their expenses relative to such notice, removal, and sale, and repair and making good of the street, and consequent thereon (rendering the overplus, if any, to the Company), and the unpaid residue (if any) of such expenses shall be paid to the corporation by the Company, and shall be recoverable from the Company by proceedings in any court of competent jurisdiction: Provided always, that as regards any tramway or portion of a tramway which, prior to giving of such notice, shall have been opened for traffic, no notice of removal shall be given by the corporation before the expiration of eighteen months after the opening thereof: Provided always, that this last-mentioned provision shall not apply to tramway No. 4A, which said tramway as by this Act provided, the corporation may require the Company to discontinue, take up, and remove at any time after the expiration of six calendar months from the opening thereof.

Proceedings
in case of in-
solventy of
Company.

80. If at any time after the opening of any tramway for traffic it shall appear to the corporation that the Company are insolvent, so that they are unable to maintain such tramway or work the same with advantage to the public, and the corporation shall make a representation to that effect to the commissioners, the commissioners may direct an inquiry by a referee into the truth of the representation, and if the referee shall find that the Company are so insolvent as aforesaid, the commissioners may, by order, declare that the powers of the Company shall at the expiration of six calendar months from the making of the order be at an end, and the powers of the Company shall cease and determine at the expiration of the said period, and thereupon the said road authority may remove the tramway in like manner, and subject to the same provisions as to the payment of the costs of such removal, and to the same remedy for recovery of such costs, in every respect, as in cases of removal under this Act, when the working of the tramways, or of any part thereof, shall have been discontinued by the Company for the space of three calendar months.

As to wind-
ing up the
affairs of
Company, &c.

81. After the expiration of six calendar months from the making of any such order as in the preceding section provided, by the commissioners declaring that the powers of the Company shall cease, the Court of Chancery in Ireland may at any time make an order for the winding-up of the Company.

82. If the corporation, by resolution passed at a special meeting of the town council of the borough, so decide, they may, within six months after the expiration of a period of twenty-one years from the time of the passing of this Act, and within six months after the expiration of every subsequent period of seven years, with the approval of the commissioners, by notice in writing require the Company to sell, and thereupon the Company shall sell to them their undertaking, or so much of the same as is within the borough, upon the terms of paying the then value (exclusive of any allowance for past or future profits of the undertaking, or any compensation for compulsory sale, or other consideration whatsoever,) of the tramways, and all lands, buildings, works, materials, and plant of the Company suitable to and used by them for the purposes of their undertaking within the borough, such value to be, in case of difference, determined by an engineer or other fit person nominated as referee by the commissioners on the application of either party, and the expenses of the reference to be borne and paid as the referee directs. And when any such sale has been made, all the rights, powers, and authorities of the Company in respect to the undertaking sold, and all the rights, powers, and authorities of the Company previous to the making of such order in respect to the undertaking sold, shall be transferred to, vested in, and may be exercised by the corporation. No such resolution shall be valid unless a month's previous notice of the meeting, and of the purpose thereof, has been given in manner in which notices of meetings of the town council are usually given, nor unless two thirds of the members constituting the town council are present and vote at the meeting, and a majority of those present and voting concur in the resolution. The corporation may pay the purchase money and all expenses incurred by them in the purchase of any undertaking under the authority of this section out of any of their corporate funds or revenues.

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Future purchase of undertaking by corporation.

83. When the tramways by this Act authorised have been opened for traffic for a period of six months the Company may, with the consent of the commissioners, sell their undertaking to any person, persons, corporation, or company, and when any such sale has been made, all the rights, powers, authorities, obligations, and liabilities of the Company in respect of their undertaking shall be transferred to, vested in, and may be exercised by, and shall attach to the person, persons, corporation, or company to whom the same has been sold, in like manner as if such person, persons, corporation, or company had been authorised to construct the tramways instead of the Company.

Power of sale after tramways opened for six months.

A.D. 1872.

Regulating
inquiries
before
referee ap-
pointed by
the commis-
sioners.

84. Every inquiry which by this Act the commissioners are empowered to make or direct shall be made in accordance with the following provisions :

1. The inquiry shall be held in public before an officer in Belfast, to be appointed in that behalf by the board, herein-after called the referee, and whose appointment shall be by writing, which shall specify all the matters referred to him :
2. Ten days notice at the least shall be given by the referee to the Company, and to the parties upon whose representation the commissioners shall have directed the inquiry, of the time and place at which the inquiry is to be commenced :
3. The inquiry shall be commenced at the time and place so appointed, and the referee may adjourn the inquiry from time to time as may be necessary to such time and place in Belfast as he may think fit :
4. The referee, by summons, shall, on the application of any party interested in the inquiry, require the attendance before himself, at a place and time to be mentioned in the summons, of any person to be examined as a witness before him, and every person summoned shall attend the referee and answer all questions touching the matter to be inquired into ; and any person who wilfully disobeys any such summons, or refuses to answer any question put to him by such referee for the purposes of the said inquiry, shall be liable to a penalty not exceeding five pounds : Provided always, that no person shall be required to attend in obedience to any such summons unless the reasonable charges of his attendance shall have been paid or tendered to him ; and no person shall be required in any case, in obedience to any such summons, to travel more than ten miles from his place of abode :
5. The referee may and shall administer an oath, or any affirmation where an affirmation in lieu of an oath would be admitted in a court of justice, to any person tendered or summoned as a witness on the inquiry :
6. Any person who upon oath or affirmation wilfully gives false evidence before the referee shall be deemed guilty of perjury :
7. The referee shall make his report to the commissioners in writing, and shall deliver copies of the report upon request to all or any of the parties to the inquiry.

Company
may acquire
land by
agreement.

85. The Company may from time to time purchase and acquire (by agreement) such land as they may require for their undertaking, not exceeding in the whole ten acres.

86. Subject to the provisions of this Act, the tramways shall be completed on or before the twenty-second day of December one thousand eight hundred and seventy-two, and on the expiration of that period the powers by this Act granted to the Company for executing the same, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed: Provided always, that with the consent in writing of the corporation, the said period may be extended in respect of any part or parts of the tramways, so that the period for the completion of the entirety thereof does not extend beyond the twenty-second day of December one thousand eight hundred and seventy-three.

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 Period for completion of works.

87. The Company may demand and take from every passenger travelling upon the tramways, or any part or parts thereof, respectively, (including tolls for the use of the tramway and of carriages and for motive power, and every other expense incidental to such conveyance,) any tolls or charges not exceeding one penny per mile (and for this purpose the fraction of a mile beyond an integral number of miles shall be deemed a mile), but the Company may charge for any less distance than two miles any sum not exceeding twopence: Provided always, that when the distance exceeds three miles, the Company may only charge one penny for each mile completed beyond three miles: And provided also, that nothing herein contained shall authorise the Company to charge any tolls or rates of charge in excess of those specified in Schedule B. to the Tramways (Ireland) Act, 1860.

Tolls for passengers.

88. Every passenger travelling upon the tramways may take with him or her, his or her personal luggage, not exceeding fifty-six pounds in weight, without any charge being made for the carriage thereof.

Passengers luggage.

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

Tolls for goods, &c.

90. The Company shall not run on the tramways any carriage or vehicle solely intended for the conveyance of or conveying heavy goods, articles, and things between the hours of eight in the forenoon and eight in the afternoon of any day, except with the consent of the corporation, and then only between such hours and under such regulations as may from time to time be appointed by the corporation for the purpose.

Limiting hours for user of tramways for heavy traffic.

91. On the requisition of the corporation or of the commissioners the Company shall and are hereby required, at all times after the opening of the tramways for public traffic, to run at least

Cheap fares for labouring classes.

[Ch. cxciii.] *Belfast Street Tramways Act, 1872.* [35 & 36 VICT.]

A.D. 1872. two carriages each way upon the whole or any part of the tramways every morning in the week, and every evening in the week (Sundays, Christmas Day, and Good Friday always excepted), at such hours, not being later than seven in the morning or earlier than six in the evening respectively, as the Company think most convenient, for artisans, mechanics, and daily labourers, at fares not exceeding one halfpenny per mile (the Company, nevertheless, not being required to take any fare less than one penny); provided that in case of any complaint made to the corporation or the commissioners of the hours appointed by the Company for the running of such carriages, the corporation or the commissioners shall have power to fix and regulate the same from time to time.

Lists of tolls, &c. to be exhibited in carriages and at stations.

92. A list, printed with types or letters not less than one quarter of an inch in length, of all the tolls and charges authorised by this Act to be taken, and which shall be exacted by the Company, shall be exhibited in a conspicuous place, and convenient to be read by the passengers, inside and outside of each of the carriages used by the Company upon any of their tramways, and also at the several stations, stopping places, and offices of the Company.

Tolls to be paid as directed by the Company.

93. The tolls and charges by this Act authorised shall be paid to such persons, and at such places upon or near to the tramways, and in such manner, and under such regulations, as the Company shall by notice to be annexed to the list of tolls appoint.

Penalty on passengers practising frauds on the Company.

94. If any person travelling or having travelled in any carriage on the tramways avoids or attempts to avoid payment of his fare, or if any person having paid his fare for a certain distance, knowingly and wilfully proceeds in any such carriage beyond such distance, and does not pay the additional fare for the additional distance, or attempts to avoid payment thereof, or if any person knowingly and wilfully refuse, or neglect, on arriving at the point to which he has paid his fare, to quit such carriage, every such person shall, for every such offence, be liable to a penalty not exceeding forty shillings.

Such offenders may be detained.

95. It shall be lawful for any officer or servant of the Company, or their lessees or any licensees, and all persons called by him to his assistance to seize and detain any person who shall be discovered either in or after committing or attempting to commit any such offence as in the next preceding section mentioned, and whose name or residence is unknown to such officer or servant, until such person can be conveniently taken before a justice of the peace, or until he be otherwise discharged by due course of law.

Penalty for bringing dangerous

96. No person shall be entitled to carry or to require to be carried on any tramway any goods which may be of a dangerous

nature; and if any person send by any tramway any such goods without distinctly marking their nature on the outside of the package containing the same, or otherwise giving notice in writing to the book-keeper or other servant of the Company with whom the same are left at the time of such sending, he shall be liable to a penalty not exceeding twenty pounds for every such offence; and it shall be lawful for the Company to refuse to take any parcel that they may suspect to contain goods of a dangerous nature, or require the same to be opened to ascertain the fact.

A.D. 1872.
goods on the
tramway.

97. Subject to the provisions of this Act, the Company and their lessees or any licensees may from time to time make regulations—

Byelaws.

For preventing the commission of any nuisance in or upon any carriage, or in or against any premises belonging to them;

For regulating the travelling in or upon any carriage belonging to them;

And for better enforcing the observance of all or any of such regulations, it shall be lawful for the Company and their lessees or any licensees to make byelaws for all or any of the aforesaid purposes, and from time to time repeal or alter such byelaws, and make new byelaws; provided that such byelaws be not repugnant to the laws for the time being in force in Ireland. Notice of the making of any byelaw under the provisions of this Act shall be published by the Company by advertisement to be inserted once in each of two successive weeks in some newspaper published in Belfast and once in the "Dublin Gazette," and unless such notice is published in manner aforesaid, such byelaw shall be disallowed by the Board of Trade. No such byelaw shall have any force or effect which shall be disallowed by the commissioners within two calendar months after a true copy of such byelaw shall have been laid before the commissioners, and a true copy of every such proposed byelaw shall, not less than two calendar months before such byelaw shall come into operation, be sent to the commissioners.

98. Any such byelaw may impose reasonable penalties for offences against the same, not exceeding forty shillings for each offence, with or without further penalties for continuing offences, not exceeding for any continuing offence ten shillings for every day during which the offence continues; but all byelaws shall be so framed as to allow in every case part only of the maximum penalty being ordered to be paid.

Penalties in
byelaws.

99. The production of a written or printed copy of any byelaws made under the authority of this Act, authenticated by the

Proof of
byelaws.

[Ch. cxci.] *Belfast Street Tramways Act, 1872.* [35 & 36 VICT.]

A.D. 1872.

signature of any secretary or assistant secretary of the commissioners, shall, without proof of the signature of such secretary or assistant secretary, be evidence of the existence of such byelaws and that all preliminaries requisite to the making and operation thereof have been duly observed and fulfilled.

Power to corporation to license drivers, conductors, &c.

100. The corporation shall have the like power of making and enforcing rules and regulations, and of granting licenses with respect to all carriages using the tramways, and to all drivers, conductors, and other persons having charge of or using the same, and to the standings for the same, as they are or may be from time to time entitled to make, enforce, and grant with respect to hackney carriages and the drivers and other persons having the charge thereof, and to the standings for the same in the streets, roads, and district of or under their control, under and by virtue of the Belfast Improvement Act, 1845, and the several statutes incorporated therewith or amending the same.

Tramways not exempt from provisions of present or future general Acts.

101. Except as herein expressly provided, nothing herein contained shall be deemed or construed to exempt the tramways from the provisions of any general Act relating to tramways now in force, or which may hereafter pass during this or any future session of Parliament.

Company to pay corporation's costs as to Act, &c.

102. All reasonable engineering and other expenses whatsoever connected with the making, laying, formation, and maintenance of the tramways and the works connected therewith, and all costs, charges, and expenses which the corporation have incurred or shall incur in relation to this Act or the Order in Council, or otherwise in relation thereto, shall be paid by the Company.

As to future extensions to the Holywood and County Down railway stations.

103. In the event of the Belfast Central Railway Company failing, within six months from the twenty-second day of December one thousand eight hundred and seventy-two, to construct the railway and works authorised by the Belfast Central Railway Act, 1868, intended to connect the station of that company with the stations of the Belfast, Holywood, and Bangor and the Belfast and County Down Railway Companies respectively, or failing to make such progress therewith as shall be satisfactory to the corporation, or to make arrangements satisfactory to the corporation for proceeding therewith, the corporation may, by notice in writing at any time after the expiration of such period of six months, require the Company to apply to the Lord Lieutenant in Council, or to Parliament, for the powers necessary for enabling them to construct and work a line or lines of tramway (in this Act referred to as "the connecting line or lines") to connect the said stations, and the

Company shall forthwith apply for and use their best endeavours to obtain the powers necessary for this purpose; and in the event of the Company making default in applying for or failing to obtain the necessary powers for the construction, maintenance, and working of the connecting line or lines, the corporation may, at the costs and charges of the Company, make application to the Lord Lieutenant in Council, or to Parliament, for such purpose, and for powers to the corporation, upon the default of the Company, to construct and maintain the connecting line or lines.

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104. If the corporation, at any time after three years from the opening of the tramways, give six months notice in writing to the Company requiring that the lines of tramway by this Act authorised shall be extended by lines in this Act referred to as "the extension lines," other than the connecting line or lines to districts or places within the borough, the Company shall and they are hereby required to take all steps necessary by way of application to the Lord Lieutenant in Council, or to Parliament, to enable them to comply with such notice, and shall use their best endeavours to obtain the powers necessary for the purpose: Provided always, that if in the opinion of the Company such request is on account of their pecuniary position unreasonable, and any difference shall thereupon arise between the corporation and the Company, the question in difference shall be determined by the commissioners in the manner by this Act provided; and in the event of the Company making default in applying for or failing to obtain the necessary powers for the construction, maintenance, and working of, or shall fail to construct, maintain, and work the extension lines, the corporation may, at the costs and expenses of the Company, make application to the Lord Lieutenant in Council, or to Parliament, for such purpose, and for powers to construct and maintain the extension lines.

As to further future extension of tramways.

105. Any application to the Lord Lieutenant in Council, or to Parliament, to be made by the corporation under the two preceding sections may, if the corporation think fit, be made in the name and under the common seal of the Company, and for that purpose the Company shall and are hereby required to affix their common seal to any petition or other document necessary for or incidental to such application to which the corporation may require the seal to be affixed, and the Company shall not directly or indirectly oppose any application to be made by the corporation for an Order in Council, or to Parliament, under this Act, and any additional line or lines of tramway so authorised to be constructed by the Company by any Order in Council, or by Act of Parliament, shall, if and

Company to seal petition, &c. in case of application by corporation for extension lines, &c.

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when constructed, be for all purposes part of the undertaking of the Company, and shall be in every respect subject to and in accordance with the several provisions in this Act and any such Order in Council or Act contained.

As to future purchase of connecting and extension lines.

106. In the event of the corporation purchasing the undertaking of the Company in manner by this Act provided, the corporation may, and if required by the Company shall, simultaneously purchase the connecting line or lines, and the extension lines, or such part or parts thereof as the Company may have constructed, notwithstanding that the period of twenty-one years may not have elapsed between the period of such purchase and the obtaining of the powers for the construction of the connecting line or lines, or (as the case may be) the extension lines: Provided always, that the terms of such purchase shall be the same, in all respects, as the terms of purchase of the rest of the undertaking by this Act authorised; and nothing herein contained shall entitle or be construed to entitle the Company to any compensation for the compulsory purchase of the connecting line or lines, or of the extension lines, or any part or parts thereof respectively, by the corporation, at a period less than twenty-one years from the date of the obtaining of the authority for their construction.

In the event of purchase, corporation may lease tramways or take tolls in respect of user thereof.

107. In the event of the purchase of the undertaking by the corporation as by this Act provided, the corporation may, with the consent of the commissioners, and subject to the provisions of this Act, by lease to be approved of by the commissioners, demise to any person, persons, corporation, or company, the right of user by such person, persons, corporation, or company of the tramways, and of demanding and taking in respect of the same the tolls and charges by this Act authorised; or the corporation may leave such tramways open to be used by the public, and may in respect of such user demand and take such tolls and charges as may from time to time be approved by the commissioners, but nothing in this Act contained shall authorise the corporation to place or run carriages upon such tramway, and to demand and take tolls and charges in respect of the use of such carriages.

Recovery and application of penalties.

108. Penalties under this Act may be recovered before any justice or justices of the peace in petty sessions, and all penalties recovered shall (unless otherwise provided by this Act) be paid to the corporation and applied by them in aid of the local rates.

Saving rights of the corporation.

109. Nothing herein contained shall take away, alter, prejudice, or lessen any of the estate, rights, interests, powers, or privileges of the corporation.

[35 & 36 VICT.] *Belfast Street Tramways Act*, 1872. [Ch. cxcii.]

110. All costs, charges, and expenses of or preliminary to, or incidental to the preparing for, obtaining, and passing of this Act, including the application recently made under "The Tramways (Ireland) Act, 1860," by William Morris and Jorgen Daniel Larsen, for an Order in Council for authorising street tramways in the borough of Belfast, shall be paid by the Company.

A.D. 1872.
Expenses
of Act.

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