CHAPTER ccxvii.

An Act to confirm a Provisional Order of the Lord Lieutenant and Privy Council in Ireland relating to the West Clare Railway. [7th August 1884.]

A.D. 1884.

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 (West Clare Railway) Confirmation Act, 1884.

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SCHEDULE.

THE WEST CLARE RAILWAY ORDER, 1884.

By the Lord Lieutenant and Privy Council in Ireland.

SPENCER.

Whereas the grand jury of the county of Clare, at the spring assizes 1884, acting in execution of the powers vested in them by the Tramways (Ireland) Act, 1860, and the Tramways (Ireland) Amendment Act, 1861, and the Tramways and Public Companies (Ireland) Act, 1883, 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 Ennis, in the county of Clare, and Miltown Malbay, in the same county, which railway is fully described as Railways Nos. 1, 2, and 3 in the Second Schedule hereto:

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 Clare, and also in the Council Office, Dublin Castle (which are referred to in this Order as the deposited plan and book of reference):

And whereas on 3rd day of April 1884 the West Clare 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 railways mentioned in such memorial, and to confirm the said presentment; and whereas an appeal was lodged against the confirmation of said presentment:

And it appears to the Lord Lieutenant in Council, notwithstanding such appeal, that it is 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 in Ireland:

Promoters.

1. The West Clare Railway Company (Limited) shall be the Promoters for the purposes of this Order; and the said Company and their assigns 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 railways described in the Second Schedule to this Order (herein-after called the said railway), in the directions and levels, with the powers of deviation (if any) specified and described in the deposited plan, book of reference, and sections, 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 railway and any engine-houses, stables, carriage-houses, warehouses, and other buildings and works requisite for the working of the said railway, and may lay down such additional rails and other appliances on the railways of the Waterford and Limerick Railway Company, and Athenry and Ennis Railway Company, as may be necessary for the purposes aforesaid, subject to the consent of such last-mentioned companies.

Gauge and other particulars.

3. Notwithstanding the provisions of the Act 9 & 10 Vict. c. 57. the gauge of the said railway may be three feet, and the same shall be constructed and worked subject to the regulations as to speed, weight of locomotives, carriages, and vehicles contained in section 28 of the Regulation of Railways Act, 1868, and to such further conditions and regulations as the Board of Trade may from time to time impose or make under the provisions of said Act, and to the provisions of the Tramways (Ireland) Acts.

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 Consolidation Act, 1845, 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.

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 railway.

Time for completion.

5. The Promoters shall complete and finish ready for use the said railway within three years from the date of this Order becoming binding, and shall provide rolling stock for the same, as specified in the said presentment.

Confirmation of presentment of grand jury.

6. The presentment of the grand jury of the county of Clare, which is set out in the schedule to this Order, is hereby confirmed so far as it relates to the charge in perpetuity to be defrayed by the baronies of Corcomroe, Ibrickane, Inchiquin, Islands, Bunratty Upper, Bunratty Lower, Burren, Clonderlaw, Moyarta, Tulla Lower, and Tulla Upper, constituting the entire of the said county, for the payment of dividends at the rate of 4*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 baronies to provide for the completing, working, and maintaining of the undertaking, and to the proportions in which the said baronies 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 one hundred and sixty-three thousand five hundred pounds. The guarantee shall apply to so much of the capital so limited as is for the time being actually paid up.

Issue of capital.

8. The aforesaid capital of 163,500*l.* shall not be issued as fully paid up or be called up, save as the 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 the said capital shall not be so issued or called up until the expiration of a period of two years from the confirmation of this Order by Act of Parliament, unless the said undertaking should be sooner completed.

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Contribution by Board of Works in certain event.

9. When in any half year after the opening for traffic of the said railway the said baronies have paid to the Company any sums in respect of guaranteed dividend, exclusive of any sum paid in respect of the completing, working, or 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.

Baronies may appoint directors.

10. The said baronies shall be represented in the direction and supervision of the affairs and finance of the said Company, so far as relates to the said railway in manner following:—The presentment sessions for the county at large, to be held previous to the spring assizes in each year, may from time to time elect a person, herein-after called a baronial director, to be a director of said Company, who shall hold office for one year. The said baronies of Corcomroe, Ibrickane, Inchiquin, and Islands shall be further represented on the board of directors of the said Company by two other baronial directors, to be elected as follows:—At the first presentment sessions to be held for each of the said baronies of Corcomroe and Ibrickane, immediately after the date of this Order, each of such presentment sessions may appoint a baronial director to represent each of such last-mentioned baronies, who shall hold office for one year, and at the first presentment sessions to be held in each succeeding year for the said baronies of Islands and Inchiquin each of such last-mentioned presentment sessions may appoint a baronial director to represent each of the said last-mentioned baronies, and so on every alternate year in rotation, so that there may always be three baronial directors in addition to the ordinary directors of the said Company. If any baronial director, after his appointment and before the expiration of his term of office, shall die, 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, or for the county at large, to represent which he was originally elected may elect in his place another person to be a baronial director, and the person so elected shall continue in office so long as the person in whose place he shall have been elected would have been entitled to so continue if such vacancy had not occurred.

Baronies may appoint delegates to vote at general meetings.

11. In addition to the representation herein-before provided for the said baronies, the presentment sessions for each of the said baronies of Corcomroe, Ibrickane, Inchiquin, Islands, Bunratty Upper, Bunratty Lower, Burren, Clonderlaw, Moyarta, Tulla Lower, and Tulla Upper, to be held prior to the spring assizes in each year, may appoint a delegate to attend and vote at the general meetings of the Company during such year on business relating to the said railway, and each such delegate shall have five votes at every such meeting.

Construction of railway.

12. The said railway shall be constructed in substantial accordance with the plans prepared by Messrs. Hill and Barrington, and adopted for the late Ennis and West Clare Railway. The gauge, rails, bridges, gradients, embankments, culverts, fences, stations shall, so far as possible and consistent with the

deposited plans, be made according to the plans then adopted and approved of by Messrs. Hill and Barrington.

Company to provide rolling stock.

13. The Company shall provide rolling stock suitable to the line, made by a first-class firm, to be approved of by the Board of Trade, of the value of not less than 20,000*l.*, the engines to be of such a size as will enable the line to be worked at a speed of twenty-five miles an hour, and the requisite rails and sleepers shall be supplied by the Company for its being so worked.

Remuneration of directors.

14. The scale of payment for the directors of the Company shall be 1*l.* 1*s.* per day for meetings in Ennis, and 2*l.* 2*s.* per day for meetings in Dublin, besides travelling expenses.

Placing of line.

15. The Promoters may, with the sanction of the county surveyor, lay down the said railway on a level higher or lower than that of any road or place on or across which the same is made.

Power to cross roads.

16. 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, canals, sewers, pipes, or other works.

Notice to county surveyor.

17. Before the Promoters commence to open or break up a street or high road they shall give to the county surveyor notice of their intention to do so at least forty-eight hours before the commencement of the work.

Superintendence by county surveyor.

18. They shall not open or break up any street or road save and except with the approval and under the superintendence of the 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.

Restoring roads.

19. 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 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 to be fenced and watched and to be properly lighted at night.

Alteration of level of roads.

20. If any authority having the control of any road or street along or across which the said railway 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.

21. The Promoters shall pay all reasonable expenses of the repairs of the streets and high roads upon or across which they shall have constructed any part of the said 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.

22. The Promoters shall, at their own expense, maintain and repair all sidings connected with the said railway.

Level crossings.

23. The Promoters shall construct to the satisfaction of the 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 railway shall be laid, and at the existing entrances to all lands and buildings abutting on or in the vicinity of such lands.

Power to enforce obligations of Promoters.

24. 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 county surveyor of the said county, it shall be lawful for any two magistrates of the said 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 the said work to be executed, and the Promoters shall, on demand by the said county surveyor, pay to him all expenses incurred in the execution thereof.

Right as to roads.

25. 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 the said railway.

Additional powers as to crossings and works.

26. 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 deposited plan and sections, as may from time to time be necessary or convenient for the efficient working of the said railway, or for providing access to any stables, carriage-houses, engine-houses, warehouses, or works of the Promoters.

Temporary works.

27. 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 railway the Promoters 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.

28. 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.

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

Form of rail.

30. 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.

31. No passenger 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.

32. The carriages used on the said 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 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 railway.

Fences and walls.

33. Before the said 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, as the county surveyor shall consider necessary to make the said railway, and any street or road in or along or across which the said railway shall be laid 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 county surveyor for the time being; and if in the construction of the said 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.

34. 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.

35. 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 said 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 6 of the Tramways and Public Companies (Ireland) Act, 1883.

Audit of accounts.

36. 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 said 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 may be fixed by the Lord Lieutenant by any general or special Order. It shall be the duty of the said 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

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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.

37. It shall be the duty of the county surveyor once in each year, or oftener if he consider 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.

Working and traffic agreements.

38. 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 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 railway 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 make junctions with and lay down additional rails upon the 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 junctions and additional rails, and the costs thereof.

Completion and maintenance of railway pursuant to the Tramways and Public Companies (Ireland) Act, 1883.

39. The Promoters shall complete the said railway within the time limited by this Order, and shall at all times efficiently work and keep the same in good condition and repair.

Proceedings in case of default in completion.

40. 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 county surveyor of the said county, 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 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.

41. 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.

42. If at any time the baronies of Corcomroe, Ibrickane, Inchiquin, Islands, Bunratty Upper, Bunratty Lower, Burren, Clonderlaw, Moyarta, Tulla Lower, and Tulla Upper 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 Clare, 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 purpose of the undertaking.

Constitution of committee of management.

43. 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.

Presentment of sums required by committee.

44. 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 baronies in the same proportion as their guarantee for dividends; that is to say, the baronies constituting the entire of the said county shall contribute in the proportion which 70,000*l.* bears to 170,000*l.*, and the said baronies of Corcomroe, Ibrickane, Inchiquin, and Islands shall, in addition to their proportion of the amount as aforesaid directed to be borne by them, contribute the residue of the said liability. The members of the committee shall be paid by the grand jury, out of the money to be levied off the same baronies, such reasonable remuneration as the Lord Lieutenant may by general or special Order prescribe.

Application of moneys.

45. 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 county surveyor to do all such matters and things as a committee of management might do if appointed during such period as the Lord Lieutenant may direct.

Grand jury included in definition of Promoters.

46. If at any time the tramway becomes the property of the grand jury of the county of Clare, 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.

Saving rights of the Crown in the foreshore and protection of navigation.

47. Nothing contained in this Order shall authorise the Promoters 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 consent the Board of Trade may give); neither shall anything in this Order 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, her heirs, or successors; and sections 13 to 19, both inclusive, of the Railways Clauses Act, 1863, shall (so far as the same are applicable), be incorporated with and form part of this Order.

Conveyance of mails and post office parcels.

48. 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

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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. Provided that, except by agreement, no mails shall be tendered for conveyance to the Promoters unless such mails are in charge of an officer of the post office. And provided that (except as aforesaid) the aggregate weight of mails in charge of any one officer shall not exceed the maximum weight of luggage for the time being allowed to an ordinary passenger, and shall not be carried on the seat, or so as to inconvenience passengers. In this section the expressions "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.

49. The Lands Clauses Consolidation Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860, as amended by the Railways Acts (Ireland), 1851, 1860, and 1864, and the Railways Traverse Act, the Railways Clauses Consolidation Act, 1845, and Part I. (relating to construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act, 1863, 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 Railways Clauses Consolidation Act, 1845, sections 65, 66, 67), are hereby excepted out of the incorporation herein-before made.

Interpretation.

50. 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.

51. This Order may be cited for all purposes as the West Clare Railway Order, 1884.

Given at the Council Chamber, Dublin Castle, the 26th day of May 1884.

Edward Sullivan, *C.*
R. Dowse.
Thos. Steele, *General.*
John Naish.

The FIRST SCHEDULE referred to in the foregoing Order.

PRESENTMENT OF THE GRAND JURY HEREIN-BEFORE REFERRED TO.

County of Clare Spring Assizes, 1884.

6th and 7th Wm. 4th, cap. 116, *section* 46*th and* 47*th Victoria, cap.* 43.

Whereas the West Clare Railway Company, Limited, hereafter 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, herein-after called the undertaking, and consisting of the Railways Nos. 1, 1a, No. 2, and No. 3, described in the draft order to the said memorial annexed, from Ennis, in the county Clare, to Milltown-Malbay, in said county, and passing through the baronies of Corcomroe, Ibrickane, Inchiquin, and Islands; and whereas the Company duly applied to the grand jury of the county of Clare to approve of the said undertaking, and to make a presentment in manner authorised by the said Acts, and have duly complied with the requirements thereof.

Now we, the grand jury of the county of Clare, having duly inquired into the merits of the undertaking, and having heard all persons interested, present, approve, order, and direct as follows:—We hereby approve of the said undertaking, and of the construction, maintenance, and working of the Company of the said light railway, and in the directions and according to the levels specified in the plans, books of reference, and sections deposited with the secretary of the grand jury.

A dividend at the rate of 4*l.* per cent. per annum shall be guaranteed and payable half-yearly in perpetuity upon the sum of 170,000*l.*, or upon such other sum not exceeding that amount as shall be limited by the Lord Lieutenant in Council pursuant to said Act, such dividends to be from time to time payable on so much of the share capital of the said Company as shall for the time being be paid-up capital as defined by said Act, and the baronies of Bunratty Upper, Bunratty Lower, Burren, Clonderlaw, Moyarta, and Tulla Lower, Tulla Upper, and the said baronies of Corcomroe, Ibrickane, Inchiquin, and Islands, being the entire of said county, shall be chargeable with dividends at the rate and in manner aforesaid, and also under the circumstances specified in said Act, with the payment from time to time of such sums as may be required for completing, working, and maintaining the said undertaking, provided that the proportions of the liability which the same baronies shall respectively in any half-year shall be bound to contribute in respect of such guarantee and charge, as aforesaid, shall be as follows:—The baronies of Bunratty Upper, Bunratty Lower, Burren, Clonderlaw, Moyarta, Tulla Lower, Tulla Upper, Upper Corcomroe, Ibrickane, Inchiquin, and Islands, being the entire of said county, shall contribute in respect of said liability in the proportion which 70,000*l.* bears to 170,000*l.*, and that said baronies of Corcomroe, Ibrickane, Inchiquin, and Islands shall, in addition to their proportion of the amount, as aforesaid, directed to be borne by them, contribute the residue of said liability.

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The said baronies, constituting the entire of said county, shall be represented at the direction and supervision of the affairs and finances of said Company, so far as relate to said light railway, in manner following:—The presentment sessions for the county at large, to be held previous to the spring assizes in each year, may from time to time elect a person, herein-after called a baronial director, to be a director of said Company, who shall hold office for one year; the said baronies of Corcomroe, Ibrickane, Inchiquin, and Islands shall be further represented on the board of directors of said Company by two other baronial directors to be elected as follows:—At the first presentment sessions to be held for each of the said baronies of Corcomroe and Ibrickane, immediately after the date of the Order in Council confirming their presentment, each of such presentment sessions may elect a baronial director to represent each of said mentioned baronies, who shall hold office for one year, and at the first presentment sessions to be held in the next succeeding year for each of the said baronies of Islands and Inchiquin, each of such last-mentioned presentment sessions may appoint a baronial director to represent each of said last-mentioned baronies, and so on every alternate year in rotation, so that there may always be three baronial directors in addition to the ordinary directors of the Company.

If any baronial director, after his appointment and before the termination of his term of office, shall die, 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 or for the county at large, to represent which he was originally elected, may elect in his place another person to be a baronial director, and the person so elected shall continue in office so long as the person in whose place he shall have been elected would have been entitled to so continue if such vacancy had not so occurred.

And we hereby further order and approve as follows:—

1. That the amount of the guarantee shall not in any case exceed one hundred and seventy thousand pounds, and that it be given on condition that the Treasury contribute according to clause 9 of the said Act.
2. That the four baronies, Corcomroe, Ibrickane, Inchiquin, and Islands, guarantee 100,000*l.* of the above, and the county at large 70,000*l.*, both at 4*l.* per cent.
3. That the line be constructed substantially according to the specification prepared by Messrs. Hill and Barrington, and adopted for the late Ennis and West Clare Railway Company.
4. That the gauge, rails, bridges, gradients, embankments, culverts, fences, and stations, so far as possible, be made according to the plans then adopted and approved by Messrs. Hill and Barrington.
5. That the Company undertake to provide rolling stock suitable to the line, made by a first-class firm, to be approved of by the Board of Trade, of the value of not less than 20,000*l.*, the engines to be of such a size as will enable them to be worked at a speed of twenty-five miles an hour, and that the requisite rails and signals be supplied by the Company for its being so worked.
6. That the baronies be represented by two directors, and the county at large by one director, on the board in manner aforesaid.
7. That the scale of payment to the directors of the Company shall be 1*l.* 1*s.* per day for meetings in Ennis, and 2*l.* 2*s.* per day for meetings in Dublin, besides travelling expenses.

8. In addition to the representation hereinbefore provided for the said baronies, the presentment sessions for each of said baronies, to be held prior to the spring assizes in each year, may appoint a delegate to attend and vote at the general meetings of the Company during such year on business relating to the said light railway, and each such delegate shall have five votes at every such meeting. A.D. 1884.

For self and fellows,

H. S. Vandeleur, Foreman.

SECOND SCHEDULE referred to in the foregoing Order.

Description of the Proposed Light Railway.

First.—A railway, herein-after referred to as Railway No. 1 and 1A, eight miles and three-quarters in length, commencing at the north end of the Passenger Station House of the Limerick and Ennis Railway, at Ennis, at the back of the platform thereof, running for 1 mile 2 furlongs and 33 yards parallel with the existing railways of the Athenry and Ennis Junction Railway and the Ennis branch of the Waterford and Limerick Railway Companies, and alongside or upon these railways to a point 278 yards, or thereabouts, north from the bridge on the Athenry and Ennis Junction Railway, over the road from Ennis to Tulla, measured along said Athenry and Ennis Junction Railway, and to form a junction with the Athenry and Ennis Railway at said point, and terminating in the townland of Ballykinnacona South, in the parish of Rath, in the said county, which intended railway will pass through or into the following parishes, townlands, and other places, or some of them:—Templemaley, Knockanoura, Dulick, Drumcliff, Lifford, River Fergus, Clonroadmore, Templemaley, Knockanoura, Dulick, Drumcliff, Drumcliff, Ballymaquiggen, Reaskaun, Licknaun, Dysert, Rinerrinagh, Ballygriffy South, Ballygriffy North, Caherclanchy, Cloona, Drummeer, Ballycullinane, Ruan, Bealnalicka, Kilkee East, Kilkee West, Drumcavan, Rath, Cregmoher, Killeen, and Ballykinacorra South.

Secondly.—A railway, herein-after referred to as Railway No. 2, nine miles five furlongs, or thereabouts, in length, commencing by a junction with, and being a continuation of the proposed Railway No. 1, at the termination of said Railway No. 1, in the townland of Ballykinnacorra, and terminating in the townland of Glen South, in the parish of Clooney, in said county, which intended Railway No. 2 will pass through or into the following parishes, townlands, or other places, or some of them:—Ballykinnacorra South, Ballykinnacorra North, Lisullaun, Curraghkeel, Roxton, Clifden, Applevale, Knockareeha, Tonlegee, Maghera, Craggaunboy, Carrowduff, Loughnagown, Drinagh, Moanreel North, Clooney, Tullagroe, Knocknagraigue East, Tullalaughaun, Clooney South, Russa, Cullinagh, Knockdrumnagh South, Glen North, and Glen South.

Thirdly.—A railway, herein-after referred to as Railway No. 3, eight miles and five furlongs, or thereabouts, in length, commencing by a junction with, and being a continuation of Railway No. 2, at the termination of said last-mentioned railway, in the townland of Glen South, and terminating in the townland of

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Cloonbany, in the parish of Kilfarboy, in said county, which intended railway No. 3 will pass through or into the following parishes, townlands, or other places, or some of them:—Glen South, Garraun, Kilmanaheen, Ennistymon, Ardnacullia North, Deerpark West, Cloonaviege, Lehinch, Crag, Callaragh South, Carrowgar, Carrowntedaun, Rinneen, Kilmacreehy, Dough, Kilfarboy, Moybeg, Freaghavalleen, Drummin, Fintrabeg, Fintramore, and Cloonbany, all in said county of Clare.

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