CHAPTER i.

An Act to confirm an Order in Council of the Lord Lieutenant and Privy Council in Ireland relating to the Athenry and Tuam (Extension to Claremorris) Railway. A.D. 1891.

[10th February 1891.]

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:

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. Order in Schedule confirmed.

2. This Act may be cited as the Tramways Order in Council (Ireland) (Athenry and Tuam Extension to Claremorris Railway) Confirmation Act, 1891. Short title.

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SCHEDULE.

THE ATHENRY AND TUAM EXTENSION TO CLAREMORRIS RAILWAY ORDER, 1890.

By the Lord Lieutenant and Privy Council in Ireland.

ZETLAND.

WHEREAS the Grand Jury of the County of Mayo, at the Summer Assizes, 1890, 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 connecting Claremorris, in the County of Mayo, with Tuam, in the County of Galway, and partly situate in the County of Mayo, and partly situate in the County of Galway:

And whereas the Grand Jury of the County of Galway, at the Summer Assizes, 1890, disapproved of the application of the promoters for power to construct the said Light Railway:

And whereas the Athenry and Tuam Extension to Claremorris Railway Company, Limited, being the promoters of the said undertaking appealed against the disapproval of the Grand Jury of the County of Galway, pursuant to the provisions of section 7 of the Tramways (Ireland) Act, 1860, to the Lord Lieutenant in Council:

And whereas the Midland Great Western Railway Company of Ireland, and also certain ratepayers of the Baronies of Costello and Erris, in the County of Mayo, appealed to the Lord Lieutenant in Council against the herein-before recited approval of the undertaking by the Grand Jury of the County of Mayo:

And whereas the Lord Lieutenant has inquired into the grounds of such approval and disapproval by the said Grand Juries, respectively:

And whereas the Athenry and Tuam Extension to Claremorris Railway Company, Limited, being the promoters of the said undertaking, presented a memorial to the Lord Lieutenant in Council praying for an order to confirm the said Presentment of the Grand Jury of the County of Mayo:

And whereas a Provisional Working Agreement dated the 19th of September, 1890, has been duly entered into between the Waterford and Limerick Railway Company and the promoters in pursuance of the 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, that the appeals of the Midland Great Western Railway Company of Ireland, and also of the said ratepayers of the Baronies of Costello and Erris, in the County of Mayo, against the approval of the undertaking by the

Grand Jury of the County of Mayo are hereby respectively disallowed, and the appeal of the promoters against the disapproval of the undertaking by the Grand Jury of the County of Galway is hereby allowed, and the making and maintaining of the said Light Railway is hereby authorised.

Promoters.

1. The Athenry and Tuam Extension to Claremorris 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 in conformity with the provisions of said presentment as to weight of rails, permanent way, gradients, stations, appliances, and conveniences, construct, maintain, and work, subject to the provisions of this Order and of the Acts incorporated herewith, the Light Railway described in the Second Schedule to this Order, in the directions and levels, with the powers of deviation (if any), specified and described in the plans, books of reference, and sections deposited by the promoters with the Secretaries of the Grand Juries of the Counties of Mayo and Galway, herein-after referred to as the "deposited plans," and in accordance with the terms and conditions of the presentment set forth in the First Schedule hereto, with all proper rails, plates, offices, engine-houses, stables, carriage-houses, warehouses, works, and conveniences connected therewith, or for the purposes thereof.

The promoters shall erect stations at or near the following places, viz.:— Ballandine, Miltown, and Fartagar.

The rails shall be of steel and not less than 72 pounds to the yard, with proportionate permanent way, and there shall be no gradients greater than one in seventy on any part of the line. The whole line shall be constructed to the satisfaction of the Waterford and Limerick Railway Company, and all accommodation and appliances of every sort in relation to the undertaking which may be required in pursuance of the said working agreement before the taking over of the line, shall be supplied to the satisfaction of the County Surveyor of the county of Mayo. The Promoters (subject to the provisions of the said Acts), may by agreement or otherwise purchase, acquire, and hold all such lands and easements as may be necessary for the purposes of the said Light Railway, and any engine-houses, stables, carriage-houses, warehouses, and other buildings and works requisite for the working of the said Light Railway.

Gauge and other Particulars.

3. The gauge of the railway shall be 5 feet 3 inches, and the same where constructed as a Light Railway shall be worked subject to the regulations as to 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.

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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, with respect to the purchase and taking of lands otherwise than by agreement, with reference to the lands and premises within the limits of deviation in the said deposited plans.

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. The 42nd section of the Tramways (Ireland) Act, 1860, shall not apply to any lands required for the undertaking.

Time for Completion.

5. The Promoters shall complete and finish ready for use the said Railway, and shall provide the rolling stock mentioned in the Schedule to the agreement herein-after referred to, within three years from the date of this Order becoming binding.

Confirmation of Presentment of Grand Jury.

6. The presentment of the Grand Jury of the county of Mayo, which is set out in the Schedule to this Order, is hereby confirmed so far as it relates to the charge to be defrayed in perpetuity by the baronies constituting the entire county of Mayo for payment of dividends at the rate of 4 per centum per annum upon £98,000, the guaranteed 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.

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 £98,000. The guarantee shall apply to so much of the capital so limited as is for the time being actually paid up. Such capital shall only be issued or called up as same is from time to time required for any of the purposes of this Order.

Dividends.

8. The dividends on the said capital of the Company shall be due and payable half yearly on every 1st day of May and 1st day of November, the first dividend to be paid on whichever of said days shall first occur after the said undertaking shall be fully completed, and taken over by the Waterford and Limerick Railway Company, and opened by them for public traffic.

Appointment of Arbitrators.

9. The Board of Trade shall on or before the 1st day of May or 1st day of November, whichever shall first occur after the opening of the said Light Railway for traffic, and from time to time afterwards as any vacancy shall occur, appoint for the same county the Arbitrators provided by the 6th Section of the Tramways and Public Companies (Ireland) Act, 1883, and the Promoters shall, on or before the 20th day of June and the 20th day of December in every year make out and deliver to the said Arbitrators an account for the then preceding half-year, ending on the said 30th day of

April or 31st day of October, showing the amount of the paid-up capital of the said undertaking, and a further account of all the receipts of every nature and kind for the then preceding half-year ending on the said 30th day of April or 31st day of October, arising in any manner from the said undertaking and the expenditure thereof, and the said arbitrators shall deliver their certificate in writing to the Secretary of the Grand Jury of said county before the 1st day of June and 1st day of December in each year, ascertaining and determining the amount in each half-year payable under said presentment by the said parts of baronies in respect of the said undertaking, and the said certificate shall be laid by the said Secretary before the Grand Jury of the said county at the Assizes next after he shall have received the same, and the sum mentioned in said certificate shall be presented for and raised and paid to the Promoters and applied by them in the manner provided by the 7th section of the said Act, in respect of the certificate therein mentioned.

Representation of Baronies.

10. The several baronies in the county of Mayo shall be represented in the direction and supervision of the affairs and finance of the Company, so far as it relates to said Light Railway in manner following:—Each barony in the said county shall, by resolution at Presentment Sessions held in and for the said barony next after confirmation of this Order in Council by Parliament, elect one director to hold office for such period as such resolution may direct, and may from time to time in each succeeding year by like resolution, fill up any vacancy in the office of such baronial director and appoint another, and each of such baronial directors shall represent the barony for which he is appointed in the direction or supervision of the affairs and finances of the Company, so far as relates to the said Light Railway.

11. Each barony in the said County of Mayo may appoint an auditor at Presentment Sessions with power to inspect the books of the Company relating to the said undertaking at reasonable times, and may from time to time fill any vacancy by such resolution in the office of such auditor, and appoint any other in his room.

12. The Promoters shall, in addition to the statutory deposit, lodge or invest in the names of the Secretary of the Grand Jury of the county of Mayo and of Frederick T. Lewin, Esq. (or such other person as the Grand Jury of the county of Mayo at any Assizes may appoint, should he, the said Frederick T. Lewin, for any reason be unable or unwilling to accept the trust), a sum equal to ten per cent. on the sum of £98,000; the said deposit or investment to be in debenture stock of any Railway Company approved by the Solicitor of the Grand Jury of the county of Mayo, or in any Government Stock, or in cash on deposit in the Bank of Ireland or with the National Bank, Limited; the said deposit or investment to be held as security for the completion of the undertaking, and upon the opening of the line for public traffic the said sum or investment and all interest accrued thereon shall be paid back to the Promoters; but in the event of the undertaking not being completed and opened within the time limited by this Order or the Act of Parliament confirming the same, then the said sum or investment shall be held in trust to make good to the

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county of Mayo all loss and damage theretofore caused by such non-compliance, and the surplus, if any, shall be paid back to the Promoters.

13. The remuneration of the directors of the Company, whether elected by the shareholders or appointed by the baronies, shall be £1 for each director for his attendance at board meetings, and the cost of his locomotion to attend such meeting. There shall be not less than one meeting in each quarter of the year, of which not less than one week's notice shall be given to each director, and the place of meeting shall be at such place as the directors from time to time may appoint.

Treasury Guarantee.

14. When in any half-year after the opening for traffic of the said Light Railways 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 2 per cent. per annum on the paid-up capital, limited as aforesaid.

Power to cross Roads.

15. The Promoters may subject to the provisions of the Acts incorporated herewith and of this Order for the purposes of the said Railway and construction thereof, cross, alter or divert, temporarily or permanently, any roads, railways, streets, highways, streams, sewers, pipes, or other works. The Promoters shall not cross, alter, or divert, or in any way interfere with any telegraphic line of the Postmaster-General, except in accordance with and subject to the provisions of the Telegraph Act, 1878. The expression "Telegraphic Line" has the same meaning in this clause as in the Telegraph Act, 1878.

Notice to County Surveyor.

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

Superintendence by County Surveyor.

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

Restoring Roads.

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

Alteration of Level of Roads.

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

Expenses of Repairs.

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

Maintenance of Sidings and Rails.

21. The Promoters shall, at their own expense, maintain and repair all sidings on which any of the said Light Railway shall be laid.

Power to enforce Obligations of Promoters.

22. 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.

23. 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 their Light Railway.

Additional Powers as to Crossings and Works.

24. 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

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in addition to those particularly mentioned in the said deposited plans and sections as may from time to time be necessary or convenient for the efficient working of the said Light Railway, or for providing access to any stables, carriage-houses, engine-houses, warehouses, or works of the Promoters.

Temporary Works.

25. If and whenever it shall become necessary for the purpose of repair or other similar or temporary purposes to remove or close any part of the said Light Railway, the Promoters may lay down and maintain for the time necessary, but no longer, on some other part of the same Light Railway, 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.

Tolls.

26. 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, or under any Act for the regulation of Railways.

List of Tolls.

27. A list of all the tolls and charges authorized to be taken shall be exhibited in a conspicuous place, upon the premises of the Company, at each station of the said Light Railway.

Form of Rail.

28. The form of rail wherever laid along or across the public road 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.

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

Motive Power.

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

Fences and Walls.

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

Costs of Order.

32. The costs, charges, and expenses of obtaining this order including the amount of any deposit required to be made under the said Acts or by this Order, and the expenses incurred by the Grand Jury of the County of Mayo in relation thereto, shall be paid by the Promoters out of the paid-up capital of the Company.

Keeping of Accounts.

33. 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 of the County of Mayo 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.

34. 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 of the county of Mayo, 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 of the county of Mayo 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 Commissioners of Public Works in Ireland, and also to the Secretary of the said

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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.

35. It shall be the duty of the County Surveyor of the county of Mayo, 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 of said county at the Summer Assizes, and also at the Spring Assizes, if he consider 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.

Arbitration.

36. If any difference should arise between the Promoters and the County Surveyor concerning the placing of the said Light Railway, or opening or breaking up any street or road, or any of the matters referred to in paragraph 2 of this Order, the same shall be left to the arbitration of an Engineer to be appointed by the Board of Trade, and the Promoters shall pay the expenses of such arbitration.

Confirmation of Working Agreement.

37. The agreement of the 19th day of September, 1890, entered into between the Promoters and the Waterford and Limerick Railway Company pursuant to the terms of said Presentment, is hereby sanctioned, and the Waterford and Limerick Railway Company shall efficiently work, manage, and maintain said Light Railway in good order and condition upon the terms of said agreement.

Miscellaneous Provisions.

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

Junctions.

39. The Promoters may from time to time, form junctions with the railways of the Midland Great Western of Ireland Railway Company, and of the Athenry and Tuam Railway Company within the limits of deviation shown on the deposited plans, subject to the provisions of the Railways Clauses Consolidation Act, 1863, which is hereby incorporated with this Order.

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

40. 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 in good condition and repair, and so as not to be a danger or annoyance to the ordinary traffic of any road on which the rails of any of the Light Railways for the time being are laid, the said rails and the substructure upon which the same rest.

Power to enforce Obligations of Promoters.

41. In any case in which it is represented in writing to the Board of Trade by the Grand Jury of the county of Mayo, 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.

42. 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.

43. If at any time the guaranteeing area has been called upon to pay and has 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 said county of Mayo, 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.

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44. 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.

45. The Grand Jury of the county of Mayo 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 is fixed by said presentment. The members of the Committee shall be paid by the said Grand Jury out of the moneys to be levied off the same baronies such reasonable remuneration as the Lord Lieutenant may by general or special Order prescribe.

46. 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.

47. If at any time the Light Railway becomes the property of the Grand Jury of the County of Mayo, 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.

Provisions as to Repayment of Deposit.

48. The provisions of section 29 of the Tramways (Ireland) Act, 1860, as amended by the Tramways and Public Companies (Ireland) Act, 1883, shall apply to this Order, and be deemed incorporated herewith.

Provision for Protection of the Postmaster-General as to Conveyance of Mails and Post Office Parcels.

49. (1.) The provisions of the Railway and Canal Traffic Acts, 1873 and 1888, relating to the conveyance of Mails by Railway Companies (subject as hereinafter provided), and the provisions of the Post Office (Parcels) Act, 1882, shall respectively apply to the Promoters and to the said Light Railway, and for the purpose of those provisions the Promoters shall be deemed to be a Railway Company and the Light Railway a Railway.

(2.) Notwithstanding anything in any other Act contained, any difference between the Postmaster-General and the Promoters, as to the amount of the remuneration to be paid by the Postmaster-General to the Promoters for any services performed in relation to the Conveyance of Mails, other than Parcels as defined by the Post Office (Parcels) Act, 1882, shall be determined by the Railway and Canal Commission, which is hereby empowered to determine the

same in the manner provided by the Railway and Canal Traffic Acts, 1873 and 1888, with respect to differences between Railway Companies, and for this purpose the Postmaster-General shall be deemed to be a Railway Company.

Provision for Protection of the Postmaster-General in the event of the Light Railway being worked by Electricity.

50. In the event of the said Light Railway being worked by electricity, the following provisions shall have effect:—

(1.) The Promoters shall construct their electric lines and other works of all descriptions, and shall work their undertaking in all respects, with due regard to the telegraphic lines from time to time used or intended to be used by Her Majesty's Postmaster-General, and the currents in such telegraphic lines, and shall use every reasonable means in the construction of their electric lines and other works of all descriptions, and the working of their undertaking, to prevent injurious affection, whether by induction or otherwise, to such telegraphic lines or the currents therein. If any question arises as to whether the Promoters have constructed their electric lines or other works, or work their undertaking in contravention of this sub-section, such question shall be determined by arbitration, and the Promoters shall be bound to make any alterations in or additions to their system which may be directed by the arbitrator.

(2.)—(*a.*) Before any electric line is laid down or any act or work for working the said light railway by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs, or the laying of lines crossing the line of the Postmaster-General at right angles at the point of shortest distance and so continuing for a distance of six feet on each side of such point), the Promoters or their agents, not more than twenty-eight nor less than fourteen days before commencing the work, shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work, including the gauge of any wire, and the Promoters and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work.

(*b.*) Any difference which arises between the Postmaster-General and the Promoters or their agents with respect to any requirements so made shall be determined by arbitration.

(3.) In the event of any contravention of or wilful non-compliance with this section by the Promoters or their agents, the Promoters shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues, or if the telegraphic communication is wilfully interrupted, not exceeding fifty pounds for every day on which such interruption continues.

(4.) Provided that nothing in this section shall subject the Promoters or their agents to a fine under this section, if they satisfy the court having cognizance of the case that the immediate doing of the act or execution of

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the work was required to avoid an accident or otherwise was a work of emergency, and that they forthwith served on the Postmaster or Sub-Postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice.

(5.) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is, whether through induction or otherwise, in any manner affected by such act or work or by any use made of such work.

(6.) For the purposes of this section and subject as therein provided, sections 2, 8, 9, 10, 11, and 12 of the Telegraph Act, 1878, 41 & 42 Vict., c. 76, shall be deemed to be incorporated with this Order as if the Promoters were undertakers within the meaning of those sections, without prejudice nevertheless to any operation which the other sections of the said Act would have had if this section had not been enacted, and, in particular, nothing in this section shall be deemed to exclude the provisions of section 7 of the Telegraph Act, 1878, in relation to the matters mentioned in that section.

(7.) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act, 1882.

(8.) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party, whose decision shall be final, and sections 30 to 32, both inclusive, of the Regulation of Railways Act, 1868, 31 & 32 Vict., c. 119, shall apply in like manner as if the Promoters or their agents were a company within the meaning of that Act.

(9.) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Promoters by indictment, action, or otherwise, in relation to any of the matters aforesaid.

Labouring Classes Dwellings.

51. The Promoters shall not under the powers of this Order, without the consent of the Local Government Board for Ireland, purchase or acquire in any Urban Sanitary District as defined by "The Public Health (Ireland) Act, 1878," ten or more houses which after the passing of this Order have been or are occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "Labouring Class" includes mechanics, artisans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others except members of their own family, and persons other than domestic servants whose income does not exceed an average of thirty shillings a week, and the families of any such persons who may be residing with them.

Incorporation of Acts.

52. The Lands Clauses Consolidation Act, 1845; the Railways Clauses Consolidation Act, 1845; the Railways Act (Ireland), 1851; the Railways Act (Ireland), 1860; the Lands Clauses Consolidation Acts Amendment Act, 1860; the Clearing Act (Ireland), 1860; part I. of the Companies Clauses Act, 1863; the Railways Clauses Consolidation Act, 1863; the Railways Act (Ireland), 1864; the Railways Traverse Act; the Regulation of Railways Act, 1868; and the Board of Trade Arbitration, &c. Act, 1874, 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 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) 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.

Interpretation.

53. 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 Light Railway and works and the undertaking authorised in 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.

54. This Order may be cited for all purposes as the Athenry and Tuam Extension to Claremorris Railway Order, 1891.

Given at the Council Chamber, Dublin Castle, this 29th day of November, 1890.

Ashbourne, *C.* Hedges Eyre Chatterton.

West Ridgeway.

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FIRST SCHEDULE referred to in the foregoing Order.

6 & 7 Wm. IV., c. 116; 23 & 24 Vict., c. 152; 24 & 25 Vict., c. 102; 34 & 35 Vict., c. 114; 39 & 40 Vict., c. 65; 44 & 45 Vict., c. 17; 46 & 47 Vict., c. 43, sections 1 to 16.

COUNTY OF MAYO SUMMER ASSIZES, 1890.

Whereas the Athenry and Tuam Extension to Claremorris Light Railway Company, Limited, hereinafter called the Company, duly presented their memorial pursuant to the provisions of said Acts, or some of them, praying for an Order in Council authorising them to construct, maintain, and work the Light Railway, hereinafter called the undertaking, consisting of the Light Railway (described in the draft order to said memorial annexed) from Claremorris, in the county of Mayo, to Tuam, in the county of Galway: And whereas the Company duly made application to the Grand Jury of the county of Mayo to approve of the said undertaking, and to make a presentment in manner authorized by said Acts, and have duly complied with the requirements thereof: Now we, the Grand Jury of the county of Mayo, having duly inquired into the merits of the undertaking, and having duly heard all persons interested, present, approve, order, and direct as follows:—

1. We hereby approve of the said undertaking, and of the construction, working, and maintenance by the Company of the said Light Railway, in the directions and according to the levels specified and described in the plans, sections, and books of reference deposited with the Secretary of said Grand Jury.

2. A dividend at the rate of £4 per cent. per annum is hereby guaranteed and shall be paid half-yearly, in perpetuity, by the Baronies constituting the entire county of Mayo, viz.: Borrishoole (North and South), Carra, Clanmorris, Costello, Erris, Gallen, Kilmain, Murrisk, Tyrawley (all of which collectively are hereinafter called the "guaranteeing area"), upon the share capital of the Company, for the time being paid-up capital, as defined by the Tramways and Public Companies (Ireland) Act, 1883, provided that the entire amount of such guaranteed capital shall not exceed the sum of £98,000 (ninety-eight thousand pounds), and that the Government subvention of two per cent. shall apply to the whole of said guaranteed capital.

3. The said guaranteed dividend shall not commence to accrue until the said undertaking shall be fully completed and taken over by the Waterford and Limerick Railway Company (hereinafter called the Waterford Company) and opened by them for public traffic.

4. Provided that if and whenever after the opening of such undertaking for public traffic, the net receipts of said undertaking (after deducting from the gross receipts the expenses of management of the Company, and the working and proper maintenance of the said Light Railway), shall amount to a sum equal to a dividend at the rate aforesaid upon the guaranteed capital of said Company, for the time being paid-up capital as aforesaid, then no sum shall be payable by the "guaranteeing area" in respect of any half-year in which

there are net profits sufficient for and applicable to the payment of such dividend, and that if and whenever after the opening of said undertaking, as aforesaid, said net receipts shall not amount to a sum equal to a dividend, at the rate aforesaid, on said paid-up guaranteed capital, then the sums required to make up and pay such dividend on said paid-up guaranteed capital, shall become payable and be paid to the Company half-yearly by said "guaranteeing area."

5. If at any time default shall be made by said Company in completing, working, and maintaining such undertaking, the said "guaranteeing area" shall contribute such sum or sums of money as may be necessary for such completion, working, and maintenance.

6. The proportions of the liabilities of the said Baronies, comprising said guaranteeing area on foot of this Presentment, shall be rateable according to the respective valuations of said Baronies, respectively.

7. Each Barony of said County shall by resolution at Presentment Sessions held in and for said Barony next after the confirmation of this Presentment, by Order in Council, elect one director to hold office for such period as such resolution may direct, and may from time to time in each succeeding year, by like resolution, fill up any vacancy in the office of such Baronial Director and appoint another, and each of such Baronial Directors shall represent the Barony for which he is appointed in the direction or supervision of the affairs and finances of the Company so far as relates to the said Light Railway.

8. The Promoters shall, in addition to the statutory deposit, lodge or invest in the names of the Secretary of the Grand Jury of the County of Mayo, and of Frederick T. Lewin, Esq. (or such other person as the Grand Jury of the County of Mayo at any assizes may appoint, should he, the said Frederick T. Lewin, for any reason be unable or unwilling to accept the trust), a sum equal to ten per cent. on the sum of £98,000 (being the sum hereby guaranteed), the said deposit or investment to be in debenture stock of any railway company approved of by the solicitor of the Grand Jury of the County of Mayo, or in any Government Stock, or in cash on deposit in the Bank of Ireland, or with the National Bank, Limited, the said deposit or investment to be held as security for the completing of the undertaking, and upon the opening of the line for public traffic, the said sum or investment, and all interest accrued thereon, shall be paid back to the Company; but in the event of the undertaking not being completed and opened for public traffic within the time limited by the Order in Council or Act of Parliament confirming same, then the said sum or investment shall be held in trust to make good to the County of Mayo all loss and damage therefore caused by such noncompliance, and the surplus (if any) shall be paid back to the Company.

9. Before the application for confirmation of this presentment is heard before the Privy Council, a provisional working agreement shall be entered into between the Company and the Waterford and Limerick Railway Company (hereinafter called the Waterford Company), which said agreement shall contain stipulations to the following effect, viz.:—that the Waterford Company shall for a term not less than twenty years work and maintain the said under-

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taking at or for a sum of fifty per cent. of the gross receipts of the undertaking, the balance of fifty per cent., subject to the proviso hereinafter contained, to be paid to the Company, and applied, subject to the provisions of the Tramways and Public Companies (Ireland) Act, 1883. Provided always, such agreement shall contain a covenant on the part of the Waterford Company that the sum so to be paid by the Waterford Company to the Company shall not in any half year be less than £51 (fifty-one pounds) per week; and provided also that such agreement shall contain a condition that in any half year that fifty per cent. of the gross receipts shall exceed the sum required for the payment of the dividend at the guaranteed rate upon the said guaranteed capital of the Company, as aforesaid, for the time being paid up, and the expenses of the management of the undertaking, and any money that shall in any previous year have been contributed by the Baronies under this presentment, or for maintaining or working the undertaking, then the Waterford Company shall only pay such sum as may be requisite for the payment of such guaranteed dividend, expenses, and money, as aforesaid, and may retain the balance of the fifty per cent. for their own use.

10. The remuneration of said Directors shall be one pound to each Director for his attendance at Board meetings, and the cost of his locomotion to attend such meeting. There shall not be less than one meeting each quarter of the year, of which not less than one week's notice shall be given to each Director, and the place of meeting shall be at such place as the Directors from time to time may appoint.

11. Should the whole or any part of said sum of £98,000, the dividend whereof is hereby guaranteed, be advanced by the Board of Works at any rate of interest less than four per cent., then the guaranteeing area shall have the full benefit of and be credited as between it and the Treasury with any saving of interest effected by such public loan.

12. The rails shall be steel and not less than 72 pounds to the yard with proportionate permanent way, and there shall be no gradients greater than one in seventy on any part of the line, the whole line to be constructed to the satisfaction of the Waterford Company, and all accommodation and appliances of every sort in relation to the undertaking which may be required in pursuance of said working agreement, before the taking over of the line, shall be supplied to the satisfaction of the County Surveyor of the County of Mayo.

13. The Company shall erect stations at or near the following places, viz.:—Ballindine, Miltown, and Fartagar.

14. Each Barony in the guaranteeing area may appoint an auditor at Presentment Sessions, if they think fit, with power to inspect the books of the Company relating to the said undertaking, at reasonable times, and may, from time to time, fill any vacancy by such resolution in the office of such auditor, and appoint any other in his room.

For self and fellows,
C. J. KNOX-GORE,
Foreman.

14th July, 1890.

SECOND SCHEDULE referred to in the foregoing Order.

Description of the Light Railway.

A Railway commencing by a junction with the Athenry and Tuam Railway, at the present termination of same, in the Townland of Tirboy, Parish of Tuam, and County of Galway, and thence through the Townland of Townparks Second and Townparks First Division, through Killaloonty, Halfstraddle, Airgloony, in the Parish of Tuam; Carrowmacowan, Tonlegee, Mullagh, Pollacorragune, Cloonascragh, Fartagar, Sylaun, Claureen, Fartamore, Lissaleen, in the Parish of Kilbennan; Liskeevy and Carrownurlaur, in the Parish of Liskeevy; Ummeracly West, Ummeracly East, Cartron, Poolaturick, Gortnaloura, Killerneen, Drum, Gortnagunned, Cloonrane, and Illaun, in the Parish of Addergoole, in the County of Galway; Newtown South, Newtown North, Ballindine West, Ballindine North, Esker East, Carrowlena, Skehavaud, Poolnasillagh, Garryduff West, Garryduff North, Castlemagarrett North, and Rushbrook East, in the Parish of Crosboyne; Lisduff, Carrowkilleen, and Clare, in the Parish of Kilcolman, and the County of Mayo, and terminating by a junction with the Great Northern and Western Railway (now amalgamated with the Midland Great Western of Ireland Railway) at a point between the rails opposite the entrance to passenger platform of Claremorris Station.

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