



CHAPTER CCXXXVI.

An Act to authorise the use of Electrical Power on the Tramways of the Dublin United Tramways Company and for other purposes. A.D. 1897.
[6th August 1897.]

WHEREAS by the Dublin United Tramways Company Act 1881 the Dublin United Tramways Company (in this Act called "the Company") were incorporated and are the owners of and are now working an extensive system of tramways in the city of Dublin and in certain townships adjacent thereto and in the county of Dublin :

And whereas by the Dublin United Tramways Act 1896 (in this Act called "the Act of 1896") the Company were authorised to use any electrical or mechanical power other than steam upon such of their tramways as are situate in the townships of Clontarf Drumcondra Clonliffe and Glasnevin and New Kilmainham :

And whereas by the Dublin Southern District Tramways Act 1893 the Dublin Southern District Tramways Company (in this Act called "the district company") were authorised to use electrical or mechanical power other than steam upon their tramways and such tramways are now being worked by electrical power and form a junction with the tramways of the Company at or near Northumberland Road in the township of Pembroke and adjacent to the boundary of the city of Dublin and the said tramways of the district company form with the tramways of the Company a continuous line of tramway from the townships of Dalkey Kingstown Blackrock and Pembroke in the county of Dublin to Nelson's Pillar in the centre of the city of Dublin :

And whereas the existing tramways of the Company extend from Dollymount in the township of Clontarf to Nelson's Pillar aforesaid and the necessary appliances for working by electricity so much of the said tramways as are within the township of Clontarf are being constructed by the Company under the Act of 1896 :

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And whereas the said townships and the other townships adjacent to the city of Dublin are populous places and the residents therein are to a large extent persons carrying on businesses and professions in the city of Dublin and it would facilitate the working of the tramways and be of great public advantage if the Company were authorised to work their tramways by mechanical power so as to enable a through system of electrical tramways to be worked from the townships to the centre of the city of Dublin and to avoid the delay and inconvenience caused by the said lines being worked partly by electricity and partly by horse power :

And whereas it is expedient that the Company should be empowered as provided by this Act to use any mechanical power in substitution for or in addition to animal power for moving carriages upon their tramways as aforesaid and upon their tramways situate in the county and city of Dublin and the townships adjacent thereto including the townships of Rathmines and Rathgar and Pembroke :

And whereas it is expedient that the Company should be authorised to raise further capital for the purposes of their undertaking and that the several road authorities should be empowered to purchase so much of the tramways of the Company and all lands buildings works materials and plant of the Company used by them for the purposes of their undertaking or tramways as are situate within their respective districts at the times and on the terms by this Act provided :

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 *Dublin United Tramways (Electrical Power) Act 1897.*

Interpretation.

2. In this Act unless there be something in the subject or context repugnant to such construction the following expressions shall have the meanings hereby respectively assigned to them :—

The expression "the Company" means the *Dublin United Tramways Company* their lessees successors or assigns ;

The expression "the tramways" shall mean the tramways of the Company including any tramways which the Company may be authorised to construct by Act of Parliament passed or to be

passed in the present session and such of the tramways referred to in the advertisement published in the Dublin Gazette in the month of February 1897 as the Company shall hereafter be authorised by Order in Council to construct;

The expression "road authority" or "local authority" in this Act and the parts of Acts herewith incorporated shall for the purposes of this Act mean the corporation of Dublin the grand jury of the county of Dublin and the township commissioners or other body having the control of the roads or streets within their respective districts;

The expression "the corporation" means the Right Honourable the Lord Mayor aldermen and burgesses of the city of Dublin;

The expression "road" shall include street bridge or footpath and public place;

The expression "district" in relation to a road authority shall mean the area within the jurisdiction of such road authority;

The expression "mechanical power" shall mean electrical power only;

The expression "engineer" shall include the surveyors of the road authority and the county or district surveyors of the county Dublin.

3. 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):— Provisions as to motive power.

(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 mechanical 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

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complying with the provisions of this Act or of the Board of Trade Regulations whether a penalty in respect of such noncompliance has or has not been recovered; or

(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 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 or such other company or person 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:

(5) The First Schedule to the Act of 1896 and so much of the provisions of that Act as are inconsistent with this section are hereby repealed.

Applying section 18 of Act of 1896 and certain sections of Tramways Act 1870.

4. The provisions of section 18 of the Act of 1896 and the provisions of sections 25 26 27 28 32 46 and 47 of the Tramways Act 1870 shall apply to the tramways and to the Company in relation thereto as fully and effectually as if those sections had been re-enacted in this Act and for the purposes of this Act the words "the London or Edinburgh Gazette" in Schedule C Part II sub-section 2 of the Act of 1870 shall mean the Dublin Gazette.

Special provisions as to use of electrical power.

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

- (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 electrical 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 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 electrical 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 licences and any person owning working or running carriages over any tramway of the Company.

6. Subject to the provisions of this Act the Board of Trade may make byelaws with regard to any of the tramways upon which mechanical power may be used for all or any of the following purposes (that is to say) :—

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

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

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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 byelaws and Board of Trade Regulations 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.

Amendment
of the Tram-
ways Act
1870 as to
byelaws by
local autho-
rity.

7. 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 tramways shall not authorise the local authority to make any byelaws sanctioning a higher rate of speed than that authorised by this Act or by the Board of Trade Regulations 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 authorised.

Orders &c.
of the Board
of Trade.

8. All orders regulations 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.

Recovery of
penalties.

9. Any penalty under this Act or any other Act relating to the tramways or under any byelaws or regulations made under this Act or such other Act may be recovered in manner provided by the Summary Jurisdiction Acts.

Power to
break up
streets and
erect stations
engines and
machinery.

10.—(1) The Company may from time to time for the purposes of this Act lay down erect and maintain in on over or under any road in which the tramways are laid or which lead from the tramways to any depôt or generating station of the Company or of the district company such electric mains wires and apparatus and such posts plates tubes and appliances and may make and maintain such openings on the surface of any such road as may be necessary or convenient for the working of the tramways by electrical power.

(2) The Company may on the lands belonging to them and described in the schedule to this Act erect and maintain all necessary and proper works machinery and appliances for generating

electricity and working the tramways by electrical power but nothing in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any such lands or shall authorise the Company to erect any station for generating electricity on any lands other than as aforesaid. A.D. 1897.

(3) Provided that the Company shall not on any lands belonging to them in the township of Rathmines and Rathgar erect or maintain or cause to be erected or maintained without the written consent of the Rathmines and Rathgar Improvement Commissioners any generating station or any stables or other buildings of a like description.

11. For the protection of the road authority the following provisions shall unless otherwise agreed upon between the road authority and the Company and subject to any regulations made by the Board of Trade under this Act apply and have effect:— For protection of the road authority.

(1) The Company when the electrical apparatus has been erected shall maintain and keep the same in good order and condition and should any road within the district of the road authority be interfered with the same shall be restored to its original state and the Company shall make good all damage done by them to property belonging to or controlled by the road authority or any other person:

(2) If the road authority shall deem it necessary or desirable that their district should be lighted by electricity and are authorised to do so they shall be at liberty to use the posts and brackets for the purpose of placing electric lamps thereon and such user of such posts and brackets shall be free of charge and the said posts and brackets shall be so designed and made that they can be so utilized as aforesaid without requiring to be taken down or otherwise altered.

12. Where the exercise of the powers of this Act will involve any interference with any street or bridge and any part of such street or bridge or any quay quay walls embankments or other works adjacent thereto or in connexion therewith is or are under the care and jurisdiction of the Dublin Port and Docks Board (in this section referred to as the "property of the board") the following provisions shall notwithstanding anything in this Act contained have effect:— For protection of Dublin Port and Docks Board.

(1) In this section the expression "the board" means the Dublin Port and Docks Board:

(2) The Company shall not exercise any such powers in such manner as to interfere with the access to any property of the board:

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- (3) The Company shall not execute any works in or under across over or along any such street or bridge except under the superintendence and to the reasonable satisfaction of the engineer of the board and according to such plans sections and specifications as shall have been previously submitted to the board and approved of by them in writing or as in the case of difference shall have been determined by arbitration as hereinafter provided Provided that if within one month after such plans sections and specifications have been submitted to the board they shall have omitted to give their opinion thereon they shall be deemed to have assented thereto :
- (4) Where the Company commence any such work as aforesaid they shall with all convenient speed complete the same and efficiently re-instate such street or bridge and also all property of the board affected by the works and shall make good all damage done by them to the reasonable satisfaction of the engineer of the board :
- (5) If any such work be commenced or executed contrary to the provisions of this section the board may abate or remove the same and restore the site thereof to its former condition and the expense thereof shall be payable by the Company to the board :
- (6) If by reason of the execution of any works by the Company under the powers of this Act or by reason of the want of repair or due and proper maintenance of such works any such property of the board shall be injured or damaged such injury or damage shall forthwith be made good by the Company and in the event of their failing to do so the board may make good the same and the expenses thereof shall be paid by the Company to the board :
- (7) The board may alter the position of any electric lines or other works of the Company being in or under along or across any part of the property of the board which may interfere with the lawful exercise of any powers vested in the board their lessees or tenants in relation to the same Provided that the board shall give to the Company at least seven days notice of their intention to make the alteration and such alteration shall be carried out under the superintendence and to the reasonable satisfaction of the engineer of the Company if the Company within such seven days give notice to the board that they so desire and the Company shall pay the expense of such alteration to the board :

(8) If any difference shall arise between the board and the Company with respect to any of the provisions of this section or anything to be done or not to be done or any moneys to be paid thereunder such difference shall be determined by an arbitrator to be appointed by the Board of Trade whose decision shall be final:

(9) Nothing in this Act contained shall diminish alter prejudice or take away any estates property rights interests powers privileges or remedies vested in or possessed by the board nor shall the construction or maintenance of any works described in this Act prevent or hinder the board from rebuilding repairing or altering any street bridge quay quay walls embankment or other things under the jurisdiction of the board at their discretion nor shall the Company have or claim any right to compensation for any interference with or removal of their works for the purpose of such rebuilding repairing or alteration as aforesaid.

13. The Company shall within two years after the passing of this Act at their own expense pave the whole width of the Rathmines Road from Portobello Bridge to Grosvenor Road with setts the same as are at present laid in the existing tramways on the said road and the Company shall thereafter maintain the whole of such pavement at their own expense and to the approval of the engineer of the Rathmines and Rathgar Improvement Commissioners.

Paving of
Rathmines
Road.

14. The road authority in paving or replacing the whole or part of the surface of any road upon which the tramways works or apparatus of the Company are laid down constructed erected or made and which may have been broken up by the road authority for any of the ordinary purposes of their district shall not incur any greater liability or be liable to pay to the Company any greater sum for reinstatement of the surface if performed by the Company's workmen than if the entire surface of such road were still macadamised.

Limit of
cost of re-
instatement
of surface
of road.

15. The Company shall within the district of the road authority erect pillars or standards with brackets or arms wherever required by the road authority in either the road or footpaths to carry the trolley wire and wherever pillars are erected in the road and are a source of danger they shall be properly protected and shall be lighted by the Company for the protection of the public and be kept and remain lighted by them during such hours as shall be agreed upon or as shall failing agreement be settled by the Board of Trade Provided however that the road authority may for the purposes of

As to erec-
tion of
pillars.

A.D. 1897. — their own street lighting utilize any of the pillars or standards at their own cost and all the pillars or standards whether erected in the road or footpaths shall be so constructed that they can be utilized for the purposes of street lighting by the road authority whenever they require to do so free of charge and the Company shall give every facility to the road authority to use any of the pillars or standards within the district of the road authority for this purpose.

Company not to charge higher rates on Sundays or bank holidays.

16. It shall not be lawful for the Company or any person working or using the tramways to take or demand on Sunday or on any bank or other public holiday any higher tolls or charges than those levied by them on ordinary week days.

Tramways to be kept on level of surface of road.

17. If and whenever after the passing of this Act the road authority alters the level of any road along or across which any tramway of the Company is laid or authorised to be laid the Company shall forthwith alter or (as the case may be) lay and maintain the levels not only of the rails but of the entire tramway paving so that the uppermost surface thereof shall be on a level with the surface of the road as altered and in default thereof the road authority (without prejudice to any other remedy) may so alter the rails and recover the cost of and incident thereto from the Company in any court of competent jurisdiction.

Company to maintain roadways.

18. The Company shall at all times maintain in good order and repair the several portions of roadway upon which the tramways or any of them are or may be laid down and constructed in the district of the road authority to the satisfaction of the engineer of the district within which the same are or shall be laid.

Provisions as to breaking up of roads.

19. The Company shall not without the consent of the road authority open or break up at any one time a greater length of roadway than sixty yards of any one road in the district of such road authority.

Rebuilding of Ball's Bridge.

20. The Company shall pay to the Pembroke Township Commissioners the costs and expenses of and incident to the widening and improving of the bridge known as Ball's Bridge the works in connexion with the widening and improving of the same to be carried out by the said commissioners when and as they may think desirable and to be paid for by the Company on receipt of the certificate of the engineer of the said commissioners that the work has been completed.

21. The Company shall not (notwithstanding anything in any Act or Order relating to the tramways or any other tramways of the Company) demand or take from any passenger travelling upon any of the said tramways or any part thereof from "The Chains" in the township of Rathmines and Rathgar to Ball's Bridge or Lansdowne Road or vice versâ any toll rate or charge in respect of such distance exceeding one penny and the Company shall not demand or take from any passenger travelling upon any of the said tramways or any part thereof from Terenure or Brighton Square or Palmerston Park respectively to Nelson's Pillar or vice versâ any toll rate or charge in respect of such distance exceeding two pence.

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Fares between Ball's Bridge Terenure Palmerston Park &c.

22. The tolls and charges to be levied by the Company for travelling over the whole or any portion of such tramway as are situate within the said Pembroke township and for the continuation thereof to Nelson's Pillar in the city of Dublin shall as to the journey from Nelson's Pillar aforesaid to the present tramway termini at Sandymount or Donnybrook not exceed the sum of two-pence for each passenger for the entire distance with a proportionate reduction of tolls or charges for shorter distances on the same line of tramways provided that no fare shall be less than one penny. Such tolls and charges to be and become payable from the date of the electrical equipment of such portion of said tramway lines as are situate within the said township or either of them.

Tolls payable on tramways.

23. The Company shall if and whenever required by the Rathmines and Rathgar Improvement Commissioners run at least two carriages each way between Nelson's Pillar and Terenure for the Harold's Cross and Rathmines lines and Palmerston Park and vice versâ every morning in the week and every evening in the week (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than seven in the morning nor earlier than six in the evening respectively as the commissioners think most convenient for artisans mechanics and daily labourers at tolls rates or charges not exceeding one halfpenny per mile (the Company nevertheless not being required to take any fare less than one penny) Provided that in case of any complaint being made to the Board of Trade of the hours appointed for the running of such carriages the said Board shall have power to fix and regulate the same.

Cheap fares for labouring classes.

24. The Conveyance of Mails Act 1893 shall apply to all the tramways of the Company as if such tramways had been authorised by an Act of Parliament passed after the first day of January one thousand eight hundred and ninety-three.

Conveyance of Mails Act 1893 to apply to tramways.

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Company
to deliver
plan and
section to
engineer
of road
authority.

25. Before laying down placing or altering any electric mains wires or apparatus or any plates tubes and appliances in or under any road or making or altering any opening in the surface of any road in which any sewers drains watercourses subways works mains pipes valves syphons plugs tubes or apparatus belonging to or controlled by the road authority may be laid the Company shall whether they contemplate interfering with or altering the position of any such sewers drains watercourses subways works mains pipes valves syphons plugs tubes or apparatus or not give fourteen days notice to the road authority of their intention so to do and shall at the same time deliver a plan and section of the proposed work to the engineer of such road authority and if it should appear to the said engineer that the construction or alteration of any such work as proposed would endanger any such sewers drains watercourses subways works mains pipes valves syphons plugs tubes or apparatus or interfere with or impede the flow of sewage the supply of water or other communication the road authority may give notice to the Company to lower or otherwise alter the position of such sewers drains watercourses subways works mains pipes valves syphons plugs tubes or apparatus in such manner as may be considered necessary and the Company shall forthwith comply with such notice and all alterations to be made under this section shall be made under the direction and superintendence of the said engineer who is to get forty-eight hours notice from the Company.

In default of compliance with any such notice as aforesaid served by the road authority under this section the Company shall be liable to a penalty of not exceeding five pounds for each day during which such default continues.

If by any such operations as aforesaid the Company interrupt the flow of sewage in or through any watercourse sewer or drain or the supply of water or any other communication as aforesaid they shall be liable to a penalty of twenty pounds per day for every day upon which such flow supply or other communication shall be so interrupted.

Removal
of snow off
track

26. The Company shall keep the tramways free from snow but in order to remove the snow the Company shall not in doing so use salt or any chemical material without first receiving permission from the road authority in writing to do so and any snow so removed by the Company shall be placed in such position as not to be a nuisance or dangerous to the traffic The Company shall be responsible for any accident that may be caused by them in so removing the snow or placing it on one side.

27. The Company shall not lay or erect either on or over the bridge known as the King's Bridge which is the property of the Corporation or any other bridge or bridges in the city any electric cables posts wires or any description of apparatus in connexion with any system of mechanical power which may hereafter be adopted without having first lodged with the city engineer a plan showing the exact position and a specification giving full details of the manner in which it is proposed to electrically or otherwise equip the existing tramways on the said bridges and such works shall not be carried out until the plan and specification are approved by the city engineer.

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Protection
of bridges.

28. The road authority is hereby empowered in case of fire or if necessary for the public protection to cut down any overhead wire and the Company hereby undertake to save them harmless.

Power to
the road
authority
to cut wires.

29. The road authority may between the hours of twelve mid-night and seven a.m. use any of the tramways of the Company for conveyance of coals scavenging stuff road metal or other materials and things free of charge and the road authority shall also be at liberty to make sidings and junctions as may be necessary to communicate their depôts and yards with the said tramways.

Road autho-
rity may use
tramways
for certain
purposes.

All carriages and trucks to be run by the road authority shall be first approved of by the Company's engineer and should his approval be withheld by the Board of Trade the said carriages or trucks to be worked by animal power only except with consent of the Company Provided that the road authority shall so conduct the traffic as not to interfere with the Company in working their ordinary or special traffic for the public convenience between those hours.

30. The Company before erecting any standards or posts in the district of any road authority shall supply the engineer of such road authority with patterns and plans of the same The said standards or posts and the intended positions thereof shall be subject to the approval of the engineer The said standards or posts shall be regularly painted in oil colours at the approval of the engineer and shall not be used for advertising purposes No span wires shall be erected or used by the Company save with the consent in writing of the engineer and then at such a height from the ground as may be agreed upon between the road authority and the Company.

As to
standards
or posts.

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Wood pavement in certain roads.

31. The Company shall lay down wood pavement or asphalt as required by the corporation for the full width of their lines and eighteen inches on both sides thereof in front of and for thirty feet on both sides of the Academy of Music Westland Row and similarly opposite all hospitals fronting the existing lines of the Company and in front of and for a distance of thirty feet on both sides of any churches and hospitals in any street in the city along and past which any new lines shall be laid down and constructed if and whenever required by the corporation so to do.

As to electrical construction.

32. The road authority shall have power to direct the Company in what position and manner within the district of such road authority all electric mains wires posts plates tubes appliances and apparatus and openings shall be laid down constructed erected made and maintained and shall also be empowered to have them removed to other positions or openings closed if they think it advisable so to do and such laying down constructing erecting making displacing removal replacing closing of openings and maintaining shall be solely at the expense of the Company and the Company shall pay all reasonable expenses which the road authority may incur in reference thereto The engineer of the road authority shall in his discretion within his district direct the route for feeder cables between any depôt or generating station of the Company and the tramway lines which are to be worked therefrom.

Provision as to roads &c. opened or broken up.

33. If the Company open or break up any road for the purpose of laying down constructing erecting making and maintaining posts brackets conductors wires tubes mains channels plates cables ropes boxes apparatus openings and ways on in or under that road the Company shall at all times be subject to the provisions of sections 26 and 27 of the Tramways Act 1870 in the same way as if these sections mutatis mutandis had been repeated herein and made applicable to those works and to the Company Provided always that nothing in this Act shall take away or abridge any power to open or break up any road in under or on which any of the said works is laid down or made or any other power vested in the road authority for any of the purposes for which such authority is constituted.

As to construction of tramways.

34. In the construction or reconstruction of the tramways the Company shall lay the same in macadamised streets at such a level and in such manner as shall be prescribed by the road authority and shall be bound upon being required to do so by the road authority to alter the levels of the rails and tramway paving to suit the level at which it may be found necessary that such street should be paved

by the road authority and in all cases the entire paving and the materials used in the same shall be the same as that used by the road authority in the paving of the street and shall be laid to the satisfaction of the engineer of the road authority. If it is found necessary for the road authority to repair pave macadamise or alter the levels of any of the adjoining streets or roads in consequence of the tramways works or paving to be laid down or constructed by the Company the road authority shall be reimbursed or paid the full costs of such work by the Company.

35. If at any time (and notwithstanding the provisions aforesaid) any sewer drain waterpipe or electric cable or apparatus 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 and risk in all respects 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 waterpipe electric cable or apparatus to as good a condition as it was in prior to such ~~damage or injury.~~

Injury to sewers drains &c. may be dealt with by the road authority at once.

36. 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 road for the purpose of laying down maintaining and renewing any of the wires posts plates tubes or apparatus connected therewith or any material or plant in connexion therewith by this Act authorised lay before the Board of Trade and the engineer a plan showing the proposed works intended to be executed and a statement of the materials intended to be used therein and the Company shall not commence the said works or any part thereof until such plan and statement have been approved by the Board of Trade and the engineer 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 engineer of the road authority.

Further provisions as to laying down and repair of works.

37. The Company shall at all times maintain and keep in good condition and repair and so as not to be a danger or annoyance to the ordinary traffic the rails of the tramways and the substructure upon which the same rest and also the paving wires posts tubes and electrical apparatus of any description whatever and if the Company at any time fail to comply with this provision or with

Penalty for not maintaining rails and roads.

A.D. 1897. — 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 in the event of any such non-compliance as aforesaid and without prejudice to any other remedy the road authority may after giving to the Company forty-eight hours notice in writing in that behalf execute and do all works necessary for such maintenance and repair and for such restoration as aforesaid or as in the said section 28 of the Tramways Act 1870 is mentioned and may recover the costs charges and expenses of so doing from the Company.

Road authority to have access to sewers &c.

38. The road authority shall at all times have free access to and communication with all their sewers and drains water pipes and electric cables and apparatus if any and power to construct lay down maintain alter and remove any sewers and drains water pipes and electric cables and apparatus and to lay lateral and private drains service pipes or electrical communication pipes to communicate with their existing sewers drains water pipes and electric cables or any such new or additional sewers drains water pipes and electric cables without the consent or concurrence of the Company and the provisions contained in the 32nd section of the Tramways Act 1870 shall be applicable in the case of any sewer or private drain or electric cable of or under the control of the road authority as if the same were a pipe for the supply of gas or water.

Company not to use carriages constructed for use on railways.

39. The Company shall not use upon the tramways carriages or trucks constructed for use upon railways and no motor car shall have more than one carriage attached thereto without the consent of the road authority in writing.

Company not to carry animals and goods.

40. The Company shall not carry save between the hours of twelve midnight and seven a.m. on the tramways any goods animals or things other than passengers luggage without the consent in writing of the road authority except such parcels not exceeding in the case of each parcel one hundred and twelve pounds in weight as can be conveyed in or on the passenger carriages without annoyance or inconvenience to the passengers and they shall only so carry the same so as not to interfere with the user thereof by the road authority by night as provided by this Act.

Further provisions for the protection of the road authority.

41. The Company shall pay all reasonable expenses of the road authority in directing superintending and controlling the execution alteration and relaying of any sewers drains watercourses subways works mains pipes valves syphons plugs tubes or apparatus which may be interfered with under the powers of this Act in the district of such road authority.

42. 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 :—

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Form and
delivery of
notices.

(1) Every notice shall be in writing and shall be sufficiently authenticated if given by the road authority by being signed by their engineer or clerk :

(2) Any notice to be delivered by or to the Company to or by the road authority may be delivered by being left at the principal office of the road authority 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.

43. No car or carriage used on the tramways shall extend beyond the outer edge of the wheels of such car or carriage more than eleven inches on each side.

Width of
cars.

44. 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 :—

For pro-
tection of
Postmaster-
General.

(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 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

A.D. 1897.

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 ;

(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: A.D. 1897.

- (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 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) The expression "the Company" in this section shall include their lessees and licencees and any person owning working or running carriages over the tramways.

45. The provisions of section 15 of the Act of 1896 the marginal note of which is "For protection of the Postmaster-General" shall be read and have effect for the protection of the electric lines and apparatus of the Dublin Wicklow and Wexford Railway Company and the provisions of section 17 the marginal note of which is "For the protection of the Dublin Wicklow and Wexford Railway Company" shall be read and have effect in the same way as if those provisions mutatis mutandis were re-enacted herein and made applicable to the Company and the Dublin Wicklow and Wexford Railway Company. For protection of electric lines &c. of Dublin Wicklow and Wexford Railway Company.

46. For the purpose of making forming laying down maintaining repairing or renewing any of their tramways or any wires posts plates tubes or apparatus connected therewith the Company may from time to time where and as far as it is necessary or may appear expedient for the purpose of preventing frequent interruption of the traffic by repairs or works in connexion with the same alter the position of any mains or pipes for the supply of gas or water or any tubes wires or apparatus for telegraphic or other purposes save those belonging to or the property of the road authority subject to the provisions of this Act and also subject to the following restrictions (that is to say):— Provisions as to gas and water companies.

- (1) Before executing any of the works authorised by this Act in any road in which any mains or pipes tubes wires or apparatus

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may be laid the Company shall whether they contemplate altering the position of any such mains or pipes tubes wires or apparatus or not give seven days notice to the company persons or person to whom such mains or pipes tubes wires or apparatus may belong or by whom they are controlled of their intention to lay down or alter the tramway or works and shall at the same time deliver a plan and section of the proposed works. If it should appear to any such company persons or person that the construction of the works as proposed would endanger any such mains or pipes tubes wires or apparatus or interfere with or impede the supply of water or gas or the telegraphic or other communication such company persons or person as the case may be may give notice to the Company to lower or otherwise alter the position of the said mains or pipes tubes wires or apparatus in such manner as may be considered necessary and any difference as to the necessity of any such lowering or alteration shall be settled by an arbitrator to be appointed by the Board of Trade at the request of either party and all alterations to be made under this section shall be made with as little detriment and inconvenience to the company persons or person to whom such mains or pipes tubes wires or apparatus may belong or by whom the same are controlled or to the inhabitants of the district as the circumstances will admit and under the superintendence of such company persons or person or of their surveyor or engineer if they or he should think fit to attend after receiving not less than forty-eight hours notice for that purpose which notice the Company are hereby required to give :

- (2) The Company shall not remove or displace any of the mains or pipes valves syphons plugs tubes wires or apparatus or other works belonging to or controlled by any such company persons or person or do anything to impede the passage of water or gas or the telegraphic or other communication into or through such mains or pipes tubes wires or apparatus without the consent of such company persons or person or in any other manner than such company persons or person shall approve until good and sufficient mains pipes valves syphons plugs and other works necessary or proper for continuing the supply of water or gas or telegraphic or other communication as sufficiently as the same was supplied by the mains or pipes tubes wires or apparatus proposed to be removed or displaced shall at the expense of the Company have been first made and laid down in lieu thereof and ready for use and to the

satisfaction of the surveyor or engineer of such water or gas or other company or of such persons or person or in case of disagreement between such surveyor or engineer and the Company as an engineer appointed by the Board of Trade shall direct:

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

Provided always that nothing in this section contained shall authorise or empower the Company to alter the position of or to take up divert remove or otherwise interfere with any mains pipes tubes wires or apparatus belonging to or the property of any road authority unless such diversion removal or alteration is required by such road authority and then the road authority shall have power to carry out the necessary works and the Company shall pay to the road authority all reasonable expenses and costs they may be put to in connexion with such taking up diversion removal or other interference with any such mains pipes tubes wires or apparatus.

47. For protection of the Grand Canal Company the following provisions shall notwithstanding anything in this Act contained apply and have effect unless otherwise agreed upon between the Company and the Grand Canal Company:—

For protection of Grand Canal Company.

- (A) None of the bridges the property of the Grand Canal Company shall be in any manner interfered with by the Company save to the extent to which they are now affected by the rails of the Company passing over them or may be affected by the laying of an electric cable in and over them:
- (B) The height of the span or arch underneath each bridge which the Company's lines now pass over or shall be authorised to pass over under this Act for the purpose of the use of any mechanical power other than steam shall not be lessened or

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affected in any manner nor shall the headway under any of the bridges so passed over be lessened or interfered with :

34 & 35 Vict.
c. lxxxviii.

(c) Section 19 of the Dublin Tramways Act 1871 shall apply to the laying of an electric cable or any other works executed or about to be executed under the provisions or powers contained in this Act as if such cable or other works were a tramway within the meaning of the said section and the Grand Canal Company shall as to such cable or other works be entitled to the notices and to have the benefit of the other provisions of the said section accordingly.

Restrictions
on use of
electrical
power.

48. Nothing in this Act shall empower the Company to use or supply electrical power for any purpose whatsoever other than lighting and moving the carriages used on the tramways and lighting the premises of the Company and for lighting their standards or posts for their own use wherever fixed in the road as provided in this Act.

As to level
of road.

49. Before the Company shall form lay down or reconstruct any tramways upon any road they shall if required by the road authority raise or lower (as the case may be) the surface of such road so as to form the most desirable longitudinal section thereof to the satisfaction of the engineer of such road authority and also shall subject to like approval execute all or any works necessary for the purpose of making the cross section of such road from the said tramways to the edge of the footpaths in strict conformity and equal level therewith Provided that in case any difference shall arise between the engineer of the Company and the said engineer in reference to any matter arising under this section the same shall be referred to an engineer to be mutually agreed upon by the Company and the said engineer or in case they cannot agree to an engineer to be appointed upon the application of both or either of the parties by the Board of Trade whose decision shall be final.

For pro-
tection of
Rathmines
and Pem-
broke Main
Drainage
Board.

50. For the protection of the Rathmines and Pembroke Main Drainage Board (in this section called "the drainage board") the following provisions shall unless otherwise agreed on in writing between the Company and the drainage board have effect :—

(1) The Company shall not commence the laying down or construction of any tramways or mechanical or other works mains or apparatus or any part thereof within the Pembroke township until they have executed such works and done such things as shall in the opinion of the Drainage Board be sufficient to secure the safety of the sewers and other works of the drainage board under or alongside of the said tramways

nor until they shall have given to the drainage board twenty-one days notice in writing of their intention to commence the said tramways by leaving such notice at the office of the clerk to the drainage board with plans sections and all other necessary particulars of the construction of the said tramways nor until the drainage board shall have signified their approval of the same unless the drainage board fail to signify such approval within twenty-one days after the service of the said notice and delivery of the said plans sections and particulars and in case such plans sections and particulars are not agreed upon any difference between the Company and the drainage board shall be determined by an engineer to be nominated on the application of either party by the Local Government Board for Ireland and the costs of the reference shall be in the discretion of such engineer and his decision shall be final:

- (2) Notwithstanding anything contained in this Act the drainage board by their servants or officers shall at all times have free access and entry to their sewers and works for the purpose of inspecting examining maintaining repairing renewing and extending or enlarging the same or any part thereof and shall have control of all ventilators manholes or other openings in or connected with their said sewers or works:
- (3) The drainage board shall not be liable to pay to the Company any compensation for injury done to the tramways by reason of the exercise of the aforesaid powers by the said drainage board:
- (4) Any expense imposed upon the drainage board in the maintenance and repair of their sewers and works or any of them by reason of the construction existence or user of the said tramways mains or other works shall be borne and paid by the Company and may be recovered by the drainage board in any court of competent jurisdiction:
- (5) The Company shall make good and shall indemnify the drainage board against any loss damage or injury to the sewers or works of the drainage board which may be occasioned by reason of the tramways:
- (6) Nothing in this Act shall take away or abridge any powers vested in the drainage board for the purposes for which the drainage board is constituted.

51.—(1) The road authority shall have the right (if it so desires) to purchase and the Company shall if required by the road authority under the provisions of this Act sell to it the undertaking and the

Purchase of
tramways
by road
authority.

A.D. 1897. existing tramways of the Company situate in the district of such road authority and any tramways within such district which may be authorised by any Act of Parliament passed or to be passed in the present session or in any subsequent year and any tramways which the Company may hereafter be authorised by Order in Council to construct and all lands buildings works materials and plant of the Company used by them for the purposes of their undertaking or tramways within such district all of which are in this section referred to as "the tramways" and such right and power of purchase shall come into operation and be exercisable as to all or any of the tramways by the road authority within six months from the expiration of forty years from the thirty-first day of December one thousand eight hundred and ninety-eight and also (if not previously exercised) within six months from the expiration of every subsequent period of seven years and shall be exercisable in the manner and on the terms provided by section 43 of the Tramways Act 1870 (Future purchase of undertaking by local authority) and that section shall (subject to the provisions of this Act) apply and be read and take effect accordingly. Provided always that in determining the amount to be paid by the road authority to the Company for any such purchase there shall be added to the then value (as ascertained in accordance with the said section of the Tramways Act 1870) of the tramways so to be purchased thirty per centum on the said value so ascertained and if the road authority deem it necessary or expedient to promote any Bill or Bills in Parliament or to apply for any provisional or other order for the purpose of effectually carrying out such sale and purchase or of obtaining powers of working the tramways so purchased or of borrowing money therefor or any other powers necessary for such purposes or any of them or otherwise in relation thereto the Company shall not directly or indirectly offer or sanction any opposition to but shall support such promotion or application.

(2) When the road authority shall have acquired any of the tramways the same may be maintained and worked by the road authority and all the rights powers and authorities of the Company in respect to the tramways so acquired shall be transferred to vested in and may be exercised by the road authority in place of the Company in like manner as if the road authority had been originally authorised to make and work the tramways.

(3) For the purposes of this section the expression "the Company" means and includes not only the Dublin United Tramways Company but also any person or persons corporation or company other than the road authority who at the periods when the aforesaid power of

purchase by the road authority comes into operation are the owner or owners of the tramways or any part or parts thereof. A.D. 1897.

For the purposes of this section the following expressions in section 43 of the Tramways Act 1870 shall have the meanings hereby assigned to them (that is to say):—

The expression "the promoter of a tramway" or "promoters" as the case may be shall mean and include the Company as defined in this section;

The expression "local authority" shall mean road authority and the expression "local rate" shall mean any rate leviable or revenue receivable by the road authority.

52. The Company may for the purposes of this Act purchase acquire and hold patent and other rights or licences to use patent rights not being exclusive in relation to electrical power and may enter into agreements with the owners or licencees of any such rights with respect thereto upon such terms and conditions as they may think fit. Power to acquire patent rights &c.

53. The Company may subject to the provisions of Part II of the Companies Clauses Act 1863 raise for the purposes of this Act and the general purposes of their undertaking by the creation and issue of new shares any additional capital not exceeding in the whole two hundred thousand pounds and such new shares may be wholly or partially ordinary shares or wholly or partially preference shares as the Company think fit but the Company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person or corporation accepting the same unless and until a sum not being less than one fifth of such share shall have been paid in respect thereof. Power to raise additional capital.

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

55. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares created by the Company under this Act to which a preferential dividend shall be assigned. Restriction as to votes in respect of preferential shares.

56. If any money be payable to any shareholder or mortgagee being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company for the same. Receipts on behalf of incapacitated persons.

A.D. 1897.

Application
of moneys.

57. All moneys raised under this Act shall be applied only for the purposes of this Act and for the general purposes of the Company's undertaking being in every case purposes to which capital is properly applicable and the Company may apply to the purposes of this Act to which capital is properly applicable any moneys authorised to be raised by them and not required for the purposes of the Dublin Tramways Act 1878 or the Dublin United Tramways Company Act 1881.

Interest
not to be
paid on calls
paid up.

58. 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. 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.

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

59. 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 tramway or execute any other work or undertaking.

Agreements
with road
authority.

60. The Company on the one hand and any road authority on the other hand as regards matters relating to the tramways within the district of that authority may subject to the provisions of this Act enter into and carry into effect agreements with respect to the user of roads and the laying down diverting removing maintaining renewing repairing altering reinstating and using the tramways and the rails plates sleepers pavements posts wires apparatus and works connected therewith and the use of electrical power and for facilitating the passage of traffic and carriages over or along the same.

Power
to make
additional
crossings
&c.

61. The Company may with the consent of the road authority from time to time make maintain alter and remove such crossings passing places sidings loops junctions and other works in addition to those authorised by their Acts as may be necessary or convenient for the efficient working of the tramways or for affording access to the stables warehouses coachhouses buildings sheds and works of the Company. Provided that in the construction of any such works no rail shall be so laid that a less space than nine feet six inches shall intervene between it and the outside of the footpath on either

side of the road if one third of the owners or one third of the occupiers of the premises abutting on the place where such less space shall intervene shall by writing under their hands addressed and delivered to the Company within three weeks after receiving from the Company notice in writing of their intention express their objection thereto. A.D. 1897.

62. The Company shall save and keep harmless the road authority and their officers and servants from all damages and costs in respect of all accidents damages and injuries happening through the act or default of the Company or through the act or default of any person in their employment by reason or in consequence of any of their works or carriages. Company liable for accidents.

63. Save as herein-before provided nothing in this Act contained shall exempt the tramways from the provisions of any general Act relating to tramways in Ireland 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 or charges authorised to be taken by the Company. Provision as to general Tramway Acts.

64. 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.

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SCHEDULE referred to in the foregoing Act.

The lands now belonging or reputed to belong to the Company namely :—
The lands houses buildings and premises the property of the Company now
used or intended to be used by the Company as “depôts” viz. :—

- (A) The depôt situated at Clonskea in the parish of St. Mary ;
- (B) The depôt situated at Stillorgan Road Donnybrook in the parish
of St. Mary :

All in the county of Dublin.

- (D) The depôt situated at Victoria Quay in the parish of St. James ;
- (E) The depôt situated at Nelson Lane in the parish of St. Thomas ;
and

- (F) The depôt situated at Madras Place and Dalymount North Circular
Road and Phibsborough in the parish of Grangegorman :
All in the city of Dublin.

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