



ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

Cap. cxciv.

An Act to authorize an Alteration in the Line of the *Cork and Bandon* Railway, and an Extension thereof into the City of *Cork*; and to amend the Act relating to the said Railway.

[9th July 1847.]

WHEREAS an Act was passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act for making a Railway from Cork to Bandon*: And whereas it would be attended with public and local Advantage if a Portion of the Line of the said Railway as authorized to be made by the said Act were abandoned, and a new or altered Line of Railway made in lieu thereof, and also if a Railway were made in extension of the said Railway from a certain Point thereon in the Townland of *Spittal Lands* in the Parish of *Saint Nicholas* in the County of *Cork* to or near to the *Corn-market Street* in the Parish of *Saint Nicholas* in the Borough or City of *Cork*: And whereas the *Cork and Bandon* Railway Company are desirous of carrying into effect the Objects aforesaid, if authorized by Parliament so to do: And whereas it is expedient that the before-mentioned Act should be further amended and enlarged, and

8 & 9 Vict.
c. 122.

[*Local.*]

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further

Powers of
recited Act
extended
to this Act.

further Powers granted to the said Company : 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, That all the Provisions, Matters, and Things contained in the said recited Act, so far as the same are now in force, and are not inconsistent with or altered by the Provisions of this Act, and save in so far as the same may be inconsistent with the "Lands Clauses Consolidation Act, 1845," and with the "Railways Clauses Consolidation Act, 1845," shall extend to this Act, and to the several Purposes thereof, as fully and effectually as if the same Provisions, Matters, and Things were repeated and re-enacted in this Act in reference to such Purposes, and the Railways and Works by this Act authorized to be made shall form Part of the Undertaking of the *Cork and Bandon Railway Company*.

8 & 9 Vict.
cc. 18. and
20. extended
with this
Act.

II. And be it enacted, That the several Provisions of the said "Lands Clauses Consolidation Act, 1845," and the several Provisions of the said "Railways Clauses Consolidation Act, 1845," so far as the same may be applicable to and are not inconsistent with or modified by the Provisions of this Act, shall be incorporated with and form Part of this Act, and shall be applicable to the Purposes thereof.

Short Title.

III. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and other Proceedings, it shall be sufficient to use the Expression "The *Cork and Bandon Railway Extension, Deviation, and Amendment Act, 1847.*"

Application
of Funds of
Cork and
Bandon
Railway
Company.

IV. And be it enacted, That it shall be lawful for the *Cork and Bandon Railway Company* to apply the Money raised or which may be raised by the said Company under the Provisions of the said recited Act in carrying the Purposes of this Act into execution.

Lines of
Railway.

V. And be it enacted, That the said new or altered Line of Railway shall commence from a Point on and by a Junction with the Main Line of the *Cork and Bandon Railway* as authorized to be made by the before-mentioned Act in the Townland of *Goggan's Hill* in the Parish of *Ballynaboy* in the County of *Cork*, and, passing thence from, in, through, or into the Parish herein-after enumerated, (that is to say,) the Parish of *Ballynaboy* in the County of *Cork*, shall terminate at a certain Point on and by a Junction with the Main Line of the said Railway in the said Townland of *Goggan's Hill* in the Parish of *Ballynaboy*, in the County of *Cork*; and the said Railway in extension of the Line of the said *Cork and Bandon Railway* shall commence from a Point on the same Line of Railway in or near to a Field in the said Townland of *Spittal Lands* in the Parish of *Saint Nicholas* in the County of *Cork*, numbered 5 in the said Townland of *Spittal Lands* on
the

the Plans of the said *Cork and Bandon* Railway referred to in the said recited Act, and, passing thence from, in, through, into, or under the Parish herein-after enumerated, (that is to say,) the Parish of *Saint Nicholas*, partly in the County and partly in the County of the City or Borough of *Cork*, shall terminate at or near to the East Side of the Road, Street, or Passage called or known by the Name of *Corn-market Street*, and on the Denomination of Land called *Monerea Marsh*, in *Corn-market Ward* in the Parish of *Saint Nicholas* in the Borough or City of *Cork*.

VI. And be it enacted, That from and after the passing of this Act such Parts of the Line of Railway by the said recited Act authorized to be made as lie between certain Fields in the said Townland of *Goggan's Hill* numbered 4 and 70 respectively on the Plans referred to in the said recited Act, and as lie between a certain Field numbered 5 on the said Plans in the said Townland of *Spittal Lands* and the Terminus of the said Railway as at present authorized to be made at *Cork*, shall not be formed by the said *Cork and Bandon* Railway Company; and so much of the Powers, Provisions, and Conditions of the said Act (if any) relating exclusively to the Formation of such Portions of the said Railway shall be and the same are hereby repealed.

That Portion of the *Cork and Bandon* Railway lying between the Points of Deviation and Junction not to be formed.

VII. And whereas Maps or Plans and Sections showing the Line or Situation and Levels of the said new or altered Line of Railway and of the said extended Railway, together with Books of Reference to the said Plans containing the Names of the reputed Owners, Lessees, and Occupiers of the Lands which may be required to be taken for the Purposes of the same, have been deposited with the Clerks of the Peace for the County of *Cork* and for the County of the City or Borough of *Cork*; be it therefore enacted, That, subject to the Provisions contained in the said "Railways Clauses Consolidation Act, 1845," and in this Act, the said new or altered Line of Railway and extended Railway shall be made in the Line and Course and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined in the said Sections; and it shall be lawful for the said Company to enter upon, take, and use such of the said Lands as shall be necessary for the Purposes aforesaid.

Railway to be made according to deposited Plans.

VIII. And be it enacted, That it shall be lawful for the said Company to purchase and hold any Quantity of Lands for extraordinary Purposes not exceeding Ten Acres.

Lands for extraordinary Purposes.

IX. And be it enacted, That the Powers of the said Company for the compulsory Purchase of Lands for the Purposes of this Act shall not be exercised after the Expiration of Three Years from the passing thereof.

Limiting Period for compulsory Purchase of Lands.

X. And

Period for
Completion
of Werk.

X. And be it enacted, That the Railways by this Act authorized shall be completed within Five Years from the passing of this Act, and on the Expiration of such Period the Powers by this or the said recited Act granted to the Company for executing the same shall cease to be exercised, except as to so much of the same as shall be then completed.

Tolls.

XI. And be it enacted, That it shall be lawful for the said Company to demand any Tolls or Charges for the Use of the Railways by this Act authorized, not exceeding the Tolls and Charges which they are at present authorized to take by virtue of the said recited Act relating to the *Cork and Bandon* Railway Company.

Charges
authorized
by recited
Act. not to
apply to
Special
Trains.

XII. Provided always, and be it enacted, That the Restriction in the said recited Act as to the Charges to be made for Passengers shall not extend to any Special or Extra Trains, but shall apply only to the ordinary Trains appointed or to be appointed from Time to Time by the said Company for the Conveyance of Passengers and Goods upon the said Railway.

Company
may take in-
creased
Charges by
Agreement.

XIII. Provided further, and be it enacted, That nothing herein or in the said recited Act contained shall be held to prevent the said Company from taking any increased Charge, over and above the Charges in the said recited Act limited, for the Conveyance of Goods of any Description, by Agreement with the Owners of or Persons in charge of such Goods; either in respect of the Conveyance thereof by Passenger Trains, or by reason of any other special Services performed by the said Company in relation thereto.

Extending
the Period
for the com-
pulsory Pur-
chase of
Lands re-
quired for
the Purposes
of the Cork
and Bandon
Railway Act,
1845.

XIV. And whereas it is expedient that the Period by the said recited Act granted for the compulsory Purchase of Lands by the said recited Act authorized should be extended; be it therefore enacted, That the Period by the said Act granted for the compulsory Purchase of the Lands particularized in the Books of Reference, and delineated upon the Maps or Plans respectively lodged with the Clerks of the Peace for the County of *Cork* and the County of the City of *Cork*, for the Purposes of the said Railway and Works by the said recited Act authorized to be made, shall be extended for the further Term of Two Years, to be computed from the passing of this Act; and that all the Powers and Authorities in the said recited Act and in this Act contained for making the said Railway shall be and continue in force during such Period of Two Years.

Power to
pay Interest
on Calls.

XV. And be it enacted, That, notwithstanding any thing in the "Companies Clauses Consolidation Act, 1845," contained or implied to the contrary, it shall be lawful for the Directors of the said

said Company to pay and allow Interest after a Rate not exceeding Five Pounds *per Centum per Annum* from the First Day of *January* 1847 on all Calls paid prior to that Day, and on all Calls paid on or subsequent to that Day, from the respective Days of Payment thereof until the Completion of the Railway by this and the said recited Act authorized to be made: Provided always, that no Interest shall accrue to the Proprietor of any Share upon which any Call shall be in arrear, in respect of such Share or of any other Share held by the same Proprietor, whilst such Call shall remain unpaid.

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

Railway Company 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., and 9 & 10 Vict. cc. 57. & 105.

XVII. And be it enacted, That all the Costs, Charges, and Expences of and attending the passing of this Act or incidental thereto shall be paid by the said Company, *pari passu* with the Cost, Charges, and Expences of any other Act or Acts of Parliament passed in the present Session to which they may be liable, out of the first Monies which shall come to their Hands, and in preference to any other Payment whatsoever.

Costs of Act.

XVIII. Provided always, and be it enacted, That nothing in this Act contained shall be deemed or construed to exempt the Railway by this or the said recited Act authorized to be made, 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 the present or any future Session of Parliament, or from any future Revision and Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges authorized by this Act.

Railways to be subject to Provisions of any future general Act.

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10° & 11° VICTORIÆ, *Cap.* cxciv.

Public Act. XIX. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such.

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