



CHAPTER ccviii.

An Act to authorise the Great Northern Railway Company (Ireland) to construct Tramways and Tramroads from Sutton to Howth to acquire and maintain Hotels and Refreshment Rooms and for other purposes.

A.D. 1897.

[6th August 1897.]

WHEREAS it is expedient that the Great Northern Railway Company (Ireland) (in this Act called "the Company") should be authorised—

To construct the tramways and tramroads herein-after described and in connexion therewith to widen divert and alter certain roads ;

To acquire additional lands for the purposes of this Act and of their undertaking ;

To raise additional capital for the purposes of this Act and for the general purposes of their undertaking ; and

To consolidate the various debenture stocks of the Company into a smaller number of stocks :

And whereas it is expedient that the Company should be authorised to use electric and other mechanical power for moving engines and carriages on the said tramways and tramroads and also on the portion of their existing railway between Dublin and Howth :

And whereas it is expedient that the Company be also authorised to provide maintain furnish and manage hotels and refreshment rooms in connexion with their railways and to subscribe towards the erection of such hotels and refreshment rooms by other companies and persons :

And whereas plans and sections describing the lines and levels of the intended tramways tramroads and other works and books of reference to such plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of

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A.D. 1897. the lands which may be taken for the purposes or under the powers of this Act have been duly deposited with the clerks of the peace for the respective counties of Dublin Antrim Armagh Donegal and Tyrone which plans sections and books of reference are in this Act 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:—

Short title. 1. This Act may be cited as the Great Northern Railway (Ireland) Act 1897.

Incorpora-
tion of
General
Acts.

2. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act (that is to say):—

The Companies Clauses Consolidation Act 1845 with respect to the several matters following (that is to say):—

The distribution of the capital of the Company into shares;

The transfer or transmission of shares;

The payment of subscriptions and the means of enforcing payment of calls;

The forfeiture of shares for nonpayment of calls;

The remedies of creditors of the Company against the shareholders;

The consolidation of shares into stock;

The giving of notices;

The provision to be made for affording access to the special Act:

Part I. (relating to the cancellation and surrender of shares) Part II. (relating to additional capital) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863:

The Lands Clauses Acts:

The Railways Clauses Consolidation Act 1845 so far as relates to the construction of the tramways and tramroads authorised by this Act except the provisions thereof with respect to the crossing of roads or other interference therewith:

Part I. (relating to the construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act 1863:

And Part II. and Part III. of the Tramways Act 1870 except sections 43 and 44 of that Act and for the purposes of this Act

the words "the London or Edinburgh Gazette" in Schedule C, A.D. 1897.
Part II. sub-section 2 of the Act of 1870 shall mean the Dublin
Gazette.

3. In this Act—

"The tramway" and "the tramroad" respectively mean the
tramways and the tramroads by this Act authorised;

"The grand jury" and "the finance committee" respectively
mean the grand jury and the finance committee of the
county of Dublin;

"The county surveyor" means the county surveyor of the county
of Dublin and includes the district surveyor of the northern
division of that county;

"Road" means any carriageway being a public highway and
the carriageway of any bridge forming part of or leading
thereto;

"Mechanical power" includes electric and every other motive
power not being animal or steam power:

The several words and expressions to which meanings are
assigned by the Acts wholly or partially incorporated herewith
have the same respective meanings unless varied by this Act or
there be something in the subject or context repugnant to such
construction:

In this Act and for the purposes of this Act in the Tramways
Act 1870—

"The road authority" and "the local authority" respectively
mean the grand jury and the finance committee of the county
of Dublin or either of them as the case may require:

In the Railways Clauses Consolidation Act 1845 for the purposes
of this Act—

"The railway" means the tramways and the tramroads.

4. With reference to this Act all the provisions of sections 7 8
and 9 of the Railways Clauses Consolidation Act 1845 shall be
read and construed as if the expression "clerks of the unions
within which such parishes are included in Ireland" or the words
"clerks of the unions" (as the case may be) had been used and
inserted in such sections instead of the expression "the postmasters
of the post towns in or nearest to such parishes in Ireland" or
instead of the word "postmasters" as the case may be.

5. Subject to the provisions of this Act the Company may make
form lay down work use and maintain the tramways and tramroads
herein-after described in the lines and according to the levels and
within the limits of deviation shown on the deposited plans and

Interpreta-
tion.

Interpreta-
tion of
"clerks of
unions."

Power to
make tram-
ways and
tramroads.

A.D. 1897. — sections with all proper rails plates sleepers channels passages and tubes for ropes cables wires and electric lines junctions turn-tables turnouts crossings and passing-places poles posts overhead electric lines stables carriage-houses engine boiler and dynamo houses sheds buildings engines dynamos works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose :—

TRAMWAYS AND TRAMROADS.

Work (A) A tramway (No. 1) 2 miles 3 furlongs 9·70 chains in length of which 2 miles 1 furlong 4·70 chains is single line and 2 furlongs 5 chains is double line commencing in the townland of Burrow in the parish of Howth on the south-eastern side of the level crossing at the Sutton Station of the Howth Railway of the Company at a point on the public road opposite the pathway to Warren House and proceeding thence along the public road from Sutton to the Baily Lighthouse (herein-after referred to as "the Baily Road") and terminating in the townland of Censure in the said parish at a point on the southern side of the said road about 83 yards measured thereon in an easterly direction from the boundary line between the said townland and the townland of Sutton South in the said parish :

Work (B) A tramroad (No. 1) 5·85 chains in length wholly in the said townland of Burrow commencing alongside and at the south-western end of the up-passenger platform at Sutton Station and terminating by a junction with Tramway (No. 1) at a point about 142 yards from the commencement of that tramway :

Work (C) A tramroad (No. 2) 9·8 chains in length wholly in the said townland of Burrow commencing at a point in the fence on the south-eastern side of the signal cabin at Sutton Station distance about 13 yards from the south-eastern corner thereof and terminating by a junction with Tramway (No. 1) at a point about 218 yards from the commencement of that tramway :

Work (D) A tramroad (No. 3) 3 furlongs 7·35 chains in length commencing in the said townland of Censure by a junction with Tramway (No. 1) at its said termination and terminating in the townland of Howth in the said parish of Howth at the southern fence of the said Baily Road at a point therein about 44 yards from the north-eastern corner of the house formerly called Glenaveena but now called Stella Maris And the Company shall provide alongside the said Tramroad No. 3 a way for

passengers on foot not less than five feet wide provided they can obtain the land for this purpose by agreement with the owners and occupiers of such land : A.D. 1897.

Work (E) A tramway (No. 2) 6·40 chains in length of which 2·50 chains is single line and 3·90 chains is double line wholly in the townland of Howth in the parish of Howth commencing at the termination of Tramroad (No. 3) and passing along the said Baily Road and terminating in the said townland of Howth at the northern side of that road at the junction therewith of the road leading from the said Baily Road to the Baily Hotel :

Work (F) A tramroad (No. 4) 2 miles 1 furlong 2·80 chains in length wholly in the said townlands of Howth and Howth demesne commencing in the said townland of Howth at the termination of Tramway (No. 2) and terminating in the said townland of Howth demesne on the south side of the signal cabin at the Howth Station of the Company and about 4 yards therefrom.

6. Subject to the provisions of this Act with respect to the levying of tolls rates and charges the tramways and tramroads shall in all respects be deemed part of the undertaking of the Company. Tramways and tramroads to form part of undertaking of Company.

7. The tramways shall not be laid so that a less space than ten feet and six inches shall intervene between the outside of the footpath in any street or road and the nearest rail of the tramway. Not less than ten feet six inches to intervene between outside of footpath and nearest rail of tramway.

8. Notwithstanding anything contained in this Act or shown on the deposited plans the Company shall not acquire otherwise than by agreement any portion of the field or plantation numbered respectively on the deposited plans 3 6 and 7 in the townland of Howth which is situate within 20 feet of the south-east corner of the property numbered on the deposited plans 4 in the said townland. For protection of John Mahony Maxwell.

9. The tramroads and tramways shall be constructed upon a gauge of five feet three inches and the tramways shall be laid and maintained in such a manner that the uppermost surface of the rails shall be on a level with the surface of the carriageway of the road along or across which the same is laid. Gauge and mode of formation of tramroad and tramway.

10. The tramroads and tramways shall not be opened for public traffic until the same have been inspected and certified to be fit for such traffic by the Board of Trade. Inspection by Board of Trade.

11. The rails of the tramways shall be such as the Board of Trade may approve. As to rails of tramways.

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Company to
adopt im-
provements
if required
by Board of
Trade.

12. The Board of Trade may upon the application of the local authority or road authority require the Company to adopt and apply such improvements in the tramways so far as the same is laid along the carriageway of any road under the control of such local authority or road authority as experience may from time to time suggest having regard to the greater security of the public and advantage to the ordinary traffic of such road and the Company shall with all reasonable despatch comply with any order made by the Board of Trade for the purpose of carrying out such improvements.

Further pro-
visions as to
construction
of tramways.

13. In addition to the requirements of section 26 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 street or road for the purpose of constructing laying down maintaining or renewing the tramways lay before the Board of Trade and the road authority a plan showing the proposed mode of constructing laying down maintaining or 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 or renewal of such tramways or any part thereof respectively 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 26 of the said Act.

Penalty for
not main-
taining rails
in proper
order.

14. The Company shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways and the portions of tramway paved in connexion therewith and the substructure or the concrete upon which the said rails and portions of tramway respectively rest and if the Company at any time fail to comply with this provision or with the provisions of sections 25 and 28 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 56 of the said Act. In case it is represented in writing to the Board of Trade by the road authority of any district in which such tramway or any portion thereof is situate or by twenty inhabitant ratepayers of such district that the Company have made default in complying with the provisions in this section contained or with any of the requirements of section 28 of the Tramways Act 1870 the Board of Trade may if they think fit direct an

inspection by an officer to be appointed by the said Board and if such officer report that the default mentioned in such representation has been proved to his satisfaction then and in every such case a copy of such report certified by a secretary or an assistant secretary of the Board of Trade may be adduced as evidence of such default and of the liability of the Company to such penalty or penalties in respect thereof as is or are by this section imposed. A.D. 1897.

In the event of such default as aforesaid and without prejudice to any other remedy of the road authority the county surveyor may after giving to the Company seven days' notice in writing in that behalf execute and do all works necessary for such maintenance and repair and for the prevention of such danger or annoyance as aforesaid or as in the said section 28 is mentioned and may recover the costs charges and expenses of so doing from the Company with full costs of action as a simple contract debt.

15. If and whenever after the passing of this Act the road authority alters the level of any street or road along or across which any part of the tramways is laid or authorised to be laid by the Company the Company may or 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 street or road as altered. Tramway to be kept on level of surface of roads.

16. Any paving metalling or material excavated by the Company in the construction of the tramways from any road under the jurisdiction or control of the road authority may be applied by the Company so far as may be necessary in or towards the reinstating of the street or road and the maintenance for six months after completion of the tramway within the district of such road authority of so much of the roadway on either side of such tramway 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 by the Company such surplus is not removed by such surveyor or by some other person 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 or surveyor or other person with reference to any of Application of road materials excavated in construction of tramways.

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A.D. 1897. 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.

Power to
make addi-
tional cross-
ings &c.

17. The Company may subject to the provisions of this Act with the consent of the local and road authority make maintain alter and remove in any street or road 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 carriage or engine houses warehouses goods sheds stables or works of the Company Provided that in the construction of any such works no rails shall be so laid that a less space than ten feet six inches shall intervene between it and the outside of the footpath on either side of the street or road at any point where houses shops or other buildings abut thereon or at any other point if one-third of the owners and one-third of the occupiers of premises abutting on the street or road at such last-mentioned point shall by writing under their hand addressed to the Company within three weeks after receiving from the Company notice in writing of their intention express their objection thereto.

Temporary
tramways
may be
made when
necessary.

18. When by reason of the execution of any work affecting the surface or soil of any street or road along or across the carriageway of which the tramway is laid it shall in the opinion of the road authority be necessary or expedient temporarily to remove or discontinue the use of such tramway or any part thereof the Company shall within seven days of receiving an order in writing from the road authority under the hand of their clerk or surveyor discontinue or take up such tramway or part of the tramway for such term as may be necessary for the execution of the said works Provided that the Company may subject to such conditions and in accordance in all respects with such regulations as the road authority may from time to time make construct on the same or any adjacent street or road and with the like consent subject to the like conditions and in accordance with the like regulations maintain so long as occasion may require a temporary tramway in lieu of the part of the tramway so removed or discontinued If any difference arises between the Company and the road authority with respect to the reasonableness of any regulations or with respect to the mode of constructing any temporary tramway under the authority of this section the same shall be settled in the manner specified in section 33 of the Tramways Act 1870 for the settlement of differences in the said section mentioned.

19. Every sanitary authority and the road authority shall at all times have free access to and communication 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 sanitary authority or the road authority as if the same were a pipe for the supply of gas or water.

A.D. 1897.
Sanitary authority to have access to sewers.

20. The Company and any local or road authority may subject to the provisions of this Act enter into any agreements with respect to the mode of constructing and to the maintaining working removing renewing repairing and using of the tramway along or across any street or road situate within the district of such local or road authority and the rails plates chairs sleepers and works connected therewith and the facilitating of the traffic over and along the same.

Agreements between the Company and road authorities.

21. The Company may carry the tramroads on the level across the public roads respectively numbered on the deposited plans and in the deposited books of reference as follows namely :—

As to crossing public roads.

Number on Deposited Plan.	Parish.	Townland.
12	Howth	Burrow.
32	"	Howth.
41	"	"
49	"	"
51	"	"
59	"	"

and with respect to such crossing the following provisions shall have effect (that is to say) :—

(1) The Company shall if so required by the Board of Trade in writing under the hand of an assistant secretary erect and maintain at all times gates across the tramroad at each side of the said roads respectively and employ a proper person to open and close such gates :

(2) Such gates shall be kept constantly closed across the tramroad except during the time when engines carriages or trucks passing along the tramroad shall have occasion to cross the said roads respectively and shall be of such dimensions and so constructed as when closed to fence in the tramroad and prevent cattle or horses passing along the said roads respectively from entering upon the tramroad :

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(3) The drivers or conductors of any engines carriages or trucks passing along the tramroad or other the person whose office or duty it may be to open or close the said gates shall cause the same to be closed as soon as such engines carriages or trucks shall have passed through the same and shall be liable to a penalty of not exceeding forty shillings for every default in so doing.

Further powers to Board of Trade as to level crossings.

22. If at any time the Board of Trade are of opinion that by reason of the increase of traffic on the tramroad or any road crossed by the tramroad on the level any alteration of the level crossings or the mode of working the same is expedient the Company shall be subject to all such rules and regulations with regard to the mode of working such crossings as may from time to time be made by the Board of Trade and section 48 of the Railways Clauses Consolidation Act 1845 and section 7 of the Railways Clauses Act 1863 shall be incorporated with this Act and shall apply to the tramroad in the same manner as if it were a railway.

Power to cross roads &c.

23. The Company shall for the purposes of constructing the tramroads have the same powers as are given by section 16 of the Railways Clauses Consolidation Act 1845 in the case of a railway and that section shall apply to the tramroads as if the same were a railway within the meaning of that Act.

As to accommodation works.

24. The Company shall fence off the tramroads from the adjoining lands not taken by them and (subject to any agreement made with any owner lessee or occupier of such lands) shall construct and maintain such gates passages and drains over under or by the side of the tramroads as shall be necessary for making good the interruption caused by the tramroads to the use or drainage of or access to the lands through which the same will be made and shall construct proper watering places for cattle in cases in which the cattle of any person occupying lands adjoining the tramroads are by the construction thereof deprived of access to their present watering places and shall construct the necessary watercourses or drains for conveying water to such new watering places and if any question arise as to the works to be constructed or maintained by the Company under the provisions of this section the same shall be determined by an arbitrator to be appointed by the Board of Works.

Period for completion of works.

25. If the tramways are not completed within two years and if the tramroads and street works are not completed within three years from the passing of this Act the powers by this Act granted to the Company for constructing the same respectively or otherwise in

relation thereto shall cease except as to so much thereof respectively as shall be then completed. A.D. 1897.

26. It shall not be lawful to drive any locomotive along the tramway at a greater speed than twelve miles an hour and in passing through any city town or village the speed shall not exceed eight miles an hour and any person acting contrary thereto shall for every such offence on summary conviction thereof forfeit any sum not exceeding ten pounds. Limiting speed of locomotives on tramways.

27. If the Company fail within the period limited by this Act to complete either of the tramways or tramroads the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the tramway or tramroad in respect of which such failure occurs is completed and opened for public traffic or until the sum received in respect of such penalty amounts to five per cent. on the estimated cost of the tramway or tramroad not completed and the said penalty may be applied for by any road authority landowner or other person claiming to be compensated or interested in accordance with the provisions of the next following section of this Act and in the same manner as the penalty provided in section 3 of the Railway and Canal Traffic Act 1854. And every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name of the Accountant-General of the Supreme Court in Ireland in the bank specified in such warrant or order and shall not be paid thereout except as herein-after provided. But no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company were prevented from completing or opening such tramway or tramroad by unforeseen accident or circumstances beyond their control. Provided that the want of sufficient funds shall not be held to be a circumstance beyond their control. Penalty imposed unless tramways or tramroads are opened within the time limited.

28. Every sum of money so recovered by way of penalty 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 tramway or tramroad 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 also in compensating all road authorities for the expense incurred by them in taking up any tramway or Application of penalty.

A.D. 1897. — tramroad 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 tramway or tramroad and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the High Court may seem fit and if no such compensation shall be payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid shall have been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent and has been ordered to be wound up or the tramway or tramroad in respect of which the penalty has been incurred or any part thereof has been abandoned be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be applied in the discretion of the court as part of the assets of the Company for the benefit of the creditors thereof and subject to such application shall be repaid or retransferred to the Company.

Provisions
as to motive
power.

29. The carriages used on the tramways may be moved by animal power or subject to the following provisions by mechanical power (that is to say) :—

- (1) The mechanical power shall not be used except with the consent of and according to a system approved by the Board of Trade :
- (2) The Board of Trade shall make regulations (in this Act referred to as “the Board of Trade regulations”) for securing to the public all reasonable protection against danger arising from the use under this Act of mechanical power on the tramways and for regulating the use of electric power :
- (3) The Company or any other company or person using any mechanical power on the tramways contrary to the provisions of this Act or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof :
- (4) The Board of Trade if they are of opinion —
 - (a) That the Company or any other company or person using mechanical power have or has made default in complying with the provisions of this Act or of the Board of

Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered; or A.D. 1897.

(b) That the use of mechanical power as authorised under this Act is a danger to the passengers or the public may by order either direct the Company or such other company or person as aforesaid to cease to use such mechanical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Company shall comply with every such order. In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

30. The following provisions shall apply to the use of electric power under this Act unless such power is entirely contained in and carried along with the carriages :— Special provisions as to use of electric power.

- (1) The Company shall employ either insulated returns or uninsulated metallic returns of low resistance :
- (2) The Company shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electric power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :
- (3) The Company shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Company either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking :
- (4) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use

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of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents :

(5) If any difference arises between the Company and any other party with respect to anything herein-before in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be :

(6) The electric power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :

(7) The expression "Company" in this section shall include licencees and any person owning working or running carriages over any tramway of the Company.

Power to
erect works
for gene-
rating
electric
power.

31. The Company may on the lands described in the schedule to this Act but not elsewhere construct stations for generating electric power and may thereon provide and use dynamos engines and other apparatus and things necessary or proper for the generation of electricity and the working of the tramroads and tramways thereby.

Works for
mechanical
power
apparatus.

32. The Company may lay down construct erect and maintain on in under or over the surface of any street road or place such posts conductors wires tubes mains plates cables ropes and apparatus and may make and maintain such openings and ways in on or under any such surface as may be necessary or convenient for the working of the tramroads and tramways by this Act authorised and the railway of the Company between Dublin and Howth and all works to be executed by the Company in pursuance of the powers of this section in on or under the surface of any street or road shall be deemed to be works of a tramway and subject in all respects to the provisions of section 30 of the Tramways Act 1870 as if they had been therein expressly mentioned.

Byelaws.

33. Subject to the provisions of this Act the Board of Trade may make byelaws with regard to any part of the tramways upon

which mechanical power may be used under the authority of this Act for all or any of the following purposes (that is to say):— A.D. 1897.

For regulating the use of any bell whistle or other warning apparatus fixed to the engine or carriages ;

For providing that engines and carriages used on the tramways 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 bye-laws in force for the time being in relation to the tramways 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.

34. Except where otherwise expressly provided by this Act the provisions of the Summary Jurisdiction Acts shall apply to the recovery of any penalty under this Act and to any penalty for non-observance of any byelaw made by the Board of Trade under the authority of this Act. As to recovery of penalties.

35. 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 byelaws sanctioning a higher rate of speed than that authorised by this Act or by any regulation or byelaw made by the Board of Trade under the authority of this Act at which engines 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 Tramways Act 1870 for restricting the rate of speed to a lower rate than that so prescribed. Amendment of the Tramways Act 1870 as to byelaws by local authority.

36. 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. Orders and byelaws to be signed.

A.D. 1897.

For pro-
tection of
Postmaster-
General.

37. In the event of the tramways or tramroads or the railway of the Company between Dublin and Howth being worked by electricity the following provisions shall have effect:—

- (1) The Company shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein. If any question arises as to whether the Company have constructed their electric lines or other works or work their undertaking in contravention of this sub-section such question shall be determined by arbitration and the Company shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator:—
- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Company of their electric lines and works or by the working of the undertaking of the Company the Company shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection:
- (3)—(a) Before any electric line is laid down or any act or work for working the tramways or tramroads or the railway of the Company between Dublin and Howth by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point) the Company or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Company and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work;

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(b) Any difference which arises between the Postmaster-General and the Company or their agents with respect to any requirements so made shall be determined by arbitration:

(4) In the event of any contravention of or wilful non-compliance with this section by the Company or their agents the Company shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues:

(5) Provided that nothing in this section shall subject the Company or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of the act or execution of the work was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice:

(6) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work:

(7) For the purposes of this section and subject as therein provided sections 2 8 9 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act as if the Company were undertakers within the meaning of those sections without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted and in particular nothing in this section shall be deemed to exclude the provisions of section 7 of the Telegraph Act 1878 in relation to the matters mentioned in that section:

(8) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882:

(9) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act

A.D. 1897.

1868 shall apply in like manner as if the Company or their agents were a company within the meaning of that Act:

(10) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Company by indictment action or otherwise in relation to any of the matters aforesaid:

(11) In this section the expression "the Company" includes their lessees and any person owning working or running carriages on the tramways or tramroads of the Company and the expressions "tramway or tramroad" and "undertaking" include any tramways worked or used by the Company:

(12) In the event of electrical energy being supplied by the Company under the authority of this Act the expressions "tramways or tramroads" and "undertaking" in this section shall include any work constructed or used and any act or thing undertaken or done for the purpose of such supply of energy.

Tolls for
passengers.

38. The Company may demand and take for every passenger travelling upon the tramways and tramroads or any part thereof respectively including the use of the tramways and tramroads and of the carriages and for motive power and every other expense incidental to such conveyance any tolls or charges not exceeding the following and for the purposes of this section a fraction of a mile shall be deemed a mile—

For every passenger conveyed in a first-class carriage the sum of twopence per mile;

For every passenger conveyed in a carriage of inferior class the sum of one penny halfpenny per mile:

But the foregoing restrictions shall not apply to any special trains that may be required to be run on the tramways or tramroads.

Prohibiting
increased
fares on
tramways
on Sundays
or bank
holidays.

39. It shall not be lawful for the Company or any person using the tramway or tramroad to take or demand on Sunday or any bank or other public holiday any higher tolls or charges in respect of the tramway or tramroad than those levied by them on ordinary weekdays.

Passengers'
luggage.

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

Small
parcels.

41. The Company may demand and take for the conveyance of small parcels on the tramways or tramroads including every expense

incidental to the conveyance any rates not exceeding the rates A.D. 1897.
following:—

- For any parcel not exceeding seven pounds in weight threepence ;
- For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight fivepence ;
- For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight sevenpence ;
- For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight ninepence :

Provided always that articles sent in large aggregate quantities although made up in separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but that term shall apply only to single parcels in separate packages.

42. A list of the rates and charges by this Act authorised to be taken for passengers and which shall be charged by the Company from time to time shall be exhibited in a conspicuous place inside each of the carriages used upon the tramways or tramroads for the conveyance of passengers. List of rates to be exhibited.

43. The Company shall be entitled to charge in respect of the conveyance on the tramways and tramroads of the merchandise and animals goods articles and things specified in Parts I. to III. and Part V. of the schedule of maximum rates and charges set forth in the Railway Rates and Charges No. 26 (Athenry and Ennis Junction Railway &c.) Order Confirmation Act 1892 (in this Act called "the Act of 1892") rates and charges not exceeding the rates and charges therein mentioned and the provisions of the said Parts I. to III. and Part V. shall so far as applicable extend to the conveyance of such merchandise animals goods articles and things accordingly Provided that the Company may make the charge for conveyance authorised by the said schedule as for five miles Provided further that in respect of the conveyance of a consignment of perishable merchandise not exceeding fifty-six pounds in weight by passenger train the Company shall not be entitled to charge a higher rate than the maximum rate which they are authorised to charge for the conveyance of parcels of the same weight. Rates and charges for perishable merchandise.

44. The Company shall not be bound to carry on the tramways or tramroads any animals goods or other things specified in Part IV. of the Act of 1892 or any things other than passengers' luggage perishable merchandise and such small parcels not exceeding in the case of each parcel fifty-six pounds in weight as can be conveyed in or on the passenger carriages without annoyance or inconvenience to the passengers and the Company shall not be bound unless they Company not bound to carry animals and goods.

A.D. 1897. — think fit to carry passengers' luggage exceeding the weight in this Act in that behalf mentioned.

As to mode
of payment
&c. of tolls.

45. The rates and charges by this Act authorised to be demanded and taken by the Company in respect of the tramways and tramroads shall be paid at such times and places and to such persons upon or near to the tramways and tramroads and in such manner and under such regulations as the Company may from time to time by notice to be annexed to the list of tolls appoint.

Power to
construct
road widen-
ings and
other works.

46. Subject to the provisions of this Act the Company may make and execute in the lines and according to the levels shown upon the deposited plans and sections relating thereto the following road widenings diversions and other works and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose :—

ROAD WORKS.

Widenings of the said Baily Road on the north and north-eastern side thereof between the following points therein measured in a south-easterly direction along the said road from the mechanical gates on the south-eastern side of the level crossing at Sutton Station (that is to say) :—

WORK (G) In the said townland of Howth demesne—

Between points 2,039 yards and 2,149 yards so measured :

WORK (H) In the said townland of Sutton South—

Between points 3,369 yards and 3,479 yards so measured :

WORK (I) In the said townlands of Sutton South and Censure—

Between points 4,299 yards and 4,409 yards so measured :

WORK (J) In the said townland of Howth—

Between points 5,289 yards and 5,399 yards so measured :

WORK (K) An alteration wholly in the said townland of Sutton South of the levels of Baily Road between points 3,694 yards and 3,804 yards measured in a south-easterly direction along the said road from the said mechanical gates :

WORK (L) A diversion wholly in the said townland of Howth of the cross road leading to " Windgate Road " out of the main road from Howth to the Baily Lighthouse at or near the point where that road is crossed by " Lighthouse Road " such diversion to commence at a point in the said cross road about 87 yards north-west from its junction

with the said main road and terminating in Lighthouse Road at a point about 80 yards north-west of the junction of Lighthouse Road with the said main road : A.D. 1897.

WORK (M) A diversion wholly in the said townland of Howth of the road leading from the said main road from Howth to the Baily Lighthouse to Lighthouse Road such diversion to commence at a point in the first-mentioned road about 50 yards measured along that road in a south-easterly direction from its junction with Lighthouse Road and terminating in Lighthouse Road at a point about 40 yards measured along that road in a north-easterly direction from the said junction :

The said works shall be executed under the superintendence of the county surveyor and the provisions of sections 26 and 27 of the Tramways Act 1870 and of the section of this Act the marginal note whereof is "Further provisions as to construction of tramways" shall extend and apply *mutatis mutandis* to and in relation to the said works.

47. The Company may on the lands delineated on the deposited plans and described in the deposited books of reference construct and maintain all necessary approaches bridges retaining walls piers abutments embankments arches goits sewers drains culverts conveniences and works in connexion with the works authorised by this Act or any of them and may (under the superintendence of the county surveyor) make such alterations in the levels of the roads streets or ways communicating with the roads streets or ways intended to be diverted or altered under the powers of this Act as may be necessary in constructing the said tramways tramroads and works. Power to Company to construct general works.

48. The Company in constructing the tramroads and road works may deviate from the lines thereof shown on the deposited plans to any extent within the limits of deviation shown on those plans and may deviate from the levels shown on the deposited sections in the case of the tramroads to any extent not exceeding three feet upwards and two feet downwards. Power to deviate.

49. Subject to the provisions of this Act the Company in addition to the other lands which they are by this Act authorised to acquire may enter upon and take compulsorily or by agreement and may hold for the improvement and enlargement of their railways stations and works and for the construction of new stations and other works buildings and sidings and other the purposes of their undertaking the lands herein-after described Power to Company to purchase additional lands.

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A.D. 1897. — which are delineated upon the deposited plans and described in the deposited books of reference and they may hold such of the said lands as have already been purchased by or for them :—

Certain land in the said townland of Burrow and parish of Howth bounded on the north-western side by the railway of the Company between their Howth Junction and Sutton Stations on the eastern side by a small plantation and footpath the property of or reputed to belong to the Company and extending to a distance of seventy yards in a south-westerly direction from the signal cabin at Sutton Station ;

Certain lands in the townland of Beaverstown in the parish of Portraine and county of Dublin abutting upon the line of the Company on the east side of the railway near the passenger station of the Company at the Donabate Station ;

Certain lands in the townlands of Effelstown and Rogerstown in the parish of Lusk in the county of Dublin abutting upon the railway of the Company near the siding at the goods loading bank at the Rush and Lusk Station ;

Certain lands in the townlands of Corcrair and Garvaghy in the parish of Drumcree in the county of Armagh abutting upon the railway of the Company near the goods lines and sidings at the Portadown Station ;

Certain lands in the townland of Dougher in the parish of Shankill in the county of Armagh abutting upon the railway of the Company near the goods lines and sidings on the east side of the railway at the Lurgan Station ;

Certain lands in the townland of Magheramesk in the parish of Magheramesk in the county of Antrim abutting upon the railway of the Company near the goods lines and sidings on the west side of the railway at the Moira Station ;

Certain lands in the townlands of Knockmore and Teraghafeeva or Lissu in the parish of Blaris in the county of Antrim abutting upon the railway of the Company on the northern side of the railway and on the south-west side of the Knockmore Junction ;

Certain lands in the townland of Cavanakeeran in the parish of Pomeroy in the county of Tyrone abutting upon the line and siding of the Company on the north side of the railway at the Pomeroy Station ;

Certain lands in the townland of Cloghfin in the parish of Termonmaguirk in the county of Tyrone abutting upon the line and siding of the Company on the north side of the railway at the Sixmilecross Station ;

Certain lands in the townland of Breen in the parish of Ardstraw in the county of Tyrone abutting upon the railway of the Company near the goods lines and sidings on the west side of the railway near the Victoria Bridge Station; A.D. 1897.

Certain lands in the townland of Whitehouse in the parish of Killea in the county of Donegal abutting upon the lines and sidings of the railway of the Company on the west side of the railway at the Carrigans Station.

50. In addition to the other lands which by this Act the Company are authorised to purchase and acquire they may purchase or acquire by agreement for the purposes of their undertaking and may hold any lands not exceeding five acres and they may on such lands and on any lands purchased or acquired under the authority of this Act erect or construct and hold carriage and engine houses shelters gatekeeper's houses stables offices warehouses goods sheds buildings and other conveniences (except stations for generating electricity) in connexion with their undertaking but nothing in this Act shall exonerate the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them on any land purchased or acquired by agreement under the powers of this section. Purchase of lands by agreement.

51. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege required for the purposes of this Act (not being an easement right or privilege of water in which persons other than the grantors have an interest) in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively. Power to owners to grant easements.

52. The Company shall not under the powers of this Act without the consent of the Local Government Board for Ireland purchase or acquire in any urban sanitary district as defined by the Public Health (Ireland) Act 1878 or in any parish or part of a parish not being within an urban sanitary district ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the said Local Government Board ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied For the purpose of this section the expression Restriction on taking houses of labouring class.

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A.D. 1897. "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Power to use
mechanical
power on por-
tion of Com-
pany's existing
railway.

53. The Company may work the trains on their existing railway between Dublin and Howth by means of mechanical power in accordance with the provisions of this Act relating to the use of mechanical power on the tramways.

For protec-
tion of road
authority.

54. For the protection of the road authority the following provisions shall have effect unless otherwise agreed between the road authority and the Company (that is to say) :—

- (1) The county surveyor shall make an annual report to the grand jury on the tramways and the state of the rails and substructure and shall be paid each year by the Company the sum of ten pounds ten shillings for his remuneration therefor :
- (2) In case the motive power adopted on the tramways shall be electricity on the overhead system the posts and brackets used for such purpose shall be so designed and made that they can be utilised for placing electric lamps thereon without requiring to be taken down or otherwise altered and if the road authority obtain the necessary powers for lighting any road or roads by electricity they shall be at liberty to use the said posts for such purpose Provided always that nothing shall be done to interfere with the proper and safe working of the tramways and such user of such posts shall be free of charge :
- (3) The county surveyor shall have power to direct the Company in what position all electric mains wires posts plates tubes appliances and apparatus and all openings in connexion with the said tramways shall be laid down constructed erected made and maintained and shall also be empowered to have them removed from time to time to other positions if he shall think it advisable so to do and such laying down constructing erecting making displacement removal replacing and maintenance shall be solely at the expense of the Company and the Company shall pay all reasonable expenses which the road authority or the county surveyor may incur in reference thereto and no posts or brackets shall be erected or fixed by the Company unless the design shall have been previously approved of by the road authority and no span wires shall be used without the consent of the road authority and section 33 of the Tramways Act

1870 shall apply *mutatis mutandis* in case of dispute between the road authority and the Company in reference to any matter referred to in this section : A.D. 1897.

- (4) If at any time (and notwithstanding the provisions aforesaid) any sewer drain or waterpipe vested in or belonging to the road authority shall be or become injured or damaged by reason or in consequence of any act deed matter or thing of or by the Company (or their contractors or servants) the road authority (without prejudice to any other remedy open to them) may immediately thereupon or at any time thereafter at the cost of the Company do and execute such acts and works as the road authority may deem necessary in order to effect the reinstatement of such sewer drain or waterpipe to as good a condition as it was in prior to such damage or injury :
- (5) In addition to the provisions of section 28 of the Tramways Act 1870 the Company shall if from time to time required by the road authority pave with setts to be approved of by the county surveyor the portion of the road by the said section required to be maintained by the Company for any part or parts of the length of the said tramways to the satisfaction of the county surveyor :
- (6) In case the Company shall at any time fail or neglect to carry out any work of maintenance or repair imposed upon them by this section after the expiration of seven days from the service on them of a notice in writing by the county surveyor it shall be lawful for any two magistrates of the county of Dublin without prejudice to any other remedy in that behalf to order any work for maintenance or repair as aforesaid to be executed by the Company at their own expense within such a time as the said magistrates shall direct and in default thereof it shall be lawful for the county surveyor to cause the said work to be executed and the Company shall on demand by the county surveyor pay to him all expense incurred in the execution thereof and in default of payment the amount of such expense may be recovered by the county surveyor from the Company by action or civil bill process and the finance committee of the county of Dublin are hereby authorised to advance to the county surveyor any moneys which in the opinion of the said committee may be required to enable him to carry out the provisions of this section and the county surveyor shall repay any moneys so advanced when he shall recover the amount from the Company :

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—

(7) The advertisement required by section 46 and Schedule C. Part II. of the Tramways Act 1870 to be inserted in the London or Edinburgh Gazette shall in the case of the Company be inserted in the Dublin Gazette :

(8) The Company shall lay their tramways as near the fence of the road as the county surveyor shall direct subject to the approval of the Board of Trade and shall maintain and keep in repair the fences which the county is liable to maintain and any wall retaining or protecting the road on the side of the road upon which the tramway shall be laid.

Power to
provide
hotels and
refreshment
rooms and
to subscribe
towards
same.

55. The Company may acquire erect or otherwise provide hold and maintain as part of their undertaking hotels and refreshment rooms wherever they consider expedient in connexion with their railways or acquire or hold any interest therein and may furnish stock manage and conduct the same and the business thereof and employ managers and servants therein or in connexion therewith and for the purpose of such hotels and refreshment rooms and may take and hold shares in any company owning or building such hotels or refreshment rooms and may apply their funds for the purposes of this section or any of them but so that capital shall be applied only to purposes to which capital is properly applicable Any expenditure already incurred by the Company for or in relation to the before-mentioned purposes or any of them is hereby sanctioned and confirmed.

Company
may apply
their funds
towards
purposes of
Act and
may raise
additional
capital.

56. The Company may apply to the purposes of this Act to which capital is properly applicable any of the moneys which they are already authorised to raise and which may not be required by them for the purposes for which the same were authorised to be raised and the Company may for the purposes of this Act and for the general purposes of their undertaking from time to time subject to the provisions of Part II. of the Companies Clauses Act 1863 raise in addition to the sums of money which they are already authorised to raise any additional capital not exceeding in the whole one hundred thousand pounds by the creation and issue at their option of new ordinary shares or stock or new preference shares or stock or wholly or partly by any one or more of those methods respectively which shares or stocks shall form part of the general capital of the Company.

Shares or
stock not to
vest until
fifth part
paid up.

57. The Company shall not issue any share or stock created under the authority of this Act of less nominal value than ten pounds nor shall any such share or stock vest in the person accepting the same unless and until a sum not being less than

one-fifth of the amount of such share or stock shall have been paid in respect thereof. A.D. 1897.

58. The Company may from time to time borrow on mortgage of their undertaking additional sums not exceeding in the whole thirty-three thousand three hundred pounds in respect of the additional capital of one hundred thousand pounds by this Act authorised to be raised. Provided that in respect of each twenty-five thousand pounds of such additional capital issued and accepted and one half whereof shall have been paid up the Company may borrow a sum or sums not exceeding in the whole eight thousand three hundred and twenty-five pounds. But no part of either of the before-mentioned sums of eight thousand three hundred and twenty-five pounds shall be borrowed until shares for so much of the said portion of the additional capital in respect of which the borrowing powers are to be exercised as is to be raised by means of shares are issued and accepted and one half of such capital 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 shares for the whole of such portion of additional capital have been issued and accepted and that one half of such portion has been paid up and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and until stock for one half of so much of such portion of the said additional capital as is to be raised by means of stock is fully paid up and the Company have proved to such justice as aforesaid before he so certifies that such shares or stock as the case may be were issued and accepted and paid up *bonâ fide* and are held by the persons or corporations to whom the same were issued or their executors administrators successors or assigns and also so far as the said capital is raised by shares that such persons or corporations or 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.

Power to
borrow on
mortgage.

59. All mortgages granted by the Company in pursuance of any Act of Parliament and which shall be subsisting at the time of the passing of this Act shall during the continuance of such mortgages and subject to the provisions of the Acts under which such mortgages were respectively granted have priority over any mortgages granted by virtue of this Act and nothing in this section

Existing
mortgages
to have
priority.

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A.D. 1897. contained shall affect any priority of the interest of any debenture stock at any time created and issued by the Company.

Debenture stock.

60.—(1) The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank *pari passu* with the interest of all mortgages at any time after the passing of this Act granted by the Company and shall have priority over all principal moneys secured by such mortgages.

(2) All debenture stock authorised to be created and issued under the powers of the Regulation of Railways Act 1889 and the Great Northern Railway (Ireland) Act 1892 respectively and all debenture stock authorised to be created and issued under the powers of this Act may with the consent in writing of the holders of three-fourths of Great Northern Railway (Ireland) consolidated four pounds per centum debenture stock be created and issued as such stock and rank *pari passu* therewith.

Application of moneys.

61. All moneys raised by the Company under this Act whether by shares stock debenture stock or borrowing shall be applied only to the purposes of this Act and to the general purposes of the Company being in every case purposes to which capital is properly applicable.

Receipt in case of persons not *sui juris*.

62. If any money is payable to a holder of shares or stock in or of a mortgage or debenture stock of the Company being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

As to notices.

63. With respect to any notices to be given in pursuance of this Act and to the delivery thereof by or to the Company the following provisions shall have effect namely :—

- (1) Every notice shall be in writing and shall be sufficiently authenticated if given by the local authority or road authority by being signed by their secretary or by the county surveyor :
- (2) Any notice to be delivered by or to the Company to or by the 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 addressed to their respective clerk or secretary at their principal office.

Interest not to be paid on calls paid up.

64. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise 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. A.D. 1897.

65. 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 railway or to execute any other work or undertaking. Deposits for future Bills not to be paid out of capital.

66. Nothing in this Act contained shall exempt the Company or the railways of the Company or the tramways or tramroads from the provisions of any general Act relating to railways tramways or tramroads or the better and more impartial audit of the accounts of railway companies 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 or of the rates for small parcels. Provision as to general Acts.

67. 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. Costs of Act.

A.D. 1897. The SCHEDULE referred to in the foregoing Act.

LANDS FOR GENERATING STATIONS.

Certain land in the said townland of Burrow and parish of Howth bounded on the north-western side by the railway of the Company between their Howth Junction and Sutton Stations on the eastern side by a plantation and footpath belonging or reputed to belong to the Company and extending to a distance of seventy yards in a south-westerly direction from the signal cabin at Sutton Station :

Certain lands of the Company situate in the said townland of Howth demesne on the south side of their railway between Sutton and Howth stations bounded on the north by the railway and sea wall of the Company on the south by the county road from Sutton to Howth on the east by the station buildings of the Company at their Howth Station and on the west by other lands and premises of or reputed to belong to the Company and extending towards the west for a distance of seventy yards west of the signal cabin at Howth Station.

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