



### CHAPTER ccix.

An Act to authorise the Construction of Tramways in and near the City of Dublin ; and for other purposes. A.D. 1875.

[11th August 1875.]

**W**HEREAS the laying down of tramways in certain streets and roads in and near the city of Dublin, to be worked by animal power only, and constructed so as not to impede or injure the ordinary traffic of the roads, would be of local and public advantage :

And whereas it is expedient that the persons herein-after named, with others, should be incorporated into a company, and should be empowered to lay down and maintain the several tramways in this Act particularly described :

And whereas plans and sections showing the lines and levels of the tramways and works authorised by this Act, and the lands to be taken for the purposes thereof, and also books of reference to these plans, containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the respective clerks of the peace for the county of the city of Dublin and for the county of Dublin, and are herein-after respectively referred to as the deposited plans, sections, and books of reference :

And whereas the purposes of this Act cannot be effected 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 :

1. This Act may be cited as "The North Dublin Street Tramways Act, 1875." Short title.

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Provisions  
of certain  
general Acts  
incorporated.

2. "The Companies Clauses Consolidation Act, 1845," Part I. (relating to cancellation and surrender of shares) of "The Companies Act, 1863," the 17th section of "The Railways Clauses Consolidation Act, 1845," Part I. (relating to construction of a railway) of "The Railways Clauses Act, 1863," "The Companies Clauses Act, 1869," "The Lands Clauses Consolidation Act, 1845," except the provisions thereof with respect to the entry upon, purchase, and taking of lands otherwise than by agreement, "The Lands Clauses Consolidation Acts Amendment Act, 1860," and Parts II. and III. of "The Tramways Act, 1870," are incorporated with and form part of this Act, save where the same are expressly varied or excepted by this Act.

Interpreta-  
tion of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction; the expression "the Company" means the Company incorporated by this Act; the expressions "the tramways" and the "undertaking" mean respectively the tramways and the undertaking by this Act authorised, or any part thereof; in the incorporated Acts, the words "work" and "railway" shall for the purposes of this Act mean the works by this Act authorised. The word "contingencies" in the "Companies Clauses Consolidation Act, 1845," section one hundred and twenty-two, shall with reference to the Company be construed to include the contingency of the undertaking being sold to the local authority under the "Tramways Act, 1870," section forty-three, at a sum less than the aggregate amount of the capital and debts of the Company; the expressions "street" and "road" mean respectively any carriageway being a public highway, and the carriageway of any bridge forming part of or leading to the same; and the expression "the corporation" shall mean the lord mayor, aldermen, and burgesses of the city of Dublin; and the expression "road authority" shall mean the corporation, grand jury, or other body having the control of the roads or streets referred to; the expression "district" in relation to a road authority shall mean the area within the jurisdiction of such road authority; the expression "local authority" shall mean the corporation, grand jury, or other persons intrusted with powers of improving, cleansing, or paving the district; the expression "district" in relation to a local authority shall mean the area within the jurisdiction of such local authority.

Company in-  
corporated.

4. William Leadbeater Barrington, John Watson, and Frederick Barrington, and all other persons and corporations who have already

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subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a company for the purpose of making and maintaining the tramways, and for other the purposes of this Act, and for those purposes shall be and are hereby incorporated by the name of the North Dublin 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.

5. Subject to the provisions of this Act and of Parts II. and III. of "The Tramways Act, 1870," the Company may make, form, lay down, work, use, and maintain the tramways herein-after described 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, with all proper rails, plates, works, and conveniences connected therewith. The tramways herein-before referred to and authorised by this Act are all single lines "with passing places," and are,—

Power to  
make tram-  
ways.

Tramway No. 1, 1 mile 5 furlongs and 2 chains (or thereabouts) in length, situate partly in the parish of St. Mary, city of Dublin and county of the city of Dublin, partly in the parish of St. George, city of Dublin and county of Dublin, partly in the townland of Clonliff South, parish of St. George, city of Dublin and county of Dublin, and partly in the townlands of Clonliff West, Clonliff East, parish of Saint George and county of Dublin, commencing at a point in the centre of Capel Street, distant eight yards or thereabouts from the corner of the house known as No. 1, Capel Street, measured therefrom in a north-westerly direction, passing from thence along the following streets and roads: Capel Street, Bolton Street, Dorset Street Lower, Dorset Street Upper, Drumcondra Road Lower, Binn's Bridge, Drumcondra Hill, Drumcondra Road, and terminating at a point in the centre of Drumcondra Road, distant 75 yards or thereabouts from the centre of Drumcondra Bridge, measured therefrom in a south-westerly direction:

Tramway No. 1 A, about 3 chains in length, being a passing place in Capel Street, commencing and terminating by junctions with tramway No. 1 at points distant from the point of commencement of tramway No. 1, 3 chains and 6 chains respectively:

Tramway No. 1 B, about 3 chains in length, being a passing

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place in Capel Street, commencing and terminating by junctions with tramway No. 1 at points distant from the point of commencement of said tramway No. 1, 2 furlongs 5 chains and 2 furlongs 8 chains respectively :

Tramway No. 1 C, about 3 chains in length, being a passing place in Dorset Street Upper, commencing and terminating by junctions with tramway No. 1 at points distant from point of commencement of said tramway No. 1, 5 furlongs  $4\frac{1}{2}$  chains and 5 furlongs  $7\frac{1}{2}$  chains respectively :

Tramway No. 1 D, about 3 chains in length, being a passing place in Dorset Street Lower, commencing and terminating by junctions with tramway No. 1 at points distant from point of commencement of said tramway No. 1, 7 furlongs  $4\frac{1}{2}$  chains and 7 furlongs  $7\frac{1}{2}$  chains respectively :

Tramway No. 1 E, about 3 chains in length, being a passing place in Drumcondra Hill, commencing and terminating by junctions with tramway No. 1 at points distant from point of commencement of said tramway No. 1, 1 mile 1 furlong  $5\frac{1}{2}$  chains and 1 mile 1 furlong  $8\frac{1}{2}$  chains respectively :

Tramway No. 1 F, being a passing place opposite to Riversdale and Drumcondra Terrace, and wholly on Drumcondra Road, commencing and terminating by junction with tramway No. 1 at points distant respectively from points of termination of said tramway No. 1, 4 chains and 1 chain respectively :

Tramway No. 2, 1 mile 7 furlongs and 9 chains (or thereabouts) in length, situate partly in the parish of St. Mary and the parish of St. Thomas, in the city of Dublin and county of the city of Dublin, partly in the parish of St. George in the city of Dublin and county of Dublin, partly in the townlands of Crossguns South and Clonliffe South, parish of St. George, city of Dublin and county of Dublin, partly in the townlands of Grangegorman Middle and Grangegorman East, parish of Grangegorman, city of Dublin and county of Dublin, partly in the townland of Crossguns, parish of Glasnevin, city of Dublin and county of Dublin, partly in the townland of Daneswell, or Crossguns North, Prospect, Daneswell, Fairfield and Goose Acre, parish of St. George and county of Dublin, partly in the townlands of Crossguns, Stutsend or Westfarm, Prospect, Botanic Garden, and Glasnevin, parish of Glasnevin and county of Dublin, commencing at a point of Sackville Street distant two chains or thereabouts from the north-east corner of the General Post Office, measured therefrom in a northerly direction, passing thence along and over the following

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streets, roads, and bridges: Sackville Street Upper, Cavendish Row, Rutland Square East, Frederick Street North, Blessington Street, Berkeley Street Lower, Berkeley Street Upper, North Circular Road, Blacquiere Bridge, Madras Place, Glasnevin Road, Westmorland Bridge, Glasnevin Road, Glasnevin Bridge, Glasnevin Street, and terminating at a point in the centre of Glasnevin Street distant 35 yards or thereabouts from the centre of the principal entrance gate to the grounds of Delville House, measured therefrom in a south-westerly direction:

Tramway No. 2 A, about 3 chains in length, being a passing place in Sackville Street Upper, commencing and terminating by junctions with tramway No. 2 at points distant from point of commencement of said tramway No. 2, 1 chain and 4 chains respectively:

Tramway No. 2 B, about 3 chains in length, being a passing place in Cavendish Row, commencing and terminating by junctions with tramway No. 2 at points distant from point of commencement of said tramway No. 2, 1 furlong  $4\frac{1}{4}$  chains and 1 furlong  $1\frac{1}{4}$  chains respectively:

Tramway No. 2 C, about 3 chains in length, being a passing place in Frederick Street North, commencing and terminating by junctions with tramway No. 2 at points distant from point of commencement of said tramway No. 2, 3 furlongs 9 chains and 3 furlongs 2 chains respectively:

Tramway No. 2 D, about 3 chains in length, being a passing place in Blessington Street, commencing and terminating by junctions with tramway No. 2 at points distant from commencement of tramway No. 2, 3 furlongs 9 chains and 4 furlongs 2 chains respectively:

Tramway No. 2 E, about 3 chains in length, being a passing place at junction of Blessington Street and Berkeley Street Lower, commencing and terminating by junctions with tramway No. 2 at points distant from the point of commencement of tramway No. 2, 4 furlongs 5 chains and 4 furlongs 8 chains respectively:

Tramway No. 2 F, about 3 chains in length, being a passing place in Berkeley Street Upper, commencing and terminating by junctions with tramways No. 2, at points distant from point of commencement of said tramway No. 2, 5 furlongs 9 chains and 6 furlongs 2 chains respectively:

Tramway No. 2 G, about 3 chains in length, being a passing place at a junction of Berkeley Street Upper with the North

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- Circular Road, commencing and terminating by junctions with tramway No. 2 at points distant from the point of commencement of tramway No. 2, 6 furlongs  $7\frac{1}{2}$  chains and 7 furlongs  $\frac{1}{2}$  a chain respectively :
- Tramway No. 2 H, about 3 chains in length, being a passing place at junction of Madras Place with Glasnevin Road, commencing and terminating by junctions with tramway No. 2 at points distant from point of commencement of said tramway No. 2, 7 furlongs 7 chains and 1 mile respectively :
- Tramway No. 2 I, about 3 chains in length, being a passing place opposite St. Vincent de Paul's Male Orphanage and on Glasnevin Road, commencing and terminating by junctions with tramway No. 2 at points distant from point of commencement of tramway No. 2, 1 mile 2 furlongs 4 chains and 1 mile 2 furlongs 7 chains respectively :
- Tramway No. 2 J, about 3 chains in length, being a passing place on Glasnevin Road, in the Townland of Prospect, commencing and terminating by junctions with tramway No. 2 at points distant from point of commencement of tramway No. 2, 1 mile 4 furlongs 1 chain, and 1 mile 4 furlongs 4 chains respectively :
- Tramway No. 2 K, about 3 chains in length, being a passing place on Glasnevin Road, in the townland of Fairfield, commencing and terminating by junctions with tramway No. 2 at points distant from point of commencement of tramway No. 2, 1 mile 5 furlongs  $2\frac{1}{2}$  chains and 1 mile 5 furlongs  $5\frac{1}{2}$  chains respectively :
- Tramway No. 2 L, about 3 chains in length, being a passing place opposite the gate of the Botanic Gardens or Glasnevin Road, commencing and terminating by junction with tramway No. 2 at points distant from point of commencement of tramway No. 2, 1 mile 6 furlongs and 1 mile 6 furlongs 3 chains respectively :
- Tramway No. 2 M, about 3 chains in length, being a passing place situate on the Glasnevin Road, and wholly in the townland of Goose Acre, commencing and terminating by junctions with tramway No. 2 at points distant from point of commencement of tramway No. 2, 1 mile 6 furlongs 7 chains and 1 mile 7 furlongs respectively :
- Tramway No. 2 N, about 3 chains in length, being a passing place in the street of Glasnevin, commencing and terminating by junctions with tramway No. 2 at points distant from point of termination of tramway No. 2, 4 chains and 1 chain respectively :

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Tramways No. 3,  $3\frac{1}{2}$  chains (or thereabouts) in length, situate in the parish of St. Mary, city of Dublin and county of the city of Dublin, commencing at a point in the centre of Little Strand Street, distant 45 yards or thereabouts from the corner of the house No. 165, Capel Street, measured therefrom in a westerly direction, passing thence along Little Strand Street, and terminating by a junction with tramway No. 1 at a point distant from point of commencement of tramway No. 1,  $2\frac{1}{2}$  chains :

Tramway No. 3 A, being a short curve, 1 chain in length, to connect tramway No. 3 with tramway No. 1 at the junction of Little Strand Street and Capel Street, commences by a junction with tramway No. 3 at a point distant from point of commencement of tramway No. 3,  $1\frac{1}{2}$  chains, and terminating by a junction with tramway No. 1 at a point distant from point of commencement of tramway No. 1, 1 chain :

Tramway No. 4, about 1 chain in length, situate in Sackville Street Upper, commencing at a point in Sackville Street Upper distant 10 yards or thereabouts from the north-west corner of Nelson's Pillar, measured therefrom in a north-westerly direction, and passing thence along Sackville Street, and terminating by a junction with the proposed tramway No. 2 at the point of commencement of said tramway No. 2 :

Tramway No. 5, being a short curve, 1 chain in length, to connect tramway No. 2 with tramway No. 1 at junction of Dorset Street Upper and Frederick Street North, commencing by a junction with tramway No. 2 at a point distant 3 furlongs 6 chains from the point of commencement of said tramway No. 2, and terminating by a junction with tramway No. 1 at a point distant 6 furlongs from point of commencement of said tramway No. 1 :

Tramway No. 6, 1 mile and 2 furlongs or thereabouts in length, situate on the North Circular Road, partly in the parish of St. George, city of Dublin and county of Dublin, partly in the townland of Crossguns South, parish of St. George, city of Dublin and county of Dublin, partly in the townlands of Grangegorman, Middle Grangegorman East, Grangegorman West, parish of Grangegorman, city of Dublin and county of Dublin, partly in the townlands of Grangegorman Middle, Grangegorman South, parish of Grangegorman and county of Dublin, commencing by a junction with tramway No. 2 at a point distant 7 furlongs 7 chains from point of commencement of said tramway No. 2, passing thence along Madras Place and North Circular Road, and terminating at a point in centre

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of said North Circular Road distant 13 yards or thereabouts from the centre of the North Circular Road Gate leading to the Phoenix Park, measured therefrom in a north-easterly direction :

Tramway No. 6 A, about 3 chains in length, being a passing place on the North Circular Road, in the townland of Grangegorman Middle, commencing and terminating by junctions with tramway No. 6 at points distant from point of commencement of tramway No. 6, 8 chains and 11 chains respectively :

Tramway No. 6 B, about 3 chains in length, being a passing place on North Circular Road, and in the townland of Grangegorman East, commencing and terminating by junctions with tramway No. 6 at points distant from point of commencement of said tramway No. 6, 4 furlongs 4 chains and 4 furlongs 7 chains respectively :

Tramway No. 6 C, about 3 chains in length, being a passing place wholly on the North Circular Road, and in the townland of Grangegorman East, commencing and terminating by junctions with tramway No. 6 at points distant from the point of commencement of said tramway No. 6, 6 furlongs  $2\frac{1}{2}$  chains and 6 furlongs  $5\frac{1}{2}$  chains respectively :

Tramway No. 6 D, about 3 chains in length, being a passing place on the North Circular Road, and in the townland of Grangegorman West, commencing and terminating by junctions with tramway No. 6 at points distant from point of commencement of said tramway No. 6, 1 mile 4 chains and 1 mile 7 chains respectively :

Tramway No. 6 E, about 3 chains in length, being a passing place wholly on the North Circular Road, and in the townland of Grangegorman West, commencing and terminating by junctions with tramway No. 6 at points distant from point of commencement of tramway No. 6, 1 mile 1 furlong 6 chains and 1 mile 1 furlong 9 chains respectively.

Power to  
break up  
streets, &c.

**6.** 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 road, subject to the following regulations :

1. They shall give to the road authority notice of their intention, specifying the time at which they will begin to do so, and the portion of 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 road,



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except under the superintendence and to the reasonable satisfaction of the road authority, unless that authority 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 road authority, open or break up at any one time a greater length than two hundred yards of any road which does not exceed a quarter of a mile in length, and in the case of any 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 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 road within the jurisdiction of a road authority, but such bridge is vested in some person or persons, corporation, or company distinct from such road authority, 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, 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.

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

Completion  
of work and

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reinstatement of  
roads.

1. They shall with all convenient speed, and in all cases within three weeks at the most (unless the road authority 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 road authority restore the portion of the 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 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 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 road authority, and shall form part of the funds applicable to the maintenance of the road.

Repair of  
part of road  
where tram-  
way is laid.

8. The Company shall, at their own expense, at all times maintain and keep in good condition and repair, and as to any particular road or part of a road, if required by the road authority, pave and keep paved with such materials and in such manner as the road authority shall direct, and to their satisfaction, so much of any road whereon any tramway of the Company is laid as lies between the rails of the tramway and (where two tramways of the Company are laid in any road at a distance of not more than four feet from each other) the portion of the road between the tramways ; and in every case so much of the road as extends eighteen inches 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 six weeks at the most (unless the road authority otherwise consents in writing), fill in the ground and make good the surface, and to the satisfaction of the road authority restore the portion of road upon which such

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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 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 road authority, if they think fit, may themselves, at any time after seven days notice to the Company, open and break up the road, and do the works necessary for the repair and maintenance or restoration of the road to the extent in this section above mentioned, and the expense incurred by the road authority in so doing shall be repaid to them by the Company.

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9. The road authority 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 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.

Road authority and Company may contract for paving roads on which tramways are laid.

10. 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 road along or across which they lay any tramway.

Right of user only

11. Nothing in this Act shall take away or affect any power which any road authority may have by law to widen, alter, divert, or improve any road.

Reserving powers of road authorities to widen, &c. roads.

12. 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,)

Provision as to gas and water Companies.

1. Before laying down a tramway in a 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 company, corporation, persons or person, to whom such mains or pipes, tubes, wires, or apparatus may

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belong, or by whom they are controlled, of their intention to lay down or alter the tramway, and shall at the same time deliver a plan and section of the proposed work. If it should appear to any such company, corporation, or person 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, such company, corporation, or person (as the case may 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 other companies or persons, and all alterations to be made under this section shall be made with as little detriment and inconvenience to the company, corporation, or person 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 such company, corporation, or person, 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 any such company, corporation, or person, 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 such company, corporation, or person, or in any other manner than such company, corporation, or person 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 surveyor or engineer of such water or gas or other company or corporation, or of such person, or in case of disagreement,

between such surveyor or engineer and the Company, as an engineer appointed by the Board of Trade shall direct : A.D. 1875.

3. The Company shall not lay down any such pipes contrary to the regulations of any Act of Parliament relating 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 any such company, corporation, or person, 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 supplied by any such company, corporation, or person 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.

**13.** Where any of the tramways or any work connected therewith interferes with any sewer, drain, watercourse, subway, defence, or work under the jurisdiction or control of the local authority, 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 local authority having such control, as the case may be, fourteen days previous notice in writing of their intention to commence the same, by leaving such notice at the office of the local authority, with all necessary particulars relating thereto, nor until the local authority shall have signified their approval of the same, unless the local authority 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 local authority in the execution of the said works, and shall provide by new, altered, or substituted works, in such manner as the local authority shall reasonably require, for the proper 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 local authority 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 engineer, or other officer or officers of the local authority, at the reasonable costs, charges, and expenses in all

For protec-  
tion of  
sewers, &c.

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A.D. 1875. 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  
road autho-  
rities to  
open roads.

14. 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 road authority or in the local authority for any of the purposes for which such authority is respectively constituted, or in any 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 road authority, local authority, company, body, or person 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. 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:
3. 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 for the reasonable exercise of the powers so vested in them as aforesaid:
4. Whenever, for the purpose of enabling them to execute such work, the local authority or the road authority shall so require, the Company shall either stop 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 road authority or the local authority, as the case may be, with all reasonable expedition:

5. 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 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.

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

Form and  
delivery of  
notices.

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 local authority or road authority, by being signed by their clerk or secretary:

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.

16. If any difference arises between the Company on the one hand, and the local authority or road authority, or any gas or water company, or any company, body, or person to whom any sewer, drain, tube, wires, 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 of the Company's tramways or works, or in relation to any work or proceeding of the local authority, road authority, body, company, or person, or with respect to the propriety of or the mode of execution of any work relating

Difference  
between  
Company  
and road  
authority,  
&c.

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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 local authority, road authority, 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 Board of Trade, on the application of either party, and the expenses of the reference shall be borne and paid as the referee directs.

Penalty for obstruction in exercise of their powers.

17. 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, he shall for every such offence be liable to a penalty not exceeding five pounds.

Power for Company to use tramways with flange-wheeled carriages, &c.

18. 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 eight inches on each side.

Licenses to use the tramway may in certain events be granted to third parties by the Board of Trade.

19. 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 Board of Trade by the corporation, or by the road authority of any road in which such tramway or part of a tramway is laid, 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 Board of Trade may (if they consider that *prima 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 Board may from time to time grant licenses 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 Board, subject to the following provisions, conditions, and restrictions; that is to say,

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 Board if they, upon inquiry, think fit:



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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 Board, having reference to the cause for granting the license, shall think right: A.D. 1875.
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 :
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 Board of Trade may at any time after the granting of any license revoke, alter, or modify the same for good cause shown to them.

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

**21.** 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. Licensees to give account of passengers carried by them.

**22.** 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. Licensees not giving account of passengers carried liable to penalty.

**23.** If any dispute arise concerning the amount of the tolls due to the Company from any licensee, or concerning the charges Disputes as to amount of tolls to be

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—  
settled by  
justice.

occasioned by any detention or sale of any carriage under the provisions herein contained, the same shall be settled by a justice, 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.

Owners of  
carriages  
liable for  
trespass or  
damage done  
by their  
servants.

**24.** 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 a justice 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.

Persons  
using tram-  
ways with  
carriages  
with flange  
wheels, &c.  
to forfeit  
twenty  
pounds on  
each occa-  
sion to the  
Company.  
Corporation  
may use  
tramways  
for certain  
purposes.

**25.** If any person or any other corporation than the Company (except under a lease from or by agreement with the Company, or under license from the Board of Trade, 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 be liable to a penalty not exceeding twenty pounds.

**26.** 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 licensees, and subject to their reasonable byelaws for the conveyance of scavenging stuff and road metal required for their works, free of all tolls and charges by the Company in respect of such use.

Company  
to make  
sidings, &c.  
if required  
by Corpora-  
tion.

**27.** Whenever the Corporation shall or may at any time desire to construct or have constructed any junction, 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.

Authorising  
agreements  
for use of  
tramways.

**28.** 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

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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 aforesaid purposes "the tramways" shall be deemed to be substituted for "the railway."

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**29.** 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 tramways, &c.

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 the 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.

**30.** 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 save harmless all road and 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.

Company to be responsible for all damages.

**31.** Nothing in this Act shall limit the power of the road authority to regulate the passage of any traffic along or across any road along or across which any of the Company's tramways are laid down, and the road authority 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.

Power for road authority to regulate traffic in streets.

**32.** 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 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 to only run on the rail of the tramways.

Reservation of right of public to use streets.

**33.** If at any time after the opening of any tramway for traffic the Company shall discontinue the working of such tramway, or of

Tramways if discontinued to be removed.

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A.D. 1875. — 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 Board of Trade, the said Board, 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 road authority 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 Board of Trade, remove the tramway or part of the tramway so discontinued, and the Company shall pay to the road authority the cost of such removal and of the making good of the road by the road authority, such cost to be certified by the clerk for the time being, or by some other authorised officer of the road authority, 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 road authority 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, either by public auction or private sale, and for such sum or sums and to such person or persons as the road authority 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 road authority to the Company.

Proceedings  
in case of  
insolvency of  
Company.

**34.** If at any time after the opening of any tramway for traffic it shall appear to the local authority or to the road authority 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 or such road authority shall make a representation to that effect to the Board of Trade, the Board of Trade 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 Board of Trade 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 local authority or road authority may remove

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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 the next preceding section.

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**35.** After the expiration of six calendar months from the making of any such order as in this Act above provided by the Board of Trade, declaring that the powers of the Company shall cease, the Court of Chancery in Ireland may at any time, upon the petition of the Company, or of any creditor of the Company, make an order for the winding up of the affairs of the Company and for the dissolution of the Company, and "The Companies Act, 1862," and "The Companies Act, 1867," in reference to the winding up the affairs and to the dissolution of the Company by the Court, may, so far as the said Court shall think it convenient and expedient so to do, be applied to the winding up the affairs of the Company under an order made for that purpose; or the said Court may otherwise regulate and conduct the winding up the affairs of the Company as to the said Court may seem most convenient or expedient.

As to winding up the affairs of the Company, &c.

**36.** 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 Board of Trade, 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 to their undertaking shall be transferred to, vested in, and may be exercised by, and shall attach to, the person, persons, corporation, company, or local authority 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 of the Company instead of the Company.

Power of sale after tramways opened for six months.

**37.** Every inquiry which by this Act the Board of Trade are empowered to make or direct shall be made in accordance with the following provisions:

Regulating inquiries before referee appointed by the Board of Trade.

1. The inquiry shall be held in public before an officer in Dublin, to be appointed in that behalf by the Board, hereinafter 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 Board of Trade 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

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time to time as may be necessary to such time and place in the city of Dublin 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 an 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 Board of Trade in writing, and shall deliver copies of the report upon request to all or any of the parties to the inquiry.

Provision as  
to purchase  
by Corpo-  
ration.

**38.** In case the Corporation shall at any time within eleven years after the passing of this Act desire to purchase the tramways and the works and material connected therewith, and any lands or buildings acquired for the purposes of this Act, and shall apply to Parliament for powers so to do, and to enable the Company to sell the same, the Company shall not object to or oppose such application, and shall assent thereto, and do all things necessary, and render all needful facilities for obtaining such powers, and, in the event of such powers being obtained, shall accordingly sell the said tramways and premises to the Corporation, and the terms of every such purchase shall, failing agreement between the Corporation and the Company, be determined by arbitration in manner provided by "The Lands Clauses Consolidation Act, 1845," for the settlement by arbitration of questions of disputed compensation: Provided always, that in determining the amount to be paid by the Corporation for such purchase the then actual bonâ fide value of the

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purchased property (exclusive of any compensation for goodwill, premium, compulsory sale, or other consideration whatsoever) shall be ascertained in the first instance, and to such value there shall be added, as compensation for goodwill, premium, compulsory sale, and every other consideration, thirty per centum on the value so ascertained: Provided also, that if the Corporation so purchase the Company's tramways the Company shall be entitled to require the Corporation also to purchase all the carriages and rolling stock of the Company for the time being used by them on tramways so purchased, the terms of such purchase, failing agreement between the Corporation and the Company, to be settled by arbitration under the said "Lands Clauses Consolidation Act, 1845."

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39. The Company, on request of the Corporation, shall at all reasonable times and from time to time produce to such person as the Corporation shall require all the moneys, books, accounts, and vouchers with reference to the Company's tramway and undertaking, and permit such person to take copies of and extracts from the same books and accounts as he may think fit.

Accounts to be produced to Corporation.

40. The capital of the Company shall be forty thousand pounds, in four thousand shares of ten pounds each.

Capital.

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

Shares not to issue until one fifth paid up.

42. 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 the calls made in any year upon any share.

Calls.

43. If any money is payable to a shareholder being a minor, idiot, or lunatic, the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Receipt clause in case of persons not sui juris.

44. The Company may from time to time borrow on mortgage any sum not exceeding in the whole ten thousand pounds, but no part thereof shall be borrowed until the whole capital of forty thousand pounds is 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 such capital

Power to borrow on mortgage.

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Arrears may be enforced by appointment of a receiver.

45. 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. In order to authorise the appointment of a receiver in respect of arrears of principal, the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than one thousand pounds in the whole.

Company not to create debenture stock. Mortgage to comprise purchase money paid on compulsory sale.

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

47. 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 section forty-three of "The Tramways Act, 1870," and may comprise all or any moneys carried to the contingency fund according to the terms of the mortgage.

Indorsement of notice of power of future purchase by the local authority.

48. Every mortgage deed granted by the Company under this Act shall be endorsed with notice that such mortgage will not be a charge upon the tramway in the event of its being purchased by the local authority under the forty-third section of "The Tramways Act, 1870."

Period for completion of works.

49. The tramway shall be completed within two years from the passing of this Act, 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.

Tolls for passengers.

50. The Company may demand and take for every passenger travelling upon the tramways or any part or parts thereof, including tolls for the use of the tramways, and of carriages, and for motive power, and every other expense incidental to such conveyance, any



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tolls or charges not exceeding twopence per mile; and in computing the said tolls and charges the fraction of a mile shall be deemed a mile; but in no case shall the Company be bound to charge a less sum than threepence. A.D. 1875.

**51.** Every passenger travelling upon the tramways may take with him his personal luggage, not exceeding twenty-eight pounds in weight, without any charge being made for the carriage thereof. Passengers luggage.

**52.** 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 charges specified in Schedule B. to "The Tramways (Ireland) Act, 1860." Tolls for goods, &c.

**53.** The Company, at all times after the opening of the tramways for public traffic, shall and they are hereby required to run at least one carriage each way 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 Board of Trade and the Corporation of the hours appointed by the Company for the running of such carriages, the said Board and Corporation shall have power to fix and regulate the same from time to time. Cheap fares for labouring classes.

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

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

**56.** The number of directors shall be three. Number of directors.

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

**58.** The quorum of a meeting of directors shall be two. Quorum.

**59.** William Leadbeater Barrington, John Watson, and Frederick Barrington 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 any of them, or may elect a new body of Election of directors.

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A.D. 1875. directors, or directors to supply the place of those not continued in office, the directors appointed by this Act 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 elect persons to supply the places of the directors then retiring from office, agreeably to the provisions of "The Companies Clauses Consolidation Act, 1845;" and the several persons elected at any such meeting, being neither removed nor disqualified, nor having died or resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Purchase of land by agreement.

60. 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 five acres.

Deposit money not to be repaid until line opened, or half the capital paid up and expended.

61. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty, chapter twenty, a sum equal to five per cent. upon the amount of the estimate in respect of the tramways has been transferred into the Court of Chancery in Ireland, in respect of the application to Parliament for this Act: Be it enacted that, notwithstanding anything contained in the said Act, the said sum so transferred as aforesaid, in respect of the application for this Act, shall not be paid or transferred to or on the application of the person or persons, or the majority of the persons, named in the warrant or order issued in pursuance of the said Act, or the survivors or survivor of them, unless the Company shall previously to the expiration of the period limited by this Act for completion of the tramways either open the tramways for the public conveyance of passengers or prove to the satisfaction of the Board of Trade that the Company have paid up one half of the amount of the capital by this Act authorised to be raised by means of shares, and have expended for the purposes of this Act a sum equal in amount to such one half of the said capital; and if the said period shall expire before the Company shall either have opened the tramways for the public conveyance of passengers or have given such proof as aforesaid to the satisfaction of the Board of Trade, the said stock deposited as aforesaid shall be applied in the manner herein-after specified; and the certificate of the Board of Trade that such proof has been given to their satisfaction as aforesaid shall be sufficient evidence of the fact so certified, and it shall not be necessary to produce any certificate of this Act having passed, anything in the above-mentioned Act to the contrary notwithstanding.

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**62.** The said stock deposited as aforesaid shall be applicable and, after due notice in the Dublin Gazette, shall be applied towards compensating any landowners or other persons whose property may have been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the tramways, or any portion thereof, or who may have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act, and for which injury or loss no compensation or inadequate compensation shall have been paid, and also in compensating all road authorities for the expense incurred by them in taking up any tramways or materials connected therewith placed by the Company in or on any road vested in or maintainable by such road authorities respectively, and in making good all damage caused to such roads by the construction or abandonment of such tramways, and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the Court of Chancery in Ireland may seem fit; and if no such compensation shall be payable, or if a portion of the said stock shall have been found sufficient to satisfy all just claims in respect of such compensation, then the said stock, or such portion thereof as may not be required as aforesaid, shall either be forfeited to Her Majesty, and accordingly be paid or transferred to or for the account Her Majesty's Exchequer in such manner as the Court of Chancery in Ireland thinks fit to order on the application of the solicitor of Her Majesty's Treasury, and shall be carried to and form part of the Consolidated Fund of the United Kingdom, or, in the discretion of the Court, if the Company is insolvent and has been ordered to be wound up, or a receiver has been appointed, shall wholly or in part be paid or transferred to such receiver, or to the liquidator or liquidators of the Company, or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof: Provided that until the said stock has been repaid to the depositors, or has become otherwise applicable as hereinbefore mentioned, any interest or dividends accruing thereon shall from time to time, and as often as the same shall become payable, be paid to or on the application of the person or persons, or the majority of the persons, named in such warrant or order as aforesaid, or the survivors or survivor of them.

A.D. 1875.

Application  
of deposit.

**63.** 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

Mode of  
formation of  
tramways.

[Ch. ccix.] *The North Dublin Street Tramways* [38 & 39 VICT.]  
Act, 1875.

A.D. 1875. level with the surface of the road ; and that in all curves, passing angles from street to street or from road to road, all rails shall, where practicable, be at a distance, reckoning as aforesaid, of nine feet six inches from the kerbstone, and that in places which will not admit of such distance the tramway shall be laid centre to centre with the street or roadway.

Inspection  
by Board of  
Trade.

**64.** The tramway shall not be opened for public traffic until it has been inspected and certified to be fit for such traffic by the Board of Trade ; and all tramways so made, formed, and laid down under this Act within the city of Dublin shall be constructed in accordance with the provisions of this Act, to the satisfaction of the engineer for the time being of the Corporation.

Tramways to  
be kept on  
level of  
surface of  
road.

**65.** If and whenever after the passing of this Act any road authority shall alter the level of any road along or across which any part of the tramway is laid, the Company may and shall from time to time 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 as altered.

Penalty for  
not maintain-  
ing rails and  
roads.

**66.** 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 tramway and the substructure upon which the same rest ; and if the Company at any time fail to comply with this provision, or with the provisions of section twenty-eight of the Tramways Act, 1870, they shall be subject to a penalty not exceeding five pounds for every day on which such non-compliance continues, and such penalty shall be a penalty within the meaning of section fifty-six of the said Act.

Sewer autho-  
rity to have  
access to  
sewers.

**67.** Every sewer authority shall at all times have free access to and communications with all their sewers and drains, and power to lay lateral and private drains to communicate therewith, without the consent or concurrence of the Company, and the provisions contained in the thirty-second and thirty-third sections of the Tramways Act, 1870, shall be applicable in the case of any sewer or private drain of or under the control of the sewer authority, as if the same were a pipe for the supply of gas or water.

Company  
may be re-  
quired to use  
new form  
of rail.

**68.** The Board of Trade may from time to time, upon the application of the local authority or road authority, require the Company to adopt and apply such improvements in the tramways, including the rails thereof, as experience may from time to time suggest, having regard to the greater security to the public and advantage to the ordinary traffic ; and the Company shall, with all reasonable

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despatch, comply with any order made by the Board of Trade for the purpose of carrying out any such improvements. A.D. 1875.

**69.** The Company may, subject to the provisions of this Act, with the consent of the local authority and road authority, from time to time make, maintain, alter, and remove such crossings, passing places, sidings, junctions, and other works in addition to those particularly specified in and authorised by this Act, as they find necessary or convenient for the efficient working of the tramways, or for providing access to any warehouses, stables, or carriage-houses or works of the Company: Provided that in the construction of any such works, no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either side of the road, if the owner or owners or occupier or occupiers of the premises abutting on the place where such rail is proposed to be laid shall, by writing under their hand addressed to the Company, express their objection thereto.

Power to make additional crossings, &c.

**70.** Any paving, metalling, or material excavated by the Company, in the construction of the undertaking, from any road under the jurisdiction or control of any road authority may be applied by the Company, so far as may be necessary, in or towards the reinstating of the road, and the maintenance for six months after completion of any of the tramways within the district of such road authority of so much of the roadway on either side of such tramways as the Company are by section 28 of "The Tramways Act, 1870," required to maintain; and the Company shall, if so required, deliver the surplus paving, metalling, or material not used or required to be retained for the purposes aforesaid to the surveyor for the time being of the road authority, or to such person or persons as he may appoint to receive the same: Provided that if within seven days after the setting aside of the surplus arising from the excavation of any such paving, metalling, or material, and notice duly given, such surplus is not removed by such surveyor, or by some other person or persons named by him for that purpose, such surplus paving, 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. Any difference between the Company and any road authority, to surveyor, or other person with reference to any of the matters aforesaid, shall be determined in manner provided by "The Tramways Act, 1870," with respect to differences between the promoters and any road authority.

Application of road materials excavated in construction of works.

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*Act, 1875.*

A.D. 1875.

Saving  
rights of  
the Crown.

71. Nothing contained in this Act shall authorise the said Company to take, use, or in any manner interfere with any lands or hereditaments, or any rights of whatsoever description, belonging to the Queen's most Excellent Majesty in right of Her Crown, and under the management of the Board of Trade, without the consent in writing of the Board of Trade on behalf of Her Majesty first had and obtained for that purpose (which consent the Board of Trade are hereby authorised to give); neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Interest not  
to be paid on  
calls paid up.

72. The Company shall not, out of any money by this Act authorised to be raised, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him; but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with "The Companies Clauses Consolidation Act, 1845."

Deposits for  
future bills  
not to be  
paid out of  
capital.

73. The Company shall not, out of any money by this Act authorised to be raised, pay or deposit any sum which, by any standing order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any application to Parliament for the purpose of obtaining an Act authorising the Company to construct any other tramways, or to execute any other work or undertaking.

Tramways,  
&c. not  
exempt from  
provisions of  
present and  
future gene-  
ral Acts.

74. Nothing in this Act contained shall exempt the Company or 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, or from any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls or charges authorised by this Act.

Expenses of  
Act.

75. All costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.