



ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

Cap. xxxiii.

An Act to authorize the *Cork and Youghal* Railway Company to extend their Railway into *Cork*, and for other Purposes. [23d June 1856.]

WHEREAS by "The *Cork and Waterford* Railway Act, 1846," 9 & 10 Vict. c. cccxcvii.
 the *Cork and Waterford* Railway Company were incorporated for the making of a Railway from *Cork* to *Waterford*, with Branches to *Fermoy* and *Tramore*, and that Act was amended by "The *Cork and Waterford* Railway Amendment Act, 1851": And 14 & 15 Vict. c. xcvi.
 whereas by "The *Cork and Youghal* Railway Act, 1854," the Name of the Company was changed to "The *Cork and Youghal* Railway Company," and the Undertaking of the Company was limited to the Line between *Cork* and *Youghal*: And whereas by "The *Cork and Youghal* Railway (*Queenstown* Branch, &c.) Act, 1855," the Company were authorized to extend their Railway into the Town of *Youghal*, and to make a Branch Railway to *Queenstown*, and had other Powers conferred upon them: And whereas it is expedient that the Company should be authorized to extend their Railway from the present authorized Terminus in the City of *Cork* to or near to *St. Patrick's Hill* in the said City: And whereas the Powers granted by "The *Cork and Youghal* Railway Act, 1854," for the compulsory Purchase of
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The Cork and Youghal Railway Amendment Act, 1856.

of Lands in respect of so much of the authorized Line of Railway from *Cork* to *Youghal* as lies between the City of *Cork* and the Townland of *Dunkettle* in the County of *Cork*, expired in *August* One thousand eight hundred and fifty-five, and it is expedient that such Powers should be revived; and it is also expedient that the public Roads herein-after referred to should be crossed by the Railway in a different Manner from that which is at present authorized: And whereas the Company have made considerable Progress in the Construction of their Railway from *Cork* to *Youghal*: And whereas Plans and Sections of the Works by this Act authorized, showing the Lines and Levels thereof, and also Books of Reference to the Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and of the Occupiers of the Lands through which the Works will pass, were duly deposited with the Clerks of the Peace for the County of *Cork* and for the County of the City of *Cork* in the Month of *November* 1855: And whereas the Purposes afore-said cannot be accomplished 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:

8 & 9 Vict.
cc. 18. & 20.
and
14 & 15 Vict.
c. 70. incor-
porated.

I. "The Lands Clauses Consolidation Act, 1845," "The Railways Clauses Consolidation Act, 1845," and "The Railways Act (*Ireland*), 1851," shall be incorporated with and form Part of this Act.

Power to
construct
Railway
according to
deposited
Plans.

II. The Company may make and maintain the new or Extension Line of Railway herein-after particularly described (with all proper Works, Stations, Approaches, and Conveniences connected therewith) in the Line and upon the Lands delineated on the said Plans, and described in the said Books of Reference, and according to the Levels defined on the Section to those Plans, and the Company may enter upon, take, and use such of the said Lands as shall be necessary for such Purposes.

Describing
the new Line
of Railway.

III. The said New or Extension Line of Railway shall commence at the Termination of the *Cork and Youghal* Railway in the City of *Cork*, defined by the Third Section of "The *Cork and Youghal* Railway Act, 1854," and shall terminate at or near to *Saint Patrick's Hill* in the said City of *Cork*.

Not to im-
pede, &c.
Traffic of
Great
Southern

IV. It shall not be lawful for the Company, during the Construction of the Works hereby authorized, to impede or obstruct the Traffic of the *Great Southern and Western* Railway; and if the Company, their

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their Contractors, Workmen, or Servants, shall so obstruct the said Traffic, they shall forfeit to the *Great Southern and Western Railway Company* for every Day during which such Obstruction shall last the Sum of One hundred Pounds, besides any Damages, Costs, or Penalties which the last-named Company shall be compelled to pay in consequence of such Obstruction.

V. That Portion of the Railway which is intended to be constructed across the Tunnel of the *Great Southern and Western Railway*, and the Bridge over the same Tunnel, and the Works within Ten Yards on either Side of the same Bridge, shall be constructed at the sole Expense of the Company, but under the Direction and Superintendence and to the Satisfaction of the Engineer for the Time being of the *Great Southern and Western Railway Company*.

VI. The Bridge which is to carry the *Cork and Youghal Railway* over the *Great Southern and Western Railway* shall have a clear Headway of not less than Fifteen Feet, and shall be of such Span (not exceeding Fifty-five Feet) as the Engineer for the Time being to the *Great Southern and Western Railway Company* shall certify under his Hand to be essential for the Purpose of admitting of the Improvement of the Curves of the said *Great Southern and Western Railway*.

VII. The Extension Line hereby authorized shall form Part of the *Cork and Youghal Railway*.

VIII. The Company may construct their Railway in manner shown upon the Plans deposited as aforesaid in the Month of *November* 1855, over the Road in the Townland of *Gortaroe* in the Parish of *Clonpriest*, and the Road in the Townland of *Kennel* in the Parish of *Youghal*, both numbered 19 on the Plans referred to in "The *Cork and Youghal Railway Act, 1854*," and over the Road in the Townland of *Summerfield* in the said Parish of *Youghal*, numbered 3 on the deposited Plans referred to in "The *Cork and Youghal Railway (Queenstown Branch, &c.) Act, 1855*," instead of constructing their Railway over the said Roads in the Manner shown on the Two last-mentioned Plans respectively.

IX. The Powers of "The *Cork and Youghal Railway Act, 1854*," for the compulsory Purchase or taking or using of Lands for the Purpose of making so much of the Railway and Works as lies between the present authorized Termination of the said Railway in the City of *Cork*, defined by the Third Section of "The *Cork and Youghal Railway Act, 1854*," and the Termination of the said Railway in the Townland of *Dunkettle* and County of *Cork*, shall be

and Western Railway.

Works at crossing of Great Southern and Western Railway to be under Direction of their Engineer.

As to Bridge over Great Southern and Western Railway.

Railway to form Part of Company's Undertaking.

As to crossing certain Roads.

Reviving Time for the Purchase of Lands.

and

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and are hereby revived, and shall continue in force until the First Day of *August* One thousand eight hundred and fifty-eight.

Parties ag-
grieved by
Extension of
Time being
granted may
have Com-
pensation for
additional
Damage.

X. The Justices, Arbitrators, and Umpires respectively, as the Case may be, who, under the Provisions of the said recited Acts or this Act, shall award or assess the Compensation to be made by the Company to the Owners or Occupiers of or other Persons interested in any of the said Lands, or in any Lands which may be injuriously affected by the Construction of the Railway or Works lastly herein-before referred to, shall, in estimating the Amount of such Compensation, have regard to the Claim (if any) for Compensation for the additional Damage, if any, sustained by such Owners, Occupiers, or other Persons by reason of the Extension of Time hereby authorized.

Existing
Contracts
and Notices
to take
Lands not to
be affected.

XI. Provided always, That nothing herein contained shall in any-wise prejudice or affect any Contract entered into or Notice given by the Company before the passing of this Act for the Purchase or taking of any Lands, but every such Contract and Notice respectively shall be construed and shall take effect, and the same Proceedings shall be had thereunder, and all Parties thereto shall be entitled to the same Rights and Remedies in respect thereof, both at Law and in Equity, as if this Act had not been passed.

No Deviation
Riverward
without
Consent of
Admiralty.

XII. No Deviation shall take place Riverward of the inner dotted Line shown on the Plan deposited at the Admiralty without the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain and Ireland*, or the Commissioners for executing the Office of Lord High Admiral, and then only in accordance with the Terms of such Consent.

As to Appro-
val of Plans
by Admi-
ralty.

XIII. Previously to commencing the River Wall or the Works connected therewith, the Company shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of the said River Wall and Works connected therewith, for the Approval of the Lord High Admiral of the United Kingdom of *Great Britain and Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty; and such River Wall and Works shall be constructed only in accordance with such Approval.

Power to
Admiralty to
order local
Survey at
Expense of
Company.

XIV. If at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, to order a local Survey and Examination of any Works of the Company in, over, or affecting any tidal or navigable Water or River, or of the intended Site thereof, the Company shall defray the Costs of every such local
Survey

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Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Company; and if not paid upon Demand may be recovered as a Debt due to the Crown with the Costs of Suit, or may be recovered with Costs as a Penalty is or may be recoverable from the Company.

XV. If any Work to be constructed by the Company in, under, over, through, or across any tidal Water or navigable River, or if any Portion of any Work which affects or may affect any such Water or River or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly with Costs of Suit.

Works abandoned affecting tidal Waters may be removed by Admiralty at Expense of Company.

XVI. Where the Railway or the Roadway diverted by the same cuts off or will cut off Access to and from the Shore or Side of the River, the Company shall, during the Formation of the Line of Railway and at any Time or Times thereafter, make and for ever maintain in good Repair such Crossings for free Footways and Carriageways over, under, or across the Railway and Roadway, or either of them, as the Lord High Admiral of the United Kingdom of *Great Britain and Ireland*, or the Commissioners for executing the Office of Lord High Admiral, shall at any Time or Times require.

For ensuring Access to River.

XVII. The Extension Line shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this Act granted to the Company for constructing such Extension Line or otherwise in relation thereto shall cease to be exercised, except as to so much thereof as shall then be completed.

Period for Completion of Works.

XVIII. In case the said Extension Line shall not be completed and opened for public Traffic within the Period of Five Years from the passing of this Act, then and from thenceforth it shall not be lawful for the Company or the Directors thereof to pay any Dividend to the Shareholders on the ordinary or unguaranteed Capital of the Company until the Extension Line shall have been completed and opened for public Traffic.

If Railway not completed and opened within Five Years, Payment of Dividends to be suspended.

XIX. The Company may demand and receive for and in respect of the Extension Line, Tolls and Charges at the same Rate and Scale as

Tolls upon new Railway.

[*Local.*] 5 N they

The Cork and Youghal Railway Amendment Act, 1856.

they are authorized to demand and receive by "The *Cork and Waterford* Railway Act, 1846."

Maximum
Tolls.

XX. Provided always, That the maximum Tolls and Charges to be made by the Company in respect of the Traffic carried upon the Extension Line shall in no Case exceed the maximum Tolls and Charges authorized to be taken by the said Act.

Application
of Monies.

XXI. The Company may apply towards the Purposes of this Act any of the Monies which by the said recited Acts they are still authorized to raise, and which they may not now require for any of the Purposes of the said Acts.

Deposits for
future Bills
not to be paid
out of the
Company's
Capital.

XXII. It shall not be lawful for the Company, out of any Monies by any Act relating to the Company authorized to be raised for the Purposes of such Act or Acts, to pay or deposit any Sum of Money which, by any Standing Order of either House of Parliament now in force or hereafter to be 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 execute any other Work or Undertaking.

Saving
Rights of
Corporation.

XXIII. Nothing in this Act contained shall prejudice, diminish, alter, or take away any of the Rights, Powers, Remedies, Privileges, or Authorities of the Mayor, Aldermen, and Burgesses of the Borough of *Cork* under the recited Acts or any of them.

Saving
Rights
of the Har-
bour Com-
missioners.

XXIV. Nothing in this Act contained shall alter, limit, prejudice, lessen, or affect any of the Powers, Rights, Privileges, or Authorities of the *Cork* Harbour Commissioners.

Railway not
exempt from
Provisions of
present and
future Gene-
ral Acts.

XXV. Nothing herein contained shall be deemed or construed to exempt the Railway by this or the said recited Acts authorized to be made from the Provisions of any General Act relating to such Acts, 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 this or any future Session of Parliament, or from any future Revision or Alteration under the Authority of Parliament of the maximum Rates of Fares and Charges authorized by this Act or the said recited Acts, and of the Rates for small Parcels.

Expenses of
Act.

XXVI. All the Costs, Charges, and Expenses of applying for, obtaining, and passing this Act, or preparatory or incident thereto, shall be paid and discharged by the Company,

XXVII. In

The York and Youghal Railway Amendment Act, 1856.

XXVII. In citing this Act for any Purpose, it shall be sufficient Short Title.
to describe it as “*The Cork and Youghal Railway Amendment
Act, 1856.*”

LONDON:

Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1856.

