



**CHAPTER ccxviii.**

An Act to confirm a Provisional Order of the Lord Lieutenant and Privy Council in Ireland relating to the Clogher Valley Tramway. A.D. 1884.  
[7th August 1884.]

**W**HEREAS the Lord Lieutenant and Privy Council in Ireland have made the Provisional Order set forth in the Schedule hereunto annexed, under the provisions of the Tramways and Public Companies (Ireland) Act, 1883 :

46 & 47 Vict.  
c. 43

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

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

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. The Provisional Order in Schedule confirmed.

2. This Act may be cited as the Tramways (Ireland) Provisional Order Confirmation (Clogher Valley) Act, 1884. Short title.

[Ch. ccxviii.] *Tramways (Ireland) Provisional [47 & 48 VICT.]  
Order Confirmation (Clogher Valley) Act, 1884.*

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THE CLOGHER VALLEY TRAMWAY ORDER, 1884.

*Clogher  
Valley.*

*By the Lord Lieutenant and Privy Council in Ireland.*

*SPENCER.*

WHEREAS the grand jury of the county of Armagh, at the spring assizes, 1884 acting in execution of the powers vested in them by the Tramways (Ireland) Act, 1860, and the Tramways (Ireland) Amendment Act, 1861, definitively approved of the undertaking for making and maintaining a tramway from Tynan, in the county of Armagh, to Maguiresbridge, in the county of Fermanagh, so far as the same is to be constructed in the county of Armagh, and such approval has been certified in writing under the hand of the secretary of the said grand jury of the county of Armagh. Said certificate of approval is set out in the first part of the First Schedule to this Order :

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

And whereas the grand jury of the county of Fermanagh, at the spring assizes, 1884, acting in execution of the powers vested in them by the Tramways (Ireland) Act, 1860, and the Tramways (Ireland) Amendment Act, 1861, and the Tramways and Public Companies (Ireland) Act, 1883, made the presentment which is set out in the second part of the First Schedule of this Order, and thereby approved of the construction of a tramway between Tynan and Maguiresbridge aforesaid :

And whereas the grand jury of the county of Tyrone, at the spring assizes, 1884, acting in execution of the powers vested in them by the Tramways (Ireland) Act, 1860, and the Tramways (Ireland) Amendment Act, 1861, and the Tramways and Public Companies (Ireland) Act, 1883, made the presentment which is set out in the third part of the First Schedule to this Order, and thereby approved of the construction of a tramway between Tynan and Maguiresbridge aforesaid :

And whereas on the 16th day of April 1884, the Clogher Valley Tramway 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 tramway mentioned in such memorial, and to confirm the said presentment :

And whereas appeals to the Lord Lieutenant in Council against the approval of the said undertaking were lodged :

And whereas it appears to the Lord Lieutenant in Council, notwithstanding the said 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 :



[47 & 48 VICT.] *Tramways (Ireland) Provisional [Ch. ccxviii.]*  
*Order Confirmation (Clogher Valley) Act, 1884.*

1. The Clogher Valley Tramway 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."

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Promoters.  
Power to con-  
struct line.

2. The Promoters may construct, maintain, and work, subject to the provisions of this Order and of the Acts incorporated herewith, the tramway and 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 Armagh, Tyrone, and Fermanagh respectively, with all proper rails, plates, offices, engine houses, stables, carriage houses, warehouses, works, and conveniences connected therewith, or for the purposes thereof ; and (subject to the provisions of the said Acts) may, by agreement 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.

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

Meaning of  
"tramway."

4. The gauge of the tramway shall be three feet, and where the 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.

Gauge and  
other parti-  
culars.

5. From and after the time when this Order becomes binding, the Promoters shall be empowered to put in force the provisions of the Lands Clauses Acts, including the Railways Act (Ireland), 1851, 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 plan and book of reference : Provided, however, that the Promoters shall not, under the authority of this Order, purchase or acquire any of the property belonging or reputed to belong to the Great Northern Railway Company (Ireland), herein-after referred to as the railway company, but the railway company shall, at the expense of the Promoters, grant to the Promoters, upon such terms as shall be agreed upon between the two companies, or, in case of difference, shall be determined in manner herein provided, an easement or right of laying down lines and sidings, and of constructing or erecting platforms and other works (if any) necessary for exchanging traffic between the respective undertakings of the two companies in such places on the property of the railway company included within the limits of deviation marked on the plans deposited by the Promoters with the clerks of the peace for the counties Tyrone, Fermanagh, or Armagh, and in such manner as not to interfere unduly with or obstruct the lines, works, or traffic of the railway company, and as the engineer-in-chief for the time being of the said railway company shall approve of, or, failing his approval, as may be determined by arbitration in manner herein provided : Provided also, that, should the said railway company at any time hereafter require to make any alterations in their lines, sidings, platforms, or works which would necessitate the alteration of the

Compulsory  
purchase of  
lands.



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lines, sidings, platforms, or works of the Promoters on the premises of the said railway company, such alterations shall be made in such manner and on such terms as shall be agreed upon between the two companies, or, failing agreement, as may be determined by arbitration in manner herein provided.

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 the said tramway.

Time for completion.

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

Confirmation of presentment of grand jury.

7. The presentment of the grand jury of the county of Fermanagh, which is set out in the second part of the First Schedule to this Order, and the presentment of the grand jury of the county of Tyrone, which is set out in the third part of the First Schedule to this Order, are hereby confirmed so far as they relate to the charge to be defrayed by the portions of the baronies of Lower Dungannon and Clogher, in the county of Tyrone, and of the baronies of Tyrkenney and Magherastephana, in the county of Fermanagh, specified in that behalf in the said presentments, for the payment of dividends at the rate of five per cent. per annum upon the paid up capital of the undertaking as limited by this Order, and so far as they relate to the liability of the said portions of the same baronies to provide for the completing, working, and maintaining of the undertaking.

Limit of guarantee.

8. The capital to which the guarantees set out in the said presentments shall apply is hereby limited to the sum of one hundred and thirty-two thousand pounds. The guarantee shall apply to so much of the capital so limited as is for the time being fully paid up.

Issue of capital.

9. The aforesaid capital of 132,000*l.* shall not be issued, save as the said capital may from time to time be required for the actual construction and carrying out of the said undertaking: Provided always, that the entire of the said capital shall not be issued until the expiration of a period of two years from the confirmation of this Order by Act of Parliament, unless the said undertaking should be sooner completed.

Treasury contribution to baronial charge.

10. When in any half year after the opening for traffic of the said tramway, the said baronies, or any of the portions thereof liable to the said guarantees, 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 carries traffic, authorise the Board of Works, out of moneys provided by Parliament, to pay to the treasurers of the counties of Tyrone and Fermanagh, to be put to the account of the said portions of the said baronies in the proportion of the sums paid by them, a sum amounting to one half of the sums so paid by them in respect of guaranteed dividend, exclusive as aforesaid, during such half year, but so nevertheless that the sum so authorised to be paid shall not exceed a sum equal to interest at the rate of two per cent. per annum on the paid up capital limited as aforesaid.

Placing of line.

11. 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 county shall direct. In every case



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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.

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12. 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.

Power to cross roads.

13. 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 ten days before the commencement of the work, and shall forward to the county surveyor a copy of their contract or detailed drawings and specifications.

Notice to county surveyor.

14. They shall not open or break up any street or road, save as shown on the said plans, save and except with the approval of the county surveyor of the county in which such street or road is situate, unless he neglects to give or refuse approval at the time specified in the notice of the Promoters. The county surveyors of the said counties respectively shall be paid by the Promoters such reasonable remuneration for the duties hereby imposed upon them as may be directed by the Lord Lieutenant by any general or special order.

Superintendence by county surveyor.

15. If any difference should arise between the Promoters and the county surveyor of either of the said counties 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, the said arbitrators to have power to call in an umpire, and the company shall pay the expense of such arbitration.

Arbitration.

16. The Promoters shall, after having opened or broken up a street or high road, with all convenient speed complete the work on account of which they opened or broke up the same, and (subject to the formation of the 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.

Restoring roads.

17. If any authority having the control of any road or street along or across which any of the tramways 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.

Alteration of level of roads.

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

Expenses of repairs.

19. The Promoters shall, at their own expense, maintain and repair all sidings on which any tramway shall be laid.

Maintenance of sidings and rails.



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Level cross-  
ings.

Power to  
enforce ob-  
ligations of  
Promoters.

Right as to  
roads.

Additional  
powers as to  
crossings and  
works.

Temporary  
works.

Tolls.

List of tolls.

Form of rail.

Roof loading.

20. The Promoters shall construct to the satisfaction of the county surveyors of the said counties respectively all such level crossings as shall, in their 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 or in the vicinity of such road.

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

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

23. The Promoters may, subject to the provisions of this Order, from time to time make all such crossings, passing places, sidings, junctions, and other works, in addition to those particularly mentioned in the said deposited plans and sections, as may from time to time be necessary or convenient for the efficient working of the 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.

24. If and whenever it shall become necessary for the purpose of repair, or other similar or temporary purposes, to remove or close any part of the 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.

25. 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, 1880, or any amendment thereof.

26. 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 tramway company at each of their stations.

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

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

28A. No rolling stock shall be used upon the tramways authorised by this Order until they have been certified as fit for the public conveyance of passengers by the Board of Trade, so far as form and dimensions are concerned.



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29. 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.

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Motive power.

30. Before the tramway shall be opened for traffic, the Promoters shall erect and complete all such new fences, railings, and walls, and strengthen, improve, and alter all such existing fences, railings, or walls, in each of the said counties as the county surveyor for such county 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.

Fences and walls.

31. The costs, charges, and expenses of obtaining this Order, including the expenses incurred by the grand juries of the counties of Armagh, Tyrone, and Fermanagh respectively in relation thereto, shall be paid by the Promoters.

Costs of Order.

32. The presentment sessions for the barony of Lower Dungannon, in the county of Tyrone, and the presentment sessions for the barony of Clogher, in the county of Tyrone, may each from time to time elect three directors, and the presentment sessions for the barony of Tyrkennedy, in the county of Fermanagh, and the presentment sessions for the barony of Magherastephana, in the county of Fermanagh, may each from time to time elect one director, to hold office each for such period as the presentment sessions appointing him may by resolution direct. Each such presentment sessions may from time to time remove any director whom it has appointed in pursuance of its power of appointment, and may appoint another director in his room, and may from time to time fill up any vacancy in the office of such baronial director.

Directors and auditors.

33. The directors of the said company, other than those elected by the said several presentment sessions, shall not at any time exceed eight in number.

Number of directors.

34. The respective presentment sessions for the said baronies of Lower Dungannon and Clogher, in the county of Tyrone, and for the said baronies of Tyrkennedy and Magherastephana, in the county of Fermanagh, may each from time to time appoint an auditor, for the purpose of inspecting the books and accounts of the company. The said presentment sessions, or any two or more of them, may, if they should deem it convenient so to do, appoint one and the same person as such auditor, but nothing herein is to be deemed to prevent each or any of the said presentment sessions from appointing separate and distinct auditors at their option; and the presentment sessions for the said baronies of Lower Dungannon and Clogher, in the county of Tyrone, and for the said baronies of Tyrkennedy and Magherastephana, in the county of Fermanagh,

Auditor.



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A.D. 1884. *Clogher Valley.* may each appoint one delegate to attend and vote at the general meetings of the company on any business relating to the said tramway. And the said presentment sessions may from time to time respectively by resolution, fill any vacancy in the said offices of such baronial auditor or baronial delegate, or remove any such baronial auditor or baronial delegate, and appoint any other person in his room.

Notice of meetings.

35. Seven days notice at the least of every general meeting of the company shall be given to each director or delegate so appointed by presentment sessions. Such notice shall specify the place, the day, and the hour of meeting; and a copy of each report of the directors and balance sheet shall from time to time be sent to each of the said directors and delegates in like manner as same are sent to shareholders of the company.

Keeping of accounts.

36. 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 the auditor or auditors appointed by the several presentment sessions herein-before mentioned, 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.

37. 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 each of the grand juries of the county of Tyrone and the county of Fermanagh; and the said grand juries may appoint one and the same or each may appoint a separate and distinct auditor. The Promoters shall produce for the inspection and examination of such auditor or auditors their books of account and all receipts and documents necessary for vouching same, and supply the auditor or auditors with all such further information as may be reasonably required by him or them for the purpose of auditing the said accounts. The expenses of the audit shall be paid by the Promoters, and in case of difference as to their amount they shall pay such sum in respect of the said expenses as may be fixed by the Lord Lieutenant by any general or special order. It shall be the duty of the said grand juries to appoint at each spring assizes an auditor for the purposes aforesaid, and the auditor shall, on or before the 15th 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 Treasury, and also to the secretary of the grand jury by which he was appointed. 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 furnish the statements specified in this paragraph within a reasonable time after his appointment.

Inspection of works.

38. It shall be the duty of the county surveyor of each of the said counties, 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 the said county at the summer assizes, and also at the



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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.

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39. The Promoters shall complete the undertaking within the time limited by this Order, and at all times effectually 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 any of the tramways for the time being consist, and the substructure upon which the same rest.

Provisions for  
securing the  
completion and  
maintenance of  
the tramway.

40. In any case in which it is represented in writing to the Board of Trade by the grand juries of the counties of Tyrone and Fermanagh, or either of them, 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 tramway, or by the county surveyor of either of the said counties, 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.

Board of Trade  
inquiry.

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

Committee of  
management.

42. If at any time the baronies of Lower Dungannon and Clogher, in the county of Tyrone, and Tyrkennedy and Magherastephana, in the county of Fermanagh, or the respective portions thereof charged with the payment of dividends by the presentments of the said grand juries, 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 grand jury of the county of Tyrone and the grand jury of the county of Fermanagh, subject to any liabilities affecting such undertaking or property, and the Lord Lieutenant may thereupon order that the said grand juries shall appoint a joint committee of management for the purposes of the undertaking.

Transfer of the  
undertaking to  
the grand jury.

43. Every joint 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.

Joint com-  
mittee.

44. The grand juries shall from time to time present, in advance or otherwise, such sums as the joint committee so appointed may estimate or report to be

Expenses in-  
curred by joint  
committee.



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necessary for the purposes for which the joint committee has been appointed to be levied off the said portions of the said baronies of Lower Dungannon and Clogher, in the county of Tyrone, and of the baronies of Tyrkennedy and Magherastephana, in the county of Fermanagh, in the proportions specified in the said presentments. The members of the joint committee shall be paid by the grand juries, 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.

Application of  
funds, &c.

45. The joint 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 joint committee of management, the Lord Lieutenant may direct the county surveyors of said counties of Tyrone and Fermanagh to do all such matters and things as a joint committee of management might do if appointed during such period as the Lord Lieutenant may direct.

Grand juries  
included in  
definition of  
Promoters.

46. If at any time the tramway becomes the property of the grand juries of the counties of Tyrone and Fermanagh, or comes to be managed by a joint 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 juries of the said counties as if such grand juries were the Promoters within the meaning of this Order.

Service of the  
Post Office.

47. The Promoters, if required by the Postmaster General, shall perform with respect to the tramways herein-before mentioned all such reasonable services in regard to the conveyance of mails, including parcels, as the Postmaster General may from time to time require by notice under the hand of the Secretary to the Post Office in Ireland, or the Inspector of Mails in Ireland, for the time being the remuneration for such services being determined by agreement, or failing agreement by a referee to be appointed by the Board of Trade at the request of either party. In this section the expressions "mails" and "parcels" have the same meaning as in the Regulation of Railways Act, 1873, and the Post Office Parcels Act, 1882, respectively.

Incorporation  
of Acts.

48. The Lands Clauses Consolidation Act, 1845, the Railways Clauses Consolidation Act, 1845, and the Railways Acts (Ireland), 1851 and 1860, shall, subject to the provisions of the Tramways (Ireland) Acts, be incorporated with this Order, except where the same are expressly varied by this Order. The provisions of the said Acts directing deposits to be made with clerks of the peace (except the provisions relative to access to the special Act), and with clerks of poor law unions and postmasters, and the provisions with respect to the crossing of roads and other interferences therewith (other than the provisions of the Railways Clauses Consolidation Act, 1845, sections 65, 66, 67, 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.

49. 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" and the "undertaking" shall mean respectively the tramway and works and the undertaking authorised by this Order.



[47 & 48 VICT.] *Tramways (Ireland) Provisional* [Ch. ccxviii.]  
*Order Confirmation (Clogher Valley) Act, 1884.*

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.

A.D. 1884  
—  
*Clogher  
Valley.*

50. This Order may be cited for all purposes as the Clogher Valley Tramway Order, 1884. Short title.

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

EDWARD SULLIVAN, C.  
R. DOWSE.  
THOS. STEELE, Genl.  
JOHN NAISH.

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The **FIRST SCHEDULE** referred to in the foregoing Order.

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FIRST PART.

*Certificate of Approval under the hand of the Secretary of the Grand Jury of  
the County of Armagh.*

I certify, in pursuance of the provisions of the Tramways (Ireland) Acts, that the grand jury of the county of Armagh, at the spring assizes of 1884, held in and for the said county, having on the application of the Clogher Valley Tramway Company (Limited) duly inquired whether or not the requirements of the said Acts have been complied with, and having heard all persons entitled to be heard, whether complaining of non-compliance with the said requirements or offering to be heard in opposition to the said application, and having inquired generally into the primâ facie merits of the undertaking promoted by the said company, and taken into consideration the report of the county surveyor on the undertaking, have approved of the said undertaking without any modification.

(Signed) JOHN G. WINDER,  
Secretary of the Grand Jury of the County  
of Armagh.

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SECOND PART.

*Presentment of the Grand Jury of the County Fermanagh.*

IN THE MATTER OF THE CLOGHER VALLEY TRAMWAY COMPANY.

FERMANAGH SPRING ASSIZES, 1884.

We, the grand jury of the county of Fermanagh, present as follows:—

1. That a dividend at the rate of five pounds per cent. per annum shall be guaranteed and paid half yearly by that portion of the parish of Aughalurcher lying north of and including the townland of Altnaponer, and lying on the eastern side of the parish of Aghavea, together with the following additional townlands in the said parish of Aghalurcher: Aghnaskew, Coolcrannel, Edergole, Tattenderry, Lisduff, Killashambally, Mullaghmore, Lislea, Killyclogher,



[Ch. ccxviii.] *Tramways (Ireland) Provisional [47 & 48 VICT.]  
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Tully North, and also the parish of Aghavea, which said portions of the parish of Aughalurcher and the said parish of Aghavea are situate in the barony of Magherastephana; and the townlands of Furnish, Drumnameell, Lurganclabby, Mullaghsilloga, Glencovet, Camgart, Crieve, Moysnaght, Remalie, Drumcor, Knocknastacken, Tullyweel, Edenban, Killyliss, Tullyullagh, Drumhirk, Brockagh, Cloghog, situate in the parish of Enniskillen and the barony of Tyrkennedy, all which aforesaid premises are herein-after described as "the guaranteeing area," upon one sixth of the share capital of the said company for the time being paid up, as defined by the Tramways and Public Companies (Ireland) Act, 1883; provided that the entire amount of such share capital shall not exceed the sum of 132,000*l.* The said guarantee shall commence as to each share from the date at which same is fully paid up, provided that if and whenever, after the opening of the said undertaking for public traffic, the net receipts for said undertaking shall amount to a sum equal to a dividend at the rate aforesaid upon the capital of the said undertaking for the time being paid up, then no sum shall be payable by the said guaranteeing area in respect of any half year in which there are net profits sufficient and applicable to the payment of such dividend, and that if and whenever, after the opening of the said undertaking as aforesaid, the net receipts of the said undertaking shall not amount to a sum equal to a dividend at the rate aforesaid on the capital of the said undertaking for the time being paid up, then the sum required to make up and pay such dividend upon the said one sixth of the share capital as aforesaid shall become payable half yearly by the said guaranteeing area.

2. That the proportions of the liability of the said parts of the said baronies of Magherastephana and Tyrkennedy on foot of this presentment shall from time to time be determined by arbitrators appointed by the Board of Trade, pursuant to the Tramways and Public Companies (Ireland) Act, 1883, section 6.

3. If default should be made by the said company in completing the said tramway, the said parts of the said baronies of Magherastephana and Tyrkennedy shall from time to time contribute one sixth of such sums of money as may be necessary for completing the same; the proportions to be paid by the said parts of the said baronies of Magherastephana and Tyrkennedy respectively to be determined by arbitrators to be appointed by the Board of Trade, pursuant to the Tramways and Public Companies (Ireland) Act, 1883, section 6.

4. If the receipts of the said undertaking are insufficient to defray the expenses of management, and of efficiently maintaining and working the said tramway, the said parts of the baronies of Magherastephana and Tyrkennedy shall from time to time contribute one sixth of such sums of money as may be necessary for managing and efficiently maintaining and working the said tramway; the proportions to be paid by the said parts of the baronies of Magherastephana and Tyrkennedy respectively to be determined by arbitrators appointed by the Board of Trade, pursuant to the Tramways and Public Companies (Ireland) Act, 1883, section 6.

5. The said baronies of Magherastephana and Tyrkennedy may each, by resolution at the presentment sessions held in and for the said baronies respectively next after the confirmation of this presentment by Order in Council, elect one director of the said company, to hold office for such period respectively as said



[47 & 48 VICT.] *Tramways (Ireland) Provisional [Ch. ccxviii.]*  
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resolutions may respectively direct, and may from time to time respectively, by resolution, fill up any vacancy in the office of such baronial director, or remove any director so appointed, and may appoint any other director in his room.

A.D. 1884.

*Clogher  
Valley.*

6. The said baronies of Magherastephana and Tyrkennedy may each, by resolution at the presentment sessions held in and for the said baronies respectively next after the confirmation of this presentment by Order in Council, appoint one auditor, and also one delegate to attend and vote at the meetings of the company on business relating to the said tramway, and may from time to time respectively, by resolution, fill any vacancy in the office of such baronial auditor or baronial delegate, or remove any such baronial auditor or baronial delegate, and may appoint any other person or persons in his or their room.

For self and fellows,  
(Signed) W.M. ARCHDALL,  
Foreman.

I certify, in pursuance of the provisions of the Tramways (Ireland) Acts, that the grand jury of the county of Fermanagh, at the spring assizes of 1884, held in and for the said county, on the application of the Clogher Valley Tramway Company (Limited), duly inquired whether or not the requirements of the said Acts have been complied with, and having heard all persons entitled to be heard, whether complaining of non-compliance with the said requirements or offering to be heard in opposition to the said application, and having inquired generally into the *primâ facie* merits of the undertaking promoted by the said company, and taken into consideration the report of the county surveyor on the undertaking, have approved of the said application without modification.

(Signed) E. H. ARCHDALL,  
Secretary of the Grand Jury of the County  
of Fermanagh.

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THIRD PART.

*Presentment of the Grand Jury of the County of Tyrone.*

We, the grand jury of the county of Tyrone, present as follows:—

1. That a dividend at the rate of 5*l.* per cent. per annum shall be guaranteed and paid half yearly by the baronies of Lower Dungannon and Clogher (excepting the townlands in the electoral division of Foremas and the parish of Donacavey, and also excepting the townland of Mounstewart), in the county of Tyrone, and which baronies, except as aforesaid, are herein-after described as "the guaranteeing area," upon five sixths of the share capital of the said company for the time being paid up, as defined by the Tramways and Public Companies (Ireland) Act, 1883; provided that the entire amount of such share capital shall not exceed the sum of 132,000*l.* The said guarantee shall commence as to each share from the date at which same is fully paid up; pro-



[Ch. ccxviii.] *Tramways (Ireland) Provisional [47 & 48 VICT.]  
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vided that, if and whenever, after the opening of the said undertaking for public traffic, the net receipts for said undertaking shall amount to a sum equal to a dividend at the rate aforesaid upon the capital of the said undertaking for the time being paid up, then no sum shall be payable by the said guaranteeing area in respect of any half year in which there are net profits sufficient and applicable to the payment of such dividend, and that if and whenever, after the opening of the said undertaking as aforesaid, the net receipts of the said undertaking shall not amount to a sum equal to a dividend at the rate aforesaid on the capital of the said undertaking for the time being paid up, then the sum required to make up and pay such dividend upon the said five sixths of the share capital as aforesaid shall become payable half yearly by the said guaranteeing area.

2. That the proportions of the liability of the said parts of the said baronies of Lower Dungannon and Clogher on foot of this presentment shall from time to time be determined by arbitrators appointed by the Board of Trade, pursuant to the Tramways and Public Companies (Ireland) Act, 1883, section 6.

3. If default should be made by the said company in completing the said tramway, the said parts of the said baronies of Lower Dungannon and Clogher shall from time to time contribute five sixths of such sums of money as may be necessary for completing the same ; the proportions to be paid by the said parts of the baronies of Lower Dungannon and Clogher respectively to be determined by arbitrators to be appointed by the Board of Trade, pursuant to the Tramways and Public Companies (Ireland) Act, 1883, section 6.

4. If the receipts of the said undertaking are insufficient to defray the expenses of management, and of efficiently maintaining and working the said tramway, the said parts of the said baronies of Lower Dungannon and Clogher shall from time to time contribute five sixths of such sums of money as may be necessary for managing and efficiently maintaining and working the said tramway ; the proportions to be paid by the said parts of the baronies of Lower Dungannon and Clogher respectively to be determined by arbitrators appointed by the Board of Trade, pursuant to the Tramways and Public Companies (Ireland) Act, 1883, section 6.

5. The said baronies of Lower Dungannon and Clogher may each, by resolution at the presentment sessions held in and for the said baronies respectively next after the confirmation of this presentment by Order in Council, elect three directors of the said company, to hold office for such period respectively as said resolutions may respectively direct, and may from time to time respectively, by resolution, fill up any vacancy in the office of such baronial director, or remove any director so appointed, and may appoint any other director in his room.

6. The said baronies of Lower Dungannon and Clogher may each, by resolution at the presentment sessions held in and for said barony respectively next after the confirmation of this presentment by Order in Council, appoint one auditor, and also one delegate to attend and vote at the meetings of the Company on business relating to the said tramway, and may from time to time respectively, by resolution, fill any vacancy in the office of such baronial auditor or



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baronial delegate, or remove any such baronial auditor or baronial delegate, and may appoint any other person or persons in his or their room.

A.D. 1884.

For self and fellows,

C. HAMILTON,

Foreman.

*Clogher  
Valley.*

I certify, in pursuance of the provisions of the Tramways (Ireland) Acts, that the grand jury of the county of Tyrone, at the spring assizes of 1884, held in and for the said county, on the application of the Clogher Valley Tramway Company (Limited), duly inquired whether or not the requirements of the said Acts have been complied with, and having heard all persons entitled to be heard, whether complaining of non-compliance with the said requirements or offering to be heard in opposition to the said application, and having inquired generally into the primâ facie merits of the undertaking promoted by the said Company, and taken into consideration the report of the county surveyor on the undertaking, have approved of the said application without modification.

(Signed) B. STUART,

Secretary of the Grand Jury of the County  
of Tyrone.

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SECOND SCHEDULE referred to in the foregoing Order.

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DESCRIPTION OF THE TRAMWAY.

Tramway No. 1.

Commencing at a point five yards or thereabouts, measured in a northerly direction, from the north corner of the goods store at Tynan Station, situated on the property of the Great Northern Railway Company, in the townland of Tynan, parish of Tynan, county of Armagh, and terminating at a point 70 yards or thereabouts, measured in an easterly direction, from the south-east corner of the East Gate Lodge of Corcreevy Demesne, said point of termination being on the public road from Fivemiletown to Brookborough, in the townland of Corcreevy Demesne, parish of Clogher and county of Tyrone, and which tramway will pass through the following townlands and parishes, or some of them, viz. :—The townlands of Tynan, Limnagore, and Marrassit, or College Hall, and parish of Tynan, county of Armagh; the townlands of Caledon, Kilsampson, Kilgowney, Millberry, Mullaghmossagh, Ramaket, Anacramp, Knockaginny, Finglush, Derrycourtney, Ballagh, Curlagh, Cumber, Glenkeen, Crilly, Glendavagh, Drumearn, Drummond, Annagh, Glencrew, Lisadavil, Knockadreen, Glack, Commons, Tullyvar, Tullywinney, Lisbeg, Grange, Tullybrian, Drumcorke, Crossboy, Annahilla, Sess, Roughan, Keady, Ballygreenan, Mullaghmore, Derries, Tully, Augher Tenements, Castlehill Demesne, Farranetra, Lisnamaghery, Crossowen, Clogher Tenements, Ballymagowan, Terrew, Carryclogher, Findermore, Freugh-



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A.D. 1884. more, Nurchossy Scotch, Ballagh, Mullaghmore, Ranenly, Gortmore, Ballyvadden, Fivemiletown, Corcreevy, Corcreevy Demesne, Timpany, Nurchossy Irish, Kiltermon, Artclea, and the parishes of Aghaloo, Carnteel, Errigal Keerogue, Clogher, and Aghalurcher, in the county Tyrone.

*Clogher  
Valley.*

Tramway Part No. 2.

Commencing by a junction with Tramway Part No. 1 at its terminal point in the townland of Corcreevy Demesne aforesaid, and terminating at a point 80 yards or thereabouts, measured in a northerly direction, from the north-west corner of the new passenger station house at Maguiresbridge Station, on the property of the Great Northern Railway Company, same being in the townland of Drumgoon, parish of Aghalurcher, and county of Fermanagh, which tramway will pass through the following townlands and parishes, or some of them, viz. :-- the townlands of Corcreevy, Corcreevy Demesne, and the parish of Clogher, in the county of Tyrone ; the townlands of Cavanaleck, Tattyknuckle, Corralongford, Tatenahelish, Tullykenneye, Killarbran, Claraghy, Derryloman, Eskeragh, Cavanagarvan, Drumhoy, Cornamucklagh, Skeoge, Coolcoghill, Tattendillur, Aghalun, Lurgan, Lisolvan, Gola, Killartrey, Ballyreagh, Killykeeran, Liskosker, Aghavea Glebe, Derryvree, Aughnacloy South, Aghavea Drumbrughas, Lisadrum, Tattinderry, Coolcrannel, Drumgoon, and the parishes of Aghalurcher and Aghavea, in the county of Fermanagh.

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THIRD SCHEDULE referred to in the foregoing Order.

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LANDS PROPOSED TO BE TAKEN OTHERWISE THAN BY AGREEMENT.

The lands shown upon the deposited plans, a list of which lands is set forth in the reference book attached hereto.

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LONDON: Printed by EYRE and SPOTTISWOODE,  
Printers to the Queen's most Excellent Majesty. 1884.