



## CHAPTER ccx.

An Act to confirm an Order in Council of the Lord Lieutenant and Privy Council in Ireland relating to the South Clare Railways. A.D. 1890.  
[14th August 1890.]

**W**HEREAS 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. Nothing contained in this Act, or in the Order thereby confirmed, shall authorise the South Clare Railways Company (Limited) to take, use, or in any manner interfere with any land or hereditaments, or any rights of whatsoever description belonging to the Queen's most Excellent Majesty in right of Her Crown, and under the management of the Commissioners of Woods, without the consent in writing of the Commissioners of Woods on behalf of Her Majesty, first had and obtained for that purpose (which consent such Commissioners are hereby authorised to give); neither shall anything contained in this Act, or in the said Order, extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in, or enjoyed, or exercisable by the Queen's Majesty, Her heirs or successors. Saving  
rights of  
the Crown.

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Saving  
rights of  
Crown under  
Crown lands  
Act.  
29 & 30 Vict.  
c. 62.

Works below  
high-water  
mark not to  
be com-  
menced  
without  
consent of  
Board of  
Trade.

3. Nothing contained in this Act, or the Order thereby confirmed or to be done under the authority thereof respectively, shall in any manner affect the title to any of the subjects, or any rights, powers, or authorities mentioned in or reserved by sections twenty-one and twenty-two of the Crown Lands Act, 1866, and belonging to or exerciseable on behalf of Her Majesty, Her heirs or successors.

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

Protection  
of naviga-  
tion.

5. 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 the Order by this Act confirmed, and in construing the said sections the words "railway" and "work" shall be taken to mean and include a tramway as defined by section twenty-five of the Tramways and Public Companies (Ireland) Act, 1883.

Saving  
rights of  
the Crown  
in the fore-  
shore.

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

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consent the Board of Trade may give); neither shall anything contained in this Act or in the said Order 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. A.D. 1890.

7. If in the course, or by means of the execution of any of the works authorised by this Act or the Order thereby confirmed, any part of the shores or bed of the sea belonging to Her Majesty shall be inned, gained, or reclaimed from the water, the South Clare Railways Company 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, but such inning, gaining, or reclamation shall enure absolutely for the benefit of the Queen's Majesty, Her heirs and successors. Any land reclaimed by the works not to be taken without the consent of the Board of Trade.

8. This Act may be cited as the Tramways Order in Council Short title. (Ireland) (*South Clare Railways*) Confirmation Act, 1890.

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SCHEDULE.

THE SOUTH CLARE RAILWAYS ORDER, 1890.

BY THE LORD LIEUTENANT AND PRIVY COUNCIL IN IRELAND.

Whereas the grand jury of the county of Clare, at the spring 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 the construction of a light railway connecting Milltown Malbay, Kilrush, and Kilkee, in said county :

And whereas a map and plans and sections describing the line, and a book of reference to such map and plans and sections, containing the names of the townlands in which the lands proposed to be taken are situated, with 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 said grand jury, and also in the Council Office, Dublin Castle, and are referred to in this Order as "the deposited plans and book of reference" :

And whereas the South Clare 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 railway mentioned in such memorial, and to confirm the said presentment :

And whereas an appeal was lodged against the confirmation of said presentment :

And whereas a contract has been made pursuant to the terms of the said presentment, but the specification therein mentioned has not yet been signed :

And it appears to the Lord Lieutenant in Council, notwithstanding such appeal, 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 South Clare Railways 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."

2. For the purposes of this Order the word "tramway" shall hereinafter be taken to mean "tramway and light railway."

*Power to construct Line.*

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3. The Promoters may construct, maintain, and work, subject to the provisions of this Order and of the Acts incorporated herewith, the tramway 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 deposited plans and book of reference, 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 and of this Order) may, by agreement or otherwise, purchase, acquire, and hold all such lands and easements as may be necessary for the purposes of the said tramway, and any engine-houses, stables, carriage-houses, warehouses, and other buildings and works requisite for the working of the said tramway, and may cross on the level and use the public roads, as shown upon their deposited plans.

*Gauge and other Particulars.*

4. The gauge of the tramway shall be three feet, and where same is constructed as a light railway, the maximum weight upon any pair of wheels shall not exceed eight tons, and the maximum speed is hereby limited to twenty-five miles an hour upon any part of the tramway situate at a greater distance than thirty feet from the centre of a public road, and upon any other part thereof to such rate of speed as may be authorised under the Tramways (Ireland) Acts, or an Order of the Board of Trade made pursuant thereto.

*Compulsory Purchase of Lands.*

5. From and after the passing of an Act confirming this Order, the Promoters shall be empowered to put in force the provisions of the Lands Clauses Acts, including the Railways Act (Ireland), 1851, and the statutes amending the same, 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 plans and book of reference.

The forty-second section of the Tramways (Ireland) Act, 1860, shall not apply to the said tramway.

The powers of compulsory purchase conferred by this Order shall not be exercised after the expiration of two years from the passing of an Act confirming this Order.

6. Within two years from the passing of the Act aforesaid, the Promoters shall complete and finish ready for use the said tramway, and shall provide a proper quantity of rolling stock, and shall devote to the purchase of such rolling stock a sum of not less than ten thousand pounds, and the Promoters shall provide and maintain a suitable system of sheds for such rolling stock.

*Confirmation of Presentment of Grand Jury.*

7. The presentment of the grand jury of the county of Clare, which is set out in the First Schedule to this Order, is hereby confirmed, so far as it relates

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*Limit of Guarantee.*

8. The capital to which the guarantee set out in the said presentment shall apply is hereby limited to the sum of one hundred and twenty thousand pounds. 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, and ten per centum thereof shall not be issued or called up until the said railway has been opened and worked for twelve months, and until the county surveyor of said county, or other engineer appointed by the grand jury as provided in their said presentment shall have given a final certificate therein mentioned that the work contracted for has been duly completed according to the specification.

*Directors.*

9. The directors of the said company, including those elected at presentment sessions as herein-after provided, shall not exceed eight in number. A director elected by the shareholders shall at all times be chairman of the company. The scale of payment for said directors shall not exceed one pound one shilling per day, for meetings in the county of Clare, or two pounds two shillings per day for meetings in Dublin, besides actual travelling expenses.

10. The said county and baronies shall be represented in the direction and supervision of the affairs and finance of the company, so far as relates to the said light railways, in manner following :—

The presentment sessions for the county at large, to be held prior to the spring assizes in each year, shall from time to time elect a person, to be called a director for the county at large of said company, and the presentment sessions for each of the said baronies of Moyarta, Clonderalaw, and Ibrickane, which shall be held previous to the spring assizes in each year, may each elect a person (herein-after called a baronial director) to be a director of the company, and such director shall hold office for the period of one year. The first election of such directors shall take place at the first of such presentment sessions as aforesaid, as shall be held after the date of the Order in Council confirming the presentment. If any director, after his appointment, and before the expiration of his term of office, shall die or resign, or become disqualified or incompetent to act as such director, or shall cease to be a director by any other cause, any ordinary presentment sessions for the county at large, or same barony, may elect in his place another person to be director for the county at large, or said

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barony, and the person so to be elected to fill up any such vacancy shall continue in office as a director, as long only as the person in whose place he shall have been elected would have been entitled to so continue, if such vacancy had not occurred. A.D. 1890.

The directors so elected shall have equal powers in all respects with the directors elected by the shareholders of the company. Each of the said presentment sessions for every barony in the said county shall have power to appoint a baronial delegate to attend each half-yearly meeting of the company, and vote at the general meetings of the company.

*Dividends.*

11. The dividends on the said capital of the said company shall be due half-yearly, on every first day of May and first day of November in each year; and the Board of Trade shall, on or before the first day of May or first day of November, whichever shall first occur after this Order has become binding, and from time to time afterwards as any vacancy shall occur, appoint for the same county the arbitrators provided by the sixth section of the Tramways and Public Companies (Ireland) Act, 1883, and the Promoters shall, on or before the twentieth day of June and the twentieth 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 thirtieth day of April or thirty-first day of October, showing the amount of the paid-up capital of the said undertaking; and after the said undertaking shall have been opened for public traffic, a further account of all the receipts of every nature and kind for the then preceding half year, ending on the said thirtieth day of April or thirty-first 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 first day of July and first day of January 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 seventh section of the said Act, in respect of the certificate therein mentioned.

12. When in any half year after the opening for traffic of the said tramway the said baronies or parishes, or any of them, 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 tramway is 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 or parishes respectively 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

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— at the rate of two per centum per annum on the paid-up capital, limited as  
aforesaid.

*Placing of Line.*

13. The Promoters shall, in laying down such tramway 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 for the said county shall direct. In every case in which the county surveyor of the county shall require the Promoters to lay down the said tramway on the side of the road which at the present time is used as a footpath, the Promoters shall, if so required, at their own expense, lay down a footpath on the opposite side of the road in a manner satisfactory to the county surveyor.

*Power to cross Roads.*

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

*Notice to County Surveyor.*

15. Before the Promoters commence to open or break up a street or high road they shall give to the county surveyor for the county in which same 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.*

16. The Promoters shall not open or break up any street or road, save and except with the approval of the county surveyor of the county, unless he neglects to give or refuse approval at the time specified in the notice of the Promoters. The county surveyor of the said county 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.

*Arbitration.*

17. If any difference should arise between the Promoters and the county surveyor concerning the placing or construction of the said tramway, the same may be left to the arbitration of two arbitrators, one to be selected by the said county surveyor and one by the Promoters, said arbitrators to have power to call in an umpire, and the company shall pay the expenses of such arbitration.

*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 tramway) 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 high road may remain opened or broken up, cause the place where the street or high road is opened or broken up to be fenced and watched, where necessary, and to be properly lighted at night.

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*Alteration of Level of Roads.*

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

*Expenses of Repairs.*

20. The Promoters shall pay all reasonable expenses of the repairs of the streets and high roads upon which they shall have constructed any part of the said tramway 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 tramway shall be laid.

*Level Crossings.*

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

*Power to enforce Obligations of Promoters.*

23. In case the Promoters shall at any time fail or neglect to carry out any work of maintenance or repair imposed upon them by this Order, after the expiration of four days from the service on them of a notice in writing by the county surveyor, it shall be lawful for any two magistrates of the said county, without prejudice to any other remedy in that behalf, to order any work for maintenance or repair, as aforesaid, to be executed by the Promoters at their own expense, within such time as the said magistrates shall direct, and in default thereof, it shall be lawful for the said county surveyor to cause said work to be executed, and the Promoters shall, on demand by the said county surveyor, pay to him all expenses incurred in the execution thereof.

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*Right as to Roads.*

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

*Crossings.*

25. The public highways shall be crossed, and every bridge over any road shall be built as shown upon the said plans and sections, notwithstanding anything to the contrary contained in the Railways Clauses Consolidation Act.

*Additional Powers as to Crossings and Works.*

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

*Temporary Works.*

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

*Tolls.*

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

*List of Tolls.*

29. A list of all the tolls and charges authorised to be taken shall be exhibited in a conspicuous place upon the premises of the said Light Railway Company at each of their stations.

*Powers to Contract.*

30. The Promoters on the one hand, and the several authorities, bodies, or persons owning or having respectively the control or management of any streets, roads, or bridges, railways or tramways, on, over, across, or along which the tramway is intended to be laid, on the other hand, may enter into and fulfil

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contracts and agreements with respect to the alteration of the width or levels of any such streets, roads, or bridges, the laying down, maintaining, renewing, repairing, working, or using of the said tramway, and the rails, plates, sleepers, and works connected therewith, and for facilitating the passage of traffic over and along the same, and the Promoters and such other bodies shall have all necessary powers with respect to any such matters as aforesaid. A.D. 1890.

31. 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.

*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 nor 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 used on the said tramway 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 tramway.

*Fences and Walls.*

35. Before the tramway shall be open 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

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county surveyor shall consider necessary to make the tramway, and the street or road in or along which the tramway 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 tramway any existing stone depôts or places usually used for depositing stones 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.

36. All iron fencing shall have substantial iron standards, unless the county surveyor or such other engineer as shall be named by the grand jury for the purpose shall consider the same inapplicable.

All sleepers shall be creosoted.

*Costs of Order.*

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

*Keeping of Accounts.*

38. 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 inspection of such person as the grand jury may from time to time appoint to examine same, and also of such person or persons as the Treasury may from time to time appoint for the like purpose, and also of the arbitrators appointed pursuant to section six of the Tramways and Public Companies (Ireland) Act, 1883.

*Audit of Accounts.*

39. 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. 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 said grand jury to appoint at each spring assize an auditor for the purposes aforesaid, and the auditor shall, on or before the fifteenth of 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 grand jury by which he was appointed. In case

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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 furnish the statements specified in this paragraph within a reasonable time after his appointment. A.D. 1890.

*Inspection of Works.*

40. It shall be the duty of the county surveyor once in each year, or oftener, if so required by the grand jury, to inspect the line, sidings, and other works, and the engines, rolling stock, and plant of the undertaking, so far as same is situate within the county in which he acts, 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.

*Provisions for securing the completion and maintenance of the Tramway, pursuant to the Tramways and Public Companies (Ireland) Act, 1883.*

41. The Promoters shall complete the undertaking within the time limited by this Order, and 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, the rails of which the tramway or light railway for the time being consist, and the substructure upon which the same rest.

42. In any case in which it is represented in writing to the Board of Trade by the grand jury of the said county, or by twenty ratepayers of any barony or parish, baronies or parishes, respectively, which is, are, or which may become liable to make any payments on account of any baronial guarantee given in respect of such tramway, 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 certificates.

*Copy of Map, Plan, and Book of Reference to be lodged with Board of Trade.*

43. Within one calendar month from the date of this Order the Promoters shall lodge with the Board of Trade one copy of the map and plans describing the tramway, together with one copy of the book of reference.

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*Committee of Management.*

44. 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.*

45. If at any time any of the said baronies and parishes charged with the payment of dividends by the presentment of the said grand jury 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 three 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 said grand jury, subject to any liabilities affecting such undertaking or property, and the Lord Lieutenant may thereupon order that the said grand jury shall appoint a committee of management for the purposes of the undertaking.

*Constitution and Powers of Committee of Management.*

46. 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.

47. 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 and parishes in the proportions specified in the said presentment. The members of the committee shall be paid by the grand jury out of the moneys to be levied off the same baronies and parishes, such reasonable remuneration as the Lord Lieutenant may, by general or special order, prescribe.

48. 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.*

49. If at any time the tramway becomes the property of the grand jury 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

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Promoters within the meaning of this Order, and all the powers hereby conferred, including the powers of compulsory purchase hereby conferred on the Promoters, shall be exerciseable (even though the time hereby fixed for their exercise shall have expired), by such committee and grand jury respectively, during such time as shall be fixed by the Lord Lieutenant. A.D. 1890.

*Provisions as to Repayment of Deposit.*

50. The provisions of section twenty-nine 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, in the event of the Light Railway being worked by Electricity.*

51. In the event of the said light railway being worked by electricity, the following provisions shall have effect:—

(1.) It shall not be lawful for the Promoters to lay down any line or rail, or to do any act or work for working the said light railway by electricity whereby any telegraphic line of the Postmaster-General is or may be injuriously affected; and before any such line or rail is laid down or any such act or work 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 such work, shall give written notice to the Postmaster-General specifying the course of the line or rails 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.

(2.) 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 the Board of Trade, whose decision shall be final, and sections thirty to thirty-two, 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.

(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.

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- (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 cognisance of the case that the immediate doing of the act or execution of the work was required to avoid an accident, or otherwise was a work of emergency, and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof, stating the reason for doing or executing the same without previous notice.
- (5.) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by any 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 two, eight, nine, ten, eleven, and twelve of the Telegraph Act, 1878, 41 & 42 Vict. c. 76, shall be deemed to be incorporated with this Act, 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.

*Labouring Classes Dwellings.*

52. 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.*

53. 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 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 the clerks of the peace (except the provisions relative to access to the special Act), and with



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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. A.D. 1890.

*Interpretation.*

54. 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 tramway," "the light railway," and "the undertaking," shall (subject as herein-before is provided), mean respectively the tramway and light railway and works, and the undertaking authorised by this Order.

Provided also that in this Order the term "the Tramways (Ireland) Acts," means the Tramways (Ireland) Acts, 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.*

55. This Order may be cited for all purposes as the South Clare Railways Order, 1890.

Given at the Council Chamber, Dublin Castle, the 19th day of May 1890.

ASHBOURNE,  
R. R. WARREN.  
WEST RIDGEWAY.

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The FIRST SCHEDULE referred to in the foregoing Order.

PRESENTMENT of the GRAND JURY herein-before referred to.

6 and 7 William IV. cap. 116; 23 and 24 Vict. cap. 152; 24 and 25 Vict. cap. 102; 34 and 35 Vict. cap. 114; 44 and 45 Vict. cap. 17; 46 and 47 Vict. cap 43

COUNTY OF CLARE.

SPRING ASSIZES, 1890.

Whereas the South Clare Railways Company, Limited, herein-after called the Company, duly presented their memorial pursuant to the provisions of the Tramways and Public Companies (Ireland) Act, 1883, and the Acts incorporated therewith, praying for an Order in Council authorising them to construct, maintain, and work light railways, herein-after called the undertaking, and consisting of the light railways (described in the draft order to the said memorial

A.D. 1890. annexed) connecting Miltown Malbay, Kilrush, and Kilkee, in the said county, and passing through the baronies of Ibrickane and Moyarta.

And whereas the Company duly made application to the grand jury of the county of Clare to approve of the said undertaking, and to make a presentment in manner authorised by the said Acts, and have duly complied with the requirements thereof; now we the grand jury of the county of Clare, having duly inquired into the merits of the undertaking, and having heard all persons interested present, approve, order, and direct as follows:—We hereby approve of the said undertaking, and of the construction, maintenance, and working by the Company of the said light railways, 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.

A dividend at the rate of four pounds per centum per annum shall be guaranteed and paid in perpetuity half-yearly, upon the sum of one hundred and twenty thousand pounds, or upon such other sums as shall be limited by the Lord Lieutenant in Council, pursuant to section ten of the Tramways and Public Companies (Ireland) Act, 1883, such dividend to be from time to time payable upon so much of the share capital of the Company as shall be for the time being paid up capital, as defined by said Act, and the baronies constituting the entire county of Clare (in the proportions herein-after mentioned as between themselves), shall be chargeable with the payment of the said dividend, at the rate and in the manner aforesaid, and also under the circumstances specified in the said last-mentioned Act, with the payment from time to time of such sums as may be required for completing, working, or maintaining the said undertaking: Provided that the proportions of the liability which the said baronies respectively shall in any half-year be bound to contribute in respect of such guarantee, and charged as aforesaid, shall be ascertained and determined by arbitration, by the Board of Trade, in manner prescribed by section six of the said last-mentioned Act, or as near thereto as the circumstances of the case will permit, and the ascertainment and determination thereof by the arbitrators appointed by the Board of Trade shall be final and conclusive.

The said county and baronies shall be represented in the direction and supervision of the affairs and finance of the Company, so far as relates to the said light railways, in manner following:—

The presentment sessions for the county at large, to be held prior to the spring assizes in each year, shall from time to time elect a person, to be called a director for the county at large of said Company, and the presentment sessions for each of the said baronies of Moyarta, Clonderalaw, and Ibrickane, which shall be held previous to the spring assizes in each year, may each elect a person (herein-after called a baronial director) to be a director of the Company, and such director shall hold office for the period of one year. The first election of such directors shall take place at the first of such presentment sessions as aforesaid, as shall be held after the date of the Order in Council confirming the presentment. If any director, after his appointment, and before the expiration of his term of office, shall die or resign, or become disqualified or incompetent to act as such director, or shall cease to be a director by any other cause, any

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ordinary presentment sessions for the county at large, or same barony, may elect in his place another person to be director for the county at large, or said barony, and the person so to be elected to fill up any such vacancy shall continue in office as a director, as long only as the person in whose place he shall have been elected would have been entitled to so continue if such vacancy had not occurred.

The directors so elected shall have equal powers in all respects with the directors elected by the shareholders of the Company, but a director elected by the shareholders shall at all times be chairman of the Company, and the number of directors appointed by the shareholders shall in no case exceed the hereinbefore provided number of county and baronial directors. Each of the said presentment sessions for every barony in the said county shall have power to appoint a baronial delegate to attend each half-yearly meeting of the Company.

The aforesaid sum of one hundred and twenty thousand pounds shall be apportioned, and the guarantee and consequent liability thereon, and all other liabilities borne, in the proportions following, viz. :—

The baronies constituting the entire county of Clare	£
the sum of - - - - -	50,000
The barony of Ibrickane - - - - -	5,000
The parishes of Killmer, Kilmurry, and Kilmihill, in the barony of Clonderalaw - - - - -	10,000
The barony of Moyarta - - - - -	55,000

This presentment is also conditional upon all necessary undertakings and contracts being entered into by William Murphy, of 39, Dame Street, Dublin, contractor, to carry out the following conditions: To build a thoroughly substantial line, at least equal in every respect to the West Clare line. The line to be completed and open for traffic within two years from the time of the passing of the Order in Council, or the confirmation of same by Parliament, if necessary.

The specification to be approved and signed by the county surveyor, or other engineer appointed by the grand jury.

That a sum of not less than ten thousand pounds be expended in rolling stock, and that the said William Murphy, contractor, and the said Company shall provide and maintain a suitable system of sheds for the rolling stock of the said Company.

That the engineer's certificates be countersigned by the county surveyor or other engineer appointed by the grand jury.

All iron fencing shall have substantial iron standards, unless the county surveyor or such other engineer as aforesaid shall consider same inapplicable.

All sleepers shall be creosoted.

Ten per centum of the capital shall be retained until the line is open and working for twelve months, and until the county surveyor or such other engineer as aforesaid shall have given his final certificate that the work has been duly completed according to the specification. That Mr. Murphy shall

