ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

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Cap. cxlii.

An Act to enable the *Great Southern and Western* Railway Company to divert the *Glanmire Road Lower* in the Parish of *Saint Anne's Shandon* in the County of the City or Borough of *Cork*, and to make a small Portion of Railway in that Parish; and for other Purposes. [4th *August* 1853.]

WHEREAS an Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act to enable the* Great Southern and Western *Railway Company to extend their Railway from their present Terminus in the City of* Cork *to the River* Lee *in the same City:* And whereas, in constructing the Railway to the River *Lee* by that Act authorized, it has been found necessary to divert a public Carriage Road or Highway known as the *Glanmire Road Lower*, in the Parish of *Saint Anne's Shandon* in the County of the City or Borough of *Cork:* And whereas it is expedient that the *Great Southern and Western* Railway Company should be authorized to divert the said Road in the Manner and to the Extent herein-after mentioned: And whereas the Powers granted to the said Company by the recited Act for making the Railway thereby authorized have

9 & 10 Vict. c. cxcvi.

ceased by Effluxion of Time: And whereas, in order that the Railway authorized by the recited Act may be completed, it is expedient to enable the said Company to construct the Railway or Portion of a Railway herein-after mentioned; but for the Purposes aforesaid the Authority of Parliament is necessary: 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; (that is to say,)

8 & 9 Vict. cc. 18. & 20. and 14 & 15 Vict. c. 70. incorporated with this Act.

I. That "The Lands Clauses Consolidation Act, 1845," except the Provisions thereof with respect to the Purchase and taking of Land otherwise than by Agreement, and "The Railways Clauses Consolidation Act, 1845," and "The Railways Act (*Ireland*), 1851," shall be incorporated with and shall form Part of this Act.

Power to divert a Portion of the Glanmire Road Lower.

II. That it shall be lawful for the *Great Southern and Western* Railway Company to stop up, between the Points herein-after mentioned, the public Carriage Road or Highway known as the *Glanmire Road Lower*, in the Parish of *Saint Anne's Shandon* in the County of the City or Borough of *Cork*, and to make, in substitution for the Portion of the said Road so authorized to be stopped up, a new Carriage Road for the Use of the Public, commencing at a Point on the said *Glanmire Road Lower* in the Parish aforesaid, Two hundred and forty-three Yards or thereabouts to the Eastward of the Point where the Centre Line of Railway is shown on the Plans referred to in "The *Great Southern and Western* Railway (*Ireland*) *Cork* Extension Act, 1846," as crossing or being thus intended to cross the said *Glanmire Road Lower*, and terminating in the Parish aforesaid at a Point on the said *Glanmire Road Lower*, Two hundred and sixty-four Yards or thereabouts to the Westward of the Point of crossing or intended crossing aforesaid, as shown on the said Plans referred to in the said Act: Provided always, that until the said new or substituted Road shall have been completed and opened it shall not be lawful for the said Company to stop up or interfere with the existing Road between the Points aforesaid.

Dimensions of new Road.

III. That the said new or substituted Road shall be made of the Dimensions and in accordance with the Regulations herein-after set forth; (that is to say,)

The Gradient or Inclination of the said new or substituted Road shall not be steeper in any Part than One Foot in Forty Feet; the total Width thereof (including the Carriageway and Footpaths) shall be Fifty Feet at least throughout the whole Length thereof:

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The Carriageway shall be throughout at least Thirty-four Feet wide in the Clear between the Footpaths:

There shall be a Footpath on each Side of the Carriageway along the whole Length thereof, and each such Footpath shall be at least Eight Feet wide throughout:

Each Footpath shall be covered throughout at least Three Inches in Depth with proper Fresh-water Gravel:

The Surface of the Carriageway shall be laid throughout at least Ten Inches deep with broken Limestone, and no Fragment of Limestone shall be used which when broken will not pass through a Ring of One Inch and Three Quarters of an Inch in Diameter:

The Curb Stones at each Side of each Footpath shall be Eighteen Inches deep and Six Inches thick at the least, and shall be square dressed on the upper Edge, and not less than Twelve Inches deep on Surface:

That a Parapet Wall shall be erected on the outer Side of each of the said Footpaths (save and except where the same shall cross the Bridge) along the whole Length thereof, Twenty Inches in Thickness at the least, in rubble squared Joints, with Copings of cut Limestone with semicircular Tops, of the same Description as the present Coping on the Wall at the East Side of the Fishery on the *Lower Glanmire Road*:

The Parapet Wall on the South Side of the said new Road shall be at least Three Feet Ten Inches in Height over the Footpath throughout the whole Length thereof.

New Road to be laid out to Satisfaction of Wide Street Commissioners.

IV. That the Course of the intended new or substituted Road within the Limits of Deviation shown on the deposited Plans thereof shall be laid out, and the same Road shall be made and finished in all Particulars not specified in this Act, to the Satisfaction of the Commissioners for making wide and convenient Streets, Ways, and Passages in the City of *Cork* and the Suburbs thereof, or their Successors and their Officers, for the Time being; and all Costs and Expenses to be incurred by the Commissioners or their Successors, or their Officers, in superintending the Construction of the said new or substituted Road, or otherwise in reference thereto, shall be paid by the Company: Provided always, that any Difference which may arise between the said Commissioners or their Successors, or their Officers, and the Company, with reference to the Construction of the said Road or any Matter connected therewith, or the Amount of such Costs and Expenses, shall be decided, on the Application of either Party, by the County Surveyor for the Time being of the East Riding for the County of *Cork*, whose Award in Writing on the Matter shall be binding and conclusive on the said Commissioners and their Successors, and their Officers, and the said Company, and shall be made

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a Rule of Her Majesty's Court of Queen's Bench in *Ireland*: Provided always, that either Party applying to the said County Surveyor shall previously thereto give Notice to the other Party of their or his Intention so to do: Provided also, that the Costs of the said Reference and Award shall, in the Discretion of the said County Surveyor, be paid wholly by either of the Parties in Difference, or partly by each of them in such Proportions as he shall determine.

Power to make a Railway or Portion of a Railway.

V. That it shall be lawful for the *Great Southern and Western* Railway Company to make and maintain a Railway or Portion of a Railway commencing on Lands now belonging to the said Company to the North of the said *Glanmire Road Lower* in the Parish of *Saint Anne's Shandon* aforesaid, and terminating in the same Parish on Lands now belonging to the said Company to the South of the said Road, and the Railway so authorized to be made shall form Part of the Undertaking of the Company, and shall for all Purposes be and be deemed to be a Portion of the Railway to the River *Lee* authorized to be made by the recited Act.

Works to be executed according to deposited Plans.

VI. Whereas a Plan and Section of the Carriage Road and Railway or Portion of a Railway by this Act authorized to be made, showing the Lines and Levels of the same respectively, and also a Book of Reference to the said Plans, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and of the Occupiers of the Lands which may be taken for the Purposes of the same, have been deposited for public Inspection with the Clerk of the Peace for the County of the City or Borough of *Cork*: Be it enacted, That, subject to the Provisions in this Act and in the Acts incorporated herewith contained, the said Carriage Road and Railway or Portion of a Railway shall be made in the Line or Course and upon the Lands delineated upon the said Plan and described in the said Books of Reference, and according to the Levels defined on the said Sections, and it shall be lawful for the said Company to enter upon, take, and use such of the said Lands as may be necessary for the Purposes thereof.

Limiting Period for compulsory Purchase of Lands.

VII. That 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 Two Years from the passing of this Act.

Limiting Time for Completion of Works.

VIII. That the Powers of the Company for making the Carriage Road and Railway or Portion of a Railway by this Act authorized shall not be exercised after the Expiration of Three Years from the passing of this Act.

Power to apply Capital.

IX. That any Capital authorized to be raised by the *Great Southern and Western* Railway Company, or any Part thereof, or any Funds

Funds now or hereafter belonging to them, may be applied by them to the Purposes of this Act.

Interest on Calls not to be paid out of Capital.

X. That the Company shall not, out of any Money by any Act relating to the Company authorized to be raised by Calls in respect of Shares, or by the Exercise of any Power of borrowing, pay to any Shareholder Interest or Dividend on the Amount of Calls made in respect of the Shares held by him: Provided always, that the Company may pay to any Shareholder such Interest on Money advanced by him beyond the Amount of Calls actually made as may be in conformity with the Provisions of "The Companies Clauses Consolidation Act, 1845."

Deposits for future Bill not to be paid out of Capital.

XI. That the Company shall not, out of any Money by any Act relating to the Company authorized to be raised, pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament for the Time being 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.

For preserving the Rights of the Corporation of Cork.

XII. That nothing in this Act shall be construed to interfere with or in anywise affect any existing Right of the Body Corporate of the Borough 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 collecting and Recovery as they were before the Time of the passing of this Act, and that all Powers and Privileges contained in "The *Great Southern and Western* Railway (*Ireland*) Extension to *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.

Railway to be subject to Provisions of 1 & 2 Vict. c. 98., 3 & 4 Vict. c. 97., 5 & 6 Vict. c. 55., 7 & 8 Vict. c. 85., 9 & 10 Vict. c. 57., and 14 & 15 Vict. c. 64.

XIII. Whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of the Mails by Railway;* and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways;* and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops;* and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways;* and another Act was

was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for regulating the Gauge of Railways*; and another Act was passed in the Session of Parliament held in the Fourteenth and Fifteenth Years of the Reign of Her present Majesty, intituled *An Act to repeal an Act for constituting Commissioners of Railways*: Be it enacted, That nothing in this Act contained shall be held to exempt the Company or any Part of their Undertaking from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect of the Company and their Undertaking so far as the same shall be applicable thereto.

Undertaking not exempt from Provisions of future General Acts.

XIV. That nothing in this Act contained shall be deemed or construed to exempt the Undertaking of the Company from the Provisions of any General Act relating to this Act, or of any General Act relating to Railways, or to the better and more impartial Audit of the Accounts of Railway Companies, now in force, or which may hereafter pass during the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized to be taken by the Company.

Short Title.

XV. That in citing this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Great Southern and Western* Railway (*Ireland*) Act, 1853."

Expenses of Act.

XVI. That all the Costs, Charges, and Expenses of and incidental to the passing of this Act shall be paid by the *Great Southern and Western* Railway Company.

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