

[61 & 62 VICT.] *Clontarf and Hill of Howth* [Ch. clxxxii.]
 Tramroad Act, 1898.



CHAPTER clxxxii.

An Act for making a Tramroad in the County of Dublin A.D. 1898.
and for other purposes. [2nd August 1898.]

WHEREAS the making and maintaining of the tramroad herein-after described in the county of Dublin between Clontarf and the Hill of Howth to be worked by electrical or other mechanical power not being steam power would be of public and local advantage :

And whereas the persons herein-after named with others are willing to carry the undertaking into execution on being incorporated into a company for the purpose :

And whereas it is expedient that the Company so to be incorporated the Clontarf Township Commissioners the grand jury of the county of Dublin and the Dublin United Tramways Company be empowered to enter into and carry into effect the agreements as herein-after expressed :

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

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

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

1. This Act may be cited as the Clontarf and Hill of Howth Short title.
Tramroad Act 1898.

[Price 1s. 9d.]

[Ch. clxxxii.] *Clontarf and Hill of Howth* [61 & 62 VICT.]
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Incorporation of Acts.

2. The Companies Clauses Consolidation Act 1845 Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 the Lands Clauses Acts the Railways (Ireland) Act 1851 as amended by the Light Railways (Ireland) Act 1896 and Parts II. and III. of the Tramways Act 1870 except sections 43 and 44 are except where expressly varied by this Act incorporated with and form part of this Act And sections 11 12 15 and 16 of the Railways Clauses Consolidation Act 1845 shall extend and apply to the tramroad and for the purposes of the said sections the tramroad and works of the Company shall be deemed to be a railway and the Company shall be deemed to be a railway company :

Provided that for the purposes of this Act the words "the London or Edinburgh Gazette" in Schedule C. Part II. subsection (2) of the Tramways Act 1870 shall mean the Dublin Gazette.

Interpretation.

3. In this Act—

"The tramroads" or "the tramroad" means 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" or "engineer" means the county surveyor or engineer 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 Clontarf Township Commissioners the grand jury and finance committee of the county of Dublin or one of them as the case may require ;

The word "promoters" means the Company ;

The words "works" or "tramroads" or "tramways" shall be deemed to include the tramroads and all electrical works

wires mains posts tubes apparatus and appliances by this A.D. 1898.
Act authorised.

4. If there be any omission misstatement or wrong description of any lands or of the owners lessces or occupiers of any lands shown on the deposited plans or specified in the deposited books of reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to two justices acting for the county of Dublin for the correction thereof and if it appear to the justices that the omission misstatement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the clerk of the peace for the said county and a duplicate thereof shall also be deposited with the clerks of the unions within which the several parishes are included in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerk of the peace and clerks of unions respectively with the other documents to which the same relate and thereupon the deposited plans and books of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate.

Correction of errors &c. in deposited plans and books of reference.

5. William Martin Murphy Sir Francis William Brady Baronet William Carte William Henry Briggs and all other persons who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purpose of making and maintaining the tramroad and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "The Clontarf and Hill of Howth Tramroad Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act.

Company incorporated.

6. Subject to the provisions of this Act the Company may make form lay down work use and maintain the tramroads herein-after described in the lines and according to the levels and within the limits of deviation shown on the deposited plans and sections and in all respects in accordance with those plans and sections with all proper rails works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said

Power to make tramroads.

A.D. 1898. — plans and described in the deposited books of reference as are required for those purposes. The tramroads herein-after referred to and authorised by this Act will be wholly situate in the county of Dublin and are—

- (1) Tramroad No. 1 (a single line) two furlongs eight chains in length commencing in the townland of Greenlanes in the parish of Clontarf by a junction with the Dublin United Tramways Company's existing line at the termination thereof at Dollymount passing thence along Dollymount Coast Road in a north-easterly direction and terminating in the townland of Heronstown in the parish of Clontarf at the southern fence of the said road at a point one hundred and twenty-six yards or thereabouts measured along the said road in a north-easterly direction from the junction of Blackbush Lane with the Dollymount Coast Road :
- (2) Tramroad No. 2 (a single line) one mile two furlongs 8·5 chains in length commencing at the termination of Tramroad No. 1 before described and terminating in the townland of Kilbarrack Upper in the parish of Kilbarrack on the southern side of the public road leading from Raheny to Howth at a point five hundred and ninety-three yards or thereabouts measured in a westerly direction along the said public road from the point of intersection of the townland boundary separating Kilbarrack Upper and Kilbarrack Lower with the said road :
- (3) Tramroad No. 3 (a single line) three miles two furlongs five chains in length commencing at the termination of Tramroad No. 2 before described passing along the Howth Road in an easterly direction and terminating at Howth in the townland of Howth Demesne in the parish of Howth at a point in the said public road opposite the south-east corner of Howth Railway Station :
- (4) Tramroad No. 4 (a single line) three furlongs six chains in length commencing at the termination of Tramroad No. 3 before described and passing in an easterly direction along the public road skirting Howth Harbour between the West and East Piers and terminating in the public road in the townland of Howth at the junction of the said road with the East Pier :
- (5) Tramroad No. 5 (a single line) one furlong seven chains in length commencing at the termination of Tramroad No. 3 before described and passing in a north-easterly direction along the West Pier and terminating on the said pier at a point two hundred and eighty yards or thereabouts from the northern

extremity of the said pier measured along the said pier in a south-westerly direction. A.D. 1898.

The construction and working of Tramroad No. 5 shall be subject to such conditions as the Commissioners of Public Works in Ireland may consider necessary and no land belonging to them shall be taken except with their consent.

7. For the protection of the Right Honourable Arthur Edward Baron Ardilaun his heirs successors and assigns (herein-after called "the Baron") the following provisions shall notwithstanding anything in this Act contained or shown on the deposited plans and sections have effect unless otherwise agreed on in writing between the Baron and the Company (that is to say) :—

For protection of
Right
Honourable
Arthur
Edward
Baron
Ardilaun

- (1) The Company shall not take or acquire for the purposes of this Act or of the tramroads any lands forming part of the estate of the Baron on the north side of the existing road on which the tramroads will be laid :
- (2) The tramroads shall be so constructed as to pass outside and on the sea side of the plantation in front of the entrance to the demesne of Saint Anne's Clontarf and shall be so constructed as not to interfere in any way with the aforesaid plantation :
- (3) The tramroads shall where they pass in front of the property of the Baron be constructed either entirely upon or immediately alongside of the existing road and whether the tramroads be constructed on the said roadway or immediately alongside thereof they shall in no case be laid at a higher level than the level of the highest part of the cross section of the existing road at the point where the tramroads will be laid on the road forming the boundary of the estate of the Baron :
- (4) The Company shall where the tramroads pass in front of the property of the Baron at their own expense erect and maintain on the outer or sea side of the tramroads a wire fence of a design to be approved of by the Baron in which fence gates shall be constructed at such points as may be approved of by the Baron so as to afford free ingress and egress to and from the foreshore adjoining the property of the Baron :
- (5) The tramroads shall where they pass in front of the property of the Baron be so constructed that there shall be no passing places or stopping stations in front of the said property and save for the purpose of taking up or setting down passengers the cars to be run on the tramroads shall not stop whilst passing in front of the said property :
- (6) The posts to be erected in connexion with the electrical equipment of the tramroads shall where the tramroads pass in

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front of the property of the Baron be placed in such positions as shall be approved of in writing by the Baron and for the purpose of such approval the Company shall submit to the Baron a plan showing the position in which it is proposed to erect such posts :

- (7) Nothing shall be done in the construction or subsequent alteration maintenance or repair of the tramroads which shall interfere with the Nanikin river or the Reheny river nor with the free flow of the waters thereof nor shall the Company make use of or abstract any water from the said rivers or impede or interfere with the flow thereof or otherwise :
- (8) The Company shall not in the construction of the tramroads or otherwise in any way interfere with the rifle range at Clontarf belonging to the Baron and with the free and uninterrupted user thereof :
- (9) All differences arising between the Company and the Baron respecting any of the matters referred to in this section shall be referred to and settled at the request of either party by an engineer or other fit person to be agreed on between the parties or in default of agreement by an engineer or other fit person to be appointed as arbitrator on the application of either party by the Board of Trade and the decision of such arbitrator shall be final and binding on both parties in all matters referred to him and the cost of the reference shall be borne and paid as he shall direct.

For protection of
 Great
 Northern
 Railway
 Company
 (Ireland).

8. For the protection of the Great Northern Railway Company (Ireland) (in this section called "the Great Northern Company") the following provisions shall have effect unless otherwise agreed on in writing between the Great Northern Company and the Company (that is to say) :—

- (1) In this section the expression the Clontarf conductor means the overhead conductor placed for transmitting electric energy for the purposes of the undertaking of the Company and the Great Northern conductor means the overhead conductor of the Great Northern Company placed for transmitting electric energy for the purposes of the undertaking authorised by the Great Northern Railway (Ireland) Act 1897 :
- (2) The Great Northern conductor shall be continuous throughout and shall be so placed that no part of the Clontarf conductor shall be within nine inches of the Great Northern conductor but the said two conductors may be in the same horizontal plane with suitable attachments to each of them for the trolley wires :

- (3) The separation between the two conductors shall be effected in a form and with material which shall be of ample mechanical strength but shall also have sufficient insulating resistance to effectually secure that no electric current can pass from one of the said conductors to the other of them under any circumstances or atmospheric conditions whatever even when the whole of the material exposed to the weather is thoroughly wet by rain snow or otherwise : A.D. 1898.
- (4) The description and details of the method and manner in which the Company propose that the said two conductors shall cross one another shall within three months after the passing of this Act be submitted by the electrical engineer of the Company to the electrical engineer of the Great Northern Company for his approval and if within twenty-eight days of such submission he do not in writing approve or disapprove thereof or state his requirements in relation thereto he shall be deemed to have approved thereof but subject thereto if any difference should arise between the said engineers touching this subsection such difference shall be determined by an arbitrator to be appointed by the Board of Trade on the application of either the Company or the Great Northern Company :
- (5) All extra costs and expenses which the Great Northern Company may reasonably incur or be put to in constructing placing or maintaining the Great Northern conductor by reason of the crossing thereof by the Clontarf conductor shall be paid on demand by the Company to the Great Northern Company and in default of payment on demand may be recovered by the Great Northern Company in any court of competent jurisdiction :
- (6) If at any time or times the Board of Trade require the construction erection or alteration of any signals or any conveniences incident to or consequent on the tramroad of the Company crossing the tramway of the Great Northern Company such signals and conveniences shall be provided constructed erected maintained and altered by and at the cost of the Company in all things and the Great Northern Company may appoint and remove such persons as may be reasonably necessary for working the said signals and conveniences and the reasonable cost thereof and of and incident to such working shall at the end of every half year be repaid by the Company to the Great Northern Company and in default thereof may be recovered in any court of competent jurisdiction.

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Gauge of
tramroad
and motive
power.

9. The tramroads shall be constructed on a gauge of five feet three inches and the said tramroads may be worked by mechanical power which may be applied by means of posts and overhead wires and conductors placed upon under or above the surface of the ground in connexion with the existing generating station of the Dublin United Tramways Company at Clontarf.

Capital.

10. The capital of the Company shall be fifty thousand pounds in five thousand shares of ten pounds each.

Shares not
to be issued
until one
fifth paid.

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

Calls.

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

Receipt in
case of
persons not
sui juris.

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

Power to
divide shares.

14. Subject to the provisions of this Act the Company with the authority of three fourths of the votes of the shareholders present in person or by proxy at a general meeting of the Company specially convened for the purpose may from time to time divide any share in their capital into half shares of which one shall be called "preferred half share" and the other shall be called "deferred half share" but the Company shall not so divide any share under the authority of this Act unless and until not less than sixty per centum upon such share has been paid up and upon every such division fifty per centum upon the entire share shall be carried to the credit of the deferred half share (being the whole of the amount payable thereon) and the residue to the credit of the preferred half share.

Dividends
on half
shares.

15. The dividend which would from time to time be payable on any divided share if the same had continued an entire share shall be applied in payment of dividends on the two half shares in manner following (that is to say) First in payment of dividend after such rate not exceeding six per centum per annum as shall be determined once for all at a general meeting of the Company

pecially convened for the purpose on the amount for the time being paid up on the preferred half share and the remainder (if any) in payment of dividend on the deferred half share and the Company shall not pay any greater amount of dividend on the two half shares than would have from time to time been payable on the entire share if the same had not been divided. A.D. 1898.

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

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

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

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

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Preferred
 shares not to
 be cancelled or
 surrendered.

Half shares
 to be half
 shares in
 capital.

Power to
 borrow.

For appoint-
 ment of a
 receiver.

Debenture
 stock.

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

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

22. The Company may from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole twenty-five thousand pounds but no part of that sum shall be borrowed until the whole capital of fifty thousand pounds is issued and accepted and one half thereof is paid up and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of such capital has been issued and accepted and that one half thereof has been paid up and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such capital was issued bonâ fide and is held by the persons to whom the same was issued or their executors administrators successors or assigns and that such persons 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 shall be sufficient evidence thereof.

23. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than three thousand pounds in the whole.

24. 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 and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of

the Acts of Parliament or resolutions by which such stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock. A.D. 1898.

25. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only for the purposes of this Act to which capital is properly applicable. Application of moneys.

26. The first ordinary meeting of the Company shall be held within eight months after the passing of this Act. First ordinary meeting.

27. The number of directors shall be five but the Company may from time to time reduce the number of directors but so that the number shall never be less than three. Number of directors.

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

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

30. William Martin Murphy Sir Francis William Brady Baronet William Carté William Henry Briggs and one other duly qualified person to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being (if they continue qualified) eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power herein-before contained for altering the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act. First directors. Election of directors.

31. The Company may purchase and acquire by agreement any lands not exceeding in the whole three acres and may erect and hold offices buildings and other conveniences on any such lands and may from time to time by agreement take easements over lands Land by agreement.

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A.D. 1898. — — Provided always that nothing in this Act contained shall exempt the Company from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land taken under the powers of this section.

Period for compulsory purchase of lands. **32.** The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for completion of tramroad. **33.** If the tramroad be not completed within three years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the tramroad or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Carriages to be used on tramroad. **34.** The Company may use on their tramroad carriages with flange wheels or wheels suitable only to run on a grooved or any other form of rail and subject to the provisions of this Act the Company shall have the exclusive use of their tramroad for carriages with flange wheels or other wheels suitable only to run on such rails.

Restriction on taking houses of labouring class. **35.** The Company shall not under the powers of this Act purchase or acquire in any urban sanitary district as defined by the Public Health (Ireland) Act 1878 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 without the consent of the Local Government Board for Ireland 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. The expression "labouring class" in this section means and 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 such persons who may be residing with them.

Deposit money not to be repaid until the tramroad is opened. **36.** Whereas pursuant to the standing orders of both Houses of Parliament and to the Parliamentary Deposits Act 1846 a sum of one thousand one hundred and seventy-six pounds seven shillings being five per centum upon the amount of the estimate in respect of the tramroad has been deposited with the Accountant-General for and on behalf of the Supreme Court in respect of the application to Parliament for this Act (which sum is referred to in this Act as

“the deposit fund”) Be it enacted that notwithstanding anything contained in the said Act the said deposit fund shall not be paid or transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them (which persons survivors or survivor are or is in this Act referred to as “the depositors”) unless the Company shall previously to the expiration of the period limited by this Act for the completion of the tramroad open the same for the public conveyance of passengers and if the Company shall make default in so opening the tramroad the deposit fund shall be applicable and shall be applied as provided for by the next following section.

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37. If the Company do not previously to the expiration of the period limited for the completion of the tramroad complete the same and open it for the public conveyance of passengers then and in every such case the deposit fund shall be applicable and after due notice in the Dublin Gazette shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the tramroads or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act and also in compensating all road authorities for the expense incurred by them in taking up any 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 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 is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall if a receiver has been appointed or the Company is insolvent and has been ordered to be wound up or the undertaking 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 transferred to the depositors Provided that until the deposit fund has been repaid or transferred to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from

Application
of deposit.

A.D. 1898. — time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Regulations
as to use
of electric
power.

38. 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 :—

- (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 from time to time in force in that behalf 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 : A.D. 1898.

(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 "the Company" in this section shall include licencees and any person owning working or running carriages over the tramroad of the Company.

39. If and whenever after the passing of this Act any road authority alters the level of any road along or across which any part of the tramroads is laid or authorised to be laid on the same level as the road the Company may and shall from time to time alter or (as the case may be) lay their rails and the entire pavement 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 pavement and recover the cost of and incident thereto from the Company in any court of competent jurisdiction. Tramroads to be kept on level of surface of road.

40. 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 constructing laying down maintaining and renewing any of the tramroads lay before the road authority a plan showing the proposed mode of constructing laying down maintaining and renewing such tramroads and works and a statement of the materials intended to be used therein and the Company shall not commence the construction laying down maintenance and renewal of any of the tramroads or part of any of the tramroads respectively until such plan and statement have been approved by the road authority 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 or engineer of the road authority as provided by section 26 of the said Act. Further provisions as to construction of tramroads.

41. The rails of the tramroads shall be such as the Board of Trade may approve. As to rails of tramroads.

A.D. 1898.

Penalty for
not main-
taining rails
and roads.

42. 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 tramroads by this Act authorised and the substructure upon which the same rest and if the Company at any time fail to comply with this provision or with the provisions of section 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 :

In case it is represented in writing to the Board of Trade by the road authority of any district in which the tramroads or any portion thereof are or 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.

Local
authority to
have access
to sewers.

43. Every local 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 local authority as if the same were a pipe for the supply of gas or water :

In the construction of the tramroads where laid on the roads and on a level therewith 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. If this is not done the Company shall be bound on being required to do so by the road authority to alter the levels of the rails and tramroads paving to suit the level at which it may be found necessary that such streets should be paved by the road authority and in all cases the entire paving and materials used in same shall be the same as that used by 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 tramroads works or paving to be laid down by

the Company the road authority shall be reimbursed or paid the full costs of such work by the Company. A.D. 1898.

44. No goods animals articles or things other than passengers and passengers' luggage and parcels not exceeding fifty-six pounds in weight shall be conveyed on the tramroad between the hours of eight in the morning and eight in the evening without the consent of the local authority and the road authority nor shall any carriages trucks or waggon constructed for use upon a railroad be permitted to pass along the tramroads and no motor car shall have more than one carriage attached thereto without the consent of the road authority in writing. Heavy traffic confined to certain hours.

45. Any penalty under this Act or under any byelaws or regulations made under this Act may be recovered in manner provided by the Summary Jurisdiction Acts. Recovery of penalties.

46. Before the Company shall form or lay down any tramroads 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 the 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 tramroads to the edge of the footpaths in strict conformity and equal level therewith. Provided that in case any difference shall arise between the Company and the engineer of the road authority 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 road authority 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. Company to raise or lower surface of roadway where required by road authority.

47. 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. Expenses of road authority.

48. If at any time (and notwithstanding the provisions aforesaid) any sewer drain or water pipe 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 Injury to sewers drains &c. may be dealt with by road authority at once.

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Tramroad Act, 1898.

A.D. 1898. 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 or water pipe to as good a condition as it was in prior to such damage or injury.

Removal of
snow off
track.

49. The Company shall keep the tramroad where the rails are laid on the same level as the road 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 a danger to the traffic. The Company shall be responsible for any accident which may be caused by them in so removing the snow or placing it on one side.

Power to
road
authority to
cut wires.

50. The road authority is hereby empowered in case of fire or if necessary for the public protection to cut down any overhead wires of the Company and they shall not be liable to mend or readjust the said wires but shall immediately give notice to the Company who shall do so at their own expense.

Road
authority
may use
tramroads
for certain
purposes.

51. The road authority may between the hours of twelve midnight and seven a.m. use any of the tramroads 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 tramroads :

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 the 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.

Pattern
standards.

52. 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 and the said standards or posts and the intended positions thereof shall be subject to the approval of their engineer. They shall be painted in oil colours to the satisfaction 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 respective road authorities and the Company. A.D. 1898:

53. The road authority shall have power to direct the Company in what position and manner within the district of such road authority all such 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 closed if they think it advisable to do so and such laying down constructing erecting making displacing removal replacing closing 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 tramroad lines which are to be worked therefrom. As to electrical construction.

54. For the protection of the road authority the following provisions shall unless otherwise agreed upon in writing between the road authority and the Company apply and have effect:— For protection of road authority.

- (1) The electric apparatus to be erected shall be an overhead system supported on ornamental metal pillars of not less than twenty feet high and brackets and suspension wires where necessary with such transformers and other appliances as may be required for the proper working of such overhead system and at least fourteen days before the same is erected a set of plans showing the position and general character of the proposed erection and the positions of the pillars brackets and wires shall be prepared by the Company and submitted to the engineer of the road authority for his approval and in the event of any disagreement as to the character and position of the work whether with regard to its ornamental character or otherwise the said plans shall on application of either party be submitted to an arbitrator to be nominated by the Board of Trade whose decision shall be final and binding and the costs of such arbitration shall be in the discretion of such arbitrator:
- (2) The Company when the said electrical apparatus has been erected shall maintain and keep the same in good order and condition and should the roadway or footpath belonging to the road authority be interfered with the same shall be restored as near as may be 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.

A.D. 1898.

Provisions
respecting
gas or water
pipes &c.

55. For the purpose of making forming laying down maintaining repairing or renewing any of their tramroads or any wires apparatus posts plates tubes and appliances connected therewith the Company may 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):—

- (1) Before laying down a tramroad in any road or before executing any of the works authorised by this Act in any road in which any mains or pipes tubes wires or apparatus as aforesaid 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 commissioners persons or person to whom such mains pipes tubes wires or apparatus may belong or by whom they are controlled of their intention to lay down or alter the tramroad or execute such works and shall at the same time deliver a plan and section of the proposed works. If it should appear to any such company commissioners persons or person that the construction of the tramroad or the execution 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 commissioners 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 commissioners 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 commissioners persons or person or of their surveyor or engineer if they or he think fit to attend after receiving not less than forty-eight hours' notice for that purpose which notice the Company are hereby required to give:

- (2) The Company shall not remove or displace any of the mains or pipes tubes wires or apparatus or other works belonging to or controlled by any such company commissioners 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 commissioners persons or person or in any other manner than such company commissioners persons or person shall approve until good and sufficient mains or pipes tubes wires or apparatus 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 commissioners 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: A.D. 1898.
- (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 or commissioners persons or person relating to telegraphs:
- (4) The Company shall make good all damage done by them to property belonging to or controlled by any such company commissioners 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 commissioners 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 the 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 alteration diversion removal or other interference is required by such road authority and then the road

A.D. 1898. — 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 alteration diversion removal or other interference with any such mains pipes tubes wires or apparatus:

Provided that the foregoing provisions shall apply in relation to any alteration of or interference with any telegraphic line of the Postmaster-General subject to the following conditions (that is to say) That all works executed by the Company in pursuance of this section in relation to any lowering or alteration of the telegraphic lines of the Postmaster-General or to the provision of telegraphic lines for the use of the Postmaster-General shall if the Postmaster-General so desire be executed by the Postmaster-General or his officers at the expense of the Company The expression "telegraphic line" in this section has the same meaning as in the Telegraph Act 1878.

Opening of
tramroad to
satisfaction
of road
authority.

56. For the protection of the road authority the following provisions shall apply and have effect:—

Before the tramroad shall be opened for traffic the Company shall erect and complete all such new fences railings and walls and strengthen improve and alter all such existing fences railings and walls as the engineer of the road authority shall consider necessary to make the tramroad and any street or road in or along which the tramroad shall be laid in the district of such road authority safe for the use of the public and shall thereafter maintain and keep in good order repair and condition all such new and also all the existing fences railings and walls on the side of the road on which said tramroad is laid and shall also in like manner repair and maintain the sea wall retaining the public road upon or along which the tramroad shall be laid to the satisfaction of the engineer of the road authority and if in the construction of the said tramroad any existing stone depôts shall be taken or rendered useless the Company shall construct an equal number of depôts of the same dimensions as those taken or rendered useless in such places as the said engineer may direct:

In case the Company shall at any time fail or neglect to carry out any work of construction maintenance or repair imposed upon them by this Act for four days from the service on them of a notice in writing by the engineer of the road authority or his assistants it shall be lawful for any two magistrates of the county without prejudice to any other remedy in that behalf to order any work of maintenance or repair as aforesaid to be

executed by the Company at their own expense within such time as the said magistrates shall direct and in default thereof it shall be lawful for the engineer of the road authority to cause the said work to be executed and the promoters shall on demand by the engineer of the road authority pay to him all expense incurred in the execution thereof. A.D. 1898.

57. The finance committee of the grand jury 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 Act and the county surveyor shall repay any moneys so advanced when he shall recover the amount from the Company. As to advance of finance committee of grand jury.

58. The tramroad shall not be opened for public traffic until the same has been inspected and certified to be fit for such traffic by the Board of Trade. Tramroad not to be opened until certified by Board of Trade.

59. Sections 89 93 96 103 104 and 105 of the Railways Clauses Consolidation Act 1845 shall so far as applicable apply to the conveyance of passengers and parcels upon the tramroad and the rates and charges to be taken thereon as if the same were a railway within the meaning of that Act. Application of certain sections of Railways Clauses Act.

60. With respect to small parcels not exceeding five hundred pounds in weight conveyed by passenger trains the Company may demand and take any charges not exceeding the following (that is to say):— Rates for small parcels.

For the carriage of small parcels on the tramroad—

For any parcel not exceeding seven pounds in weight three-pence;

For any parcel exceeding seven pounds but not exceeding fourteen pounds in weight fivepence;

For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight sevenpence;

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight ninepence;

And for any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight the Company may demand any sum they think fit:

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.

61. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the tramroad including every Maximum rates for passengers.

A.D. 1898. — expense incidental to such conveyance shall not exceed the following (that is to say):—

For every passenger conveyed in a first-class carriage threepence per mile;

For every passenger conveyed in a carriage of an inferior class one penny per mile but no fare shall be less than twopence.

Passengers' luggage.

62. Every passenger travelling upon the tramroad may take with him his ordinary luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof.

As to fares on Sundays and holidays.

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

For protection of Postmaster-General.

64. In the event of the tramroads 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 subsection 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 tramroads 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

A.D. 1898.

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 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 tramroads.

Byelaws.

65. Subject to the provisions of this Act the Board of Trade may make byelaws with regard to the tramroad and the use of electrical power thereon under the authority of this Act for all or any of the following purposes (that is to say) :—

- (1) For providing that carriages shall be brought to a stand at such places as the Board of Trade may deem proper for securing safety ;
- (2) For regulating the entrance to exit from and accommodation in the carriages used on the tramroad and the protection of passengers from any machinery used for propelling such carriages ;
- (3) For providing for the due publicity of all regulations and byelaws in force for the time being in relation to the tramroad by exhibition of the same in conspicuous places on the carriages and elsewhere ;
- (4) For regulating the rate of speed at which engines carriages and trucks may be driven or propelled along the tramroads Provided always that the Board of Trade may prescribe different rates of speed on different parts of the tramroads such parts and rates applicable thereto respectively to be specified in such byelaws :

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.

A.D. 1898.

66. All regulations and byelaws made and consents approvals and certificates given by the Board of Trade under the authority of this Act shall be signed by a secretary or an assistant secretary of the Board of Trade. Regulations and byelaws to be signed &c.

67. The Company and the Dublin United Tramways Company may enter into agreements for the working maintenance management and conveyance of traffic on the tramroad or the supply of motive power (from the Clontarf generating station) and of rolling stock necessary for the purposes of the tramroad and the interchange of running powers on such terms as may be agreed upon between the Companies. Power to enter into agreements.

68. The Company on the one hand and the grand jury of the county of Dublin and the Clontarf township commissioners on the other hand having the direction of the repair or having the control and management of the streets roads or thoroughfares along which the tramroads will pass may enter into agreements with reference to the interference with the streets roads and thoroughfares for the purposes of laying down maintaining or repairing the tramroads. Agreements with grand jury &c.

69. The Company shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable as a Crown debt or summarily. Works below high-water mark not to be commenced without consent of Board of Trade.

70. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which Saving rights of Crown in foreshore.

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A.D. 1898. — consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty.

Accesses to
and from
shore &c.

71. During the construction of the tramroad by this Act authorised on or near the foreshore of Dublin Bay and also at all times after completion thereof the Company shall make and permanently maintain at their own expense and to the satisfaction of the Board of Trade for the free use of the public such footways and carriageways over under or across the tramroad as the Board of Trade may from time to time direct or approve and shall also make and permanently maintain at the like expense and to the like satisfaction on the seaward side of the tramroad such boat slips or other facilities for boats and for passengers landing therefrom or embarking thereon as the Board of Trade may from time to time direct or approve.

Interest not
to be paid on
calls paid up.

72. No interest or dividend shall be paid out of any share or loan capital which the Company are by this 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 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.

Provision as
to general
Tramway
Acts.

73. Nothing herein contained shall be deemed or construed to exempt the tramroads from the provisions of any general Act relating to tramroads now in force or which may hereafter become law during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the maximum rates of fares and charges authorised to be taken by the Company.

Costs of Act.

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

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