CHAPTER cxliii.

An Act to authorize the Great Southern and Western Railway Company to make a railway in substitution for a portion of the existing Cork and Youghal and Great Southern and Western Junction Railway; to remove and replace a certain bridge; to divert and stop up certain roads; to acquire additional lands; and for other purposes. [14th July 1884.] A.D. 1884.

WHEREAS it is expedient that the Great Southern and Western Railway Company (in this Act called "the Company") should be authorized to construct the railway in substitution for portion of the existing Cork and Youghal and Great Southern and Western Junction Railway and execute the other works in this Act mentioned and to acquire for such purposes and for other purposes connected with their undertaking the lands and buildings in this Act also mentioned:

And whereas plans and sections of the railway and of the works by this Act authorized to be made and plans of the lands above referred to and by this Act authorized to be acquired and appropriated and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the several clerks of the peace for the several counties within which those works will be constructed and those lands are situate which plans sections and books of reference are in this Act referred to as the deposited plans sections and books of reference:

And whereas the Company have by their various Acts been authorized to raise the sum of six millions three hundred and nine thousand nine hundred and forty pounds by shares:

And whereas the authorized loan capital of the Company consists of the sum of one million three hundred and ninety-three thousand nine hundred and sixty-five pounds:

A.D. 1884.

And whereas it is expedient that the Company should be authorized to raise the capital required for the purposes of this Act by a further issue of debenture stock:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it 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:—

Short title.

1. This Act may be cited for all purposes as the Great Southern and Western Railway (Additional Powers) Act 1884.

Incorporation of general Acts.

2. The Companies Clauses Consolidation Act 1845 and Part III (relating to debenture stock) of the Companies Clauses Act 1863 the Lands Clauses Consolidation Act 1845 as amended by the Railways Act (Ireland) 1851 the Railways Clauses Consolidation Act 1845 the Railways Act (Ireland) 1851 the Lands Clauses Consolidation Acts Amendment Act 1860 the Railways Act (Ireland) 1860 the Railways Act (Ireland) 1864 the Railways Traverse Act and Part I (relating to construction of a railway) of the Railways Clauses Act 1863 are (except where expressly varied by this Act) incorporated with and form part of this Act:

Provided that all the provisions of section seventeen of the Railways Clauses Consolidation Act 1845 and of sections thirteen eighteen and nineteen of the Railways Clauses Act 1863 shall apply to any works which the Company may construct upon the lands in the townland of Ringmeen in the parish of Clonmel and county of Cork which the Company are empowered to acquire by this Act.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings unless there be something in the subject or context repugnant to such construction.

As to deposit of plans with clerks of unions.

4. With reference to this Act all the provisions of sections seven eight and nine of the Railways Clauses Consolidation Act 1845 shall be read and construed as if instead of the expression "postmasters of the post towns in or nearest to such parishes in Ireland" the expression "clerks of the unions within which such parishes are included in Ireland" and as if instead of the word "postmasters" the words "clerks of the unions" had been used and inserted throughout those sections.

Power to make railway and works.

5. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the

deposited plans and sections the railway hereinafter described with all proper stations approaches works and conveniences connected with such railway and may exercise the powers hereinafter described and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for those purposes (that is to say) :—

A railway four furlongs one hundred and ten yards in length commencing at a point fifteen yards or thereabouts north of the south face of the existing tunnel adjoining the terminus of the Company's railway at Cork and terminating at a point on the Cork and Youghal Railway one hundred and eighty-two yards or thereabouts east of the junction between the Cork and Youghal and the Great Southern and Western and Cork and Youghal Junction Railway.

Power to substitute bridge—divert and stop up road &c. according to deposited plans.

6. Subject to the provisions of this Act the Company may make and maintain in the line and according to the levels shown on the deposited plans and sections the works in this section described and may enter on take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes (that is to say) :—

They may remove the iron girder bridge which carries the public road known as the Lower Glanmire Road leading from the city of Cork to Youghal and Queenstown over the railway of the Company and may substitute therefor a new bridge of wider span :

They may divert and stop up a portion of the public road leading from Queenstown to Whitepoint lying immediately to the north of the Company's railway and may substitute therefor a new road And all rights of way along and over the said portion of road so to be stopped up shall be and the same are hereby extinguished.

Power to acquire lands for general purposes of undertaking.

7. Subject to the provisions of this Act and in addition to the other lands which they are by this Act authorized to acquire the Company may from time to time enter upon take use and appropriate to purposes connected with their undertaking all or any of the lands following delineated on the deposited plans and described in the deposited books of reference relating thereto respectively that is to say :—

Certain lands in the townlands of Ringmeen and Ballyvoloon in the parish of Clonmel township of Queenstown and county of Cork lying to the north of the portion of the public road leading from Queenstown to Whitepoint and which may be diverted under the powers of this Act :

A.D. 1884.

Certain lands in the townland of Ringmeen in the parish of Clonmel in the township of Queenstown and the county of Cork lying to the south of the railway of the Company and certain portions of the foreshore and bed of the Cork harbour adjoining the townland of Ringmeen in the parish of Clonmel township of Queenstown and county of Cork being extra parochial And which lands include the whole southern portion of the Lower Esplanade mentioned and referred to in the second subsection of the thirteenth section of the Cork and Youghal Railway Act 1861 and also the quay extending from the mainland to the Lower Esplanade six feet in width throughout mentioned and referred to in the third subsection of the said thirteenth section of such Act:

Certain lands in the townland of Ballinamought West in the parish of St. Anne's Shandon in the county of the city of Cork adjoining the Company's premises and situated on the north side of the Cork and Youghal Railway and to the west of Myrtle Hill level crossing:

Certain lands in the townland of Banteer in the parish of Clonmeen in the county of Cork adjoining the Company's premises and situate on the south side of the Company's Kanturk station:

Certain lands and premises in the townland of Laharan in the parish of Killorglin in the county of Kerry adjoining the Company's premises and situate on the south-east side of the terminus of the authorized Killorglin Branch Railway of the Company:

Certain lands in the townland of Castleconway in the parish of Killorglin in the county of Kerry adjoining the Company's premises and situated on the south-east side of the authorized Killorglin Branch Railway:

Certain lands in the townland of Ballybrack in the parish of Kilnanare in the county of Kerry adjoining the Company's premises and situated on the south side of the authorized Killorglin Branch Railway:

Certain lands in the townland of Rathbeg in the parish of Kilnanare in the county of Kerry adjoining the authorized Killorglin Branch Railway and on the south side thereof:

Certain lands in the townland of Coolboy in the parish of Emly in the county of Tipperary adjoining the Company's premises at the north-west side of the railway and on the north side of the public road leading from Emly to Galbally:

Certain lands in the townland of Clonoulty Churchquarter in the parish of Clonoulty in the county of Tipperary adjoining the

Goold's Cross station of the Company lying on the eastern side of the railway:

Certain lands houses and premises in the townland of Thurles townparks in the parish of Thurles township of Thurles in county of Tipperary lying on the east side of the railway adjoining the Thurles station of the Company:

Certain lands in the townland of Kiltillane in the parish of Templemore township of Templemore in the county of Tipperary lying on the west side of the railway of the Company and adjoining the Templemore station:

Certain lands in the townland of Skagh in the parish of Croom in the county of Limerick adjoining the Company's premises situated on the west side of the Cork and Limerick Direct Railway to the north of the public road leading from Croom to Bruff:

Certain lands and premises in the townland of Athy in the parish of Saint Michael's township of Athy in the county of Kildare adjoining the railway on the south-east side of Athy railway station:

Certain lands in the townland of Pollardstown in the parish of Pollardstown in the county of Kildare lying on the west side of the railway and near the post denoting twenty-six and three-quarter miles from Dublin:

Certain lands in the townland of Osberstown in the parish of Naas in the county of Kildare lying on the east side of the railway adjoining the Sallins station:

Certain lands buildings and premises in the parish of St. James in the county of the city of Dublin lying on the north side of the railway near the post denoting half-a-mile from Dublin on the railway.

For the protection of the Cork Harbour Commissioners.

8. Notwithstanding anything in this Act contained or shown on the deposited plans and sections to the contrary the following provisions unless otherwise agreed between the Company and the Cork Harbour Commissioners shall apply and have effect for the protection of the Cork Harbour Commissioners (in this section referred to as "the Harbour Commissioners") including their successors and the public interests and may be enforced by the Harbour Commissioners (that is to say):—

1. The Company shall according to plans previously submitted to and approved by and to the satisfaction of the engineer of the Harbour Commissioners connect the present approach road or entrance to the deep water quay of the Harbour Commissioners and boat harbour adjoining the same at Queenstown with the diversion of the Queenstown and

A.D. 1884.

Whitepoint public road by this Act authorized and shall so connect the said roads as to form as convenient a public approach to the said deep water quay and boat harbour as the present approach thereto And until the portion of the new public road to be made to the east of Queenstown station and all the works connected therewith shall be completed and ready for use and the approach road to the said quay and boat harbour connected therewith as aforesaid the Company shall not stop up or interfere with any portion of the existing public road to the east of the above-mentioned station or in any way obstruct or hinder the free passage of traffic along the same:

2. If the Company enter upon take acquire use or appropriate for their undertaking the three-and-a-half-feet quay or the six-feet quay mentioned in section thirteen of the Cork and Youghal Railway Act 1861 or the road or footpath numbered on the deposited plans 29 in the townland of Ringmeen or any part thereof respectively or any portion of the said deep water quay of the Harbour Commissioners or any lands or foreshore or bed of Cork harbour lying to the south or seaward of such quays or road respectively they shall according to plans approved by the Harbour Commissioners construct and complete within five years from the passing of this Act a new continuous and uniform quay five feet in width throughout (measured on the level of the coping-stone) with a water frontage to the harbour and extending from the western end of the deep water quay of the said Commissioners at Queenstown station to the said road or footpath numbered on the deposited plans 29 as aforesaid at the extreme western or Whitepoint end of the lands and foreshore and bed of Cork harbour which the Company are by this Act authorized to purchase and which are shown on the deposited plans to the south of the Company's Queenstown Branch Railway with free access of like width therefrom to the public carriage-road leading to Queenstown and such new quay shall be dedicated by the Company to the public use for the purposes of a public highway and quay and is hereinafter termed "the five-feet quay" and upon the completion of the five-feet quay and all the works thereof to the satisfaction of the Harbour Commissioners and the dedication of the same to public use as aforesaid but not sooner or otherwise the provisions of subsections two and three of section thirteen of the said Act of 1861 shall cease to be in force and all rights of way along and over the said

three-and-a-half-feet quay and six-feet quay respectively shall be extinguished:

3. The southern boundary of the five-feet quay shall for the purposes of this section be the outer edge of the coping-stone of the sea-wall of such quay as shown on certain cross sections furnished by the Company to the Harbour Commissioners and signed by Kennett Bayley on behalf of the Company and by Philip Barry on behalf of the Harbour Commissioners and the sea-wall of such quay shall be constructed in the position and manner shown on such cross sections and shall not be made further seaward than as shown thereon:

4. As soon as the five-feet quay shall be completed the Company shall construct upon the Company's lands immediately to the north of the said quay a suitable and sufficient fence six feet high to separate the said quay from the adjoining lands and property of the Company:

5. The Company shall construct the sea-wall of the said quay with ashlar masonry similar to or of an equally good description as that of the sea-wall of the present three-and-a-half-feet quay and for that purpose they may use the ashlar stone of such existing sea-wall provided that in removing such ashlar stone the free passage of traffic along such three-and-a-half-feet quay and six-feet quay shall be obstructed or interfered with as little as possible until the new quay is completed and dedicated to the public use as aforesaid:

6. The Company shall simultaneously with the construction of the five-feet quay make according to plans to be approved by the Harbour Commissioners two convenient passages for the public from the public road (as at present existing or diverted under the powers of this Act) lying to the north of the Queenstown Branch Railway of the Company over and across the said railway to the five-feet quay and for that purpose shall extend the present bridges numbered on the deposited plans 21 and 28A in the townland of Ringmeen and connect the same with the five-feet quay and shall construct in connection with such passages and bridges suitable landing stairs (for foot passengers only) from the said quay to the waterway of the harbour as convenient as the landing stairs now existing on the present quays Provided that such passages and bridges shall be constructed clear of and so as not to narrow or interfere with the five-feet roadway of the five-feet quay:

7. In the event of the Harbour Commissioners constructing at any future time a quay pier or jetty in front of the Whitepoint

A.D. 1884.

end of the five-feet quay the Company shall grant and convey to the Harbour Commissioners free of charge sufficient land to widen the western return of the five-feet quay on the land side thereof so as to give a roadway twenty feet at least in width along such return from the said road or footpath numbered on the deposited plans 29 as aforesaid and sufficient to provide also a free access of like width from such roadway to the public carriage-road leading to Queenstown:

8. The Company shall from time to time and at all times keep in good and proper repair and condition to the satisfaction of the Harbour Commissioners the new public approach to the deep water quay and boat harbour hereinbefore mentioned and also when and so soon as the same are constructed the five-feet quay and the roadways fences passages bridges landing stairs works and conveniences of and connected therewith respectively and other works by this section required to be constructed by the Company:

9. The Company shall not at any time enter upon take acquire use or appropriate for any purpose whatsoever any part of the foreshore or bed of Cork harbour to the south or seaward of the sea-wall of the five-feet quay nor make any work south or seaward of the said sea-wall without the previous consent in writing of the Harbour Commissioners except that the Company may construct outside and abreast of the said sea-wall the landing stairs (for foot passengers only) in connection with and to give access to the waterway from the two passages and bridges hereinbefore mentioned Provided that such stairs are constructed according to plans previously approved by the Harbour Commissioners:

10. The Company shall not at any time hereafter make any alteration in or addition to the five-feet quay or any part thereof or the works thereof (either above or below high-water mark) without the previous consent in writing of the Harbour Commissioners:

11. The Company shall not enter upon take acquire use or appropriate for the purpose of their undertaking any portion of the deep water quay of the Harbour Commissioners at Queenstown station lying to the south of an imaginary straight line drawn along such quay in continuation of the northern boundary fence of the five-feet quay and free access between the said deep water quay and the five-feet quay shall at all times be maintained and open to the public as a highway and shall not be in any way impeded or interfered

with by the works or operations of the Company or otherwise howsoever:

12. If the five-feet quay and all the works connected therewith shall not be completed at the expiration of five years from the date of the passing of this Act as hereinbefore provided then and in such case the Company shall if required by the Harbour Commissioners so to do and to the satisfaction of such Commissioners forthwith take away and remove all works constructed and material deposited by the Company to the south or seaward of the three-and-a-half-feet and six-feet quays and the road or footpath numbered 29 as aforesaid and restore the said quays and road to their present condition with a water frontage to the said quays and with the same rights of way and user as at present exist in connection with the said quays and road and shall vest in the Board of Trade or with their sanction in the Harbour Commissioners any foreshore or bed of Cork harbour or interest therein which may have been acquired by the Company and the same shall cease to be used for or be applicable to the purposes of the Company's undertaking:

13. If the Harbour Commissioners shall at any time or times hereafter being duly authorized so to do determine to construct any one or more quays piers or jetties in front or southward of the five-feet quay they may from time to time free from any payment or compensation to the Company enter upon take and use for such works so much of the five-feet quay and the sea-wall and works thereof and of any land or foreshore or bed of Cork harbour in front or south of the same as may be required for the purpose and which at the time may belong to the Company or which the Company may be entitled to acquire and the Company shall convey and assure to the Harbour Commissioners (free of charge) all the interest of the Company in the same in such manner as may be required by the Harbour Commissioners Provided always that the Harbour Commissioners shall not in constructing any such works damage injure or endanger the Company's railway and works at Queenstown and shall indemnify the Company from any injury to their works or property which they may sustain by reason or during the progress of such works and shall erect to the satisfaction of the Company's engineer all proper and substantial defences barriers fences and supports to protect the Company's railway and works from being injured by or trespassed upon during the execution of such works:

A.D. 1884.

14. In case of any difference or dispute arising between the Company and the Harbour Commissioners or their respective engineers as to any plans or sections or the nature of any works or repairs or the mode of executing the same under this section such difference or dispute shall be referred to and settled and determined by an arbitrator to be appointed by the Board of Trade on the application of the Company and the Harbour Commissioners or either of them and the decision of such arbitrator who shall have authority to determine by whom the costs of such reference shall be paid shall be binding and conclusive in the matter:

15. Except as is otherwise expressly provided by this Act nothing in this Act contained shall alter limit prejudice lessen or affect any of the powers rights privileges or authorities of the Harbour Commissioners under any Act of Parliament or otherwise.

Notice to be given of taking by Company houses of labouring classes.

9. The Company shall not less than eight weeks before they take in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers make known their intention to take the same by placards hand-bills or other general notice placed in public view upon or within a reasonable distance from such houses and the Company shall not take any such houses until they have obtained the certificate of a justice that it has been proved to his satisfaction that the Company have made known their intention to take the same in manner hereinbefore required.

Company to procure accommodation for persons of the labouring classes to be displaced.

10. Before taking in any parish fifteen houses or more occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers who may for the time being be occupiers of any house or part of any house which the Company are by this Act authorized to acquire the Company shall (unless they and such persons otherwise agree) procure sufficient accommodation elsewhere for such persons Provided always that if any question shall arise as to the sufficiency of such accommodation the same shall be determined by a justice The Company may for the purpose of providing such accommodation appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase lands by agreement and may on any such lands erect labouring-class dwellings and may let or otherwise dispose of such lands or dwellings and may apply for the purposes of this section or any of them any moneys they are authorized to raise.

Plans of carrying Glanmire

11. Previous to the commencement of the construction of the new bridge which carries the Lower Glanmire Road over the railway

Road bridge over railway to be approved by corporation of Cork.

of the Company as authorized by this Act working drawings of such new bridge and its approaches shall be lodged by the Company at the office of the surveyor of the corporation of Cork and it shall not be lawful for the Company to commence the construction of such works until the plans and sections according to which it is intended that the same shall be made shall have been approved of by the said corporation such approval to be signified in writing under the hand of the town clerk for the time being of the said corporation and such works shall be constructed only according to such plans and sections as shall have been so approved of as aforesaid Provided in case any difference shall arise between the Company and the said corporation with respect to the said working drawings or with respect to the construction of the said bridge and approaches such differences from time to time as the same shall arise shall be settled and determined by an arbitrator to be appointed by the Board of Trade upon the application of either of the parties and the decision of such arbitrator shall be final and the works shall be carried out accordingly by the Company.

For protection of Queenstown Commissioners.

12. The following provision for the protection of the Commissioners of the township of Queenstown (hereinafter called "the Queenstown Commissioners") shall apply and have effect (that is to say):—

1. The Company shall provide in lieu of the existing footway numbered on the deposited plans 4 in the townland of Ballynoloon and 2 in the townland of Ringmeen a substituted footway from the public road leading from Queenstown to Whitepoint when such road shall be diverted under the powers conferred by this Act in order to enable the public to pass from that road to the upper road as they at present do:
2. The Company shall in diverting the portion of the public road numbered 1 on the deposited plans in the townland of Ringmeen and parish of Clonmel leading from Queenstown to Whitepoint lying immediately to the north of the railway authorized by this Act construct the diverted road delineated on the deposited plans with a curve of a greater radius on the western end thereof than that shown upon the said plans and the radius of such curve shall be such as may be determined by the respective engineers of the Company and the Queenstown Commissioners or in case of difference by an arbitrator to be appointed by the Board of Trade.

For the protection of Captain Rushbrooke.

13. The Company shall not at any time erect or use any stationary steam engine workshop or coke furnace on any part of the lands authorized to be taken by them for the purposes of this Act within

A.D. 1884.

the townland of Ringmeen between the point where the proposed diversion of the road is intended to commence and the westernmost extremity of the land which they are authorized to acquire within the said townland under this Act and the Company shall not at any time erect or use any building whatever on any part of the said lands of a greater height than twenty-three feet from the level of the now existing rails at the bridge carrying the public road leading to Whitepoint over the railway and shall use the said lands solely for ordinary railway purposes.

Abandonment of portion of the Cork and Youghal and Great Southern and Western Junction Railway.

14. When and so soon as the railway by this Act authorized is completed and opened for public traffic the Company may abandon and discontinue the maintenance of so much of the existing Cork and Youghal and Great Southern and Western Junction Railway as lies between its point of junction with the railway authorized by this Act and the terminus of such junction railway at Summerhill And the Company may sell so much and such parts of the lands taken for the purposes of the said portion of railway as shall not be required by the Company for other purposes of their undertaking.

Site of roads stopped up to vest in Company.

15. Where the Company shall under the provisions of this Act divert or stop up any road the soil and site of the road so diverted or stopped up to the extent of the lands acquired by or belonging to the Company or the lands to be acquired under this Act on both sides of such road shall subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway thereupon vest in and thenceforth be held by them in fee as part of their undertaking.

Railway to form part of railway of the Company.

16. The Company may demand and receive for and in respect of the railway by this Act authorized the same tolls and charges which they may now receive in respect of their existing undertaking and the railway shall in all respects be deemed part of the railway of the Company.

Power to raise debenture stock for purposes of Act.

17. The Company may create and issue debenture stock not exceeding in the whole four hundred thousand pounds subject to the provisions of Part III of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock at any time after the passing of this Act created and issued by the Company shall rank pari passu with the interest of all mortgages at any time after the passing of this Act granted by the Company and shall have priority over all principal moneys secured by such mortgages.

Power to apply corporate funds

18. The Company may apply to the purposes of this Act to which capital is properly applicable any of the moneys which they

now have in their hands or which they have power to raise by shares or mortgage by virtue of any Acts relating to the Company and which may not be required for the purposes to which they are by any such Acts made specially applicable.

Application of moneys.

19. All moneys raised under this Act by debenture stock shall be applied only for the purposes of this Act and for the general purposes of the Company to which capital is properly applicable.

Period for compulsory purchase of lands.

20. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Imposing penalty unless railway opened.

21. If the Company fail within the period limited by this Act to complete the railway the Company shall be liable to a penalty of fifty pounds a day for every day after the expiration of the period so limited until the railway is completed and opened for public traffic or until the sum received in respect of such penalty amounts to five per cent. on the estimated cost of the works and the said penalty may be applied for by any landowner or other person claiming to be compensated in accordance with the provisions of the next following section of this Act or by the solicitor of Her Majesty's Treasury and in the same manner as the penalty provided in section three of the Railway and Canal Traffic Act 1854 and every sum of money recovered by way of such penalty as aforesaid shall be paid under the warrant or order of such court or judge as is specified in that section to an account opened or to be opened in the name and with the privity of the Accountant-General of the Chancery Division of the High Court of Justice in Ireland in the bank specified in such warrant or order and shall not be paid thereout except as hereinafter provided but no penalty shall accrue in respect of any time during which it shall appear by a certificate to be obtained from the Board of Trade that the Company was prevented from completing or opening such railway by unforeseen accident or circumstances beyond their control Provided that want of sufficient funds shall not be held to be a circumstance beyond their control.

Providing for application of penalty in compensation to parties &c. injured.

22. Every sum of money so recovered by way of penalty as aforesaid shall be applicable and after due notice in the "Dublin Gazette" shall be applied towards compensating any landowners or other persons whose property has been interfered with or otherwise rendered less valuable by the commencement construction or abandonment of the railway or any portion thereof or who have been subjected to injury or loss in consequence of the compulsory powers of taking property conferred upon the Company by this Act

A.D. 1884.

and for which injury or loss no compensation or inadequate compensation has been paid and shall be distributed in satisfaction of such compensation as aforesaid in such manner and in such proportions as to the said Chancery Division may seem fit; and if no such compensation is payable or if a portion of the sum or sums of money so recovered by way of penalty as aforesaid has been found sufficient to satisfy all just claims in respect of such compensation then the said sum or sums of money recovered by way of penalty or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be paid or transferred to or for the account of Her Majesty's Exchequer in such manner as the Chancery Division thinks fit to order on the application of the solicitor of Her Majesty's Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the said Chancery Division if the Company is insolvent and has been ordered to be wound up or a receiver has been appointed shall wholly or in part be paid or transferred to such receiver or to the liquidator or liquidators of the Company or be otherwise applied as part of the assets of the Company for the benefit of the creditors thereof.

On expiration of time limited for completion of railway power to cease.

23. If the railway authorized by this Act shall not be completed within five years from the passing of this Act then on the expiration of such period the powers by this Act granted to the Company for making and completing the said railway or otherwise in relation thereto shall cease to be exercised except as to so much thereof as shall then be completed.

Classification table to be open to inspection and copies to be sold.

24. The book tables or other document in use for the time being containing the general classification of goods carried by goods or merchandise train on the railways of the Company shall during all reasonable hours be open to the inspection of any person without the payment of any fee at every station at which goods or merchandise are received for transmission and such book tables or other document as annually revised shall be kept on sale at the principal office of the Company at a price not exceeding one shilling:

Terminal charges (if any) to be specified on application.

The Company shall within one week after application in writing made to the secretary of the Company by any person interested in the carriage of any goods which have been or are intended to be carried over the railway render an account to the person so applying in which the charge made or claimed by the Company for the carriage of such goods shall be divided and the charge for conveyance over the railway shall be distinguished from the terminal charges (if any) and if any terminal charge is included in such

account the nature and detail of the terminal expenses in respect of which it is made shall be specified:

Penalty.

If the Company fail to comply with the provisions of this section they shall for each offence and in the case of a continuing offence for every day during which the offence continues be liable to a penalty not exceeding five pounds which penalty shall be recovered and applied in the same manner as penalties imposed by the Regulation of Railways Act 1873 section fourteen.

Saving rights of Her Majesty's Principal Secretary of State for the War Department.

25. And whereas it is necessary that the lands hereditaments and works belonging to Her Majesty or vested in Her Majesty's Principal Secretary of State for the War Department for the public service should be preserved intact and free from all intrusion or obstruction Be it therefore enacted that nothing in this Act contained shall authorize the Company to enter upon use or interfere with any land soil or water or any right in respect thereof vested in or exercised by the said Principal Secretary for the time being or to take away lessen prejudice or alter any of the rights privileges or powers vested in or exercised by the said Principal Secretary for the time being without his previous consent signified in writing under his hand and which consent the said Principal Secretary for the time being is hereby authorized to give subject to such special or other conditions as he shall see fit to impose on the said Company.

Saving rights of the Crown in the foreshore.

26. Nothing contained in this Act shall authorize the 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 consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

Saving of rights as to future accretions.

27. Whereas all lands to the seaward of the lands by this Act authorized to be acquired now are below the line of ordinary high-water mark therefore if any land to the seaward of the lands by this Act authorized to be acquired shall at any time after the execution of any works under the authority of this Act become raised in height or reclaimed whether gradually or imperceptibly or otherwise so as to be above instead of below such line of ordinary high-water mark the Company shall not by virtue of the ownership of any lands which they are by this Act empowered to acquire have

A.D. 1884.

any estate right or interest in or to the lands so raised in height or reclaimed by reason that such raising or reclamation has been gradual or imperceptible or has been either wholly or partially caused by the works by this Act authorized or otherwise but the right and title to the soil and freehold of such land when so raised or reclaimed shall continue vested in the Queen's Majesty or such other corporation or person or persons as is or are at the time of the passing of this Act entitled to the same and as if the same had continued as the same now is subject to the flow and reflow of the ordinary tides.

For preserving rights of the corporation of Cork.

28. Nothing in this Act shall be construed to interfere with or in any way affect any existing right of the corporation of Cork to such tolls and dues as they are entitled to receive and have been accustomed to collect at the time of the passing of this Act but the same shall be enjoyed with as full and extensive means of collection and recovery as they were before the time of the passing of this Act and all powers and privileges contained in the Great Southern and Western Railway (Ireland) Extension Cork and Limerick Act 1845 for ascertaining the same as well as the penalties thereby imposed for obstructing the ascertaining thereof and the remedies provided for enforcing such penalties shall extend to this Act anything to the contrary thereof notwithstanding.

Saving as to foreshore.

29. Nothing in this Act shall in any way prejudice or affect the rights title or estate (if any) of Captain Rushbrooke in or to the foreshore.

Saving agreements (if any) betweenCaptain Rushbrooke and Cork and Youghal Railway Company.

30. Nothing in this Act shall in any way prejudice or affect the rights (if any) of Captain Rushbrooke under any agreement or agreements made between the predecessors in title of Captain Rushbrooke and the Cork and Youghal Railway Company.

Interest not to be paid on calls paid up.

31. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorized to raise to any shareholder on the amount of the calls made in respect of the shares held by him Provided that this Act shall not prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation Act 1845.

Deposits for future Bills not to be paid out of capital.

32. The Company shall not out of any money by this Act authorized to be raised pay or deposit any sum which by any standing order of either House of Parliament now or hereafter in force may be required to be deposited in respect of any application

to Parliament for the purpose of obtaining an Act authorizing the Company to construct any other railway or to execute any other work or undertaking.

Railway to be subject to general Acts.

33. Nothing herein contained shall be deemed or construed to exempt the railways of the Company from the provisions of any general Act relating to railways or the better and more impartial audit of the accounts of railway companies now in force or which may hereafter pass during this or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the authorized maximum rates of fares and charges or of the rates for small parcels.

Costs of Act.

34. All the costs charges and expenses of and attending the passing of this Act or incidental thereto shall be paid by the Company.

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