CHAPTER xxx.

An Act to confirm a Provisional Order of the Lord Lieutenant and Privy Council in Ireland relating to the Mitchelstown and Fermoy Light Railway. [25th June 1885.]

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WHEREAS the Lord Lieutenant and Privy Council in Ireland have made the Provisional Order set forth in the schedule hereunto annexed, under the provisions of the Tramways and Public Companies (Ireland) Act, 1883: 46 & 47 Vict. c. 43.

And whereas it is requisite that the said Order should be confirmed by Parliament:

Be it therefore 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:

The Provisional Order in schedule confirmed.

1. The Order set out in the schedule hereunto annexed shall be and the same is hereby confirmed, and all the provisions thereof shall, from and after the passing of this Act, have full validity and force.

Short title.

2. This Act may be cited as the Tramways (Ireland) Provisional Order (Mitchelstown and Fermoy) Confirmation Act, 1885.

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SCHEDULE.

THE MITCHELSTOWN AND FERMOY LIGHT RAILWAY ORDER, 1885.

BY THE LORD LIEUTENANT AND PRIVY COUNCIL IN IRELAND.

SPENCER.

WHEREAS the grand jury of the county of Cork, acting in execution of the powers vested in them by the Tramways (Ireland) Act, 1860, and the Tramways (Ireland) Amendment Act, 1861, the Tramways and Public Companies (Ireland) Act, 1883, and the Tramways and Public Companies (Ireland) Amendment Act, 1884, made the presentment which is set out in the First Schedule to this Order, and thereby approved of the construction of a light railway between Mitchelstown and Fermoy:

And whereas a map and plan describing the line, and book of reference to such map and plan containing the names of the townlands in which the lands proposed to be taken are situated, and the names of the owners or reputed owners, lessees or reputed lessees, and of the occupiers of such lands, have been deposited with the secretary of the grand jury of the county of Cork, and also in the Council Office in Dublin Castle, which are referred to in this Order as the deposited plan and book of reference:

And whereas on the 17th day of April 1884, the Mitchelstown and Fermoy Light Railway Company, Limited, being the Promoters of the said undertaking, presented a memorial to the Lord Lieutenant in Council, praying for an Order to authorise the construction of the light railway mentioned in such memorial, and to confirm the said presentment:

And whereas certain appeals were lodged against the confirmation of said presentment:

And it appears to the Lord Lieutenant in Council, notwithstanding such appeals, expedient to make the Order following:—

Therefore it is ordered by the Lord Lieutenant-General and General Governor of Ireland, by and with the advice of Her Majesty's Privy Council of Ireland:

Promoters.

1. The Mitchelstown and Fermoy Light Railway Company, Limited, shall be the Promoters for the purposes of this Order; and the said Company or the Grand Jury of the county of Cork in the event of a transfer of the undertaking to that body under the powers of this Act, are in this Order referred to as "the Promoters."

Power to construct Line.

2. The Promoters may construct, maintain, and work, subject to the provisions of this Order, and of the Acts incorporated herewith, the light railway described in the Second Schedule to this order, in the directions and levels, with the powers of deviation (if any) specified and described in the plans, books of reference, and sections deposited by the Promoters with the secretary of the

grand jury of the county of Cork, with all proper rails, plates, offices, engine-houses, stables, carriage-houses, warehouses, works, and conveniences connected therewith, or for the purposes thereof, and (subject to the provisions of the said Acts) may purchase, acquire, and hold all such lands and easements as may be necessary for the purposes of the said light railway and any engine-houses, stables, carriage-houses, warehouses, and other buildings and works requisite for the working of the said light railway, and may lay down such additional rails and other appliances on the railways of the Great Southern and Western Railway and the Fermoy and Lismore Railway Companies as may be necessary for the purposes aforesaid, subject to the consent of said last-mentioned railway companies.

Gauge and other Particulars.

3. The gauge of the light railway may be three feet.

The weight of the locomotive engines, carriages, and vehicles to be used on the light railway shall not be greater than eight tons, to be brought upon the rails by any one pair of wheels.

The vehicles in use on the line shall not have a greater length, width, and height of body than 20 feet, 6 feet, and 7 feet, respectively. These dimensions shall in no case be exceeded unless means are at the same time adopted for giving to the vehicle a resistance to wind pressure of at least 25 lbs. to the square foot, and in this case the width of the body shall in no case exceed 6½ feet nor the height 7 feet.

The maximum speed is hereby limited to 25 miles an hour upon any part of the light railway situate at a greater distance than 30 feet from the centre of a public road, and upon any other part thereof to such rate of speed as may be authorised under the Tramways (Ireland) Acts, or an Order of the Board of Trade made pursuant thereto.

Compulsory Purchase of Lands.

4. From and after the time when this Order becomes binding, the Promoters shall be empowered to put in force the provisions of the Lands Clauses Acts, including the Railways Act (Ireland), 1851, with respect to the purchase and taking of lands otherwise than by agreement with reference to the lands and premises delineated on and described in the deposited plan and book of reference, within the powers of deviation.

The powers of compulsory purchase conferred by this Order shall not be exercised after the expiration of three years from the time when this Order becomes binding.

Section 42 of the Tramways (Ireland) Act, 1860, shall not apply to the said light railway.

Time for Completion.

5. The Promoters shall complete and finish ready for use the said light railway, and shall provide a proper quantity of rolling stock, within three years from the date of this Order becoming binding.

Confirmation of Presentment of Grand Jury.

6. The presentment of the grand jury of the county of Cork, which is set out in the first schedule to this Order, is hereby confirmed so far as it relates to the

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charge in perpetuity to be defrayed by the barony of Condons and Clongibbon, and that portion of the barony of Fermoy specified in said presentment, for the payment of dividends at the rate of 5*l.* per cent. per annum upon the paid-up capital of the undertaking as limited by this Order, and so far as it relates to the liability of the same barony, and portion of barony, to provide for the completing, working, and maintaining of the undertaking, and to the proportions in which the same shall respectively be bound to contribute in respect of such guarantee.

Limit of Guarantee.

7. The capital to which the guarantee set out in the said presentment shall apply is hereby limited to the sum of 60,000*l.* The guarantee shall apply to so much of the capital so limited as is for the time being actually paid up.

The aforesaid capital of 60,000*l.* shall not be issued save as said capital may from time to time be required for the actual construction and carrying out of the said undertaking. Provided always that the entire of said capital shall not be issued until the expiration of a period of two years from the confirmation of this Order by Act of Parliament, unless the said undertaking shall be sooner completed.

Issue of Stock.

8. The stock or capital of the said Company necessary for raising the aforesaid capital shall not be issued by the said Company under par.

Payment of Dividends.

9. The dividends upon the paid-up capital of the said light railway shall be payable half-yearly, on every 1st day of May and 1st day of November in each year.

Guarantee by Treasury.

10. When in any half-year after the opening for traffic of the said light railway the said baronies have paid to the Promoters any sums in respect of guaranteed dividend exclusive of any sum paid in respect of the completing, working, and maintaining of the undertaking, the Treasury shall, if and so long as the railway is maintained in working order and carries traffic, authorise the Board of Works, out of moneys provided by Parliament, to pay to the Treasurer of the county, to be put to the account of the said baronies in the proportion of the sums paid by them, a sum amounting to one-half of the sums so paid by them in respect of guaranteed dividend exclusive as aforesaid during such half-year, but so nevertheless that the sum so authorised to be paid shall not exceed a sum equal to interest at the rate of two per cent. per annum on the paid-up capital limited as aforesaid.

Baronial Directors.

11. The said baronies of Condons and Clongibbon and Fermoy shall be represented in the direction and supervision of the affairs and finance of the Company, so far as relates to the said light railway, in manner following:—

The presentment sessions for each of the said baronies which shall be held previous to the spring assizes in each year may elect a person (herein-after called a baronial director) to be a director of the Company, and such baronial director shall hold office for the period of one year. If any baronial director, after his appointment and before the expiration of his term of office, shall die or resign,

or become disqualified or incompetent to act as such director, or shall cease to be a director by any other cause, any ordinary presentment sessions for the same barony may elect in his place another person to be a baronial director for that barony, and the person so to be elected to fill up any such vacancy shall continue in office as a baronial director so long only as the person in whose place he shall have been elected would have been entitled to so continue if such vacancy had not occurred.

Total Number of Directors.

12. The directors of the said Company, including those elected at the Presentment Sessions for each of the said baronies, shall not exceed six in number.

Remuneration of Directors.

13. The scale of payment for the directors of the said Company shall be 1*l.* 1*s.* per day for meetings in the county or the city of Cork, and 2*l.* 2*s.* per day for meetings in Dublin, besides actual travelling expenses.

Placing of Line.

14. The Promoters shall in laying down such railway along a street or high road, place the same at such side, or in such part of the street or high road along which it is laid, as the county surveyor having the charge of that part of the county through which the railway runs shall direct. In every case in which the county surveyor shall require the Promoters to lay down the said railway on the side of the road which at the present time is used as a footpath, the Promoters shall, if so required, at their own expense, lay down a footpath on the opposite side of the road in a manner satisfactory to the county surveyor.

Power to cross Roads.

15. The Promoters may, subject to the provisions of the Acts incorporated herewith, and of this Order, for the purposes of the said railway and construction thereof, cross, alter, or divert temporarily or permanently, any roads, streets, highways, streams, sewers, pipes, or other works.

Notice to County Surveyor.

16. Before the Promoters commence to open or break up a street or high road, they shall give to the said county surveyor notice of their intention to do so, such notice to be given forty-eight hours before the commencement of the work.

Superintendence by County Surveyor.

17. They shall not open or break up any street or road, save and except with the approval, and under the superintendence, of the said county surveyor, unless he neglects or refuses to give such superintendence at the time specified in the notice of the Promoters, or discontinues the same during the work. The county surveyor shall be paid by the Promoters such reasonable remuneration for the duties hereby imposed upon him as may be directed by the Lord Lieutenant by any general or special Order.

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Restoring Roads.

18. The Promoters shall, after having opened or broken up a street or high road, with all convenient speed complete the work on account of which they opened or broke up the same, and (subject to the formation of the said light railway) fill in the ground, level, and make good the surface, and generally restore the street or high road to as good a condition as that in which it was before it was opened or broken up, and clear away all rubbish occasioned thereby. They shall, during such period as the street or the high road may be opened or broken up, cause the place where the street or high road is opened or broken up to be fenced and watched, and to be properly lighted at night.

Alteration of Level of Roads.

19. If any authority having the control of any road or street along or across which any of the light railways authorised by this Order is laid, hereafter alter the level of such road or street, the Promoters shall from time to time alter their rails and lay them so that they shall not be a danger or annoyance to the ordinary traffic on the road or street.

Expenses of Repairs.

20. The Promoters shall pay all reasonable expenses of the repairs of the streets and high roads upon which they shall have constructed any part of the said light railway for six months after the same shall have been restored, so far as those expenses are increased by the opening or breaking up of the street or road.

Maintenance of Sidings and Rails.

21. The Promoters shall, at their own expense, maintain and repair all sidings on which any light railways shall be laid.

Level Crossings.

22. The Promoters shall construct to the satisfaction of the said county surveyor all such level crossings as shall, in his opinion, be necessary to the junctions of any roads or ways, with the road on or along which the said light railway shall be laid, and at the existing entrances to all lands and buildings abutting or in the vicinity of such road.

Power to enforce Obligations of Promoters.

23. In case the Promoters shall at any time fail or neglect to carry out any work of maintenance or repair imposed upon them by this Order after the expiration of four days from the service on them of a notice in writing, by the said county surveyor, 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 for maintenance or repair, as aforesaid, to be executed by the Promoters at their own expense, within such time as the said magistrates shall direct, and in default thereof it shall be lawful for the said county surveyor to cause said work to be executed, and the Promoters shall, on demand by the county surveyor, pay to him all expenses incurred in the execution thereof.

Right as to Roads.

24. The Promoters shall not be deemed to acquire any right other than that of user only in the soil of any street or high road along or across which they may lay any light railways.

Additional Power as to Crossings and Works.

25. The Promoters may, subject to the provisions of this Order, from time to time make all such crossings, passing-places, sidings, junctions, and other works in addition to those particularly mentioned in the said deposited plans and sections, as may from time to time be necessary or convenient for the efficient working of the said light railway; or for providing access to any stables, carriage-houses, engine-houses, warehouses, or works of the Promoters.

Temporary Works.

26. If and whenever it shall become necessary for the purpose of repair, or other similar or temporary purposes, to remove or close any part of the said light railway of the Promoters, they may lay down and maintain for the time necessary, but no longer, on some other part of the same railway, or on an adjoining part of the road, a temporary railway instead of the part removed or closed, and may maintain and use the same until the part so removed or closed is reinstated.

Tolls.

27. The Promoters shall be entitled to demand and take such tolls and charges as shall not exceed the maximum tolls and rates of charges which are specified in the schedule to the Tramways (Ireland) Act, 1860, or any amendment thereof.

List of Tolls.

28. A list of all the tolls and charges authorised to be taken shall be exhibited in a conspicuous place inside and outside each of the passenger carriages used upon the said light railway and at each station of the said light railway.

Form of Rail.

29. The form of rail shall be approved by the said county surveyor, but in the event of the Promoters being dissatisfied with his decision they shall be at liberty to appeal to the Board of Trade, whose decision shall be final.

Roof Loading.

30. No passengers nor goods shall be carried on the roof of any waggon or carriage, except with the permission of the Board of Trade, and subject to any conditions which they may impose.

Motive Power.

31. The carriages used on the said light railway may, subject to the provisions of this Order, be moved by animal power, or steam power, or any mechanical power. The exercise of the powers hereby conferred with respect to the use

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of steam or any mechanical power shall be subject to any regulations which may be prescribed by any Order which the Board of Trade may, and which they are hereby empowered to make from time to time, as and when they may think fit, for securing to the public all reasonable protection against danger in the exercise of the powers by this Order conferred with respect to the use of steam or any mechanical power on the said light railway.

Fences and Walls.

32. Before the said light railway shall be opened for traffic, the Promoters shall erect and complete all such new fences, railings, and walls, and strengthen, improve, and alter all such existing fences, railings, or walls in the said county as the county surveyor shall consider necessary to make the said railway, and any street or road in or along which the said light railway shall be laid in such county, safe for the use of the public, and shall thereafter maintain and keep the same in good order, repair, and condition, to the satisfaction of the said county surveyor, and if in the construction of the said light railway any existing stone depôts shall be taken, or rendered useless, the Promoters shall construct an equal number of depôts of the same dimensions as those taken or rendered useless in such places as the said county surveyor shall direct.

Costs of Order.

33. The costs, charges, and expenses of obtaining this Order, including the expenses incurred by the grand jury in relation thereto, shall be paid by the Promoters.

Keeping of Accounts.

34. The Promoters shall keep full, true, and distinct books of account, showing the capital of the undertaking, and its receipts from every source, and its expenditure, and they shall keep and preserve all receipts and other documents necessary for vouching same, and shall at all times produce the said books, receipts, and documents for the inspection of such person or persons as the grand jury may from time to time appoint to examine same, and also of such person or persons as the Treasury may from time to time appoint for the like purpose, and also of the arbitrators appointed, pursuant to section six of the Tramways and Public Companies (Ireland) Act, 1883.

Audit of Accounts.

35. The accounts of the undertaking shall be audited once in each year by some fit and proper person to be appointed, from time to time, for that purpose by the grand jury, and the Promoters shall produce for the inspection and examination of such auditor their books of account and all receipts and documents necessary for vouching same, and supply the auditor with all such further information as may be reasonably required by him for the purpose of auditing the said accounts. The expenses of the audit shall be paid by the Promoters, and in case of difference as to their amount they shall pay such sum in respect of the said expenses as shall be fixed by the Lord Lieutenant by any general or special Order. It shall be the duty of the grand jury to appoint at each Spring Assizes an auditor for the purposes aforesaid, and the auditor shall, on or before the 15th May following his appointment, furnish a statement of the

result of the audit, with a summary of the accounts of the undertaking since the last preceding audit, to the Treasury, and also to the secretary of the grand jury. In case an auditor dies or declines to act, or becomes incapable of acting, the grand jury may, at any assizes, appoint another fit and proper person to be auditor in his place, who shall proceed to audit the accounts and to furnish the statements specified in this paragraph, within a reasonable time after his appointment.

Inspection of Works.

36. It shall be the duty of the said county surveyor, once in each year, or oftener if he considers it necessary, to inspect the line, sidings, and other works, and the engines, rolling stock, and plant of the undertaking, and to furnish to the grand jury at the summer assizes, and also at the spring assizes, if he considers it necessary, a report as to the state of repair and condition of the said line, sidings, works, engines, rolling stock, and plant, and as to such other matters in connexion therewith as he may think proper, and he shall furnish to the Board of Works a copy of every such report. He shall be paid for the said inspection and report such sum as the Lord Lieutenant may fix by general or special order.

Power to enter into Traffic Agreements.

37. The Promoters may, subject to the approval of the Board of Trade, from time to time, enter into contracts, agreements, or arrangements, with any other company for the leasing, working, use, interchange of traffic, management, and maintenance of the undertaking and works, or any part or parts thereof, or for the supply of rolling stock, necessary machinery and apparatus for the working and use of the same, or to acquire running powers over the railways or tramways of any such other company, or to grant similar running powers over the undertaking of the Promoters, upon such terms as may from time to time be agreed upon, and for the aforesaid purposes, or any of them, to lay down additional rails upon the authorised tramway or railway of any such company, or any part thereof, or upon the railway of the Promoters, and to enter into and carry into effect agreements in reference to such additional rails, and the costs thereof.

Provisions for securing the Completion and Maintenance of the Undertaking, pursuant to the Tramways and Public Companies (Ireland) Act, 1883.

38. The Promoters shall complete the undertaking within the time limited by this Order, and shall at all times efficiently work the undertaking, and shall at all times maintain and keep the line in good condition and repair, and so as not to be a danger or annoyance to the ordinary traffic of the road on which the rails of the railway for the time being rest.

Inquiry as to Default in Completion, Working, or Maintenance.

39. In any case in which it is represented in writing to the Board of Trade by the grand jury of the said county, or by twenty ratepayers of any barony which is or which may become liable to make any payments on account of any baronial guarantee given in respect of such railway, or by the said county surveyor, that the Promoters have made any default in the completion, working, or maintaining of the line, the Board of Trade may, if they think fit, direct an inquiry by an

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officer to be appointed by the said Board, such inquiry to be conducted in such manner as the Board of Trade may order; and if the Board of Trade certify that the default mentioned in such representation has been proved to the satisfaction of the said Board, the Promoters shall make good such default, in the manner and within the time specified in such certificate.

Committee of Management.

40. If at any time the Board of Trade report to the Lord Lieutenant that the Promoters have failed to comply with a certificate of the Board of Trade issued by the Board under this Order, the Lord Lieutenant may direct the grand jury of the said county to appoint a committee of management to complete or to manage, and work, and maintain the undertaking.

Transfer of the Undertaking to the Grand Jury.

41. If at any time the barony of Condons and Clongibbon, and that portion of the barony of Fermoy specified in said presentment, have been called upon to pay, and have paid any money, for completing the undertaking, or have been called upon to pay, and have continued to pay during a period of two years, any money for maintaining or working the undertaking, then the undertaking and all the property of the Company connected with it shall become the property of the grand jury of the county of Cork, subject to any liabilities affecting such undertaking or property, and the Lord Lieutenant may thereupon order that the grand jury shall appoint a committee of management for the purposes of the undertaking.

Constitution and Powers of Committee of Management.

42. Every committee of management appointed under either of the last two sections of the Order shall be constituted in such manner, and shall have such powers with reference to the undertaking as the Lord Lieutenant may order.

The grand jury shall from time to time present in advance or otherwise, such sums as the committee so appointed may estimate or report to be necessary for the purposes for which the committee has been appointed, to be levied off the said barony of Condons and Clongibbon and specified portion of the barony of Fermoy, rateably. The members of the committee shall be paid by the grand jury, out of the moneys to be levied off the barony of Condons and Clongibbon, and the specified part of the barony of Fermoy, such reasonable remuneration as the Lord Lieutenant may by general or special order prescribe.

The committee of management shall apply the sums so presented in such manner as the order of the Lord Lieutenant may prescribe. Pending the giving of the direction to appoint a committee of management, the Lord Lieutenant may direct the said county surveyor to do all such matters and things as a committee of management might do, during such period as the Lord Lieutenant may direct.

Grand Jury included in Definition of Promoters.

43. If at any time the light railway becomes the property of the grand jury of the county of Cork, or comes to be managed by a committee of management appointed in accordance with this Order, the provisions of this Order shall, so far as they are applicable, apply to the grand jury of the said county as if such

grand jury were the Promoters within the meaning of this Order, and the powers of compulsory purchase hereby conferred upon the Promoters shall be exercisable (even though the time hereby fixed for their exercise shall have expired) by such committee and by such grand jury, respectively, during such time as shall be fixed by the Lord Lieutenant.

Conveyance of Mails and Post Office Parcels.

44. The Promoters, if required by the Postmaster-General, shall perform, with respect to the light railway herein-before mentioned, all such reasonable services, in regard to the conveyance of mails, including parcels, as the Postmaster-General may from time to time require by notice, under the hand of the Secretary to the Post Office in Ireland, or the Inspector of Mails in Ireland for the time being, the remuneration for such services being determined by agreement, or failing agreement, by a referee to be appointed by the Board of Trade at the request of either party.

In this section the expression "mails" and "parcels" have the same meaning as in the Regulation of Railways Act, 1873, and the Post Office (Parcels) Act, 1882, respectively.

Incorporation of Acts.

45. The Lands Clauses Consolidation Act, 1845, the Railways Clauses Consolidation Act, 1845, and the Railways Act (Ireland), 1851, shall, subject to the provisions of the Tramways (Ireland) Acts, be incorporated with this Order, except where the same are expressly varied by this Order. The provisions of the said Acts directing deposits to be made with clerks of the peace (except the provisions relative to access to the special Act), and with clerks of poor law unions and postmasters, and the provisions with respect to the crossing of roads and other interferences therewith (other than the provisions of the Railway Clauses Consolidation Act, 1845, sections 65, 66, 67), and the provisions with respect to the use of locomotive engines or other moving power, not being animal power, are hereby excepted out of the incorporation herein-before made.

Saving Rights of the Crown.

46. Nothing contained in this Order shall authorise the Promoters to take, use, or in any manner interfere with any land, soil, tenements, or hereditaments, or any rights of whatsoever nature belonging to, or enjoyed, or exercisable by the Queen's most Excellent Majesty in right of Her Crown, and under the management of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, without the previous consent in writing of the same Commissioners, or one of them, on behalf of Her Majesty, first had and obtained for that purpose (which consent such Commissioners are hereby respectively authorised to give); and as incidental to any such consent as aforesaid, the Promoters may enter into any agreement with the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, who respectively may, with the approval of the Commissioners of Her Majesty's Treasury, join in every such agreement, and the said Commissioners of Her Majesty's Woods, Forests, and Land Revenues, with the like approval, and the Promoters may respectively execute all necessary conveyances, leases, licenses, or other deeds, of or relating to any land, hereditaments, or rights belonging to Her

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Majesty in right of Her Crown, and under the management of the same Commissioners, and every agreement so entered into as aforesaid shall be performed by the same Commissioners and the Promoters respectively. And nothing in the said Order contained shall divest, take away, prejudice, diminish, or alter any estate, right, privilege, power, or authority, now or from time to time vested in, or enjoyed, or exercisable by the Queen's Majesty, Her heirs or successors.

Interpretation.

47. In this Order the several words, terms, and expressions to which meanings are assigned by the Tramways (Ireland) Acts have the same meanings respectively.

Provided that in this Order the expression "the light railway" and the "undertaking" shall mean respectively the light railway and works and the undertaking authorised by this Order.

Provided also, that in this Order the term "the Tramways (Ireland) Acts" means the Tramways (Ireland) Act, 1860, the Tramways (Ireland) Amendment Act, 1861, the Act 34 & 35 Vict. c. 114., the Act 39 & 40 Vict. c. 65., the Tramways (Ireland) Amendment Act, 1881, and the Tramways and Public Companies (Ireland) Act, 1883.

Short Title.

48. This Order may be cited for all purposes as the Mitchelstown and Fermoy Light Railway Order, 1885.

Given at the Council Chamber, Dublin Castle, the 25th day of February 1885.

Edward Sullivan, *C.*	Leinster.
J. A. Lawson.	R. Dowse.
Henry Ormsby.	Henry Bruen.
A. M. Porter.	John Naish.

THE FIRST SCHEDULE referred to in the foregoing Order.

Containing the Presentment of the Grand Jury of the County of Cork.

6 & 7 Will. IV. c. 116.; 46 & 47 Vict. c. 43.

The Tramways (Ireland) Acts, 1860 to 1881; and the Tramways and Public Companies (Ireland) Act, 1883.

COUNTY OF CORK.

Spring Assizes, 1884.

Whereas the Mitchelstown and Fermoy Light Railway Company, Limited, (herein-after called the Company,) duly presented their memorial pursuant to the provisions of the Tramways and Public Companies (Ireland) Act, 1883, and the Acts incorporated therewith, praying for an Order in Council authorising them to construct, maintain, and work a light railway from Mitchelstown to Fermoy in the said county, and passing through the baronies of Condons and Clongibbon and Fermoy, which light railway is described in the Second

Schedule to the Draft Order to said memorial annexed, and is herein-after called the undertaking: And whereas the Company duly made application to the grand jury of the county of Cork, at the spring assizes of 1884, to approve of the said undertaking, and have duly complied with the requirements thereof: Now we, the grand jury of the county of Cork, present as follows:—We hereby approve of the said undertaking, and of the construction, maintenance, and working by the Company of the undertaking in the directions and according to the levels specified and described in the plans, books of reference, and sections deposited with the secretary of the grand jury.

And whereas the Company in making the above-mentioned application also proposed that the barony of Condons and Clongibbon should guarantee the payment of dividends at the rate of 5*l.* per cent. per annum on the paid-up capital of the Company, and that in case of default on the part of the Company, the completion, working, and maintaining of the undertaking might be provided for at the cost of the said barony:

Now we, the grand jury of the county of Cork, having inquired into such proposal and heard all persons interested, do hereby, in pursuance of the power and authority to us in that behalf given by the provisions of section 1, sub-section 2, of chapter 43 of the 46th and 47th Victoria, present, order, and direct that the barony of Condons and Clongibbon and that part of the barony of Fermoy consisting of the parishes of Farrahy, Derryvillane, Ballydeloughy, St. Natlash, Carrigdownane, Glanworth, Killinemer, Dunmahon, Litter, and Killathy shall be chargeable with the payment, half-yearly, of dividends at the rate of 5*l.* per centum per annum in perpetuity upon so much of the share capital of the Company as shall, for the time being, be paid-up capital, as defined by the Tramways and Public Companies (Ireland) Act, 1883, such share capital not to exceed the sum of 60,000*l.* And also that the said barony of Condons and Clongibbon and the aforesaid part of the said barony of Fermoy shall become chargeable under the circumstances specified in the said Tramways and Public Companies (Ireland) Act, 1883, with the payment from time to time of such sums as may be required for completing, working, or maintaining the said undertaking. And we, the said grand jury of the county of Cork, do hereby further present, order, and direct that the liability to which the said barony of Condons and Clongibbon and the said portion of the barony of Fermoy shall in any half-year be subject in respect of such guarantee and charge as aforesaid, shall be chargeable upon the said barony of Condons and Clongibbon and said portion of said barony of Fermoy, rateably according to the respective poor law valuation of the barony of Condons and Clongibbon and said part of said barony of Fermoy.

And we, the said grand jury of the county of Cork, do hereby further present, order, and direct as follows:

The said baronies of Condons and Clongibbon and Fermoy shall be represented in the direction and supervision of the affairs and finance of the Company, so far as relates to the undertaking in manner following, namely:—The presentment sessions for the said barony of Condons and Clongibbons which shall be held previous to the spring assizes in each year, may elect a person (herein-after called a baronial director) to be a director of the Company, and such baronial director shall hold office for the period of one year. The first election

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of such baronial director shall take place at the first of such presentment sessions as aforesaid, as shall be held after the date of the Order in Council confirming this presentment. The aforesaid part of the said barony of Fermoy shall be represented in the direction and supervision of the affairs and finance of the Company, in manner following:—The presentment sessions for the barony of Fermoy, which shall be held previous to the spring assizes in each year, may elect a person to be a director of the Company, and such baronial director shall hold office for one year. The first election of such baronial director shall take place at the first of such presentment sessions for the said barony of Fermoy as aforesaid, which shall be held after the date of the Order in Council confirming this presentment. If any baronial director, after his appointment, and before the expiration of his term of office, shall die, or resign, or become disqualified or incompetent to act as such director, or shall cease from any other cause to be a director, any ordinary presentment sessions for the barony for which such director shall have been elected, may elect in his place another person to be baronial director for that barony, and the person so to be elected to fill up any such vacancy shall continue in office as a baronial director so long only as the person in whose place he shall have been elected would have been entitled to so continue if such vacancy had not occurred.

Dated this 29th day of March, 1884.

Leopold Shuldham, Foreman.

Pursuant to the provisions of the Tramways and Public Companies (Ireland) Amendment Act, 1884. The original presentment in this matter, passed at the Cork Spring Assizes, 1884, was amended by the grand jury, assembled at the county of Cork Summer Assizes, 1884, by inserting on the second page the words and figures "such share capital not to exceed the sum of £60,000."

Dated this 25th of July, 1884.

W. R. Meade, Foreman.

SECOND SCHEDULE referred to in the foregoing Order.

Containing Description of the Light Railway.

A railway commencing in the townland of Carrignagroghera, in the parish of Fermoy, in the county of Cork, in a field at the west side of the public road leading from Fermoy to Mitchelstown, at a point 300 lineal yards, measured in a north-easterly direction, from the north-east angle of the engine-shed at the Fermoy railway station on the Mallow and Fermoy Railway, and 103 yards or thereabouts from the north-west angle of the military hospital in the same townland, said field being now in the occupation of James Newstead, and No. 4 on plan, and terminating in the townland of Brigown, in the parish of Brigown, in the county of Cork, in a field now in the possession of Thomas O'Keeffe, and No. 37 on plan at a point 750 lineal yards west from centre of keystone in centre arch on north face of bridge that carries the public road from Mitchelstown to Lismore over the stream that divides the townlands of Brigown and Ballynamona.

The said intended light railway will pass through or into the several townlands, parishes, and places following, or some of them; that is to say:—

Carrignagroghera and Grange East, in the parish of Fermoy; Garrannigerinagh, Sheep Walk East, Labbacahee, in the parish of Litter; Cornhill, in the parish of Glanworth (part of); Farranlaheshery West, Johnstown East, Laharan, in the parish of Dunmahon; Glanworth, Boherash, Ballynamona, Ballykenly; Newgrove, in the parish of Glanworth; Kilnadrow, Nutgrove, Flemmingstown, Curraheen, Ballykearney, in the parish of Kilgullane; Ballindangan, in the parish of Ballydeloughy; Cloonlough, Kiltrislane, Ballykeg, Turbeagh, and Brigown, in the parish of Brigown, all in the county of Cork.

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