



CHAPTER clxix.

An Act to empower the North Dublin Street Tramways Company to construct New Tramways; and for other purposes. A.D. 1880.
[12th August 1880.]

WHEREAS by the North Dublin Street Tramways Act, 1875, (herein-after called the Act of 1875,) the North Dublin Street Tramways Company (herein-after called "the Company") were incorporated, and by the North Dublin Street Tramways Act, 1876, (herein-after called the Act of 1876,) were empowered to lay down in and near the city of Dublin the tramways in those Acts mentioned : 38 & 39 Vict. c. ccix.
39 & 40 Vict. c. ccxxxiii.

And whereas the said tramways by the Acts of 1875 and 1876 authorised have been completed and open for traffic :

And whereas it is expedient that the Company should be empowered to lay down and maintain the several additional tramways in this Act described and to work the same and the tramways authorised by the Acts of 1875 and 1876 by steam or other mechanical power as well as animal power :

And whereas the tramways of the Company communicate with certain tramways of the Dublin Tramways Company (herein-after called the "Dublin Company") running from College Green along Westmorland Street, Carlisle Bridge, to and along Sackville Street, all in the city of Dublin, and it is expedient that the Company should be empowered to run over and use so much of the tramways of the Dublin Company as is herein-after mentioned :

And whereas plans and sections, showing the lines and levels and describing the position in the streets along which they are to be laid down, of the tramways and works by this Act authorised have been deposited with the clerk of the peace for the county of the city of Dublin, and those plans and sections are in this Act referred to as the deposited plans and sections :

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A.D. 1880. 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 North Dublin Street Tramways Act, 1880.

Incorporation of general Acts. 8 & 9 Vict. c. 16. 26 & 27 Vict. c. 118. 32 & 33 Vict. c. 48. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 33 & 34 Vict. c. 78. 2. The Companies Clauses Consolidation Act, 1845 ; Part I. (relating to cancellation and surrender of shares) of the Companies 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 section 3 (interpretation of terms), section 19 (local authority may lease or take tolls), 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.

Interpretation of terms. 3. 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 Acts of 1875 and 1876" shall mean the North Dublin Street Tramways Acts, 1875 and 1876 ; the expression "the tramways," or "the undertaking," shall mean the tramways and works and undertaking of the Company as authorised by the Acts of 1875, 1876, and this Act ; and the expression "the Corporation" shall mean the Lord Mayor, Aldermen, and Burgesses of the city of Dublin.

Power to make tramways. 4. Subject to the provisions of this Act and Parts II. and III. of the Tramways Act, 1870, the Company may make, form, lay down, and maintain, in the lines and according to the levels shown on the deposited plans and sections, the street tramways herein-after described, with all proper rails, plates, works, and conveniences connected therewith. The tramways herein-before referred to and authorised by this Act are—

Tramway No. 1, 3·70 chains or thereabouts in length, being a single line commencing by a junction with the existing northern line of rails of the North Dublin Street Tramways at a point 1·25 chains or thereabouts, measured in a westerly

direction, from the termination of said line of rails in College Green, in the parish of Saint Andrew and county of the city of Dublin, and passing thence in an easterly direction along College Green, and terminating by a junction with the western line of rails of the Dublin Tramways Company at a point 3·70 chains or thereabouts, measured from its point of commencement:

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Tramway No. 2, 3·25 chains or thereabouts in length, being a single line commencing by a junction with the existing southern line of rails of the North Dublin Street Tramways Company at a point distant 1·12 chains or thereabouts, measured in a westerly direction, from the termination of said line of rails in College Green, in the parish of Saint Andrew and county of the city of Dublin, and passing thence in an easterly direction along College Green, and terminating by a junction with the eastern line of rails of the Dublin Tramways Company at a point 3·25 chains or thereabouts from its point of commencement:

Tramway No. 3, 8 chains or thereabouts in length, being a single line commencing by a junction with the existing western line of rails of the Dublin Tramways Company in Sackville Street Lower at a point distant 2 chains or thereabouts, measured in a northerly direction, from a point on said line of rail opposite the centre of Middle Abbey Street, in the parish of Saint Thomas, in the county of the city of Dublin, and passing thence in a northerly direction along Sackville Street to the westward of the existing lines of said Dublin Tramways Company, and terminating by a junction with the existing western line of rails of the North Dublin Street Tramways Company at a point 1·06 chains or thereabouts north of the termination of said line of rails in Upper Sackville Street:

Tramway No. 4, 25·0 chains or thereabouts in length, being a single line commencing by a junction with the existing eastern line of rails of the Dublin Tramways Company in Sackville Street, in the parish of Saint Thomas, in the county of the city of Dublin, at a point 2 chains or thereabouts, measured in a northerly direction, from a point on the said line of rails opposite the centre of Abbey Street Lower, and terminating by a junction with the existing line of the North Dublin Street Tramways Company in Cavendish Row at a point 20 links or thereabouts, measured in a northerly direction, from a point opposite the centre of Rutland Place:

Tramway No. 5, 33·75 chains or thereabouts in length, being a single line commencing by a junction with the existing

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northern line of the North Dublin Street Tramways Company at a point distant 1·25 chains or thereabouts, measured along said line of rails in a westerly direction, from the point of termination of the existing lines of the said Company in College Green, in the parish of Saint Andrew, in the county of the city of Dublin, and terminating by a junction with the existing western line of the North Dublin Street Tramways Company at a point distant 1·06 chains or thereabouts from the termination of said North Dublin Street Tramways line at Nelson's Pillar :

Tramway No. 6, 52·75 chains or thereabouts in length, being a single line commencing by a junction with the existing southern line of the North Dublin Street Tramways Company at a point distant 1·12 chains or thereabouts, measured in a westerly direction along the said line of rails in a westerly direction from the point of termination of the existing lines of the said Company in College Green aforesaid, and terminating by a junction with the northern line of the North Dublin Street Tramways Company at a point in Cavendish Row distant 20 links or thereabouts north of the intersection of Rutland Place and Cavendish Row, measured along said line of rail.

Protection of
Dublin
Tramways
Company.

5. In making, forming, laying down, and maintaining tramway over any of the tramways of the Dublin Tramways Company the following provisions shall apply :

1. The Company shall construct the crossings over or junctions with the tramways of the Dublin Tramways Company situate in College Green and Lower Sackville Street, in the city of Dublin, under the superintendence and to the satisfaction of the engineer for the time being of the said Dublin Tramways Company :
2. The Dublin Tramways Company may from time to time erect such signals and conveniences incident to such crossings, and may from time to time appoint and remove such signalmen or other persons as may be necessary for the prevention of danger at and near such crossings, and all the expenses of erecting and maintaining those signals and conveniences (if any) and of employing those signalmen or other persons, and all incidental current expenses shall at the end of every half year be repaid by the Company to the Dublin Tramway Company, and in default thereof may be recovered from the Company in any court of competent jurisdiction :
3. The Company in using the said crossings shall be subject to such reasonable byelaws as may from time to time be made

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respecting their use by the Dublin Tramways Company, and such byelaws shall be reduced into writing, and shall have affixed thereto the common seal of the Dublin Tramways Company :

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4. If the Company shall at any time consider that an unnecessary expenditure is incurred by the Dublin Tramways Company in the employment of signalmen as aforesaid, or that the byelaws and regulations of that Company as to the use of the said crossings are unreasonable, they may upon either of those points, after giving one week's notice to the Dublin Tramways Company, from time to time apply to the engineer of the Board of Works in Ireland to determine the question in difference between the two Companies, and the decision of such engineer shall be final; but in arriving thereat, he shall have regard to the working of the traffic of the Dublin Tramways Company and their right to have the same provided for in the first instance as the original occupiers.

6. The Company and all other companies and persons lawfully using the undertaking of the Company may run over, work, and use with their horses and carriages, for the purposes of their traffic of every description, so much of the tramways of the Dublin Company and the sidings and conveniences connected therewith as are situate in College Green, Westmorland Street, Carlisle Bridge, and Sackville Street, all in the county of the city of Dublin.

Power to run over and use portions of tramways of Dublin Company.

7. The terms and conditions and regulations to which the Company shall be subject in respect of the use of so much of the tramways of the Dublin Company as aforesaid, and the tolls and other considerations to be paid by the Company to the Dublin Company in respect of such use, shall, if not agreed upon between the Company and the Dublin Company, be from time to time determined by an arbitrator to be appointed by the Board of Trade on the application of either party, and the decision of such arbitrator shall be binding and conclusive between the parties.

Disputed matters to be determined by arbitration.

8. It shall be lawful for the Company and the Dublin Central Tramways Company and they are hereby authorised and empowered to contribute in equal shares to the costs and expenses of laying down and constructing the lines of tramways herein-before described, and the Company and the Dublin Central Tramways Company shall contribute in equal shares to the costs of obtaining the sanction of Parliament to the Bill for this Act.

Expenses to be shared by both Companies.

9. The lines to be laid in Westmoreland Street, Carlisle Bridge, and Sackville Streets, as described in section four as tramways

Lines to revert to Corporation in ten years.

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Part of road-
way in
Sackville
Street to be
paved.

10. The Company shall pave the space between their existing line in Upper Sackville Street and the line which is authorised by this Act in the said street, and also a space of two and a half feet in width on the east side thereof.

Power to
work tram-
ways by
steam.

11. Notwithstanding anything contained in the Acts of 1875 and 1876, or the Tramways Act, 1870, the carriages used on the tramways of the Company may be moved by steam or other mechanical power as well as animal power on the portions of the Company's tramways situate outside the city of Dublin only.

Provisions
as to con-
struction of
tramways.

12. In addition to the requirements of section twenty-six of the Tramways Act, 1870, the Company shall, at the same time as they give notice to the road authority of their intention to open or break up any road for the purpose of constructing, laying down, maintaining, and renewing any of the tramways, lay before the Board of Trade a plan showing the proposed mode of constructing, laying down, maintaining, and renewing such tramways, and a statement of the materials intended to be used therein, and the Company shall not commence the construction, laying down, maintenance, and renewal of any of the tramways or part of any of the tramways respectively, except for the purpose of necessary repairs, until such plan and statement have been approved by the Board of Trade; and after such approval the works shall be executed in accordance in all respects with such plan and statement, and under the superintendence and to the reasonable satisfaction of the surveyor for the time being of the road authority, as provided by section twenty-six of the said Act: Provided always, that the word "materials" in this enactment does not include materials used for paving any part of any street under the provisions of the Tramways Act, 1870, or this Act.

Mode of
formation of
tramways.

13. The rails of the tramways shall be such as the Board of Trade may approve: Provided that the Board of Trade may from time to time, upon the application of the local authority or the 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 of the public and advantage to the ordinary traffic; and the Company shall with all reasonable despatch comply with any

order made by the Board of Trade for the purpose of carrying out any such improvements. A.D. 1880.

14. No part of the tramways shall be opened for public traffic until the same has been inspected and certified to be fit for such traffic, in accordance with the Tramways Act, 1870, and the Board of Trade have, by an order signed by the secretary or an assistant secretary of the said Board, authorised the same to be opened for such traffic. Tramways not to be opened until certified by Board of Trade.

15. 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 which any of the tramways for the time being consist, and the substructure upon which the same rest, and if the Company at any time make default in complying with this provision or with any of the requirements of section twenty-eight of the Tramways Act, 1870, they shall for every such offence be subject, on information laid or complaint made, to a penalty not exceeding five pounds, and in case of a continuing offence, to a further penalty not exceeding five pounds for every day after the first on which such default continues, and such penalty may be recovered as by section fifty-six of the said Act is provided. Penalty for not maintaining rails and road in good condition.

16. In any case in which it is represented in writing to the Board of Trade by the local authority or road authority of the district in which any of the tramways is situate, or by twenty inhabitant ratepayers of such district, that the Company have made default in complying with the provisions in the preceding section contained, or with any of the requirements of section twenty-eight of the Tramways Act, 1870, the Board of Trade may, if they think fit, direct an inquiry by an officer to be appointed by the said Board, such inquiry to be conducted in the manner provided by section sixty-three of the Tramways Act, 1870; and if the Board of Trade shall certify under the hand of a secretary or assistant secretary of the Board that the default mentioned in such representation has been proved to the satisfaction of the Board, the Company shall make good such default in the manner and within the time specified in such certificate, and if they fail to do so shall be subject to such penalty or penalties in respect of such failure as is or are by the preceding section imposed. Inquiry by Board of Trade.

17. The carriages used on the tramways may, subject to the provisions of this Act, be moved by animal power, and during a period of seven years after the opening of the same for public traffic, and, with the consent of the Board of Trade, during such further periods of seven years as the said Board may from time to time Carriages may be moved by animal, steam, or mechanical power.

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A.D. 1880. — specify in any order, to be signed by a secretary or an assistant secretary of the said Board, by steam power or any mechanical power :

Provided always, that the exercise of the powers hereby conferred with respect to the use of steam or any mechanical power shall be subject to the regulations set forth in the second schedule to this Act annexed, and to any regulations which may be added thereto or substituted therefor respectively by any order which the Board of Trade may and which they are hereby empowered to make from time to time, as and when they may think fit, for securing to the public all reasonable protection against danger in the exercise of the powers by this Act conferred with respect to the use of steam or any mechanical power on the tramways.

Penalty for
using steam
or mechanical
power
contrary to
regulations.

18. The Company using steam or any mechanical power on any of the tramways contrary to the provisions of this Act, or to any of the regulations set forth in the second schedule to this Act annexed, or to any regulation added thereto or substituted therefor by any order made by the Board of Trade under the authority of this Act, shall for every such offence be subject to a penalty not exceeding ten pounds, and also in the case of a continuing offence a further penalty not exceeding five pounds for every day after the first during which such offence continues: Provided always, that whether any such penalty has been recovered or not, the Board of Trade, in case in their opinion the Company using steam or any mechanical power on the tramways under the authority of this Act have or has made default in complying with the provisions of this Act, or with any of the regulations set forth in the second schedule to this Act annexed, or with any regulation which may have been added thereto or substituted therefor as aforesaid, may by order direct the Company to cease to exercise the powers aforesaid, and thereupon the Company shall cease to exercise the powers aforesaid, and shall not again exercise the same or any of the same unless with the authority of the Board of Trade, and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Byelaws.

19. Subject to the provisions of this Act, the Board of Trade may from time to time make and when made may rescind, annul, or add to byelaws with regard to the tramways upon which steam or any mechanical power may be used under the authority of this Act, for all or any of the following purposes ; (that is to say,)

For regulating the use of the bell, whistle, or other warning apparatus fixed to the engine :

For regulating the emission of smoke or steam from engines used on the tramways : A.D. 1880.

For providing that engines and carriages shall be brought to a stand at the intersection of cross streets and at such places and in such cases of horses being frightened or of impending danger as the Board of Trade may deem proper for securing safety :

For regulating the entrance to, exit from, and accommodation in the carriages used on the tramways, and the protection of passengers from the machinery of any engine used for drawing or propelling such carriages :

For providing for the due publicity of all regulations and byelaws in force for the time being in relation to the tramway by exhibition of the same in conspicuous places on the carriages and elsewhere :

Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Act shall be liable to a penalty not exceeding forty shillings.

20. The provisions of the Tramways Act, 1870, with respect to the recovery of penalties shall apply to any penalty under this Act and to any penalty for nonobservance of any byelaw made by the Board of Trade under the authority of this Act. Recovery of penalties.

21. The provisions of the Tramways Act, 1870, relating to the making of byelaws by the local authority with respect to the rate of speed to be observed in travelling on the tramway shall not authorise the local authority to make any byelaw sanctioning a higher rate of speed than that authorised by this Act, or by any regulation made by the Board of Trade under the authority of this Act, at which engines and carriages are to be driven or propelled on the tramways under the authority of this Act; but the local authority may, if they think fit, make byelaws under the provisions of the said Act for restricting the rate of speed to a lower rate than that so prescribed. Amendment of 33 & 34 Vict. c. 78. as to byelaws by local authority.

22. All orders and byelaws made by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of the Board of Trade. Orders and byelaws.

23. Where the Company intend to use steam or any mechanical power under the authority of this Act on the tramways, or any part thereof, they shall give two months previous notice of such intention to every road authority within whose district the tramways, or any part thereof, upon which they intend to use such power are or is situated. Contracts with road authorities where steam or mechanical power to be used.

Where at the time of the giving of any such notice any contract, agreement, or arrangement is in force with respect to the user by the Company, or the paving and keeping in repair of the whole or any

A.D. 1880. — part of the roadway of any road within the district of such road authority upon which such tramways or such part of such tramways are or is laid, or with respect to the payment by the Company to such road authority of any annual or other sum in relation to such user, paving, and keeping in repair of such road, then and in every such case, with the consent of the Board of Trade, it shall be lawful for the Company by such notice, or for such road authority by notice to be served upon the Company not later than forty days after the receipt by such road authority of such first-mentioned notice, to determine such contract, agreement, or arrangement, and thereupon such contract, agreement or arrangement, shall, from and after the commencement of the use of steam or any mechanical power upon such tramways, or such part thereof, be determined and of no effect.

Before using steam or any mechanical power on the tramways, or any part thereof, and thereafter from time to time, the Company and every such road authority may enter into or renew, with or without modification, any contract, agreement, or arrangement with respect to the user by the Company, or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of such road authority upon which such tramways or such part of such tramways are or is laid, or with respect to the payment by the Company to such road authority of any annual or other sum in relation to such user, paving, and keeping in repair of such road, which they may think fit and the Board of Trade may approve.

In case any difference arises between any such road authority and the Company as to the determination of any such contract, agreement, or arrangement, or in case any such road authority, after request in writing by the Company, or the Company, after request in writing by any such road authority, during a period of one month after such request, refuse or fail to enter into any such contract, agreement, or arrangement, or to renew the same, with or without modification, or to make a new contract instead thereof, or in case of any difference as to the terms of such contract, agreement, or arrangement, or any renewal thereof, with or without modification, or any new contract instead thereof, then and in every such case the difference with respect to such determination, or the reasonableness of such refusal or failure, or the terms of such contract, agreement, or arrangement, or any renewal thereof, with or without modification, or any new contract instead thereof, shall from time to time on the appeal of either of the parties to the Board of Trade be determined in manner provided by the Tramways Act, 1870, with respect to all differences between the Company and any road

authority, and thereupon the parties shall in all respects conform to such determination, and make and observe any contract, agreement, or arrangement thereby prescribed: Provided always, that while any such appeal is pending, the Board of Trade may order that no steam or mechanical power shall be used on the tramways to which such appeal relates. A.D. 1880.

No steam or mechanical power shall be used on the tramways, or any part thereof, unless there is in force in relation to the tramways or such part thereof a contract, agreement, or arrangement in accordance with the provisions of this section.

Any moneys which may from time to time be received by such road authority under any contract, agreement, or arrangement in accordance with the provisions of this section shall be applied by them towards the expenses of repairing, improving, and maintaining the highways within their district, having regard in the first instance to the requirements of the roads upon which the tramways are laid.

24. Where steam or any mechanical power is used by the Company on the tramways, or any part thereof, no contract, agreement, or arrangement made before or after the commencement of the use of steam or mechanical power as aforesaid with respect to the user by the Company, or the paving and keeping in repair of the whole or any part of the roadway of any road within the district of any road authority upon which such tramways or any such part of tramways are on is laid, or with respect to the payment by the Company to such road authority of any annual or other sum in relation of such user, paving, and keeping in repair of such road, shall continue in force for any period exceeding two years at any one time after the commencement of the use of steam or mechanical power as aforesaid, or the making of such contract, agreement, or arrangement: Provided always, that any such contract, agreement, or arrangement may from time to time be renewed, with or without modification, or a new contract, agreement, or arrangement may be made instead thereof. Contract with road authority not to be for longer than two years at a time.

25. If at any time after three years from the opening for public traffic of the tramways, or any part thereof, or after three years from the date of any order made in pursuance of this section in respect of the tramways, or any part thereof, it is represented in writing to the Board of Trade by the local authority of any district in which the tramways or such part or parts thereof are or is wholly or partially situate, or by twenty inhabitant ratepayers of any such district, or by the Company, that under the circumstances then existing all or any of the tolls and charges demanded and Periodical revision of tolls.

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taken in respect of the traffic on the tramways or on such part thereof should be revised, the Board of Trade may (if they think fit) direct an inquiry by a referee to be appointed by the said Board in accordance with the provisions of the Tramways Act, 1870, and if such referee report that it has been proved to his satisfaction that all or any of such tolls and charges should be revised, the said Board may make an order in writing altering, modifying, reducing, or increasing all or any of the tolls and charges to be demanded and taken in respect of the traffic on the tramways, or on such part thereof, in such manner as they think fit, and thenceforth such order shall be observed until the same is revoked or modified by an order of the Board of Trade made in pursuance of this section: Provided always, that the tolls and charges prescribed by any such order shall not exceed in amount the tolls and charges by this Act authorised.

Extension of
certain
sections of
38 & 39 Vict.
c. ccix. and
59 & 40 Vict.
c. ccxxxiii.
to this Act.

26. The sections of the Act of 1875 set forth and specified in the schedule to the Act of 1876, and the sections of the Act of 1876 set forth and specified in the first schedule to this Act annexed, shall extend to and form part of this Act as fully and effectually as if those sections had been expressly repeated and re-enacted in this Act.

Power to
raise new
capital.

27. The Company may from time to time raise, by the creation and issue of new shares of not less than ten pounds each, such sums of money as they shall think necessary not exceeding in the whole fifteen thousand pounds, in addition to the moneys which they are authorised to raise by shares.

Power to
borrow on
mortgage.

28. The Company may from time to time borrow on mortgage, in addition to the sums which they are already authorised to borrow, any sum or sums not exceeding in the whole three thousand seven hundred and fifty pounds, but no part thereof shall be borrowed until the whole capital of fifteen 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 has been 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 capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued *bonâ fide*, and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators,

successors, or 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 certificate shall be sufficient evidence thereof. A.D. 1880.

29. All mortgages granted by the Company under the authority of the Acts of 1875 and 1876 which shall be subsisting at the passing of this Act shall, during the continuance thereof, have priority over all mortgages granted under the authority of this Act. Existing mortgages to have priority.

30. All moneys raised under this Act, whether by share or borrowing, shall be applied for the purposes of this Act and the Acts of 1875 and 1876. Application of moneys.

31. 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 the Acts 1875 or 1876 or this Act, and may comprise all or any moneys carried to the contingency fund according to the terms of the mortgage. Mortgages to comprise purchase money paid on compulsory sale.

32. 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 tramways in the event of their being purchased by the local authority under the provisions of the Act of 1875 or 1876 or this Act. Endorsement of notice of power of future purchase by the Corporation.

33. The tramways 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. Period for completion of works.

34. The Company may from time to time purchase and acquire (by agreement), in addition to any land which they are already authorised to acquire, such land as they may require for their undertaking not exceeding in the whole one acre. Power to purchase land by agreement.

35. Whereas pursuant to the standing orders of both Houses of Parliament, and to an Act of the ninth year of the reign of Her Majesty, chapter twenty, a sum of three hundred and three pounds eight shillings, being five per centum upon the amount of the estimate in respect of the tramways, has been deposited with the Chancery Division of the High Court of Justice in Ireland in respect of the application to Parliament for this Act, which sum is referred to in this Act as the deposit fund: Be it enacted that, notwithstanding anything contained in the said Act, the said Deposit money not to be repaid until half the capital paid up.

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deposit fund 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, which persons, survivors, or survivor are or in this Act referred to as the depositors, unless the Company shall, previously to the expiration of the period limited by this Act for completion of the tramways open the same for the public conveyance of passengers: *Provided*, that if within such period as aforesaid the Company open any portion of the tramways for the public conveyance of passengers, then on production of a certificate of the Board of Trade, specifying the length of the portion of the tramways opened as aforesaid, and the portion of the deposit fund which bears to the whole of the deposit fund the same proportion as the length of the tramways so opened bears to the entire length of the tramways hereby authorised, the said Chancery Division shall, on the application of the depositors, order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct; and the certificate of the Board of Trade shall, if signed by the secretary or by an assistant secretary of the said Board, be sufficient evidence of the facts therein 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.

Application
of deposit
fund.

36. If the Company do not, previously to the expiration of the period limited for the completion of the tramways, complete the same and open them for the public conveyance of passengers, then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors shall be applicable, and after due notice in the "Dublin Gazette" shall be applied, towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement, construction, or abandonment of the tramways, or any part thereof, or who 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 has been paid, and also in compensating all road authorities for the expenses 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 damages caused to such roads by the construction or abandonment of such tramways, and for which injury or loss no compensation or inadequate compensation shall have been paid, and shall be dis-

tributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the said Chancery Division may seem fit; and if no such compensation is payable, or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation, then the deposit fund, 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 of Her Majesty's Exchequer in such manner as the said Chancery Division 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 said Chancery Division, 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 deposit fund has been repaid to the depositors or has become otherwise applicable as herein-before 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 depositors.

A.D. 1880.

37. The Company may demand and take in respect of the tramways the tolls and charges which they are by the Acts of 1875 and 1876 authorised to demand and take with respect to the tramways by those Acts authorised as if the tramways had formed part of the tramways by those Acts authorised.

38. The Company shall not, out of any money by this Act authorised to be raised by calls or by borrowing, pay interest or dividend to any shareholder on the amount of the calls made in respect of the shares held by him: Provided always, that this Act shall not 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.

Interest not to be paid on calls paid up.

39. The Company shall not, out of any money by the Acts of 1875 and 1876 or 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 tramway or to execute any other work or undertaking.

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

[Ch. clxix.] *North Dublin Street Tramways* [43 & 44 VICT.]
Act, 1880.

A.D. 1880.

Provision as
to general
Acts.

40. Nothing herein contained shall be deemed or construed to exempt the tramways of the Company 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 fares and charges authorised to be taken by the Company.

Expenses of
Act.

41. All the 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.

[43 & 44 VICT.] *North Dublin Street Tramways* [Ch. clxix.]
Act, 1880.

The FIRST SCHEDULE referred to in the foregoing Act.

A.D. 1880.

SECTIONS of ACT of 1876 incorporated with Act.

Number of Section.	Matter to which Section relates.
11	Shares not to be issued until one fifth paid.
12	Calls.
13	Power to divide shares.
14	Dividends on half shares.
15	Dividends on preferred shares to be paid out of profits of the year only.
16	Half shares to be registered and certificates issued.
17	Terms of issue to be stated in certificates.
18	Forfeiture of preferred shares.
19	Preferred shares not to be cancelled or surrendered.
20	Half shares to be half shares in capital.
21	Receipts on behalf of incapacitated persons.
23	Arrears may be enforced by appointment of a receiver.
24	Moneys borrowed on mortgage to have priority.
29	Company not to create debenture stock.
35	Tolls to be paid as directed by Company.
38	Advertisements to be inserted in "Dublin Gazette."

The SECOND SCHEDULE referred to in the foregoing Act.

Every engine used on the tramways shall be fitted with such mechanical appliances for preventing the motive power of such engine from operating, and for bringing such engine and any carriage drawn or propelled by such engine to a stand, as the Board of Trade may from time to time think sufficient. Break power of engines.

Every engine used on the tramways shall have its number shown in some conspicuous part thereof, and shall be fitted— As to fittings of engines, &c.

With an indicator, by means of which the speed shall be shown ;

With a suitable fender to push aside obstructions ;

With a special bell, whistle, or other apparatus to be sounded as a warning when necessary ; and

With a seat for the driver of such engine so placed in front of such engine as to command the fullest possible view of the road before him.

Every such engine shall be free from noise produced by blast or clatter of

[Ch. clxix.] *North Dublin Street Tramways* [43 & 44 VICT.]
Act, 1880.

A.D. 1880. machinery, and the machinery shall be concealed from view at all points above
— four inches from the level of the rails, and all fire used on such engine shall be
concealed from view.

As to
carriages.

Every carriage used on the tramways shall be so constructed as to provide
for the safety of the passengers, and for their safe entrance to, exit from, and
accommodation in such carriage, and their protection from the machinery of any
engine used for drawing and propelling such carriage.

Inspection of
engines and
carriages.

The Board of Trade shall, on the application of the local authority, and
may on complaint made by any person, from time to time inspect any engine
or carriage used on the tramways and the machinery therein, and may, when-
ever they think fit, prohibit the use on the tramways of any such engine or
carriage which in their opinion may not be safe for use on the tramways.

As to speed.

The speed at which engines and carriages may be driven or propelled along
the tramways shall not exceed the rate of eight miles an hour.

The speed at which engines and carriages may pass through movable
facing points shall not exceed the rate of four miles an hour.

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