CHAPTER lxiii.

An Act to confirm an Order in Council of the Lord Lieutenant and Privy Council in Ireland relating to the Cork, Coachford, and Blarney Light Railway. A.D. 1886.

[25th June 1886.]

WHEREAS the Lord Lieutenant and Privy Council in Ireland have made the 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 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.

Deposit to remain under control of Court.

2. The sum of three thousand six hundred and eighty pounds sixteen shillings, being equal to one twentieth part of the cost of the said undertaking described in said Order in Council, and which was on the seventh day of April one thousand eight hundred and eighty-five paid into the Bank of Ireland with the privity of the Accountant-General of the Court of Chancery (Ireland) by the promoters of said undertaking, and the securities on which the said sum has been or may be invested, and the interest which has accrued or may accrue thereon, shall remain under the control of the said Court as security for the completion of said undertaking pursuant to the provisions of the Tramways (Ireland) Act, 1860, and the Acts amending the same.

Short title.

3. This Act may be cited as the Tramways Order in Council (Ireland) (Cork, Coachford, and Blarney) Confirmation Act, 1886.

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SCHEDULE.

THE CORK, COACHFORD, AND BLARNEY LIGHT RAILWAYS ORDER, 1885.

BY THE LORD LIEUTENANT AND PRIVY COUNCIL IN IRELAND.

SPENCER.

WHEREAS the mayor, aldermen, and burgesses of the borough of Cork, at a meeting specially convened for the purpose in the month of March last, and acting in execution of the powers conferred on them by the Tramways (Ireland) Act, 1860, and the Tramways and Public Companies (Ireland) Act, 1883, passed the resolution which is set out in the First Schedule to this Order, and thereby approved of the construction of a light railway between Cork and Coachford and Coachford and Blarney; and 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 Cork and Coachford and Coachford and Blarney:

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, the town clerk of the borough 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 twenty-fifth day of April one thousand eight hundred and eighty-four, the Cork and Muskerry Light Railways 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 railways 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 in Ireland:

Promoters.

1. The Cork and Muskerry Light Railways Company (Limited) shall be the Promoters for the purposes of this Order; and the said Company are in this Order referred to as "the Promoters."

Power to construct Line. A.D. 1886.

2. The Promoters may construct, maintain, and work, subject to the provisions of this Order and of the Acts incorporated herewith, the light railways described in the Second Schedule to this Order, in the directions and levels, with the powers of deviation 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 and the town clerk of the borough 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, by agreement, purchase, acquire, and hold all such lands and easements as may be necessary for the purposes of the light railway, and any engine houses, stables, carriage houses, warehouses, and other buildings and works requisite for the working of the light railway.

Gauge and other Particulars.

3. The gauge of the light railways shall be three feet.

The weight of the locomotive engines, carriages, and vehicles to be used on the light railways shall not be of a greater weight than eight tons to be brought upon the rails by any one pair of wheels. The speed at which the locomotive engines, carriages, and vehicles may be driven or propelled along the light railways shall, subject as herein-after provided, not exceed the rate of twenty miles an hour, and through any town or village shall not exceed the rate of six miles an hour: Provided always, that so long as the locomotive engines, carriages, and vehicles are being driven or propelled along the light railways at a greater distance than thirty feet from the centre of any public road, the maximum limit of speed shall be twenty-five miles an hour.

The vehicles in use on the line shall not have greater length, width, and height of body than twenty feet, six feet, and seven 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 twenty-five pounds to the square foot, and in this case the width of body shall in no case exceed six-and-a-half feet nor the height seven feet.

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, and within the powers of deviation.

5. 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 forty-two of the Tramways (Ireland) Act, 1860, shall not apply to the said light railways.

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Land for extraordinary Purposes.

6. The quantity of land to be taken by the Promoters for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act, 1845, shall not exceed five acres.

Time for Completion.

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

Confirmation of Presentment.

8. 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 charge to be defrayed by the portions of the baronies of East Muskerry and Cork and Barretts as particularised in the said presentment for the payment of dividends at the rate of five pounds per centum 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 portion of said baronies to provide for the completing, working, and maintaining of the undertaking.

Limit of Guarantee.

9. The capital to which the guarantee set out in the said presentment shall apply is hereby limited to the sum of seventy-five thousand pounds. The guarantee shall apply to so much of the capital so limited as is for the time actually paid up.

The aforesaid capital of seventy-five thousand pounds shall not be issued as fully paid up, or be called up 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.

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

Guarantee by Treasury.

11. When in any half-year after the opening for traffic of the light railways 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, or maintaining of the undertaking, the Treasury shall, if and so long as the light railways are maintained in working order and carry 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 centum per annum on the paid-up capital limited as aforesaid. A.D. 1886.

Placing of Line.

12. The Promoters shall, in laying down the light railways 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 shall direct. In every case in which the county surveyor shall require the Promoters to lay down the light railways on the side of the road which at 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.

13. The Promoters may, subject to the provisions of the Acts incorporated herewith, and of this Order, for the purposes of the said light railways and construction thereof, cross, alter, or divert temporarily or permanently any roads, streets, highways, streams, sewers, pipes, canals, or other works. The Promoters shall not, without the consent of the county surveyor, break up at any one time a greater length of street in the borough of Cork than two hundred yards of said street.

Notice to County Surveyor.

14. 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, such notice to be given forty-eight hours before the commencement of the work.

Superintendence by County Surveyor.

15. 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 Promoters shall pay such reasonable expenses which the Corporation may be put to on account of such superintendence, and 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, &c.

16. 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 light railways) 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, to the satisfaction of the county surveyor, and clear away all rubbish occasioned thereby. They shall, during such period as the street or as 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.

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16*a*. The Promoters shall, in laying down the permanent way of light railway on the Western Road, in the borough of Cork, set out the centre line of same, both as regards range and level, to the approval of the county surveyor, and shall lay down that portion between the rails of the railway, and extending eighteen inches beyond the outside of such rails, with block pavement of an approved description, on a foundation of cement concrete of at least eight inches in thickness, and in such a manner as the county surveyor directs, and to his entire satisfaction, and shall, at their own expense, at all times maintain and keep same in good condition and repair, to the satisfaction of the county surveyor; and in case of any default on behalf of the Promoters to keep said portion of the roadway in proper repair, it shall be lawful for the Corporation to execute the works by their own officers, at the expense of the Promoters, and to recover the amount thereof in any court of competent jurisdiction.

16*b*. The Promoters shall not, without the consent of the county surveyor, and subject in case of approval, on such conditions as he shall lay down, remove, displace, or interfere with any existing sewer, drain, water main, or pipe on the Western Road, in the borough of Cork; and in case at any time the Corporation desire to lay down any such sewer, drain, water main, or pipe along or across the light railway, it shall be lawful for them to do so.

16*c*. The Promoters shall, before building any bridges and approaches thereto in the borough of Cork, or before any re-building, re-construction, or repairs of such bridges and approaches, submit a plan and specification of the works and materials to the county surveyor for his approval in writing, and such works shall be done to his entire satisfaction.

16*d*. The Promoters shall not interfere with the trees now planted on the Western Road, in the borough of Cork, and the county surveyor may cause same to be removed, transplanted, and pruned as he may at any time think desirable.

16*e*. The Promoters shall, if required by the Corporation, fence the line in such manner as the county surveyor may approve.

Alteration of Level of Roads.

17. If any authority having the control of any road or street along or across which the light railways authorised by this Order are 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.

18. 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 light railways 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.

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

Level Crossings.

20. 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 light railways 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.

21. 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, 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 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.

22. 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 light railways.

Additional Powers as to Crossings and Works.

23. 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 light railways, or for providing access to any stables, carriage houses, engine houses, warehouses, or works of the Promoters.

Temporary Works.

24. 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 light railways of the Promoters, they may lay down and maintain for the time necessary, but no longer, on some other part of the same light railways, or on an adjoining part of the road, a temporary light railway instead of the part removed or closed, and may maintain and use the same until the part so removed or closed is reinstated.

Any Land reclaimed by the Works not to be taken without the Consent of the Board of Trade.

25. If in the course or by means of the execution of any of the works by this Order authorised, any part of the shores or bed of any tidal river, or of the sea, beyond the mouth thereof, belonging to Her Majesty, shall be inned, gained, or

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reclaimed from the water, the Promoters shall not have or exercise any right upon the same, or in respect thereof, and shall not enter upon, take, use, or interfere with the land so inned, gained, or reclaimed for any purpose whatsoever without the consent, in writing, of the Board of Trade, on behalf of Her Majesty, and without the consent, in writing, of the Commissioners for the time being, or of one of them, of Her Majesty's Woods, Forests, and Land Revenues, but such inning, gaining, or reclamation shall enure absolutely for the benefit of the Queen's Majesty, Her heirs and successors.

Saving Rights of the Crown.

26. 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 exerciseable 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, licences, or other deeds of or relating to any land, hereditaments, or rights belonging to Her 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 exerciseable by the Queen's Majesty, Her heirs or successors.

Saving of Rights as to future Accretions.

27. If any land to the seaward of the lands by this Order authorised to be embanked shall, at any time after the execution of any works under the authority of this Order, become raised in height or reclaimed, whether gradually, or imperceptibly, or otherwise, so as to be above instead of below such line of ordinary high-water mark, the Promoters shall not, by virtue of the ownership of any lands which they are by this Order empowered to embank, have any estate, right, or interest in or to the lands so raised in height or reclaimed, by reason that such raising or reclamation has been gradual or imperceptible, or has been either wholly or partially caused by the works by this Order authorised or otherwise; but the right and title to the soil and freehold of such land when so raised or reclaimed shall continue vested in the Queen's Majesty, or such other corporation or person or persons as is or are at the time of the passing of this Order entitled to the same, and as if the same had continued as the same now is, subject to the flow and re-flow of the ordinary tides.

Protection of Navigation.

28. Sections thirteen to nineteen, 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, and in construing these sections of the last-mentioned enactment the words "railway" and "works" shall be taken to mean and include a "tramway," as defined by section thirty-five of the Tramways and Public Companies (Ireland) Act, 1883.

Saving Rights of the Crown in the Foreshore.

29. 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.

Tolls.

30. 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, and may confer exemptions from the payment of such tolls and rates respectively.

List of Tolls.

31. A list of all the tolls and charges authorised to be taken shall be exhibited in a conspicuous place inside each of the carriages used upon the light railways.

Form of Rail.

32. 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.

33. No passengers or goods shall be carried on the roof of any carriage, except with the permission of the Board of Trade, and subject to any conditions which they may impose.

Motive Power.

34. The carriages and vehicles used on the light railways 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

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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 light railways. All orders and byelaws made by the Board of Trade under the authority of this Order shall be signed by a Secretary or an Assistant Secretary of the Board of Trade, and when so signed the same shall be deemed to have been duly made in accordance with the provisions of this Order.

Fences and Walls.

35. Before the light railways 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 light railways, and the street or road in or along which the light railways 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 county surveyor; and if in the construction of the light railways 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.

Agreement between Promoters and Road Authorities.

36. The Promoters and any authority having the control or management of any streets, roads, bridges, railways, or tramways on, over, or along which the light railways are or are intended to be laid, or with which the light railways may form junctions, may, subject to the provisions of this Order, from time to time enter into and fulfil contracts and agreements with respect to the alteration of the width or levels of any such streets, roads, bridges, railways, or tramways, and with respect to the laying down, maintaining, removing, renewing, repairing, and using of the light railways respectively situated within the district of such authority, and the rails, plates, sleepers, and works connected therewith, and the facilitating of the passage of the traffic over and along the same.

Bridges over River Lee, South Channel, to be approved, &c. by Engineer of Cork Harbour Commissioners.

37. At the place described in the book of reference deposited with the secretary of the grand jury of the county of Cork and the town clerk of the borough of Cork, as river, in the west ward, borough of Cork, Railway No. 1, and numbered 3, River Lee, parish of Saint Finn Barr, city of Cork, on the plan deposited with the secretary of the grand jury of the county of Cork and the town clerk of the borough of Cork, and in every other place at which the light railway shall cross the south channel of the River Lee, the Promoters shall carry the light railway over the River Lee by a substantial bridge with an ample and sufficient waterway; and every such bridge shall be constructed upon a plan to be previously approved of by the engineer of the Cork Harbour Commissioners, and to his satisfaction, and not otherwise. Every other bridge or work which

shall cross or in any way interfere with the south channel of the River Lee shall be constructed upon a plan to be previously approved of by the engineer of the Cork Harbour Commissioners, and to his satisfaction, and not otherwise. A.D. 1886.

Plans, &c. of Bridges to be approved by Engineer of Cork Harbour Commissioners.

38. In the event of any re-building, re-construction, or repairs of any such bridge or bridges or work aforesaid, before such re-building, re-construction, or repair shall be commenced, a plan and specification for the works and materials for same shall in every case be submitted to the engineer of the Cork Harbour Commissioners, and no such works respectively shall be commenced until a plan and specification for same shall have been approved by him in writing.

Power to enter into Agreements with respect to Traffic, &c.

39. The Promoters or any person using the light railways under the authority of this Order on the one hand, and any company or person on the other hand, may, with the consent of the Board of Trade, from time to time, but subject to the provisions of this Order, enter into agreements with respect to the receiving from or forwarding to any such company or person any passengers, animals, goods, minerals, or parcels, and the fixing, collecting, and apportionment of tolls, charges, rents, or other receipts arising in respect of such traffic.

Costs of Order.

40. 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.

Baronial Directors.

41. The portions of the baronies of East Muskerry, Cork, and Barretts charged with the guarantee 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, that is to say :—The presentment sessions for each of the said baronies of East Muskerry, Cork, and Barretts 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 of a baronial director for each of the said baronies of East Muskerry, Cork, and Barretts shall take place at the first of such presentment sessions for the said baronies respectively as aforesaid as shall be held after the date at which this Order comes into force. 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 for any other cause, 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, and the person so elected to fill up such vacancy shall continue in office so long only as the person in whose place he shall have been elected would have been entitled so to continue if such vacancy had not occurred.

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Total Number of Directors.

42. The directors of the said Company, including those elected at the present-ment sessions for each of the said baronies, shall not exceed eight in number.

Remuneration of Directors.

43. The scale of payment for the directors of the said Company shall be one pound one shilling per day for meetings in the county or the city of Cork, and two pounds two shillings per day for meetings in Dublin, besides actual travelling expenses.

Keeping of Accounts.

44. 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 Acccounts.

45. 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 may 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 fifteenth 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.

46. 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 con-

nexion 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. A.D. 1886

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

47. 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 light railways for the time being rest.

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

48. In any case in which it is represented in writing to the Board of Trade by the grand jury of the county of Cork, 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 the light railways, or by the 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 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.

49. 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 county of Cork 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.

50. If at any time the baronies of East Muskerry, Cork, and Barretts 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 ten years any money for maintaining or working the undertaking, then the undertaking, and all the property of the Promoters 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.

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

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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 of East Muskerry, Cork, and Barretts, rateably, according to their respective poor law valuations (being the same proportion as their guarantee for dividends). The members of the committee shall be paid by the grand jury, out of moneys to be levied off the same baronies, 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 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.

52. If at any time the light railways become the property of the grand jury of the county of Cork, or come 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 thereby conferred on the Promoters shall be exerciseable (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.

53. 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.

54. The Lands Clauses Consolidation Act, 1845, the Railways Clauses Consolidation Act, 1845, and the Railways Acts (Ireland), 1851, 1860, and the Acts amending same, 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 sixty-five, sixty-six, sixty-seven), 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 of General Acts.

55. Notwithstanding anything in this Order contained, the Promoters and any person using the light railways shall be subject to the provisions of any general Act now in force, or which may hereafter be passed during this or any future session of Parliament, relating to light railways, or by which any tax or duty may be granted or imposed for or in respect of light railways, or the passengers or traffic conveyed thereon, and to any future revision or alteration, under the authority of Parliament, of the maximum rates of tolls and charges authorised by this Order, and to any consideration, regulation, or restriction which may be imposed upon the use of light railways, or upon the use on light railways of animal power, steam power, or any mechanical power, by any such general Act as aforesaid.

Interpretation.

56. 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 railways" and the "undertaking" shall mean respectively the light railways and works and the undertaking authorised by this Order, and the expression "the baronies" shall mean the portions of the baronies specifically charged with the said guarantee by the said presentment, and the expression "the county surveyor" shall mean the surveyor of the grand jury acting for the division of the county in which the railways and works are situate, and so far as the railway is situate within the borough of Cork shall mean the corporation engineer.

Provided also that in this Order the term "the Tramways (Ireland) Acts" means the Tramways (Ireland) Act, 1860, excluding section forty-two thereof, the Tramways (Ireland) Amendment Act, 1861, the Act thirty-four and thirty-five Victoria, chapter one hundred and fourteen, the Tramways (Ireland) Amendment Act, 1881, and the Tramways and Public Companies (Ireland) Act, 1883.

Short Title.

57. This Order may be cited for all purposes as the Cork, Coachford, and Blarney Light Railways Order, 1885.

Given at the Council Chamber, Dublin Castle, the twenty-sixth day of March One thousand eight hundred and eighty-five.

Edward Sullivan, *C.*
John Naish.

A.D. 1886.

FIRST SCHEDULE referred to in the foregoing Order.

PART I.

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

6 & 7 Will. 4. chap. 116.

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

COUNTY OF CORK.

Spring Assizes, 1884.

Whereas an application is intended to be made to the Lord Lieutenant in Council by the Cork and Muskerry Light Railways Company, Limited (herein-after called the Company), for an Order in Council authorising the Company to make and maintain a light railway from Cork to Coachford, in the county of Cork, and from a point in said railway marked six miles two furlongs, to Blarney, both in the said county of Cork, passing through a portion of the borough of Cork, and through the baronies of Cork and East Muskerry, and herein-after called the undertaking.

And whereas the Company duly made application to the grand jury of Cork at the present assizes to approve of the undertaking, and of the construction and maintenance of same by the Company, and duly complied with the requirements of the said Acts.

And whereas the said grand jury of the county of Cork, having duly inquired into the merits of the undertaking, and having heard all persons interested and desiring to be heard, approved of the undertaking, and of the construction and maintenance of same by the Company, subject to the modifications herein-after stated, as appears by the certificate in writing of the secretary of the said grand jury.

Now we, the grand jury of the county of Cork, present as follows, namely, we hereby approve of the undertaking, and of the construction, maintenance, and working of same by the Company 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; subject, however, to the following modifications, that is to say, where the light railway passes over Carrigrohane Bridge, and the approaches to said bridge, the space between the rails and for eighteen inches on each side shall be block-paved on a layer of concrete twelve inches thick, and a second or guard rail shall be put down, and at all level crossings there shall be a second or guard rail, and the space between the rails and for eighteen inches on each side shall be block-paved on a layer of concrete nine inches thick.

And whereas the Company in making the above-mentioned application also proposed that a portion of the baronies of East Muskerry, and of the barony of Barretts, and of the barony of Cork, all in the county of Cork, should

guarantee the payment of dividends at the rate of five pounds per centum 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 presented for at the cost of the said portions of the said baronies.

Now we, the said grand jury of the county of Cork, having duly inquired into such proposal, and having heard all persons interested, do hereby, in pursuance of the power and authority to us in that behalf given by the provisions of section one, subsection two, of chapter forty-three of the forty-sixth and forty-seventh Victoria, present, order, and direct that the portions of the baronies of East Muskerry, Cork, and Barretts specified in the schedule hereunder written shall be chargeable with the payment half-yearly of dividends. at the rate of five pounds 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 seventy-eight thousand three hundred pounds; and also that the said portions of the said baronies of East Muskerry, Cork, and Barretts 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 or sum as may be required for completing, working, or maintaining the 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 baronies of East Muskerry, Cork, and Barretts shall in any half-year be subject in respect of such guarantee and charge as aforesaid shall be chargeable upon the said respective portions of said baronies rateably according to the respective poor law valuations of said portions of said several baronies.

And that the said portions of the said baronies of East Muskerry, Cork, and Barretts 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 that is to say, the presentment sessions for each of the said baronies of East Muskerry, Cork, and Barretts 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 of a baronial director for each of the said baronies of East Muskerry, Cork, and Barretts shall take place at the first of such presentment sessions for said baronies respectively as aforesaid which shall be held after the date of the Order in Council confirming the 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 to be a director from any other cause, 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, 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 so to continue if such vacancy had not occurred.

E. A. Shuldham, Foreman.

A.D. 1886.

SCHEDULE.

In the barony of East Muskerry the entire of the following parishes:—Ahabullogue, Magourney, Matehy, Inniscarra, Carrigrohane Beg, Donaghmore; the following townlands in the parish of Aghinagh, namely, Ballyvougane, Beheenagh, Capanagraun, Carrigadrohid, Carriganish, Carrigathon, Caum, Coolacarreen, Coolacoosanne, Coolatha, Coolgariff, Coolkisha, Coolnagearah, Curraghanearla, Curryawaddraw, Dromacullen, Drombeg, Inchaleagh, Knockacroghera, Knockeenacuttin, Lackavunaknick, Rosnascalp, Shanakill, Shanavagha; the following townlands in the parish of Aghlish, namely, Aghlish, Cronody, Fargus, Roovesbeg, and Roovesmore; the following townlands in the parish of Garrycloyne, namely, Bawnafinna, Blarney, Boolypatrick, Killowen, Dawstown, Knockacorbally, Knocknasuff, Monacnapa, Shean Lower, Shean Upper, except such portions thereof as belong to the Great Southern and Western Railway Company; the following townlands in the parish of Canaway, namely, Monallig, Classes, Killinardrish, Nettleville, Demesne, Longleigh; in the barony of Cork, the parish of Currykippane; in the parish of Carrigrohane, the townland of Carrigrohane, except such part thereof as belongs to the Cork and Macroom Railway Company; in the parish of Saint Mary Shandon the following townlands, namely, Knocknacullen East, Knocknacullen West, and those parts of Knocknaheeny and Shanakiel outside the municipal boundary; in the parish of Saint Finnbarr the following townlands, namely, Ballinaspigbeg, Ballyaggin, Bishop's Mile Land, Farranmacteige, Gurteenaspig, Huggart's Land, Inshigaggin, and that part of Gillabbey outside the municipal boundary; in the barony of Barretts, the parish of Donoughmore.

29th day of March 1884. E. A. 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 County Cork spring assizes, 1884, was amended by the grand jury assembled at the county of Cork summer assizes, 1884, by inserting in the second page thereof the words "such share capital not to exceed the sum of seventy-eight thousand three hundred pounds."

Dated this 25th July 1884. W. R. MEADE, Foreman.

PART II.

CONTAINING the PRESENTMENT or RESOLUTION of the CORPORATION of CORK.

The mayor, aldermen, and burgesses of the borough of Cork, having heard and considered the evidence submitted by the Cork and Muskerry Light Railways Company (Limited), and being satisfied that the said Company have complied in all respects with the directions contained in the Tramways (Ireland) Acts, and on their part as Promoters of the undertaking described in the Dublin Gazette of December twenty-first, one thousand eight hundred and eighty-three, and in the proposed Order in Council, do hereby resolve and present as follows:—

"That as regards the portion of the same within the limits of our jurisdiction, and generally, we approve of the undertaking of the Cork and Muskerry Light

Railways Company (Limited), referred to in the Dublin Gazette of twenty-first December one thousand eight hundred and eighty-three, and in the proposed Order in Council submitted to us by the Company, subject to the following modification, and any others as may be required or approved of by the Commissioners of Public Works."

Proposed Amendments in Order.

After the words "county surveyor" add the following:—"Which term here used, and afterwards mentioned in this Order, shall for the purposes of the light railway situate in the borough of Cork include the Corporation engineer."

After the words "commence to," on first line, add the words "execute any of the works specified in paragraph 12 of this Order or to"; and at end of this clause add the following:—"The Promoters shall not, without the consent of the county surveyor, break up at any one time a greater length of any street in the borough of Cork than two hundred yards of such street."

After the word "work," on the fourth line, add the following:—"The Promoters shall pay such reasonable expenses which the Corporation may be put to on account of such superintendence and".

After the words "broken up" add "to the satisfaction of the county surveyor".

The Promoters shall, in laying down the permanent way of light railway on the Western Road, in the borough of Cork, set out the centre line of same, both as regards range and level, to the approval of the county surveyor, and shall lay down that portion between the rails of the railway, and extending eighteen inches beyond the outside of such rails, with block pavement of an improved description, on a foundation of cement concrete of at least eight inches in thickness, and in such a manner as the county surveyor directs, and to his entire satisfaction, and shall, at their own expense, at all times maintain and keep same in good condition and repair, to the satisfaction of the county surveyor; and in case of any default on behalf of the Promoters to keep said portion of the roadway in proper repair, it shall be lawful for the Corporation to execute the works by their own officers at the expense of the Promoters, and to recover the amount thereof in any court of competent jurisdiction.

The Promoters shall not, without the consent of the county surveyor, and subject in case of approval on such conditions as he shall lay down, remove, displace, or interfere with any existing sewer, drain, water main, or pipe on the Western Road, in the borough of Cork; and in case at any time the Corporation desire to lay down any such sewer, drain, water main, or pipe along or across the light railway, it shall be lawful for them to do so.

The Promoters shall, before building any bridges and approaches thereto in the borough of Cork, or before any re-building, re-construction, or repairs of such bridges or approaches, submit a plan and specification of the works and materials to the satisfaction of the county surveyor for his approval in writing, and such works shall be done to his entire satisfaction.

The Promoters shall not interfere with the trees now planted on the Western Road, in the borough of Cork, and the county surveyor may cause same to be removed, transplanted, and pruned as he may at any time think desirable.

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The Promoters shall, if required by the Corporation, fence the line in such manner as the county surveyor may approve.

I certify that the foregoing is a true extract of the Resolution of the mayor, aldermen, and burgesses of the borough of Cork in council assembled.

Alex. M'Carthy, Town Clerk.

SECOND SCHEDULE referred to in the foregoing Order.

Containing a Description of the Light Railways.

A light railway (No. 1), situate in the borough of Cork, and in the county of Cork, commencing in the said borough, in the west ward, and in the parish of Saint Finnbarr, at a point at the eastern extremity of the Bishop's Marsh, and adjoining Mr. J. W. Richey's timber yard, which said point is situated one hundred and forty-six yards or thereabouts from the north-western corner of Saint Finnbarr's Brewery, measured in a northerly direction, and two hundred and forty yards or thereabouts from Clark's Bridge, measured in a westerly direction, and terminating in the townland of Clonteadmore, and parish of Magourney, at Coachford, at a point in the northern fence of the road leading from Coachford to Peake, which point is one hundred and sixty yards or thereabouts from the junction of the Peake Road and Mail Carriage Road from Cork to Coachford.

A light railway (No. 2), wholly in the county of Cork, commencing by a junction with the Railway No. 1 before described, at a point in the centre line thereof, which said point is the point where the Railway No. 1 crosses the River Owennageeragh, in the townland of Coolflugh, and parish of Matehy, immediately adjoining the Cork and Kanturk Road, and terminating at or near the south-western corner of the square in Blarney.

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