



ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

Cap. ccvi.

An Act to extend the Powers of the *Cork and Waterford* Railway Company, and to enable them to abandon Part of their Railway to *Waterford* and the Branch to *Tramore*; and for other Purposes. [31st July 1854.]

WHEREAS an Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, called "The *Cork and Waterford* Railway Act, 1846," whereby a Company was incorporated by the Name of "The *Cork and Waterford* Railway Company," with Powers to make a Railway from the City of *Cork* to the City of *Waterford*, with Branches therefrom to *Fermoy* in the County of *Cork*, and to *Tramore* in the County of *Waterford*; and the said Act was amended by "The *Cork and Waterford* Railway Amendment Act, 1851:" And whereas the Powers granted to the Company by the said Act for the Construction of the said Railway, Branches, and Works, and for the compulsory Purchase of Lands, were extended by a Warrant under the Hands of the Commissioners of Railways for Two Years beyond the Time by the said Act granted; but the said Powers (so extended as aforesaid) for the Construction of the Works authorized

9 & 10 Vict. c. cccxcvii.
14 & 15 Vict. c. xcvi.

[Local.] 39 C by

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by the said Act will expire in the Month of *July* One thousand eight hundred and fifty-five, and the Powers for the compulsory Purchase of Lands expired in *July* One thousand eight hundred and fifty-three; and it is expedient that the same Powers should be respectively extended and revived, as herein-after mentioned, with respect to so much of the said Railway, Stations, and Works as was authorized to be constructed between the Point herein-after mentioned in the City of *Cork* and *Youghal* in the County of *Cork*, and that all Power to construct the Portion of the Railway between *Youghal* and the authorized Terminus thereof at *Waterford*, and to construct the Branch to *Tramore*, together with the Power of taking Lands for the Purpose of the last-described Portion of Railway and Branch, should be abandoned: And whereas by virtue of "*The Cork and Waterford Railway Amendment Act, 1851*," the Capital of One million five hundred thousand Pounds, which the Company were originally authorized to raise by Shares, was reduced to One million two hundred and seventy thousand one hundred and twenty-five Pounds, and the Sum authorized to be raised by Mortgage or Loan was reduced from Five hundred thousand Pounds to Four hundred and twenty-three thousand three hundred and seventy-five Pounds; and inasmuch as the said Capital is greater than the Company require, in consequence of the Abandonment hereby authorized of certain Parts of their Undertaking, it is expedient that the same should be reduced as herein-after mentioned: And whereas of the Shares authorized to be created by the recited Acts not more than Fifty thousand eight hundred and five have been subscribed for, and of these a large Number may or will be forfeited and cancelled in pursuance of the Provisions of the recited Acts and of this Act: And whereas certain of the Shares so subscribed for were in the Hands of Persons who were desirous of abandoning the same; and with a view to reducing the Capital of the Company, the same have been purchased and are now held by Mr. *George Coulson James*, the Solicitor thereof, and Mr. *Charles Banks*, the Secretary thereof, who are willing to surrender the same Shares to the Company, provided a Sum of Four Shillings be paid to them for every Share so surrendered, (the same being the Price given by them for such Shares,) so that Thirteen thousand three hundred and five of them may be cancelled, and the Remainder thereof may be re-issued in pursuance of the Powers of the secondly-recited Act: And whereas there is now in the Hands of the Directors of the Company a Sum of about Eight thousand Pounds, which, if divided among the Shareholders of the Company, would produce, as nearly as may be, Four Shillings in respect of every Share of the Company: And whereas it is also expedient that some of the Provisions of the said recited Acts should be amended and enlarged; but the Objects aforesaid cannot be effected without the Authority of Parliament: May it therefore please Your
Majesty

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Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

I. In the Construction of this Act the Expression "the Commissioners" shall mean "the Commissioners for improving and preserving the Port, Harbour, and River of *Cork*," and the Words "the Company" shall mean the Company incorporated by the first-recited Act, unless there be something in the Subject or the Context repugnant to such Construction.

"The Commissioners;"
"The Company."

II. In citing this Act it shall be sufficient to use the Expression "The *Cork and Youghal* Railway Act, 1854."

Short Title.

III. All the Provisions of "The *Cork and Waterford* Railway Act, 1846," and of the Acts incorporated therewith, which authorize the Construction of the said Portion of Railway between *Cork* and *Youghal*, and of the Stations, Approaches, Conveniences, and Works connected therewith, are hereby extended until the First Day of *August* One thousand eight hundred and fifty-seven; and after that Day the Powers granted by the recited Act, and so extended by this Act, for executing the said Portion of Railway and Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much of the said Portion of Railway and Works as shall then be completed: Provided always, that nothing herein or in the said recited Acts contained shall enable the Company to take any Lands or to construct any Works in the Borough of *Cork* to the Westward of a Point One Mile and Forty-six Chains from the Terminus of the said Railway in the same Borough shown on the Plans deposited with respect to the first-recited Act.

Extension of Powers for constructing Line between *Cork* and *Youghal*.

IV. Except with reference to the said Portion of Railway between *Youghal* and *Waterford*, and the Branch Railways to *Fermoy* and *Tramore*, all the Provisions of "The *Cork and Waterford* Railway Act, 1846," and of the Acts incorporated therewith, which relate to the compulsory Purchase of Lands, are hereby revived until the First Day of *August* One thousand eight hundred and fifty-five, but subject to the Proviso in the last preceding Section contained; and after that Day the Powers of the Company for the compulsory Purchase of Land for the Purpose of the said Portion of Railway from *Cork* to *Youghal* shall not be exercised.

Revival of Powers for compulsory Purchase of Lands.

V. The Justices, Arbitrators, Umpires, or Juries respectively, as the Case may be, who, under the Provisions of the said Act, shall

Parties aggrieved by Extension of award Time may

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have Com-
pensation for
additional
Damage.

award or assess the Compensation to be made by the Company to the Owners or Occupiers of or other Persons interested in any of the said Lands, shall, in estimating the Amount of such Compensation have regard to and make Compensation for the additional Damage, if any, sustained by such Owners, Occupiers, or other Persons, by reason of the Extension of Time hereby authorized.

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

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

Company to
abandon a
Portion of
authorized
Railway
between
Youghal and
Waterford,
and Branch
to Tramore.

VII. The Company shall abandon and relinquish the Construction of so much of the Line of the said *Cork and Waterford* Railway, authorized to be made by the said first-recited Act, as lies between the Property numbered 9 in the Townland of *Summerfield* in the Parish of *Youghal* in the said deposited Plan, and described in the said Book of Reference as "Pasture Field," and the intended Terminus of the said Railway at *Waterford*, and shall also abandon the Construction of the Branch by the said recited Act authorized to be made to *Tramore*, together with all Stations, Sidings, and Works connected therewith respectively; and from and immediately after the passing of this Act all the Powers and Authorities granted by the said recited Act for the making and maintaining of the said Portion of Railway and of the said Branch Railway shall cease and determine.

Compensa-
tion to be
made where
Contracts
have been
entered into,
or Notices
given.

VIII. In any Case where, before the passing of this Act, any Contract hath been entered into or Notice given by the Company for purchasing any Lands which the Company were by the said recited Act empowered to purchase for the Purpose of constructing the Portion of the said Railway or the Branch Railway so authorized to be abandoned as aforesaid, the Company shall make to the Owners or Occupiers of and other Parties interested in such Lands full Compensation for all Injury or Damage sustained by such Owners, Occupiers, and other Parties, by reason of such Purchase not being completed pursuant to such Contract or Notice; and the Amount and Application of such Compensation shall be determined in the Manner provided by "The Lands Clauses Consolidation Act, 1845," for determining the Amount and Application of the Compensation to be paid for Lands taken under the Provisions thereof: Provided also, that the Authority hereby given for abandoning the Formation of the aforesaid
Portion

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Portion of the said Railway and Branch Railway shall not prejudice or affect the Right of the Owner or Occupier of any Lands which the said Company were so empowered to purchase as aforesaid to receive from the Company Compensation for any Damage that may have been sustained by the Entry of the Company upon such Lands for the Purpose of surveying and taking Levels, and of probing and boring to ascertain the Nature of the Soil, or of setting out the Line of the Railways, pursuant to the Provisions for that Purpose in the said "Lands Clauses Consolidation Act, 1845," contained.

IX. In the Construction of the Railway and Works connected therewith upon the Slob or Bed of the said River *Lee*, it shall not be lawful to construct any Works Riverward at a greater Distance than Twenty Feet from the Centre Line of the Railway, as delineated on the Plans referred to in the firstly-recited Act, or to construct any Works which would interfere with the *Lower Glanmire Road*, without the Consent in Writing of the Commissioners, and of the Mayor, Aldermen, and Burgesses of *Cork*, first respectively had and obtained.

Company not to deviate from their Centre Line in the River *Lee* without Consent.

X. For such Distance as the said Railway shall be made and constructed upon the Slob or Bed of the said River *Lee* within the Municipal Boundary of the Borough of *Cork*, the said Company shall, at their Expense, and to the Satisfaction of the Mayor, Aldermen, and Burgesses of the said Borough, or their Architect or Surveyor, if required by the said Mayor, Aldermen, and Burgesses, build or erect a Wall or Fence of such Height and Proportions as shall be determined on by such Architect or Surveyor, at the Side of the said Railway next the *Lower Glanmire Road*, and such Wall or Fence shall be always maintained and kept in repair by the said Company at their Expense.

Company to erect a Wall or Fence next the *Lower Glanmire Road*.

XI. In the Construction of that Portion of the said Railway and Works proposed to be made along and upon the Slob or Bed of the said River *Lee*, the said Company shall afford, by means of Bridges or otherwise, to be erected at the Expense of the said Company, free and convenient public Access to the said River at such Places as shall be determined on by the Commissioners, and such Bridges or other Erections shall be always maintained and kept in repair by the said Company, and at their Expense.

A convenient Access to be afforded to the River *Lee*.

XII. Nothing in this Act contained shall be construed to interfere with or in anywise affect any existing Right of the Mayor, Aldermen, and Burgesses of the Borough of *Cork*, to such Tolls and Dues as they are entitled to receive and have been accustomed to collect at the Time of the passing of this Act, but the same shall be enjoyed with as full and extensive Means of collecting and recovery as they were before the Time of the passing of this Act.

Saving Rights of the Corporation of *Cork*.

[Local.]

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XIII. And

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For ascer-
taining
Quantity of
Goods liable
to Toll
brought
within the
Limits of the
Borough of
Cork.

XIII. And whereas it is expedient to give the said Mayor, Aldermen, and Burgesses the Means of ascertaining what Articles are brought from Time to Time by the said Railway within the Limits of the said Borough, liable to the Payment of Toll: Be it therefore enacted, That it shall and may be lawful for the said Mayor, Aldermen, and Burgesses to erect, if they shall so think fit, an Office or Toll House convenient to and outside the Terminus of the said Railway nearest to the said Borough, and to place therein a Collector or Person who shall at all reasonable Times have full and free Access to the Terminus of the said Railway for the Purposes aforesaid, and to inspect the Bills of Lading of or Carriages conveying any such Goods; and any Officer or Servant employed by the said Company, who shall impede or obstruct any Collector or Person employed by the said Mayor, Aldermen, and Burgesses in so inspecting the Bills of Lading, or in ascertaining the Number and Quantity of any such Articles brought by the said Railway within the Limits of the said Borough, shall for every such Offence forfeit to the said Mayor, Aldermen, and Burgesses a Sum not exceeding Forty Shillings, to be sued for and recovered in the same Manner as other Penalties imposed by this Act; provided that nothing in this Act contained shall give or be construed to give to the said Mayor, Aldermen, and Burgesses any such Right of Access or Inspection, or any other Right or Privilege whatsoever, except for the Purpose of collecting such Tolls as the said Mayor, Aldermen, and Burgesses shall at the Time of the passing of this Act be legally entitled to.

No Works
to be con-
structed on
the River
Lee until
10,000*l.*
shall be
deposited.

XIV. It shall not be lawful for the Company to construct any Portion of their said intended Railway, or Works connected therewith, along and upon the Slob or Bed of the said River *Lee*, until the Sum of Ten thousand Pounds shall have been deposited with the Treasurer for the Time being of the Commissioners, and which Sum so to be deposited as aforesaid shall be expended by the Commissioners in the necessary Works for widening the said River *Lee*, and in improving the Navigation thereof, such Works to be executed by the Commissioners within the Period of Two Years after the Receipt of the said Sum of Ten thousand Pounds, only on Plans approved of by the Lord High Admiral for the Time being of the United Kingdom of *Great Britain and Ireland*, or of the Commissioners for executing the Office of Lord High Admiral, such Approval to be signified in Writing under the Hand of the Secretary to the Admiralty before the Commencement of any such Works.

Works not to
be diverted
Riverward.

XV. Wherever the Limits of Deviation of the Works hereby authorized extend below High-water Mark, no Departure Riverward from the continuous Centre Line of Way shown on the Parliamentary Plans deposited at the Admiralty Office shall be made, without the previous Consent of the Lord High Admiral, or of the said Commis-
sioners

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sioners for executing the Office of Lord High Admiral, to be signified in Writing under the Hand of the Secretary of the Admiralty; provided always, that nothing herein contained shall enable the Company to make any such Deviation without the previous Consent of the Commissioners, as herein-before provided.

XVI. From the Point where, according to the Parliamentary Plans, the Black continuous Centre Line of Way first enters below High-water Mark near *Myrtle Hill*, and thence Eastward for Half a Mile, the Railway shall be carried as far to the Northward or Landward as the *Glanmire Road* will permit.

Direction of Works at Glanmire Road.

XVII. The Company shall not, under or by virtue of this Act, become entitled to any exclusive Right of Water Frontage, by reason of the Railway or any Work being carried along the Shore or River Bank; but such Water Frontage shall be equally available by other Persons proposing, and who may be duly authorized to construct Quays, Docks, and other Works for the Use of Shipping and of Trade, provided such Quays, Docks, or Works be constructed with the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain and Ireland*, or the Commissioners for executing the Office of Lord High Admiral for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty.

Preserving River Frontage.

XVIII. Where the Railway or any Work of the Company cuts off or will cut off Access to or from any Shore or Bank the Company shall, during the Formation of the Lines of Railway or Work, and from Time to Time thereafter, make and maintain such Crossings for Footways and Carriageways over or under the Railway or Work as the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, shall at any Time or Times deem necessary.

Preserving Access to Shore.

XIX. Such a Channel and such an Opening Bridge shall be made, provided, and maintained by the Company, for Vessels entering the *Glanmire Creek*, as the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, shall, by Writing under the Hand of the Secretary of the Admiralty, approve of.

Access to Glanmire Creek.

XX. Where it is proposed to divert or alter any tidal or navigable Channel or Waterway the Dimensions, Direction, and Depth of such diverted or altered Channels or Waterways shall be previously approved of by the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral, by Writing under the Hand of the Secretary of the Admiralty.

Alterations of tidal Channel or Navigation.

XXI. During the Construction of the said Bridge and Works connected therewith the Company shall cause to be hung out or exhibited every Night, from Sunset to Sunrise, a Light, to be kept burning

Providing for Lights during Construction.

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burning by and at the Expense of the Company, for the Navigation and safe Guidance of Vessels; and for ever after the Completion of the said Bridge the Company shall cause to be hung out or exhibited upon or near to the Centre of the said Bridge, every Night from Sunset to Sunrise, a good and sufficient Light, to be kept burning by and at the Expense of the Company, for the Navigation and safe Guidance of Vessels; and which Lights shall be from Time to Time altered by the Company in such Manner, and be of such Description, and be so used and placed as the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, shall, by Writing under the Hand of the Secretary of the Admiralty, approve of; and in case the Company shall neglect to exhibit and keep either of such Lights burning as aforesaid, they shall forfeit and pay for every such Neglect the Sum of Ten Pounds.

As to Navigation of Glanmire Creek.

XXII. It shall not be lawful for the Company, or any Person or Persons acting under them, to detain any Vessel, Barge, or Boat navigating or entering the *Glanmire* Creek, for a longer Space of Time than may be sufficient to admit of any Carriages or Trains regularly traversing the said Railway, and approaching the said Bridge, to cross the said Creek, and for opening the said Bridge to admit such Vessel, Barge, or Boat to pass; and in case the Company, or any Person or Persons acting under them, shall detain any such Vessel, Barge, or Boat, contrary to the Provisions of this Act, or demand, take, or receive any Toll for the Passage of any Person or Persons, Vessel, Barge, or Boat, the said Company, or every Person so offending, shall in every such Case forfeit and pay the Sum of Ten Pounds; but nothing in this Act shall prevent any Remedy for Damages which any Party may sustain in respect of any such Detention as aforesaid.

Admiralty to approve of Plans.

XXIII. Previously to commencing the Bridge or Viaduct over the River *Owen-na-Curra* near *Middleton* or the Works connected therewith, the Company shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of the said Bridge or Viaduct, and Works connected therewith, for the Approval of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty, and such Bridge or Viaduct and Works shall be constructed only in accordance with such Approval.

Works to be approved by Admiralty.

XXIV. It shall not be lawful for the Company to construct any retaining Wall of the Railway within any tidal or navigable Water, or to construct in, over, under, through, or across any tidal or navigable Water any Work, without the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid for the Time being, to be signified in Writing under

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under the Hand of the Secretary of the Admiralty, and then only according to such Plan, and under such Restrictions and Regulations, as the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, may approve, such Approval being signified as last aforesaid; and where any such Wall or Work shall have been constructed it shall not be lawful for the Company at any Time to alter or extend the same without obtaining, previously to making any such Alteration or Extension, the like Consent or Approval; and if any such Wall or Work shall be commenced or completed, or be altered or extended, contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, to abate, alter, and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly with Costs of Suit.

XXV. If at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, to order a local Survey and Examination of any Works of the Company in, over, or affecting any tidal or navigable Water or River, or of the intended Site thereof, the Company shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Company, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

Admiralty
may order
local Survey
at Expense
of Company.

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

Works affect-
ing tidal
Waters aban-
doned, may
be removed
at Expense
of Company.

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

Saving
Rights of the
Harbour
Commission-
ers.

XXVIII. Notwithstanding anything in the recited Acts contained, the Capital of the Company shall be Three hundred and

Reduction of
Capital.

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seventy-five thousand Pounds, and the same shall be divided into Shares of Ten Pounds each; and from and after the passing of this Act every Person holding a Share of Twenty-five Pounds in the existing Capital of the Company shall in the Stead thereof be deemed to hold a new Share of Ten Pounds, and shall be entitled to a Certificate for such new Share of Ten Pounds upon presenting at the principal Office of the Company, or at such other Place as the Directors shall appoint, the Certificate of his original Share of Twenty-five Pounds to be cancelled; and until the same is so delivered up to be cancelled such Certificate of an original Share of Twenty-five Pounds in the Company shall be deemed to represent a new Share of Ten Pounds only; and it shall not be lawful for the Company or the Directors thereof to call any greater Sum in the aggregate than Ten Pounds on any Share in the Company.

Limiting
Calls.

XXIX. Two Pounds *per* Share shall be the greatest Amount of any One Call which shall be made in respect of such Shares, and Three Months at the least shall be the Interval between successive Calls, and not more than Two Thirds of the Amount of any Share shall be called in any One Year.

Company
shall cancel
Shares.

XXX. It shall be lawful for the Company to accept the Transfer or Surrender of the said Shares so held by *George Coulson James* and *Charles Banks*, and to pay for the same at the Rate of Four Shillings for every Share, and it shall not be lawful for them to issue in the Stead of Thirteen thousand three hundred and five of the Shares so surrendered any new Shares, but the said Thirteen thousand three hundred and five Shares shall be absolutely cancelled, and cease to form any Portion of the Capital of the Company.

Sum to be
borrowed.

XXXI. Notwithstanding anything in the recited Acts or either of them contained, it shall not be lawful for the Company to borrow on Mortgage or Bond any greater Sum than One hundred and twenty-five thousand Pounds.

Provision of
recited Acts
as to borrow-
ing extended
to this Act.

XXXII. All the Powers and Provisions contained in the said recited Acts respecting Monies to be borrowed on Mortgage or Bond shall be applicable to the borrowing of the said Sum of One hundred and twenty-five thousand Pounds: Provided always, that, notwithstanding anything in the Ninth Section of the first-recited Act contained, it shall be lawful for any Mortgagees of the Company to apply for the Appointment of a Receiver, if the Sum due to them for Principal and Interest is not less than Twenty thousand Pounds in the whole.

Alteration of
Name.

XXXIII. From and after the passing of this Act the Name, Style, and Title of the Company shall be "*The Cork and Youghal Railway Company*," instead of the *Cork and Waterford Railway Company*; and by that Name the said Company shall henceforth have and exercise all the Powers now vested in the *Cork and Waterford Railway Company*,

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Company, as the same Powers are limited by this Act; and the said recited Acts shall be read and interpreted as if the Name "*The Cork and Youghal Railway Company*" were inserted throughout in lieu of the Name of the *Cork and Waterford Railway Company*.

XXXIV. No Action, Suit, Bill, Process, Writ, Indictment, Information, or any other Proceeding, whether civil or criminal, which at or immediately before the passing of this Act had been commenced and were then pending, whether at the Suit or Instance of the *Cork and Waterford Railway Company* against any other Corporation or against any Person, or at the Suit or Instance of any other Corporation or of any Person against the same Company, shall abate, determine, or be otherwise impeached or affected for or by reason of the aforesaid Change of the Name of the said Company, nor shall any Notice, Tender, Requisition, Warrant, Summons, Pleading, civil or criminal, Writ, or other Process, Record, Deed, Contract, Agreement, Writing, or Instrument that shall have been or shall be made, issued, written, or commenced, be deemed to be vacated, discharged, invalidated, prejudiced, or affected by reason of the said Company or Railway being therein respectively called by the Name of the *Cork and Waterford Railway Company*, or the *Cork and Waterford Railway*; and it shall not be necessary in any Bill, Suit, Indictment, Information, Notice, Tender, Requisition, Warrant, Summons, Pleading, civil or criminal, Writ, or other Process, or in any Record, Deed, Contract, Agreement, Writing, or other Instrument or Matter, to aver that the said Company had been called or known from the Time of the passing of the said first-recited Act until the Time of the passing of this Act by the Name of the *Cork and Waterford Railway Company*, or that the said Railway had been called or known within that Period by the Name of the *Cork and Waterford Railway*, and that by this Act the Names of the said Company and their Undertaking were changed as aforesaid, and that after the passing of this Act the said Company hath been called and known by the Name of the *Cork and Youghal Railway Company*; but it shall be deemed true, lawful, and sufficient therein to aver the Style and describe the said Company by the Name of the *Cork and Youghal Railway Company*, and their Undertaking by the Name of the *Cork and Youghal Railway*, in the same Manner as if the said Company in and by the said first-recited Act had been originally incorporated, called, or known by the Name of the *Cork and Youghal Railway Company*, and as if their Undertaking had been called and known by the Name of the *Cork and Youghal Railway*.

Actions not to abate.

XXXV. It shall not be lawful for the Company, out of any Money by any Act relating to the Company authorized to be raised for the Purposes of such Act, to pay or deposit any Sum of Money which by any Standing Order of either House of Parliament, now

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

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now in force, or hereafter to be in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the said Company to construct any other Railway, or execute any other Work or Undertaking.

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

XXXVI. Whereas an Act was passed in the Second Year of the Reign of Her present Majesty, intituled *An Act to provide for the Conveyance of Mails by Railway*; and another Act was passed in the Fourth Year of the Reign of Her said Majesty, intituled *An Act for regulating Railways*; and another Act was passed in the Sixth Year of the Reign of Her said Majesty, intituled *An Act for the better Regulation of Railways, and for the Conveyance of Troops*; and another Act was passed in the Eighth Year of the Reign of Her said Majesty, intituled *An Act to attach certain Conditions to the Construction of future Railways authorized or to be authorized by any Act of the present or succeeding Sessions of Parliament, and for other Purposes in relation to Railways*; and an Act was passed in the Session of Parliament held in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for regulating the Gauge of Railways*; and another Act was passed in the Fifteenth Year of the same Reign, intituled *An Act to repeal the Act for constituting Commissioners of Railways*: Be it enacted, That nothing in this Act contained shall be held to exempt the Company or their said Railways from the Provisions of the said several Acts respectively, but that such Provisions shall be in force in respect to the said Railways so far as the same shall be applicable thereto.

Railways not
exempt from
Provisions
of future
Railway
Acts.

XXXVII. Nothing herein contained shall be deemed or construed to exempt the Railways by this or any other Acts relating thereto authorized to be made, or the Company, from the Provisions of any General Act relating to such Acts, or of any General Act relating to Railways, now in force, or which may hereafter pass during this or any future Session of Parliament, or from any future Revision and Alteration under the Authority of Parliament of the maximum Rates of Fares and Charges authorized by "*The Cork and Waterford Railway Act, 1846*," or of the Rates for small Parcels.

Expenses of
Act.

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

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