

[53 & 54 VICT.]

*Cork and Fermoy and
Waterford and Wexford Railway Act, 1890.*

[Ch. ccxlii.]



CHAPTER ccxlii.

An Act for making Railways between Cork and Fermoy A.D. 1890
in the county of Cork and between Waterford and
Wexford in the counties of Waterford Kilkenny and
Wexford and for other purposes. [18th August 1890.]

WHEREAS the making and maintaining of the railways herein-
after described for the purpose of establishing direct railway
communication between Cork Fermoy Waterford and Wexford and
Rosslare Harbour in the county of Wexford would be of public
and local advantage by affording increased means of communication
between those places and other towns and places in Ireland and
would also greatly facilitate communication between the South of
Ireland and England :

And whereas the persons in this Act named with others are
willing at their own expense to construct the said railways and are
desirous of being incorporated into a company for that purpose (in
this Act called "the Company") :

And whereas it is expedient that the running powers over the
railways or portion of railway and the pier and stations of the
Company and of the companies and commissioners hereinafter
mentioned and also facility powers with reference to traffic as
hereinafter provided should be granted :

And whereas it is expedient that the Company and the companies
and commissioners hereinafter mentioned should be empowered to
enter into working agreements as hereinafter provided :

And whereas plans and sections showing the lines and levels of
the railways by this Act authorised 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 clerk of the peace of the East Riding

A.D. 1890. of the county of Cork and with the clerk of the peace of the county of the city of Cork and with the clerk of the peace of the county of Waterford and with the clerk of the peace of the county of the city of Waterford and with the clerk of the peace of the county of Kilkenny and with the clerk of the peace of the county of Wexford and are hereinafter respectively referred to as the deposited plans sections and books of reference :

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 as the Cork and Fermoy and Waterford and Wexford Railway Act 1890.

Incorporation of Acts. 2. The Companies Clauses Consolidation Act 1845 : and Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of the Companies Clauses Act 1863 as amended by the Companies Clauses Act 1869 :

The Railways Clauses Consolidation Act 1845 :

The Lands Clauses Acts : and

Part I. (relating to the construction of a railway) and Part III. (relating to working agreements) of the Railways Clauses Act 1863 :

are (except where expressly varied by or inconsistent with this Act) incorporated with and form part of 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 have the same respective meanings unless there be something in the subject or context repugnant to such construction and in this Act unless otherwise explained or unless the context otherwise requires—

The expression "the Company" means the Company incorporated by this Act :

The expressions "the railway" and "the undertaking" mean respectively the railways and the undertaking by this Act authorised :

The expression "the Cork and Fermoy section of the undertaking" means the Railways No. 1 to No. 4 inclusive and No. 6 to No. 13 inclusive hereinafter described as situated in

the county of the city of Cork and the East Riding of the county of Cork: A.D. 1890.

The expression "the Waterford and Wexford section of the undertaking" means the Railways No. 1A to No. 4A inclusive and No. 7A hereinafter described as situated in the county of the city and county of Waterford and counties of Kilkenny and Wexford.

4. William Bailey Hawkins Sir James Ramsden Knight and John Barry and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purpose of making and maintaining the railway and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "the Cork and Fermoy and Waterford and Wexford Railway Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act. Company
incorporated.

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 railways hereinafter described with all proper stations sidings approaches works and conveniences connected therewith 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 that purpose The railways hereinbefore referred to and authorised by this Act are— Power to
make
railway.

CORK AND FERMOY SECTION OF UNDERTAKING SITUATED IN THE COUNTY OF THE CITY OF CORK AND THE EAST RIDING OF THE COUNTY OF CORK.

A Railway No. 1 five furlongs nine-tenths of a chain in length or thereabouts commencing at a point in the City Park the said point being distant one hundred and sixty-seven lineal yards or thereabouts from the elevated ornamental fountain on the Marina measured in a south-westerly direction and distant eighty-three lineal yards or thereabouts from the south-western angle of the Shandon Boat House measured in a southerly direction and terminating in or near the eastern fence of the Victoria Road at the south-eastern angle formed by the junction of the New Marina Walk with the Victoria Road and distant twenty-one lineal yards or

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thereabouts from the south-west corner of the Old Passage Railway Terminus measured in a south-easterly direction.

A Railway No. 2 two furlongs six chains eighteen yards in length or thereabouts commencing by a junction with Railway No. 1 at a point on the side of the New Marina Walk the said point being distant ninety-seven lineal yards or thereabouts from the south-eastern corner of the one o'clock gun stand or house measured in a south-easterly direction and one hundred and seventy-nine lineal yards or thereabouts from the north-east corner of Mr. Johnson's workshops measured in a south-easterly direction and terminating at a point in the townland of Knockrea in a field belonging or reputed to belong to the Cork Gas Consumers Company adjoining Ardsilla (House) the said point being distant forty-five lineal yards or thereabouts from the north-east corner of Ardsilla (House) measured in an easterly direction and seventy-eight lineal yards or thereabouts from the north-east corner of Elm View (House) measured in a northerly direction.

A Railway No. 3 one furlong nine and a quarter chains in length or thereabouts commencing by a junction with the Cork Blackrock and Passage Railway at a point in the rails thereof distant about three hundred and fifty lineal yards or thereabouts from the eastern face of the foot bridge over said Cork Blackrock and Passage Railway at Victoria Road measured along the rails of the said railway in an easterly direction and terminating at the point of termination of Railway No. 2 before described.

A Railway No. 4 four furlongs five chains thirteen yards in length or thereabouts commencing at the point of termination of Railway No. 2 before described and terminating at a point in a field adjoining the Cork and Macroom Direct Railway in the occupation of Michael Goggin said point being distant ninety lineal yards or thereabouts from the south-western corner of the Salt and Lime Works in the occupation of William Carroll measured in a south-westerly direction and ninety-three lineal yards or thereabouts from the south-east corner of the house forming the north-west angle between Spital Lane and Evergreen Road measured in a north-easterly direction.

A Railway No. 6 one furlong five chains nineteen yards in length or thereabouts commencing at a point in the townland of Knockrea in a market garden in the occupation of Kate Henarty said point being distant fifty-three lineal yards or thereabouts from the south-west corner of a public house on the

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Southern Road in the occupation of Ellen Buckley measured in a south-westerly direction and distant one hundred and forty-six lineal yards or thereabouts from the south-east corner of the house forming the angle of Windmill Road and High Street facing Quarry Road and terminating at a point distant one hundred and forty-six lineal yards or thereabouts from the south-east corner of Daly's public house at Turner's Cross measured in a north-easterly direction and distant one hundred and seventy-six lineal yards or thereabouts from the centre of the north parapet of the bridge carrying the Douglas Road Lower over the Cork Bandon and South Coast Railway measured in a north-easterly direction.

A Railway No. 7 four furlongs three chains thirteen yards in length or thereabouts commencing at a point in the townland of Ballyphehane between the centre lines of the Cork Bandon and South Coast and the Cork and Macroom Direct Railways said point being distant one hundred lineal yards or thereabouts from the south-west face of the culvert under the Cork Bandon and South Coast Railway next the first mile post from Cork measured in a southerly direction and two hundred and fifty lineal yards or thereabouts from the south-east corner of Ballyphehane House measured in an easterly direction and terminating at the point of termination of Railway No. 4 before described.

A Railway No. 8 eight and a half chains in length or thereabouts commencing by a junction with the Cork and Macroom Direct Railway at a point in the rails thereof said point being distant three hundred and sixty lineal yards or thereabouts from the north-east face of the bridge carrying the public road from Evergreen to Frankfield over the Cork and Macroom Direct Railway measured along the rails of said railway in a north-easterly direction and terminating at the commencement of Railway No. 7 before described.

A Railway No. 9 six chains three yards in length or thereabouts commencing by a junction with the Cork Bandon and South Coast Railway at a point in the rails thereof said point being distant two hundred and thirty-seven lineal yards or thereabouts from the centre of the culvert under the Cork Bandon and South Coast Railway next the first mile post from Cork measured along the rails of said railway in a southerly direction and terminating at the commencement of Railway No. 7 before described.

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- A Railway No. 10 one mile and three yards in length or thereabouts commencing at the point of termination of Railway No. 4 before described and terminating on or near the north bank of the south channel of the River Lee said point being distant sixty-seven lineal yards or thereabouts from the south side of the western abutment of the bridge carrying the Cork and Muskerry Light Railways over said south channel measured in a south-westerly direction and sixty-nine lineal yards or thereabouts from the eastern pier of main entrance gate to Erinville from the Western Road measured in a south-easterly direction.
- A Railway No. 11 one mile one furlong 7·04 chains in length or thereabouts commencing at the point of termination of Railway No. 10 before described and terminating on the eastern frontage of Watercourse Road at a point in or near the street fence or walk of the Watercourse Distillery premises said point being distant twenty-four lineal yards or thereabouts from the south-east corner of Cottage Row measured in a south-easterly direction and thirty-six lineal yards or thereabouts from the south-east corner of the centre block of Madden's Buildings in a north-easterly direction.
- A Railway No. 12 twenty-four miles in length or thereabouts commencing at the point of termination of Railway No. 11 before described and terminating at Fermoy by a junction with the Fermoy and Lismore Railway at a point in the rails thereof three hundred and seventy-three lineal yards or thereabouts measured along the rails of the said Fermoy and Lismore Railway in an easterly direction from the centre of the bridge carrying the said Fermoy and Lismore Railway over the mail coach road leading from Fermoy to Clonmel and Mitchelstown.
- A Railway No. 13 two furlongs three chains in length or thereabouts commencing by a junction with Railway No. 12 at a point in a field adjoining Farran-clearly Cottage grounds on the west being distant two hundred and ninety-three lineal yards or thereabouts from the centre of the west parapet of the bridge carrying the Great Southern and Western Railway over Spring Lane measured in a south-western direction and two hundred and sixteen lineal yards or thereabouts from the west corner of the house forming the angle between Spring Lane and Dublin Street facing York Street measured in a south-eastern direction and terminating by a junction with the Great Southern and Western Railway at a point in the rails of the up

line thereof distant thirty-five lineal yards or thereabouts from the centre of the bridge carrying the said Great Southern and Western Railway over Dublin Hill measured in a south-easterly direction.

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WATERFORD AND WEXFORD SECTION OF UNDERTAKING SITUATED IN THE COUNTY OF THE CITY AND COUNTY OF WATERFORD AND COUNTIES OF KILKENNY AND WEXFORD.

A Railway No. 1A one mile five chains in length or thereabouts commencing in the townland of Gibbethill in the parish of Trinity Without in the county of Waterford by a junction with the rails of the Waterford Dungarvan and Lismore Railway at a point in the main line thereof opposite the north-east corner of the engine house or shed and distant therefrom seven yards or thereabouts measured in a north-easterly direction such point being likewise situate two hundred and eighty-eight yards or thereabouts measured along the rails in a south-easterly direction from the centre of the road-bridge carrying over the railway the public road leading from Waterford to Gracedieu crossing the River Suir by an opening bridge and terminating in the townland of Mountmisery in the parish of Kilculliheen in the municipal borough of Waterford in the county of the city of Waterford by a junction with the rails of the Waterford and Limerick Railway Company's Goods Extension to Waterford Quay at a point in such rails situate three hundred and twelve yards or thereabouts measured in an easterly direction from the north-east corner of the toll-house at the north end of the wooden bridge spanning the River Suir at Waterford such point being likewise situate one hundred and seventy-one yards or thereabouts measured along the rails in a westerly direction from the extreme east end of the northmost siding of the Waterford and Limerick Railway Goods Extension such point being likewise distant thirty-nine yards or thereabouts measured in a northerly direction from the front or face of the quay.

A Railway No. 2A seven miles seven furlongs five chains in length or thereabouts commencing in the townland of Mountmisery in the parish of Kilculliheen in the borough of Waterford by a junction with the rails of the Waterford and Limerick Railway Company's Goods Extension at the point of termination of Railway No. 1A as hereinbefore described crossing the River Barrow by an opening bridge thence in an easterly direction and terminating in the townland of Dunbrody in the

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parish of St. James and Dunbrody in the county of Wexford at the eastmost fence of the public road leading from Duncannon to New Ross at a point in such fence situate two hundred and twenty-seven yards or thereabouts measured in an easterly direction from the north-east corner of Dunbrody Abbey such point being likewise situate two hundred and twenty yards or thereabouts measured in a southerly direction from the centre of the Dunbrody Bridge carrying the public road over the River Canpile.

A Railway No. 3A twenty-three miles seven furlongs two and a half chains in length or thereabouts commencing in the townland of Dunbrody in the parish of St. James and Dunbrody in the county of Wexford at the point of termination of Railway No. 2A as herein-before described and terminating in the townland of Orristown in the parish of Kilmacree in the county of Wexford in the centre of the public road leading from Killinick to Wexford at a point in such road situate nine hundred and sixty-six yards or thereabouts measured in a northerly direction from the north-east corner of Killinick Church such point being likewise situate five hundred and twenty-five yards or thereabouts measured in a southerly direction from the centre of the Orristown cross roads at their point of junction.

A Railway No. 4A two miles one furlong three chains in length or thereabouts commencing in the townland of Orristown in the parish of Kilmacree at the point of termination of Railway No. 3A as hereinbefore described and terminating on the Wexford Harbour South Reclamation (extra parochial) by a junction with the existing Waterford and Wexford Railway at a point one hundred and fifty yards or thereabouts measured in a south-easterly direction along the said railway from the centre of the occupation level crossing leading from the warehouses at Felt House to the reclaimed lands on the eastern side of the said railway.

A Railway No. 7A three miles one furlong 3·60 chains in length or thereabouts commencing in the townland of Orristown in the parish of Kilmacree at the point of termination of Railway No. 3A as hereinbefore described and terminating in the townland of Walsheslough in the parish of Rosslare by a junction with the existing Waterford and Wexford Railway at a point eighty yards or thereabouts measured along the rails of such railway in a north-westerly direction from the centre of the bridge of the public road leading from Killinick to

Rosslare such point on the rail being opposite to the booking-office door of the Rosslare Station House on the aforesaid railway.

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6. The following provisions shall apply and have effect for the protection of the mayor aldermen and burgesses of the city of Cork (herein called "the corporation") unless otherwise agreed upon between the corporation and the Company:—

For the protection of the mayor aldermen and burgesses of the city of Cork.

(1.) Railway No. 1 between the points marked 1 furlong and $5\frac{1}{2}$ chains and its termination on the deposited plans shall be constructed to the south of the centre line shown on the deposited plans and so as not to encroach on or interfere with the new road leading to the Marina from the Victoria Road and notwithstanding anything shown on the deposited plans the limits of deviation shall not except as specified in the proviso to this sub-section be held to extend in a northerly direction for a distance of more than fifteen feet from the southern boundary of that road. Provided always that the Company may construct within the limits of deviation laid down upon the deposited plans as part of Railway No. 1 a spur or spurs from Railway No. 1 commencing at a point within one hundred and fifty feet from the junction of the new road leading from Victoria Road to the Marina or from such other point or points on Railway No. 1 as may be agreed on between the Company and the corporation so as to connect Railway No. 1 with the Victoria Quay.

(2.) The Company shall construct a carriage bridge not more than forty feet and not less than thirty-five feet wide with approaches of one in twenty on the north side and one in thirty on the south side over the Railway No. 1 so as to connect the Marina or Victoria Quay with the park and such bridge shall be constructed at such place as may be agreed on between the Company and the corporation and to the reasonable satisfaction of the engineer of the corporation.

(3.) The bridge over the central road of the park shall have a clear height of sixteen feet.

(4.) The public road adjoining the Cork Blackrock and Passage Railway shall be lowered one foot so as to allow a headway of at least twelve feet in the clear.

(5.) The diverted sewer to be constructed at the junction of the Southern Road and Quarry Road shall be of syphon construction according to a design to be approved of in writing by the corporation.

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- (6.) The bridge carrying the railway over Evergreen Road shall be constructed with a clear span of seventy-five feet at the least.
- (7.) The curves for the diversion of the College Road shall be such as shall be approved of in writing by the corporation and the sewer in the said road to be diverted shall be syphoned in accordance with a plan previously to be submitted to and approved of by the corporation.
- (8.) The public thoroughfare known as Gillabbey Lane shall be carried over the railway by means of a bridge fifteen feet wide at the least.
- (9.) The bridge carrying the railway over the Mardyke Walk shall be constructed with a span sufficiently wide so as not to encroach on any portion of the Walk or the stream of water which forms the northern boundary of that portion of the Walk.
- (10.) In case it shall be necessary for the Company for the purpose of any of their intended works temporarily to interfere with any sewer main water pipes or works belonging to the corporation the same shall be replaced or relaid to the reasonable satisfaction of the engineer of the corporation and with the least possible inconvenience to the public.
- (11.) If the Company by reason of any of their operations shall cause any damage to the said sewers mains pipes or works belonging to the corporation they shall make good the same forthwith.
- (12.) The Company shall pay all reasonable expenses of the corporation in superintending the execution and relaying of any such sewers main pipes or other works as aforesaid which may be interfered with by the Company.
- (13.) Previous to the construction of any bridges within the municipal limits of Cork or of the viaduct over St. John's Square working drawings of such bridges and such viaduct shall be lodged by the Company at the office of the engineer of the corporation 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 corporation as provided by this section such approval to be signified in writing under the hand of the town clerk and such works shall be constructed only according to such plans and sections as shall have been so approved of as aforesaid or otherwise settled as provided by this section.

Working drawings of bridges to be submitted to corporation.

(14.) Notwithstanding anything contained in this section if the corporation fail to signify their approval or disapproval of any designs plans or drawings to be submitted to them in accordance with the provisions of this section within thirty days from the receipt thereof any difference which shall arise between the Company and the corporation with respect to the said designs plans and working drawings or with respect to any other matter under this section or as to the intent and meaning of any provision in this section shall be settled and determined by an arbitrator to be appointed by the Board of Trade on the application of either of the parties and the decision or decisions of such arbitrator shall be final and the costs of such arbitration shall be in the discretion of the arbitrator.

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7. Notwithstanding anything in this Act contained or shown upon the deposited plans and sections to the contrary the following provisions shall apply and have effect for the protection of the Cork Harbour Commissioners and their successors and the public interests and may be enforced by the Cork Harbour Commissioners :—

For protec-
tion of the
Cork Har-
bour Com-
missioners.

(1) At the place described in the book of reference deposited with the secretary of the grand jury of the county of Cork and the town clerk of the borough of Cork as Gillabbey Weir in the parish of Saint Finbars townland of Gillabbey city of Cork Railway Number 10 and numbered 158 on the plan deposited with the secretary of the grand jury of the county of Cork and the town clerk of the borough of Cork and also at the place described in the said book of reference as Weir in the parish of Saint Finbars city of Cork Railway Number 11 and numbered 178 on the said plan and in every other place or places at which the railway shall cross the north or south channels of the River Lee the Company shall carry the railway over the River Lee by substantial bridges with an ample and sufficient waterway No such bridge shall be constructed until the plan thereof has been previously approved by the engineer for the time being of the Cork Harbour Commissioners and the construction of every such bridge shall be to his satisfaction and approval No other bridge or work which the Company propose to make or construct and which is intended to cross the River Lee or which in any way would in the opinion of the said engineer be likely to interfere with or affect the river or the navigation or flow thereof shall be constructed until the plan thereof has been previously approved by the said engineer

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and the making and construction of every such bridge and work shall be to his satisfaction and approval.

- (2) In the event of any rebuilding reconstruction or repairs of such bridge or bridges work or works from time to time becoming necessary or desirable no such rebuilding reconstruction or repairs shall be commenced until a plan and specification of the proposed rebuilding reconstruction or repairs and the materials for same shall have been previously submitted to the said engineer and approved of by him in writing and all such rebuildings reconstructions and repairs and the materials for same shall be to his satisfaction and approval.
- (3) All bridges or works which shall at any time be constructed or made by the Company for the purposes of their railway across the River Lee shall be kept in thorough and substantial repair by and at the expense of the Company.
- (4) Should any such bridge or bridges work or works at any time be allowed to get out of repair so as in the opinion of the Cork Harbour Commissioners to become or be likely to become an obstruction or danger to navigation or injurious to the scour of the river the said commissioners may if they think fit take possession of and remove the whole or any part of the said bridge or bridges work or works and the expense of such removal or removals shall be repaid by the Company or their successors to the said commissioners on demand and the Commissioners may sell in such manner as they may think fit any such bridge or bridges work or works or any part or parts thereof or any matter or thing so removed and also any other property recovered in the exercise of their powers under this section and may out of the proceeds of such sale in so far as the same may extend reimburse themselves in part or in whole the expenses incurred by them of and incidental to such removal or removals and if the proceeds be insufficient the Company or their successors shall pay the deficiency to the commissioners on demand but if there shall be any surplus the said commissioners shall hold the same in trust for the persons entitled thereto and the provisions of this section shall apply to every article or thing or collection of things being or forming part of the said bridge or bridges work or works or any of them and for the purpose of this section any proceeds of any such sale shall be regarded as a common fund but the said commissioners shall not be bound to resort to any such bridge or bridges work or works or any part thereof for any expenses of or incidental to such removal or removals but may at their

option demand and recover payment of all such expenses from the Company or their successors and the Company or their successors shall repay the same to the said commissioners on demand.

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- (5) In case of any difference or dispute arising between the Company and the Cork 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 said commissioners or either of them and the decision of such arbitrator who shall have authority to determine by whom the cost of such reference shall be paid shall be binding and conclusive in the matter.

8. The Company shall not without the consent of the Great Southern and Western Railway Company take or enter upon the lands and buildings numbered 5 6 7 8 9 10 and 11 on the deposited plans in the townland of Carrignagroghera adjoining the station of the Great Southern and Western Railway Company at Fermoy further or otherwise than is necessary for effecting the junction of Railway No. 12 in the Cork and Fermoy section of the undertaking with the railway of the Fermoy and Lismore Railway Company and in case of any difference in relation thereto arising between the engineers for the time being of the Company and the Great Southern and Western Railway Company the same shall be referred to an arbitrator to be appointed by the Board of Trade on the application of either party and the costs shall be as the arbitrator shall direct.

As to land of Great Southern and Western Railway Company at Fermoy.

9. For the protection of the Great Southern and Western Railway Company (hereinafter called "the Great Southern Company") the following provisions shall have effect (that is to say):—

For the protection of the Great Southern and Western Railway Company as to junction at Cork.

In forming the junction of Railway No. 13 with the railway of the Great Southern Company at Cork the same shall be made with both the up and down lines of the Great Southern Company so as to form a double junction.

The said junction of the Railway No. 13 with the railway of the Great Southern Company shall be effected at such point only and in such manner in all respects as shall previously have been approved by the engineer for the time being of the Great Southern Company or failing approval by an engineer to be appointed by the Board of Trade on the application of either

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party and the said junction and works connected therewith shall be executed by and at the cost of the Company in all things but under the superintendence and to the reasonable satisfaction of the said engineer.

Great
Southern
Company
may erect
signals, &c.

The Great Southern Company may from time to time erect maintain and alter either on their own lands or on the lands of the Company such signals and conveniences incident to the said junction of Railway No. 13 and appoint and remove such watchmen switchmen and other persons as may in the judgment of the Great Southern Company be reasonably necessary for the prevention of danger to detention of or interference with their traffic at and near the said junction and the working and management of such signals and conveniences wherever situate and the control and direction of such watchmen switchmen and other persons shall be under the exclusive regulation and control of that Company and all the expense of erecting altering and maintaining such signals and conveniences and of employing and paying such watchmen switchmen and other persons and all proper incidental current expense at the end of every half-year shall be repaid by the Company on demand and in default thereof may be recovered from them by the Great Southern Company in any court of competent jurisdiction.

Expenses of
watchmen
during con-
struction of
works to be
paid by
Company.

The Company shall bear and on demand pay to the Great Southern Company the reasonable expense of the employment by that Company during the making of the said railway adjacent to the said junction of a sufficient number of inspectors and watchmen for watching their railway and works and for preventing as far as may be all interference obstruction danger and accident which might arise thereto or to the traffic thereon from any of the operations or from the act or default of any person or persons in the employment of the Company or their contractors in reference thereto or otherwise.

Company
not to inter-
fere with
traffic on
Great
Southern
and Western
Railway.

In constructing the said railway for the purposes of the said junction the Company shall not in any way obstruct or interfere with the traffic passing along the railway of the Great Southern Company and if by reason of any works or proceeding of the Company there shall be any obstruction or interference with that railway so as to impede or prevent the convenient passage of engines and carriages along the same the Company shall pay to the Great Southern Company such a sum by way of liquidated damages during the time any such obstruction or interference shall continue as in case of difference between the

parties may be determined by arbitration in manner hereinafter provided. A.D. 1890.

Notwithstanding anything in this Act contained the Company shall from time to time be responsible for and make good to the Great Southern Company all losses costs damages and expenses which may be occasioned to them or to any of their works or property or to the traffic on their railway or to any company or person using the same or otherwise during the execution of the said junction or by reason of the failure of any of the works adjacent thereto and by this Act authorised or of any act or omission of the Company or of any person in their employ or of their contractors or otherwise and the Company shall effectually indemnify and hold harmless the Great Southern Company from all claims or demands upon or against them by reason of such execution or failure or any such act or omission.

Damage
sustained by
Great
Southern
Company to
be repaid.

Nothing in this Act contained shall extend or be deemed or construed to extend to authorise or enable the Company to take enter upon or use either temporarily or permanently any of the lands of the Great Southern Company at Cork or to alter vary or interfere with the railway or with any of the works of that Company further or otherwise than is necessary for the construction of the said junction therewith without the consent in writing in every instance for that purpose first had and obtained of the Great Southern Company and with respect to any lands of the Great Southern Company which the Company are by this Act authorised to use enter upon or interfere with for the purposes of such junction the Company shall not purchase and take the same but the Company may purchase and take and the Great Southern Company shall sell or grant accordingly an easement or right of using the same in perpetuity for the purposes of the junction by this Act authorised Provided always that nothing in this section contained shall apply to or affect the powers of the Company with reference to entering upon and taking lands for the purpose of the junction of the Railway No. 12 with the Fermoy and Lismore Railway as by this Act provided.

Easement
only in land
of Great
Southern
Company to
be taken for
certain pur-
poses.

In case any difference shall arise between the Great Southern Company and the Company as to any matter under this section the same shall from time to time be referred to an arbitrator to be appointed by the Board of Trade whose decision shall be final.

Arbitration.

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Provisions
as to Rail-
way No. 1A
of the
Waterford
and Wex-
ford section
of the
under-
taking.

10. Notwithstanding anything in this Act or in the Acts incorporated herewith contained or shown upon the deposited plans and sections to the contrary the following provisions shall apply and have effect as to Railway No. 1A in the Waterford and Wexford section of the undertaking:—

- (1) In constructing the Railway No. 1A across the public road along the river bank leading from Waterford and named Bilberry Road the Company shall provide an access to the foreshore above the site of the proposed bridge across the River Suir by means of a bridge under the said railway at or near the site of the existing road—the said bridge to be twenty feet wide with a clear headway of fifteen feet The roadway to be lowered sufficiently for this purpose.
- (2) In forming the diverted road at Bilberry Rock in the townland of Gibbet Hill and parish of Trinity Without the inclination of the approach at the Waterford side commencing at the point marked (“B”) on the cross section of the diverted road as deposited shall be made not steeper than one in forty instead of one in thirty as shown on the deposited cross section.
- (3) Where the said Railway No. 1A passes alongside the public road at Bilberry Rock the northern limit of deviation of that railway shall not extend beyond the wall separating the said public road from the corporation dépôt.
- (4) Where Railway No. 1A crosses the public road numbered 28 in the townland of Newrath the Company shall so construct the railway bridge as to give the full width of the existing roadway with a clear headway of fifteen feet The road being lowered if necessary to enable this to be done.

For protec-
tion of the
Waterford
Harbour
Commis-
sioners.

11. For the protection of the Commissioners for the improvement of the Harbour of Waterford and their successors (in this section called “the commissioners”) the following provisions shall notwithstanding anything in this Act contained apply and have effect:—

- (1) The Company shall at the time when they deposit at the Board of Trade plans and sections of the opening bridge and works connected therewith for carrying Railway No. 1A over the River Suir or of any alterations or extensions thereof give notice thereof to the secretary of the commissioners and if required by the commissioners furnish a copy of such plans and sections to the commissioners.
- (2) The traffic of the River Suir shall not at any time be stopped during the progress of the works and shall not be interfered with more than may be absolutely necessary in the construction of the said bridge and the Company shall when and so soon as

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- the permanent works are completed and within sixty days after notice from the commissioners so to do remove any materials for temporary works which may have been placed in the said river by the Company and on their failing so to do the commissioners may remove the same charging the Company with the expense of so doing and the Company shall forthwith repay to the commissioners the expenses incurred in such removal.
- (3) The engineer or other officer of the commissioners with the requisite assistance shall at all reasonable times have free access to the said bridge across the River Suir and works connected therewith by this Act authorised with authority to inspect the workmanship and materials thereof and the state of repair in which the same are kept.
- (4) During the construction of the said bridge and works connected therewith the Company shall exhibit thereat or near thereto and thereafter so long as the Board of Trade may so require shall likewise maintain exhibit and keep burning every night from sunset to sunrise lights by and at the expense of the Company proper and sufficient for the navigation and safe guidance of vessels.
- (5) For the purpose of ensuring the safe passage of vessels through the opening spans of the said bridge the Company shall to the reasonable satisfaction of the commissioners lay down and maintain warping buoys and moorings in or on the bed of the said River Suir immediately above and below the said bridge In connection with the opening spans of the said bridge dolphins shall be constructed of sufficient width and strength to sufficiently protect the ends of the swing bridge when open both on the up and down stream side and so placed that the bridge when open shall be in line with the average current of the river and the said dolphins shall be furnished with proper mooring posts to facilitate the passage of vessels through the openings and shall be continuously connected together and with the central pier of the swing bridge by timber staging or by floating booms so designed as to guide vessels through the openings and the commissioners shall not be liable in respect of any damage injury or loss which may be sustained by any vessel passing or seeking to pass through or under the said bridge either from the placing or failure to place mooring posts and buoys as by this Act authorised.
- (6) In like manner the commissioners shall not be liable in respect of any damage injury or loss which may be sustained by any vessel navigating the River Suir by reason of the

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placing or failure to place the mooring posts and buoys by this Act authorised to be placed by the Company on the southward or lower side of the bridge across the River Barrow.

- (7) The Railway No. 2A between a point six furlongs and one mile from the commencement of such railway shall be constructed as near the northern limit of deviation as reasonably may be to allow space for the construction of a dry dock between the railway and the river provided that the position of such dock be so arranged as to involve the least deviation of the centre line of the railway consistent with the purpose.
- (8) In case of any difference or dispute arising at any time or from time to time between the Company and the commissioners or their respective engineers as to any matters provided for 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 commissioners or either of them and the decision of such arbitrator who shall have authority to determine by whom the cost of such reference shall be paid shall be binding and conclusive.

Provisions
as to Rail-
way No. 2A
of the
Waterford
and Wex-
ford section
of the under-
taking.

12. Notwithstanding anything in this Act or in the Acts incorporated herewith contained or shown upon the deposited plans and sections to the contrary the following provisions shall apply and have effect as to Railway No. 2A in the Waterford and Wexford section of the undertaking :—

- (1.) Railway No. 2A from the point of its commencement to the point where it crosses the Ferry slip at four furlongs two and a half chains or thereabouts from its commencement shall be constructed not nearer the northern bank of the River Suir between the aforesaid points than the centre line as shown upon the deposited plans.
- (2.) The southern limit of deviation of the said Railway No. 2A between the aforesaid points shall not extend beyond the line of high-water mark save and except at the points where the line of high-water mark does not conform to the general line of the river bank by reason of any intervening creek or slip in which cases the limit of deviation shall continue in the general line of the said river bank. But the Company shall not take more land between the points aforesaid than is reasonably necessary for railway and siding purposes or for access to any pier or wharf by the river side. And provided further that nothing herein contained shall authorise the Company to acquire any land or execute any work which

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shall prevent the Corporation of Waterford from constructing if they so desire a public road twenty-five feet wide measured from above and along the general line of high-water mark between the points known as the Ferry slip and the Pier Road or Murphy's Lane but so nevertheless that such road or right of road construction shall not prevent the reasonable access of the Company over and if need be across the said road or site thereof to any pier or wharf or to any sidings or other works :

Any difference arising under this sub-section shall be decided by the Board of Trade.

- (3.) The portion of the said railway where it passes the ballast quay on the northern shore of the River Suir at Waterford from a point on the deposited plans marked four furlongs eight chains to a point marked six furlongs shall be constructed so as to be adjacent to but within the limit of deviation shown on the deposited plans to the north of the centre line shown thereon.
- (4.) The Railway No. 2A so far as it skirts the northern shore of the Queen's Channel of the said River Suir shall be constructed as near as reasonably may be to the limit of deviation shown on the deposited plans to the north of the centre line on the said plans and the limit of deviation on the south of the said centre line along the said channel shall not extend beyond the line of high-water mark.
- (5.) In order to afford access from the Dock Road to the northern frontage of the River Suir and in substitution for the existing access at Salvation Lane numbered 3B on the deposited plans in the townland of Mount Misery and parish of Kilculliheen the Company shall instead of the diversion shown on the deposited plans make a new road from the said Dock Road in the townland of Mount Sion through the property numbered 7 on the deposited plans in the said townland and carry the same over Railway No. 2A at a point one furlong and thirty-seven yards or thereabouts from its commencement and thence curving through No. 4 to near the river frontage and through No. 2 on the said plans till it meets Salvation Lane The width of the new road to be twenty-four feet and its gradient not to be steeper than the inclination of Salvation Lane and as much flatter as the nature of the ground will allow.
- (6.) In substitution for Mill Lane numbered 1 and for Pier Road or Murphy's Lane numbered 17 both in the townland of

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Abbeylands and parish of Kilculliheen the Company shall construct a new road square to the line across and on the level of the Railway No. 2A the crossing to be placed as near Murphy's Lane as is practicable so as to give access from Dock Road or Fountain Road to the northern foreshore of the River Suir The position of the crossing to be fixed by the engineer of the Company for the time being and the engineer of the corporation for the time being and in case of difference by an arbitrator to be appointed by the Board of Trade on the application of either party whose decision shall be final and binding and the cost of the arbitration shall be paid by the Company The width of the said road shall not be less than thirty-five feet Roadway and the width of the gateway to be not less than twenty feet and the Company shall in the event of closing the existing quay at the foot of Murphy's Lane construct a quay of equal capacity and of the same character in substitution for the one closed and opposite the new road proposed to be constructed The inclination of the said road shall not be less than the present inclination of Mill Lane.

- (7) Where the centre line of Railway No. 2A crosses the Ferry slip numbered 32 on the deposited plans in the townland of Abbeylands the Company shall carry the said railway across and on the level of the said Ferry slip the crossing to afford a roadway of thirty feet in width and the gateway to be twenty feet in width so as to preserve the access to the Ferry and the foreshore and the inclinations of the approaches to the level crossing shall be made as easy as the nature of the locality permits.

Provision as
to bridge
over the
River
Barrow.

13. Notwithstanding anything in this Act or in the Acts incorporated herewith contained or shown upon the deposited plans and sections to the contrary the following provisions shall apply and have effect as to the bridge and approaches and works in connection therewith carrying Railway No. 2A of the Waterford and Wexford section of the undertaking over the River Barrow:—

- (1.) The said bridge shall be constructed so that the centre of the swivel pier at the opening spans shall be one hundred and seventy feet to the north of the centre line shown on the deposited plans.
- (2.) The said bridge shall be constructed with two opening spans of seventy feet clear each over the main channel of the said River Barrow where the said bridge crosses the said river the said seventy feet being measured square to the current.

- (3.) The said bridge shall have a headway of twenty-five feet clear above high water of ordinary spring tides under the said opening spans and under two of the adjoining one hundred and twenty feet spans contiguous to the opening spans. A.D. 1890.
- (4.) The piers columns or other supports of the said bridge shall as far as reasonably may be set so as to be parallel with the course of the current in the main channel of the said River Barrow.
- (5.) Dolphins shall be constructed of sufficient width and strength to efficiently protect the ends of the swing bridge when open both on the up and the down stream side and the said dolphins shall be furnished with proper mooring posts to facilitate the passage of vessels through the openings and shall be continuously connected together and with the central pier of the swing bridge by timber staging or by floating booms so designed as to guide vessels through the openings.
- (6.) In constructing the works as provided by this section the Company may deviate vertically from the levels and gradients shown on the deposited sections to such an extent as may be rendered necessary by reason of the carrying out of the provisions contained in this section.

14. For the purpose of ensuring the safe passage of vessels through the opening bridge which carries Railway No. 2A in the Waterford and Wexford section of the undertaking over the navigable River Barrow the Company may in connection with the said bridge to the reasonable satisfaction of the New Ross Harbour Commissioners lay down and maintain warping buoys and moorings in or on the bed of the said River Barrow immediately above and below the said bridge. Provided that in case any dispute or difference shall arise between the Company and the said commissioners or their engineers with reference to the said warping buoys and moorings such dispute or difference shall be settled and determined by an arbitrator to be appointed by the Board of Trade upon the application of the parties to the dispute or difference or either of them and the decision of such arbitrator shall be final and binding and be carried into effect accordingly and the costs and expenses of such arbitration shall be defrayed as the arbitrator shall direct. Warping buoys and moorings to be laid down in the River Barrow.

15. Before proceeding to open the said opening bridges for public traffic the Company shall and thereafter from time to time may make bye-laws rules and regulations with respect to the Company may make bye-laws as to bridges.

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time and mode of vessels passing through the said opening bridges carrying the said Railways No. 1A and No. 2A over the said Rivers Suir and Barrow respectively but subject always to this provision that all such bye-laws rules and regulations shall in the first place have been approved of by the Waterford Harbour Commissioners or the New Ross Harbour Commissioners as the case may be and if any dispute or difference shall arise between the Company and either of the said harbour authorities with reference to the said bye-laws rules and regulations or the approval thereof such dispute or difference shall be settled and determined by an arbitrator to be appointed by the Board of Trade upon the application of the parties to the dispute or difference or either of them and the decision of such arbitrator shall be final and binding and the costs and expenses of such arbitration shall be defrayed as the arbitrator shall direct and in every case the said bye-laws rules and regulations shall be submitted for confirmation to the Board of Trade and shall not until such confirmation have any force or validity.

Evidence of
bye-laws as
to bridges.

16. A printed or written copy of any such bye-laws rules and regulations purporting to be made and confirmed under the authority of this Act and signed by the secretary of the Company shall be conclusive evidence of the validity of such bye-laws rules or regulations in any prosecution or proceeding under the same for any purpose.

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

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

18. The Company shall on or near the works below high-water mark hereby authorised during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) as the Board of Trade from time to time require or approve:

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Lights on
works.

If the Company fail to comply in any respect with the provisions of this section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

19. The Company shall at the outer extremity of their works below high water exhibit and keep burning from sunset to sunrise such lights (if any) as the Commissioners of Irish Lights shall from time to time direct:

Company to
exhibit
lights.

If the Company fail to comply in any respect with the provisions of the present section they shall for each night in which they so fail be liable to a penalty not exceeding twenty pounds.

20. If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Company on in over through or across tidal lands or tidal water or of the intended site of any such work the Company shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Company to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Company.

Survey of
works by
Board of
Trade.

21. If a work constructed by the Company on in over through or across tidal lands or tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Company and the amount of such expense shall be a debt due from the Company to the Crown and be recoverable accordingly with costs or the same may be recovered with costs as a penalty is recoverable from the Company.

Abatement
of work
abandoned
or decayed.

22. 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 the expression "clerks of the unions within which such parishes are included in Ireland" or the words "clerks of the unions" (as the case may be) had been used and inserted in such sections in lieu of the expression "the postmasters of the post towns in or nearest to such parishes in Ireland" or in lieu of the word "postmasters" (as the case may be).

As to de-
posit of
plans with
clerks of
unions.

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Capital.

23. The capital of the Company shall be eight hundred thousand pounds in eighty thousand shares of ten pounds each.

Shares not to be issued until one-fifth paid.

24. The Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person or corporation accepting the same unless and until a sum not being less than one-fifth of such share is paid in respect thereof.

Calls.

25. One-fifth of the amount of a share shall be the greatest amount of a call and two months at least shall be the interval between successive calls and three-fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt in case of persons not sui juris.

26. If any money is payable to a shareholder or mortgagee or debenture stock holder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Power to borrow.

27. The Company may from time to time in respect of the capital of eight hundred thousand pounds by this Act authorised to be raised borrow on mortgage of the undertaking any sum or sums not exceeding in the whole four hundred thousand pounds and of that sum the Company may in the first instance borrow a sum of two hundred thousand pounds in respect of the sum of four hundred thousand pounds part of the said share capital and when that sum has been borrowed the Company may borrow further sums of twenty thousand pounds each in respect of each forty thousand pounds of the remaining four hundred thousand pounds of the said share capital. Provided that no part of any such sums of two hundred thousand pounds and twenty thousand pounds respectively shall be borrowed until the whole of the portion of the said share capital in respect of which each sum is hereby authorised to be borrowed is issued and accepted and the Company have proved to the justice who is to certify under the fortieth section of the Companies Clauses Consolidation Act 1845 before he so certifies that the whole of such portion of the said share capital in respect of which it is proposed to borrow has been issued and accepted and that not less than one-fifth part of the amount of each separate share in such portion of share capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such portion of the said share capital was issued and accepted bonâ fide and is held by the persons or corporations to whom the same was issued or their executors administrators successors or assigns and that such persons or corporations their executors administrators successors or assigns

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are legally liable for the same and upon production to such justice of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate or certificates as the case may be that the proof aforesaid has been given which shall be sufficient evidence thereof.

28. The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a receiver. In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five thousand pounds in the whole.

For appointment of a receiver.

29. The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this or any subsequent Act shall subject to the provisions of any subsequent Act rank *pari passu* (without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock.

Debenture stock.

30. All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable.

Application of moneys.

31. The first ordinary meeting of the Company shall be held within six months after the passing of this Act.

First ordinary meeting.

32. The quorum of a meeting of the Company shall be not less than seven proprietors holding in the aggregate not less than a fiftieth part of the capital of the Company.

Quorum of general meetings.

33. The number of directors shall be five but the Company may from time to time reduce the number provided that the number be not less than three and the Company may from time to time increase the number provided that the number be not greater than seven.

Number of directors.

34. The qualification of a director shall be the possession in his own right of not less than fifty shares.

Qualification of directors.

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Quorum of
directors
meeting.

First
directors.

35. The quorum of a meeting of directors shall be three.

36. William Bailey Hawkins Sir James Ramsden Knight and John Barry and two other persons to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting of the Company held after the passing of this Act :

At that meeting the shareholders present in person or by proxy may either continue in office the said directors appointed by this Act or nominated as aforesaid or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act or nominated as aforesaid being if they continue qualified eligible for re-election And at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the powers hereinbefore contained for reducing or increasing the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Lands for
extra-
ordinary
purposes.

37. The Company may take by agreement for the extraordinary purposes mentioned in the Railways Clauses Consolidation Act 1845 any quantity of land not exceeding ten acres but nothing in this Act shall exempt the Company from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon any land taken under the powers of this section.

Period for
compulsory
purchase of
lands.

38. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Power to
cross certain
roads on the
level.

39. Subject to the provisions in the Railways Clauses Consolidation Act 1845 and in Part I. (relating to the construction of a railway) of the Railways Clauses Act 1863 contained in reference to the crossing of roads on the level the Company may in the construction of the railway carry the same with a single line only whilst the railway shall consist of a single line and afterwards with

a double line only across and on the level of the roads next hereinafter mentioned (that is to say):— A.D. 1890.

Conditions to be observed by the Company with reference to the Level Crossing against which the Condition is set.	No. on Deposited Plan.	Parish.	Description of Road.
THE CORK AND FERMOY SECTION OF THE UNDERTAKING.			
The road to be diverted and carried parallel or nearly so to the railway for a short distance and then across it so that the road at the crossing may be horizontal	1 and 19	Rathcooney	- Public road
A slight road diversion to be constructed so as to make the road cross the railway at right angles instead of obliquely as at present and to make its inclination 1 in 20 instead of 1 in 14 at and near the crossing	8	Ardnageehy	- Public road
A slight road diversion to be constructed so as to make the road cross the railway at right angles instead of obliquely as at present	23	Ardnageehy	- Public road
The road is to be deviated so that the slope may be diverted from the crossing and the road carried square and level across the railway	1	Kilshanahan	- Public road
The slope to be made 1 in 15 from the level crossing till it meets the slope of 1 in 11	11	Rathcormack	- Public road
	3 and 1A	Rathcormack	- Public road
The road to be made square and the inclinations of the approaches to be made 1 in 30	1A	Castlelyons	- Public road
The road to be deviated so that the crossing may be square instead of acute	2	Fermoy	- Public road
THE WATERFORD AND WEXFORD SECTION OF THE UNDERTAKING.			
The cutting on the east side to be made wide enough to allow of the crossing being seen for at least a quarter of a mile when approached from the east and that the inclination of the approach to the quay is made as gentle as possible	11	Kilculliheen	- } Public road
	12	Extra-parochial	- }
The inclination of the approach to the quay to be made as much flatter than 1 in 20 as the local circumstances will permit	13	Rathpatrick	- } Public road
	13	Extra-parochial	- }

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Conditions to be observed by the Company with reference to the Level Crossing against which the Condition is set.	No. on Deposited Plan.	Parish.	Description of Road.
A footbridge or subway available both for the public using the highway and the passengers using the station to be provided if and when required by the Board of Trade	2	St. James and Dunbrody	Public road
The road to be diverted so as to make the crossing square and the inclinations by which it is approached to be made 1 in 30 instead of 1 in 20 as proposed	33	St. James and Dunbrody	Public road
	1	Killesk - - -	
	12	Owenduff - - -	Public road
The road is to be diverted so as to make the crossing square instead of oblique and the inclination for the approach on the north side is to be made 1 in 30 instead of 1 in 20	8	Tintern - - -	Public road
A footbridge or subway to be provided if and when required by the Board of Trade	39	Ballylannon - - -	Public road
	8	Ballylannon - - -	Public road
The inclination of the approach on the west side is to be made 1 in 30 instead of 1 in 20 as proposed	15	Kilcavan - - -	Public road
	7	Kilcavan (townland of Kilcavan retrenched)	Public road
The inclination of the altered approach to meet the existing road to be made 1 in 30 instead of 1 in 20 as proposed	25	Bannow - - -	Public road
The road to be diverted so as to make the crossing square to the line	9	Duncormick - - -	Public road
No inclination to be steeper than 1 in 30	4 and 6	Mulrankin - - -	Public road
The inclination of the approaches to be made 1 in 30	8 and 1	Mayglass - - -	Public road
The road to be diverted so as to make the crossing square	3	Rathmacknee - - -	Public road
A footbridge or subway to be constructed if and when required by the Board of Trade.	3	Kilmacree (townland of Orristown)	Public road
A footbridge or subway to be constructed if and when required by the Board of Trade	1	Kilmacree - - -	Public road
	4	Rosslare - - -	Public road

Inclination
of roads.

40. In altering for the purposes of this Act the roads next hereinafter mentioned the Company may make the same of any

inclinations not steeper than the inclinations hereinafter mentioned A.D. 1890.
in connection therewith respectively (that is to say):—

No. on Deposited Plan.	Parish.	Description of Road.	Intended Inclination.
THE CORK AND FERMOY SECTION OF THE UNDERTAKING.			
1 and 8	St. Nicholas - -	Public road -	1 in 25 on one side and 1 in 20 on the other side.
129	St. Finbars - -	Public road -	1 in 20
250	St. Anne's Shandon -	Public road -	1 in 6·9
14	St. Anne's Shandon (town-land of Cahergal)	Public road -	1 in 20 on lower side of the bridge and level on the upper side.
1 and 19	Rathcooney - -	Public road -	1 in 9
35	Templeusque - -	Public road -	1 in 5 on one side.
30	Templeusque - -	Public road -	1 in 9 on one side.
1	Dunbulloge - -	Public road -	1 in 20
27	Dunbulloge - -	Public road -	1 in 20
23	Ardnageehy - -	Public road -	1 in 20
12	Ardnageehy - -	Public road -	1 in 20
1	Kilshanahan - -	Public road -	1 in 7
11	Rathcormack - -	Public road -	1 in 15
3 and 1A	Rathcormack - -	Public road -	1 in 20

THE WATERFORD AND WEXFORD SECTION OF THE UNDERTAKING.

3B	Kilculliheen - -	Public road -	1 in 12 on one side and level on the other.
11	Kilculliheen - -	} Public road -	1 in 20
12	Extra Parochial - -		
4	Rathpatrick - -	Public road -	1 in 22
13	Rathpatrick - -	} Public road -	1 in 20
13	Extra Parochial - -		
33 and 1	St. James and Dunbrody - -	} Public road -	1 in 15
19	Killesk - -		
24	St. James and Dunbrody -	} Public road -	1 in 20 on south side and level on north side.
13	Killesk - -		
1 and 27	Killesk - -	Public road -	1 in 20
6	Owenduff - -	Public road -	1 in 20 on south side and 1 in 30 on north side.
35	Owenduff - -	Public road -	1 in 20
15	Kilcowan - -	Public road -	1 in 20
3	Duncormick - -	Public road -	1 in 20

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Height and
span of
bridges.

41. The Company may make the arches of the bridges for carrying the railway over the roads next hereinafter mentioned of any heights and spans not less than the heights and spans hereinafter mentioned in connection therewith respectively (that is to say) :—

No. on Deposited Plan.	Parish.	Description of Road.	Height.	Span.
THE CORK AND FERMOY SECTION OF THE UNDERTAKING.				
14	St. Nicholas	Public road	15	20
17	St. Nicholas	Public road	15	25
19	St. Nicholas	Public road	12	20
129	St. Nicholas	Public road	16	35
160	St. Finbars	Public road	16	50
173	St. Finbars	Public road	16	20
62	St. Anne's Shandon	Public road	28	50
120	St. Anne's Shandon	Public road	28	80
8	Rathcooney	Public road	15	20
3	Rathcooney	Public road	15	20
29	Templeusque	Public road	15	20
27	Dunbulloge	Public road	15	20
4	Ardnageehy	Public road	15	20
25	Fermoy	Public road	12	20
10	Fermoy	Approach to station	15	20
11	Fermoy	Public road	15	25
8	St. Anne's Shandon	Spring Lane	16	25
2	St. Anne's Shandon	Path by watercourse	16	15
THE WATERFORD AND WEXFORD SECTION OF THE UNDERTAKING.				
1 and 28	Kilculliheen	Public road	15	34
19 and 24	St. James and Dunbrody (townland of Ballyvelig)	Public road	14	20
1	Killesk	Public road	14	20
22	Tintern	Public road	15	20

Width of
certain
roadways.

42. The Company may make the roadway over the bridges by which the following roads will be carried over the railway of such width between the fences thereof as the Company think fit not being less than the respective widths hereinafter mentioned in connection therewith respectively (that is to say) :—

No. on Deposited Plan.	Parish.	Description of Roadway.	Width of Roadway.
THE CORK AND FERMOY SECTION OF THE UNDERTAKING.			
1 and 8	St. Nicholas	Public road	20
151	St. Nicholas	Public road	20
190	St. Nicholas	Public road	25
1	St. Finbars		
30			

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No. on Deposited Plan.	Parish.	Description of Roadway.	Width of Roadway.
63	St. Finbars	Public road	25
105	St. Finbars	Public road	20
250	St. Anne's Shandon	Public road	15
10	Rathcooney	Public road	20
1	Dunbulloge	Public road	15
12	Ardnageehy	Public road	20
10A 1A	Rathcormack	Public road	20
2	Rathcormack	Public road	20
8	Fermoy	Public road	20
15	Fermoy	Public road	20
2	Fermoy	Public road	20

THE WATERFORD AND WEXFORD SECTION OF THE UNDERTAKING.

3B	Kilculliheen	Public road	24
1 and 27	Killesk	Public road	20
6	Owenduff	Public road	20
35	Owenduff	Public road	20
13	Owenduff	Public road	20
33	Clongeen	Public road	20
3	Duncormick	Public road	20

43. The Company may divert the public highways referred to in the next following table in the manner shown upon the deposited plans and sections and when and as in each case the new portion of any road is made to the satisfaction of the justices and is open for public use may stop up and cause to be discontinued as a road so much of the existing road as will be rendered unnecessary by the new portion of road (that is to say) :—

Power to divert roads as shown on deposited plans.

Railway.	Parish.	No. of Road on Plan.

THE CORK AND FERMOY SECTION OF THE UNDERTAKING.

No. 10	St. Finbars	129
No. 12	Rathcormack	2
No. 12	Rathcormack	1A

THE WATERFORD AND WEXFORD SECTION OF THE UNDERTAKING.

No. 1A	Trinity Without	1
No. 2A	Rathpatrick	4
No. 2A	Rathpatrick	15
No. 3A	St. James and Dunbrody	6
No. 3A	Duncormick	8
No. 3A	Duncormick	1
No. 3A	Duncormick	10 and 23

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And when and so soon as each of the said roads is so stopped up all rights of way over the same shall cease and the Company may subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway appropriate and use for the purposes of their undertaking the site of the road stopped up as far as the same is bounded on both sides by lands of the Company.

Company may stop up roads and extinguish rights of way.

44. Subject to the provisions of this Act the Company may stop up and discontinue for public traffic any roads highways or footpaths shown on the deposited plans as intended to be stopped up and upon the stopping up and discontinuance for traffic of the same respectively the sites and soil thereof respectively shall be by this Act vested in the Company so far as they are the owners of the adjoining lands on both sides free from all public and other rights of way or passage or other rights in over or affecting the same but subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near the same.

Power to take easements &c. by agreement.

45. Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege not being an easement of water required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rent-charges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Owners may be required to sell parts only of certain lands and buildings.

46. And whereas in the construction of the railway and works hereby authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the lands houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section ninety-two of the Lands Clauses Consolidation Act 1845 the owners of and other persons interested in the lands houses or other buildings or manufactories described in the schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbitrators or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Company

the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise. A.D. 1890.

47. The Company may with the consent of any limited owner pay any purchase money payable to such limited owner in respect of any lands purchased or taken under the authority of this Act by the issue to such limited owner of as many shares as shall be equal in nominal amount to such purchase money and such shares shall be deemed to be shares fully paid up. Such shares shall be held upon the like uses trusts and for the same purposes and in the same manner as the lands in respect of the purchase money for which such shares were issued stood settled. The Company shall with respect to such shares make an entry or memorial in their register of shareholders of the uses trusts and purposes aforesaid and subject to the uses trusts and purposes affecting such shares the limited owner for the time being in respect thereof shall have all the other rights and powers of a shareholder in the Company. Provided that the Company shall not be bound to see to the application of any dividend received by such limited owner. The term "limited owner" in this section and in the following section shall mean any person or persons by whom the powers of sale conferred by section 7 of the Lands Clauses Consolidation Act 1845 may under the authority of the said section be lawfully exercised. Provided also that no such payment by shares to a limited owner under this section shall be made until a certificate approving thereof and stating that the estate in which the lands so purchased or taken are comprised will in the opinion of the person or persons granting such certificate be permanently benefited by the construction of the railway shall have been granted by an inspecting engineer or engineers or other person or persons to be for such purpose nominated and appointed by the Commissioners of Public Works in Ireland who are hereby authorised on the application of any such owner or of the Company to make such appointment and the costs relating to such nomination and appointment inspection and certificate shall be paid by the Company as the Commissioners shall direct.

Payment of
purchase
money to
limited
owners in
shares in
certain cases.

48. It shall be lawful for the limited owner (as herein-before defined) of any land which the Company are authorised to take for the purposes of the railway which they are authorised to construct Limited
owners of
land may

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grant same
free of cost
to the Com-
pany with
consent of
Commis-
sioners of
Public
Works.

to grant transfer or convey the same or any portion thereof to the Company free of cost and such grant transfer or conveyance shall confer a good title to the lands described therein. Provided that no such grant transfer or conveyance by a limited owner under this section shall be made until a certificate approving thereof shall have been granted by an inspecting engineer or engineers or other person or persons to be for such purpose nominated and appointed by the Commissioners of Public Works in Ireland who are hereby authorised on the application of any such limited owner or of the Company to make such appointment and the costs relating to such nomination and appointment inspection and certificate shall be paid by the Company as the Commissioners shall direct.

Restrictions
on displacing
persons of
labouring
class.

49. The Company shall not under the powers of this Act purchase or acquire in any urban sanitary district as defined by the Public Health (Ireland) Act 1878 ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until the Company—

(a.) Shall have obtained the approval of the Local Government Board for Ireland to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as the said Local Government Board shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses or to the place of employment of such persons and to all the circumstances of the case; and

(b.) Shall have given security to the satisfaction of the said Local Government Board for the carrying out of the scheme.

(2.) The approval of the said Local Government Board to any scheme under this section may be given either absolutely or conditionally and after the said Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3.) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced:

Provided that the said Local Government Board may dispense with the last-mentioned requirement subject to such conditions (if any) as they may see fit. A.D. 1890.

(4.) Any provision of any scheme under this section or any conditions subject to which the said Local Government Board may have approved of any scheme or of any modifications of any scheme or subject to which they may have dispensed with the above-mentioned requirement shall be enforceable by a writ of Mandamus to be obtained by the said Local Government Board out of the High Court.

(5.) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the said Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom :

Provided that the court may if it think fit reduce such penalty.

(6.) For the purpose of carrying out any scheme under this section the Company may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase sections 202 and 203 of the Public Health (Ireland) Act 1878 shall be incorporated with this Act and shall apply to the purchase of lands for the purposes of any scheme under this section in the same manner in all respects as if the Company were a sanitary authority within the meaning of the Public Health (Ireland) Act 1878 and the scheme were one of the purposes of that Act.

(7.) The Company may on any lands belonging to them or purchased or acquired under this section or any Provisional Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise or let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking :

Provided that all lands on which any buildings have been erected or provided by the Company in pursuance of any scheme under this

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section shall for a period of twenty-five years from the passing of this Act be appropriated for the purpose of such dwellings and every conveyance demise or lease of such lands and buildings shall be endorsed with notice of this enactment :

Provided also that the said Local Government Board may at any time dispense with all or any of the requirements of this sub-section subject to such conditions (if any) as they may see fit.

(8.) So much of section 41 of the Public Health (Ireland) Act 1878 as provides that the provisions of that section and of the two preceding sections of the same Act shall not apply to buildings belonging to any railway company and used for the purposes of such railway under any Act of Parliament shall not apply to buildings erected or provided by the Company for the purpose of any scheme under this section.

(9.) The said Local Government Board may direct any inquiries to be held which they may deem necessary in relation to any scheme under this section and may appoint or employ inspectors for the purposes of any such inquiry and the inspectors so appointed or employed shall for the purposes of any such inquiry have all such powers as the inspectors of the Local Government Board have for the purposes of inquiries directed by the Local Government Board under the Public Health (Ireland) Act 1878.

(10.) The Company shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by that Board in relation to any inquiries under this section including the expenses of any witnesses summoned by the inspector and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

(11.) For the purposes of this section the expression "labouring class" includes mechanics artizans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

Deposit
money not
to be repaid
except so
far as
portions of
railway
opened.

50. Whereas pursuant to the standing orders of both Houses of Parliament and to an Act of the ninth year of the reign of Her present Majesty chapter twenty a sum of forty-six thousand six hundred and one pounds two and three-quarters per centum Consolidated Stock in respect of the railway forming the Cork and Fermoy and the Waterford and Wexford sections of the undertaking being

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equal to five per centum upon the amount of the estimate in respect of each of the said several railways herein-before described comprised in such sections respectively has been transferred into the name of the Accountant-General of the Supreme Court in respect of the application to Parliament for this Act which sum is referred to in this Act as the deposit fund. Be it enacted that subject to the proviso herein-after contained notwithstanding anything contained in the said Act the said deposit fund shall not be transferred to or on the application of the person or persons or the majority of the persons named in the warrant or order issued in pursuance of the said Act or the survivors or survivor of them which persons survivors or survivor are or is in this Act referred to as the depositors unless the Company shall previously to the expiration of the period limited by this Act for completion of the said railways open the same for the public conveyance of passengers. Provided that if within such period as aforesaid the Company open any of the said several railways or any portion of the said several railways for the public conveyance of passengers then on the production of a certificate of the Board of Trade specifying the length of the portion of the particular railway or railways so opened as aforesaid and the portion of the deposit fund which bears to the whole of that part of the deposit fund which relates to the said particular railway or railways so opened the same proportion as the length of the particular railway or railways or any portion thereof so opened bears to the entire length of the said particular railway or railways the High Court shall on the application of the depositors order the portion of the deposit fund specified in the certificate to be paid or transferred to them or as they shall direct and the certificate of the Board of Trade shall be sufficient evidence of the facts therein certified. Provided always that notwithstanding anything in this Act contained a portion of the said consolidated stock being equal in value to the sum of two thousand three hundred and forty-six pounds one shilling being five per centum on the amount of the estimates in respect of a Railway No. 5 originally comprised in the Cork and Fermoy section of the undertaking and in respect of certain Railways Nos. 5A and 6A originally comprised in the Waterford and Wexford section of the undertaking power to make which railways has not been granted by this Act and which sum was deposited with the Accountant-General of the Supreme Court as aforesaid in respect of the said railway shall as soon as may be after the passing of this Act be paid or transferred to or on the application of the depositors and in any application under this section it shall not be necessary to produce any certificate of this Act having

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Application
of deposit.

51. If the Company do not previously to the expiration of the period limited for the completion of the said several railways complete the same and open them for the public conveyance of passengers then and in every such case the deposit fund or so much thereof as shall not have been paid to the depositors 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 any of the said several railways or any portion thereof in respect of which the said deposit was made 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 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 High Court may seem fit And if no such compensation is payable or if a portion of the deposit fund has been found sufficient to satisfy all just claims in respect of such compensation then the deposit fund or such portion thereof as may not be required as aforesaid shall either be forfeited to Her Majesty and accordingly be transferred to or for the account of Her Majesty's Exchequer in such manner as the court thinks fit to order on the application of the solicitor to the Treasury and shall be carried to and form part of the Consolidated Fund of the United Kingdom or in the discretion of the court 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 Provided that until the deposit fund has been retransferred to the depositors or has become otherwise applicable as herein-before mentioned any interest or dividends accruing thereon shall from time to time and as often as the same shall become payable be paid to or on the application of the depositors.

Period for
completion
of works.

52. If the several railways by this Act authorised are not completed within five years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the said railways or otherwise

in relation thereto shall cease except as to so much thereof as is then completed. A.D. 1890.

53. The Company may demand and take in respect of the use of the railway any tolls not exceeding the following (that is to say) :— Tolls.

In respect of passengers and animals conveyed in carriages upon the railway—

For every person conveyed in or upon any such carriage per mile twopence and if conveyed in or upon any carriage belonging to the Company an additional sum per mile of one penny halfpenny : Passengers.

Class I. For every horse mule ass or other beast of draught or burden conveyed in or upon such carriage per mile threepence and if conveyed in or upon any carriage belonging to the Company an additional sum per mile of one penny : Animals.

Class II. For every ox cow bull or neat cattle conveyed in or upon such carriage per head per mile threepence and if conveyed in or upon any carriage belonging to the Company an additional sum per mile of one penny :

Class III. For every calf pig sheep lamb or other small animal conveyed in or upon any such carriage per mile one penny and if conveyed in or upon any carriage belonging to the Company an additional sum per mile of one farthing :

In respect of goods conveyed on the railway—

Class IV. For all coal dung compost and all sorts of manure lime and limestone and all undressed materials for the repair of public roads or highways one penny per ton per mile and if conveyed in carriages belonging to the Company an additional sum per ton per mile not exceeding one penny : Goods.

Class V. For all coke culm charcoal and cinders all stones for building pitching and paving tiles slates clay ironstone iron ore and pig iron sheet iron bar iron rod iron hoop iron and all other similar descriptions of wrought iron and iron castings not manufactured into utensils bricks salt sand fireclay and stone per ton per mile one penny halfpenny and if conveyed in carriages belonging to the Company an additional sum per ton per mile not exceeding one penny :

Class VI. For sugar grain corn flour hides dyewoods earthenware timber staves and deals metals (except iron) nails anvils vices and chains per ton per mile twopence and if conveyed in carriages belonging to the Company an additional sum per ton per mile not exceeding one penny :

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Class VII. For cotton and other wools drugs and manufactured goods and all other wares merchandise fish articles matters or things per ton per mile threepence and if conveyed in carriages belonging to the Company an additional sum per ton per mile not exceeding one penny :

Class VIII. For every carriage of whatever description not being a carriage adapted and used for travelling on a railway and not weighing more than one ton carried or conveyed on a truck or platform belonging to the Company per mile sixpence and a sum of one penny halfpenny per mile for every additional quarter of a ton or fractional part of a quarter of a ton which any such carriage may weigh.

Tolls for propelling power.

54. The toll which the Company may demand for the use of engines for propelling carriages on the railway shall not exceed one penny per mile for each passenger or animal or for each ton of goods in addition to the several other tolls or sums by this Act authorised to be taken.

Regulations as to tolls.

55. The following provisions and regulations shall apply to the fixing of all tolls and charges payable under this Act (that is to say) :—

Short distances.

For all passengers animals or goods conveyed on the railway for a less distance than three miles the Company may demand tolls and charges as for three miles :

Fractional parts of a mile.

For a fraction of a mile beyond three miles or beyond any greater number of miles the Company may demand tolls and charges on animals and goods for such fraction in proportion to the number of quarters of a mile contained therein and if there be a fraction of a quarter of a mile such fraction shall be deemed a quarter of a mile and in respect of passengers every fraction of a mile beyond an integral number of miles shall be deemed a mile :

Fractional parts of a ton.

For a fraction of a ton the Company may demand tolls according to the number of quarters of a ton in such fraction and if there be a fraction of a quarter of a ton such fraction shall be deemed a quarter of a ton :

General weight.

With respect to all articles except stone and timber the weight shall be determined according to the imperial avoirdupois weight :

Weight of stone and timber.

With respect to stone and timber fourteen cubic feet of stone forty cubic feet of oak mahogany teak beech or ash and fifty cubic feet of any other timber shall be deemed one ton weight and so in proportion for any smaller quantity.

56. With respect to small parcels not exceeding five hundred pounds in weight and single articles of great weight notwithstanding anything in this Act the Company may demand and take any tolls not exceeding the following (that is to say):—

For the carriage of small parcels on the railway—

For any parcel not exceeding seven pounds in weight threepence :

For any parcel exceeding seven pounds but not exceeding fourteen pounds in weight fivepence :

For any parcel exceeding fourteen pounds but not exceeding twenty-eight pounds in weight sevenpence :

For any parcel exceeding twenty-eight pounds but not exceeding fifty-six pounds in weight ninepence :

And for any parcel exceeding fifty-six pounds but not exceeding five hundred pounds in weight the Company may demand any sum they think fit :

Provided always that articles sent in large aggregate quantities although made up in separate parcels such as bags of sugar coffee meal and the like shall not be deemed small parcels but that term shall apply only to single parcels in separate packages :

For the carriage of single articles of great weight—

For the carriage of any single article the weight of which including the carriage exceeds four tons but does not exceed eight tons the Company may demand any sum not exceeding sixpence per ton per mile :

For the carriage of any single article the weight of which including the carriage exceeds eight tons the Company may demand and take any sum they think fit.

57. The maximum rate of charge to be made by the Company for the conveyance of passengers upon the railway including the tolls for the use of the railway and for carriages and locomotive power and every other expense incidental to such conveyance shall not exceed the following (that is to say):—

For every passenger conveyed in a first-class carriage threepence per mile :

For every passenger conveyed in a second-class carriage twopence per mile :

For every passenger conveyed in a third-class carriage one penny per mile.

58. The maximum rate of charge to be made by the Company for the conveyance of animals and goods (except such small parcels and single articles of great weight as aforesaid) on the railway

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Tolls for
small
parcels and
articles of
great
weight.Maximum
rates for
passengers.Maximum
rates for
animals and
goods.

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including the tolls for the use of the railway and for waggons or trucks and locomotive power and for every other expense incidental to the conveyance except a reasonable charge for loading and unloading of goods at any terminal station in respect of such goods and for delivery and collection and any other service incidental to the business or duty of a carrier where any such service is performed by the Company shall not exceed the following sums (that is to say):—

For every animal mentioned in Class I. per mile fourpence :

For every animal mentioned in Class II. per mile twopence :

For every animal mentioned in Class III. per mile one penny :

For the articles and goods mentioned in Class IV. per ton per mile one penny halfpenny :

For the articles and goods mentioned in Class V. per ton per mile twopence :

For the articles and goods mentioned in Class VI. per ton per mile twopence halfpenny :

For the articles and goods mentioned in Class VII. per ton per mile threepence ;

For any carriage mentioned under Class VIII. not weighing more than one ton sixpence per mile if weighing more than one ton one penny halfpenny per mile for every quarter of a ton or fractional part of a quarter of a ton.

Tolls and charges for conveyance of animals or goods on Railways No. 10 and No. 11.

59. The Company may notwithstanding anything in this Act contained demand and take in respect of all animals or goods conveyed on the Railways No. 10 and No. 11 in the Cork and Fermoy section of the undertaking other than animals or goods conveyed only on the said Railways No. 10 and No. 11 or either of them and not on any other part of the undertaking tolls and charges as for six miles irrespective of the distance which such animals or goods may be conveyed upon such railways or either of them.

Passengers' luggage.

60. Every passenger travelling upon the railway may take with him his ordinary luggage not exceeding one hundred and twenty pounds in weight for first-class passengers one hundred pounds in weight for second-class passengers and sixty pounds in weight for third-class passengers without any charge being made for the carriage thereof.

Terminal station.

61. No station shall be considered a terminal station in regard to any goods conveyed on the railway unless such goods have been received thereat direct from the consignor or are directed to be delivered thereat to the consignee.

62. The restrictions as to the charges to be made for passengers shall not extend to any special train run upon the railway in respect of which the Company may make such charges as they think fit but shall apply only to the ordinary and express trains appointed from time to time by the Company for the conveyance of passengers and goods upon the railway.

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Foregoing charges not to apply to special trains.

63. Nothing in this Act shall prevent the Company from taking any increased charges over and above the charges by this Act limited for the conveyance of animals or goods of any description by agreement with the owners or persons in charge thereof either by reason of any special service performed by the Company in relation thereto or in respect of the conveyance of animals or goods (other than small parcels) by passenger trains.

Company may take increased charges by agreement.

64. The Company and any company or companies for the time being lawfully working or using the railway of the Company or any part thereof may run over and use with their engines carriages and waggons and with their clerks officers and servants the following railway or portion of a railway (that is to say):—

Power to use other railways or portions thereof and pier.

So much of the railway belonging to the Waterford and Limerick Railway Company as will be situated between the point of termination of Railway No. 1A herein-before described where it joins a siding of the Waterford and Limerick Railway and the eastern termination of the said siding being a distance of one hundred and seventy yards or thereabouts:

The railway belonging to the Waterford and Wexford Railway Company known as the Wexford and Rosslare Railway:

And may also use all stations on the said railway or portion of a railway so to be run over and used as aforesaid and the roads signals water watering-places engine-sheds offices sidings warehouses junctions works and conveniences connected with the said railway or portion of a railway respectively and the Company may also use the pier and all conveniences connected therewith belonging to the Rosslare Harbour Commissioners situated at the seaward termination of the said Wexford and Rosslare Railway.

65. The terms conditions and regulations in respect of the said running over and use and the tolls or other consideration to be paid for the same if not agreed upon shall be from time to time determined by an arbitrator to be appointed on the application of either party by the Board of Trade and the decision of such arbitrator shall be binding and conclusive on the parties in difference and the costs and expenses of such arbitration shall be defrayed as the arbitrator shall direct and either of the parties

Terms of user.

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who shall refuse or neglect to perform observe and conform to any decision given or regulation made by any such arbitrator in the premises shall forfeit and pay to the other of them as the arbitrator shall determine any sum not exceeding fifty pounds for any such offence and twenty pounds for every day during which such offence shall continue.

Bye-laws to be observed.

66. In running over and using the said railway or portion of a railway and in using any of the said stations and the pier in accordance with the provisions herein-before contained the regulations and bye-laws for the time being in force on the undertaking so used shall be at all times observed so far as such regulations and bye-laws shall be applicable.

Companies to afford facilities for the Company's traffic before mentioned whose railway or portion of railway may be run over and used as aforesaid.

67. The said railway companies whose railway or any portion thereof may be run over and used as aforesaid shall from time to time afford all proper and sufficient facilities for the reception accommodation forwarding interchange and delivery of all traffic of whatever description passing or intended to pass to or from the railway of the Company from or to any railway of either of the companies aforesaid and the said companies or either of them shall from time to time duly receive and transmit on their own railway or railways and deliver accordingly all such traffic and in all respects on an equality with their own proper traffic.

Nature and extent of traffic facilities.

68. The traffic facilities to be so afforded by the said railway companies shall include through booking through invoicing through waggons trucks and other arrangements and facilities as may be agreed on or failing such agreement as shall be determined by arbitration in manner provided by the Railway and Canal Traffic Acts 1873 and 1888.

Terms &c. on which facilities shall be given.

69. The terms and conditions on which the said railway companies or either of them as the case may be shall afford the traffic facilities by this Act prescribed and the through rates for the traffic for which the facilities are afforded shall be such terms and conditions and such lawful through rates respectively as may be agreed on or failing such agreement as shall be from time to time determined by arbitration in manner provided by the Railway and Canal Traffic Acts 1873 and 1888.

Running powers over Fermoy and Lismore and Waterford Dungarvan and Lismore Railways.

70.—(1) The Company and any companies for the time being lawfully working or using the railway of the Company or any part thereof may with the consent of the Fermoy and Lismore Railway Company as regards their railway and with the consent of the Waterford Dungarvan and Lismore Railway Company as regards

their railway but not otherwise run over and use with their engines carriages and waggons and with their clerks officers and servants for the purposes of traffic of every description—

(A) The railways of the Fermoy and Lismore Railway Company :

(B) The railways of the Waterford Dungarvan and Lismore Railway Company :

And may use all stations roads platforms points signals water watering-places engine-sheds booking and other offices warehouses sidings junctions machinery works and conveniences upon or connected with the said railways.

(2) The terms conditions and regulations to be observed and fulfilled and the tolls charges rent or other consideration to be paid by the Company and any other companies as aforesaid for or in respect of the running over and use of the said railways works and conveniences and as regards any such traffic shall be such as are from time to time agreed upon between the companies interested.

(3) The Company and any other companies as aforesaid in running over and using the said railways in accordance with the provisions herein-before contained shall at all times observe the regulations and bye-laws for the time being in force on or in respect of the said railways respectively so far as such regulations and bye-laws shall be applicable to the Company and any other companies as aforesaid in exercise of the said powers.

71.—(1) The Fermoy and Lismore Railway Company and the Waterford Dungarvan and Lismore Railway Company (in this section called “the two Companies”) or either of them may with the consent of the Company but not otherwise run over and use with their engines carriages and waggons and with their clerks officers and servants for the purposes of traffic of every description the railway by this Act authorised and all stations roads platforms points signals water watering-places engine-sheds booking and other offices warehouses sidings junctions machinery works and conveniences upon or connected with the railway.

Running powers to Fermoy and Lismore and the Waterford Dungarvan and Lismore Railway Companies.

(2) The terms conditions and regulations to be observed and fulfilled and the tolls charges rent or other consideration to be paid by the two companies or either of them for and in respect of the running over and use of the railway works and conveniences and as regards any such traffic shall be such as are from time to time agreed upon between the companies interested.

(3) The two companies or either of them in running over and using the railway by this Act authorised in accordance with the provisions herein-before contained shall at all times observe the regulations and bye-laws for the time being in force on or in respect

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of the railway so far as such regulations and bye-laws shall be applicable to the two companies or either of them in the exercise of the said powers.

Working agreements between the Company and other companies.

72. The Company on the one hand and the Cork Bandon and South Coast Railway Company the Cork and Macroom Direct Railway Company the Cork Blackrock and Passage Railway Company the Cork and Muskerry Light Railway Company Limited the Fermoy and Lismore Railway Company the Waterford Dungarvan and Lismore Railway Company the Waterford and Limerick Railway Company and the Waterford and Wexford Railway Company or any of them (herein-after called "the said companies") on the other hand may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Railway and Canal Traffic Acts 1873 and 1888 from time to time enter into agreements with respect to the following purposes or any of them (that is to say):—

The working use maintenance and management of the undertaking of the Company or any part thereof by the said companies or any of them :

The management regulation and delivery of traffic upon or coming from or destined for the undertakings of the said companies or any of them and the undertaking of the Company :

The supply and maintenance under any agreement for the working of the undertaking of the Company or any part thereof by any of the said companies of engines rolling stock and plant necessary for the purposes of such agreement and of officers and servants for the conduct of such traffic :

The fixing collection payment appropriation and division of the tolls rates income and profits arising from traffic on the undertakings of the said companies or any of them and the undertaking of the Company or of any part thereof and the payments and allowances to be made and allowed in respect of any such traffic.

Tolls on traffic conveyed partly on the railway and partly on the railway of any of the said companies.

73. Where under any agreement under the provisions of this Act or in the exercise of the running powers hereby conferred traffic is conveyed partly on the railway of the Company and partly on the railway of any other company the railway of the Company and the railway of such other company shall for the purposes of short distance tolls and charges be considered as one railway and in estimating the amount of tolls and charges in respect of traffic conveyed partly on the railway of the Company and partly on the railway of

any other company for a less distance than three miles tolls and charges may only be charged as for three miles and in respect of passengers for every mile or fraction of a mile beyond three miles tolls and charges as for one mile only and in respect of animals and goods for every quarter of a mile or fraction of a quarter of a mile beyond three miles tolls and charges as for a quarter of a mile only and subject to the provisions of this Act no other short distance charge shall be made for the conveyance of passengers animals or goods partly on the railway of the Company and partly on the railway of any other company.

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74. The Company and the Rosslare Harbour Commissioners may enter into agreements for the working and use of the harbour and pier of the said commissioners and the management regulation and delivery of traffic therein and generally for carrying on the said harbour upon such terms and conditions as shall from time to time be agreed upon between the Company and the said Rosslare Harbour Commissioners.

Working agreements between the Company and the Rosslare Harbour Commissioners.

75. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections 21 and 22 of the Crown Lands Act 1866 and belonging to or exercisable on behalf of Her Majesty Her heirs or successors.

Saving rights of Crown under Crown Lands Act.

76. Nothing contained in this Act shall authorise the Company to take use or in any manner interfere with any land soil tenements or hereditaments or any rights in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown the management of which is vested in 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 exercisable by the Queen's Majesty Her heirs or successors.

Saving rights of the Crown.

77.—(1) Where the Company for the purposes of their undertaking require to enter upon take or use any of the lands delineated on the deposited plans and described in the deposited books of reference which are situated at Fermoy and belong to Her Majesty or are vested in Her Majesty's Principal Secretary of State for the War Department the Company shall in exchange for such lands convey to the said Secretary of State free of all cost and expense such lands belonging to or vested in the Company or which they

As to land belonging to Her Majesty's Principal Secretary of State for the War Department.

A.D. 1890. — have power to acquire under the provisions of this Act and in such situation adjoining the lands situated at Fermoy and belonging to Her Majesty or vested in the said Secretary of State as the said Secretary of State shall approve and of such area as shall be determined by a competent valuer nominated by the said Secretary of State.

(2) Nothing contained in this Act shall authorise the Company to enter upon take or use or in any manner interfere with any such lands belonging to Her Majesty or vested in the said Secretary of State unless the Company have previously obtained the consent in writing of the said Secretary of State which he is hereby authorised to give upon the Company entering into such security for completing the conveyance of the lands to be conveyed in exchange under the provisions of this section and within such time as the said Secretary of State may require but not otherwise.

Saving
rights of
Her
Majesty's
Principal
Secretary of
State for the
War Depart-
ment.

78. 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 authorise 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 authorised to give subject to such special or other conditions as he shall see fit to impose on the Company.

For pre-
serving
rights of the
Corporation
of Cork.

79. 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.

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80. Nothing in this Act contained except as is otherwise expressly herein provided shall alter limit prejudice lessen or affect any of the existing rights privileges powers or authorities vested in or enjoyed by the Corporation of Cork the Corporation of Waterford the Cork Harbour Commissioners the Waterford Harbour Commissioners or the New Ross Harbour Commissioners.

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Saving rights of Corporations of Cork and Waterford and of certain harbour commissioners.

81. Section 24 of the Railway and Canal Traffic Act 1888 and any enactment which may be passed in the present or any future session of Parliament extending or modifying that enactment shall with any necessary modifications apply to the Company in all respects as if it were one of the companies to which the provisions of the said enactment in terms applied Provided that the time within which the revised schedule of maximum rates and charges prescribed by the said section shall be submitted to the Board of Trade shall be three years from the date of the passing of this Act or such further time as the Board of Trade may permit.

Application of provisions of the Railway and Canal Traffic Act 1888 as to revision of rates.

82. No interest or dividend shall be paid out of any share or loan capital which the Company are by this or any other Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall 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.

Interest not to be paid on calls paid up.

83. The Company shall not out of any money by this Act authorised 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 authorising the Company to construct any other railway or to execute any other work or undertaking.

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

84. Nothing in this Act contained shall exempt the Company or the undertaking 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 maximum rates of fares and charges or of the rates for small parcels authorised by this Act.

Provision as to general Railway Acts.

85. All costs charges and expenses of and incident to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

Costs of Act.

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SCHEDULE.

LANDS AND BUILDINGS OF WHICH PORTIONS ONLY
MAY BE REQUIRED.

Number on deposited Plans.	Description of Property.	Parish.
THE CORK AND FERMOY SECTION OF THE UNDERTAKING.		
30	Plot of ground - - -	St. Nicholas (townland of Knockrea)
30A	Well - - -	St. Nicholas (townland of Knockrea)
39	Garden and office - - -	St. Nicholas (townland of Knockrea)
77	Yard - - -	St. Nicholas (townland of Knockrea)
78	Storehouses - - -	St. Nicholas (townland of Knockrea)
172B	Garden - - -	St. Finbars (City of Cork)
13	Timber sheds - - -	St. Mary Shandon (City of Cork)
3	Garden and henhouses green-houses gardener's workshop	St. Anne's Shandon (City of Cork)
5	Store and coalhouse - - -	St. Anne's Shandon (City of Cork)
6	Walk or passage - - -	St. Anne's Shandon (City of Cork)
7	Garden and ornamental ground and drying ground	St. Anne's Shandon (City of Cork)
14	Workroom dormitory and yard portion of Magdalen Asylum	St. Anne's Shandon (City of Cork)
15	Coachhouse - - -	St. Anne's Shandon (City of Cork)
16	Stable - - -	St. Anne's Shandon (City of Cork)
17	Yard and passage - - -	St. Anne's Shandon (City of Cork)
18	Laundry and drying room portion of Magdalen Asylum	St. Anne's Shandon (City of Cork)
29	Gas lamp on avenue - - -	St. Anne's Shandon (City of Cork)
30	Ornamental ground and slope shrubs and trees	St. Anne's Shandon (City of Cork)
31	Flight of steps - - -	St. Anne's Shandon (City of Cork)
32	Avenue - - -	St. Anne's Shandon (City of Cork)
33	Ornamental ground trees and shrubs	St. Anne's Shandon (City of Cork)
57	Fowlhouses store and yard -	St. Anne's Shandon (City of Cork)
240	House coal coke hay and general stores and offices.	St. Anne's Shandon (City of Cork)

Number on deposited Plans.	Description of Property.	Parish.
243	Field or plot of ground - - -	St. Anne's Shandon (City of Cork)
244	Watercourse - - -	St. Anne's Shandon (City of Cork)
245	Vegetable garden - - -	St. Anne's Shandon (City of Cork)
245A	Portion of distillery buildings -	St. Anne's Shandon (City of Cork)
246	Field - - -	St. Anne's Shandon (City of Cork)
11	Garden - - -	Fermoy (townland of Grange East)
12	Garden - - -	Fermoy (townland of Grange East)
18	Avenue - - -	Fermoy (townland of Carrignagroghera)
20	Fruit garden - - -	Fermoy (townland of Carrignagroghera)

THE WATERFORD AND WEXFORD SECTION OF THE UNDERTAKING.

9	Store - - -	Kilculliheen (townland of Mount Sion)	
	10	Corn store - - -	Kilculliheen (townland of Mount Sion)
	11	Yard and offices - - -	Kilculliheen (townland of Mount Sion)
15	Yard - - -	Kilculliheen (townland of Mount Sion)	
16	Corn stores - - -	Kilculliheen (townland of Mount Sion)	
	17	Corn stores - - -	Kilculliheen (townland of Mount Sion)
	18	Yard and offices - - -	Kilculliheen (townland of Mount Sion)
2	Salt-house - - -	Kilculliheen (townland of Abbeylands)	
	3	Salt-house - - -	Kilculliheen (townland of Abbeylands)
	4	Boiler-house - - -	Kilculliheen (townland of Abbeylands)
	5	Coal store - - -	Kilculliheen (townland of Abbeylands)
	6	Coal store - - -	Kilculliheen (townland of Abbeylands)
7	Yard and archway and rails -	Kilculliheen (townland of Abbeylands)	

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