ANNO DECIMO NONO & VICESIMO

VICTORIÆ REGINÆ.

****

Cap. xlviii.

An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of *Cork* to remove certain Bridges, and to build new Bridges in lieu thereof; to confirm certain Arrangements with the *Cork* Pipe Water Trustees; to provide the necessary Funds for affording an improved Supply of Water at *Cork;* to alter, amend, and enlarge certain Powers and Provisions of the *Cork* Improvement Act, 1852; and for other Purposes.

[23d *June* 1856.]

WHEREAS the Bridge in the Borough of *Cork* (in this Act called "the Borough") known as *Saint Patrick's Bridge* was, by a Flood in the River *Lee*, on the Second Day of *November* 1853, partially destroyed: And whereas it is expedient that the Mayor, Aldermen, and Burgesses of the Borough (in this Act called "the Corporation,") be enabled to remove the remaining Portions of that Bridge, and instead thereof to build a new Bridge over the said River in the Borough, at or near the Site of that Bridge:

Bridge: And whereas the Bridge in the Borough known as *North Gate Bridge* as at present constructed interferes with the free Flow of the said River *Lee*, and is the Cause of constant Floods in the Upper and Middle Districts of the Borough: And whereas it is expedient that the Corporation be enabled to remove the said *North Gate Bridge*, and instead of that Bridge to build a new Bridge over the said River in the Borough at or near the Site of that Bridge: And whereas by "The *Cork* Improvement Act, 1852," (in this Act called "the Act of 1852,") the *Cork* Pipe Water Trustees (in this Act called "the Trustees") were empowered to sell to the Corporation, and the Corporation were empowered to purchase, the outstanding Shares in the Undertaking for supplying the City of *Cork* with Water (which Undertaking and outstanding Shares are in this Act called "the Pipe Water Trust,") not theretofore belonging to or re-purchased by the Corporation, in manner and according to the Procedure therein prescribed: And whereas in pursuance of the said Act a Meeting of the Proprietors of such Shares was held on the Ninth Day of *July* One thousand eight hundred and fifty-five, and at such Meeting it was resolved that the Trustees be authorized to accept the Offer made by the Corporation of One hundred and eighty-five Pounds for each and every of the said outstanding Shares, it being understood that the Secretary should obtain a Compensation of One hundred Pounds Sterling *per Annum* in respect of the Loss of his Office: And whereas there is no Provision in the Act of 1852 to authorize the Grant of Compensation to the Secretary of the Pipe Water Trust: And whereas it is expedient to confirm the Terms of the said Purchase, and to enable the Corporation to grant such Compensation: And whereas the present Supply of Water to the said Borough and the Parts adjacent is inadequate and insufficient in Quantity for the Wants and Convenience of the present increasing Population, Trade, and Manufactures of the same: And whereas it is necessary for the Health, Comfort, and Convenience of the Inhabitants of the Borough of all Classes, and more especially of the poorer, who are now without such Supply, that a more abundant Supply of Water should be afforded, and the Corporation do not possess, and it would be of public Advantage that they should be empowered to raise, the Funds necessary to enable them, under the Powers in that Behalf granted by the Act of 1852, to construct such Works as are required for affording the same, and that for such Purpose the Corporation should be authorized to levy Water Rates as herein-after mentioned: And whereas it is expedient that the Powers of the Corporation with respect to the borrowing of Money, the lighting of the Borough, Police, and the Regulation of Hackney Carriages should be enlarged or altered: And whereas it is expedient to consolidate the Collection of all Rates leviable within the Borough, and to confer more extensive Powers than at present exist for the Recovery of such Rates, and also to assimilate the Periods of the Audit of

15 & 16 Vict. c. cxliii.

of the Borough Fund and Improvement Fund Accounts: And whereas it is expedient to provide, as herein-after mentioned, for the Prevention of the Sale within the Borough of Meat and other Articles of Food unfit for the Use of Man, and also of adulterated Food: And whereas the several Objects and Purposes aforesaid 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.

I. This Act may be cited for all Purposes as "The *Cork* Bridges, Waterworks, and Improvement Act, 1856."

Interpretation of Terms.

II. The following Words and Expressions in this Act, or any Act incorporated therewith, have the several Meanings hereby assigned to them; (that is to say,)

"The Undertakers," "the Promoters of the Undertaking," "the Company," and "the Commissioners," mean the Corporation:

"Hackney Carriage" includes every wheeled Carriage adapted to the Carriage of Persons, whatever may be its Form or Construction, which shall at any Time or in anywise ply for Hire within the Borough, or within the Distance of Five Miles from the Post Office therein:

"General Quarter Sessions" or "Quarter Sessions" include the Quarter Sessions of the Borough or any Adjournment thereof holden before the Recorder:

"Justice" means a Justice of the Borough acting in Petty or Quarter Sessions:

"Owner," with respect to Works to be done or Rates to be levied, means the Person for the Time being entitled to receive or receiving the Rent from the Occupier thereof on his own Account, or as Agent for any other Person:

The Expression "Valuation" means the full net annual Value of the Property rated as ascertained according to the next preceding Assessment for the Relief of the Poor within the Borough.

8 & 9 Vict. c. 18. incorporated.

III. "The Lands Clauses Consolidation Act, 1845," is incorporated with this Act for the Purposes of the Bridges authorized thereby to be removed or constructed.

Part of 10 & 11 Vict. c. 16. incorporated.

IV. The Clauses and Provisions of "The Commissioners Clauses Act, 1847," with respect to the following Matters; (that is to say,)

With respect to Contracts to be entered into and the Deeds to be executed by the Commissioners;

With

With respect to the Appointment and Accountability of the Officers of the Commissioners (except Section Sixty-nine);

With respect to giving Notices or Orders;

With respect to the Mortgages to be executed by the Commissioners (except Sections Eighty-six, Eighty-seven, and Eighty-eight);

are, so far as the same are not expressly varied by the Provisions of this Act, incorporated with this Act; and such Clauses shall apply to all the Purposes of this Act.

Power to remove Bridges in the Borough and construct others.

V. It shall be lawful for the Corporation to execute and maintain the Works herein-after described; (that is to say,)

They may remove the remaining Portions of the Bridge in the Borough known as *Saint Patrick's Bridge*, and instead thereof, and on or adjoining the Site thereof, they may construct a new Bridge, with all proper and convenient Approaches thereto and Works connected therewith:

They may remove the Bridge in the Borough known as *North Gate Bridge*, and instead thereof, and on or adjoining the Site thereof, they may build a new Bridge and all proper and convenient Approaches thereto and Works connected therewith:

Provided always, that neither of the said Bridges shall be constructed as a Swivel or Opening Bridge.

Bridges and Works to be made according to deposited Plans.

VI. Whereas a Plan and Section of the said Bridges and the Works connected therewith showing the Situation and Levels thereof, and also a Book of Reference containing the Names of the Owners and Lessees, or reputed Owners and Lessees, and of the Occupiers of the Lands which may be required to be taken for the Purposes thereof, have been deposited for public Inspection with the Clerk of the Peace of the County of the City of *Cork*: Therefore, subject to the Provisions and Powers of Deviation in this Act contained, the said Bridges and Works shall be made in the Line or Course and upon the Lands delineated on the said Plans and described in the said Books of Reference, and according to the Levels defined on the said Sections; and subject to the aforesaid Provisions, it shall be lawful for the Corporation to enter upon, take, and use such of the said Lands as shall be necessary for such Purpose.

Errors and Omissions in Plan, &c. may be corrected by Justices, who shall certify the same.

VII. If any Omission, Mis-statement, or erroneous Description shall have been made of any Lands, or of the Owners, Lessees, or Occupiers of any Lands described on the Plan or Book of Reference deposited as aforesaid, it shall be lawful for the Corporation, after giving Ten Days Notice to the Owners of the Lands affected by such proposed Correction, to apply to Two Justices for the Correction thereof; and if it shall

shall appear to such Justices that such Omission, Mis-statement, or erroneous Description arose from Mistake, they shall certify the same accordingly, and they shall in such Certificate state the Particulars of such Omission, and in what respect any such Matter shall have been mis-stated or erroneously described; and such Certificate shall be deposited with the said Clerk of the Peace for the County of the City of *Cork*, and also with the Clerk of the *Cork* Poor Law Union, and such Certificate shall be kept by the said Clerk of the Peace and Union Clerk respectively along with the other Documents to which the same relates, and thereupon the said Plan and Book of Reference shall be deemed to be corrected according to such Certificate, and it shall be lawful for the Corporation to execute the Works in accordance with such Certificate.

Certificate to be deposited.

VIII. It shall be lawful for the Corporation, and their Agents, Servants, and Workmen, to enter upon any Lands upon or through which the said Bridges or Works are intended to be made or to pass, to examine and survey the same, and to ascertain and set out such Parts thereof as may be thought necessary or convenient for carrying into execution the Purposes of this Act, and also from Time to Time to construct and make all necessary Walls, Arches, Culverts, Ditches, Drains, and Fences, and to do and perform all other Matters and Things which shall be necessary or proper for the making, completing, amending, and maintaining the said Bridges and Works, doing as little Damage as may be, and making full Satisfaction to the respective Owners and Occupiers of all Lands which shall be taken, used, prejudiced, or damaged in the Execution of the Powers hereby granted.

Power to set out the Bridge, Approaches, &c.

IX. In making the said Bridges and other Works by this Act authorized the Corporation shall have Power to deviate from the Line delineated on the Plan deposited as aforesaid: Provided, that no such Deviation shall extend to a greater Distance than the Limits of Deviation delineated on the said Plan, nor to a greater Extent than Twenty-five Yards from the Centre Line delineated upon the said Plan, nor shall such Deviation extend into the Lands of any Person whose Name is not mentioned in the said Book of Reference, without the previous Consent in Writing of such Person, unless the Name of such Person shall have been omitted by Mistake, and the Fact that such Omission proceeded from Mistake shall have been certified in manner hereinbefore provided for in Cases of unintentional Errors in the said Book of Reference.

Corporation empowered to deviate from Plans to a certain Extent.

X. In constructing the said Bridges, Approaches, and other Works, the Corporation may deviate from the Levels of the same as referred to the Datum Line described on the Section deposited as aforesaid, provided that the Extent of any such Deviation shall not exceed Five Feet,

Power to deviate from Levels described on Section.

Feet, unless the Owners and Occupiers of the Land where such Deviation is intended to be made shall consent to a greater Deviation, or if a public Highway is affected thereby, unless Two or more Justices in Petty Sessions assembled shall consent to a greater Deviation.

Level of Roads and Fence to Bridges.

XI. The Inclinations of the Road over the said Bridges, and of so much of any Road leading thereto as shall be made, diverted, or altered by the Corporation, under the Provisions of this Act, shall not be steeper than One Foot in Thirty Feet, and the Corporation shall make and permanently maintain a good and sufficient Fence on each Side of the said Bridge of not less Height than Four Feet.

Powers for compulsory Purchases limited.

XII. The Powers of the Corporation for the compulsory Purchase or taking of Lands for the Purposes of the Bridges authorized to be constructed by this Act shall not be exercised after the Expiration of Two Years from the passing of this Act.

Limiting Period for Construction of Works.

XIII. The Bridges and Works by this Act authorized shall be completed within Seven Years after the passing of this Act, and on the Expiration of that Period the Powers of the Corporation for making the same shall cease: Provided always, that notwithstanding the Expiration of such Period it shall be lawful for the Corporation from Time to Time to improve, maintain, repair, or rebuild such of the Works by this Act authorized as they shall have executed within the said Period of Seven Years.

Power to Corporation to do all necessary Acts, &c. for the Purposes of Bridges.

XIV. For the Purposes of the said Bridges, or either of them, it shall be lawful for the Corporation to dig and make proper Foundations in the said River on the Site of the said Bridges, and in the Lands on each Side thereof, and to make Dams therein, and to remove and take away all Beds of Gravel, Sand, Mud, or other Impediment whatsoever, and to do and execute every other Thing necessary or convenient for the Purposes aforesaid, or any of them; and the Corporation shall have full Power and Authority from Time to Time to land, deposit, work, and use, on either Side of the said River, all such Materials and other Things as they shall think proper or necessary for the Erection, Construction, and Maintenance of the said Bridges, or either of them, and for the Completion of the Approaches thereto; and such Bridges or either of them, when so erected, and the Approaches thereto, shall be kept in repair by the Corporation.

Corporation may take Places for depositing Materials for the Bridges.

XV. It shall be lawful for the Corporation to take on Lease or to agree for the Use and Occupation of proper Places within One hundred Yards of the Approach to either of the said Bridges, on either Side thereof, for the Purpose of depositing and working Stone, Iron, Timber, and other Materials for building the said intended Bridges.

XVI. In

Owners of Vessels liable for Damages done to the Bridges.

XVI. In case any Damage or Mischief shall be done to the said Bridges, or either of them, or to any of the Works, Matters, or Things to be constructed or provided under the Provisions of this Act by any Vessel or Float of Timber, through the wilful Negligence of any Person having the Command or Control of the same, or any of the Persons employed therein or thereon, then and in every such Case the Owner of such Vessel shall be and is hereby made answerable to the Corporation for the Amount or Value of any such Damage or Mischief, and the Amount claimed by the Corporation in respect of any such Damage shall be ascertained forthwith, and the Amount thereof recovered, before Two Justices; and such Justices may cause the Vessel or Float of Timber causing such Damage, and any Tackle and Furniture thereof, to be distrained and kept until such Damage shall be ascertained and the Amount of Damages and Costs awarded by them is paid, and if the same be not paid within Seven Days after such Distress or Keeping may cause the Property so distrained or kept, or any Part thereof, to be sold, and out of the Proceeds of such Sale may pay the Amount of Damages and Costs awarded and all Charges incurred by the Distress, Keeping, and Sale of such Property: Provided always, that it shall be lawful for any Owner who shall be compelled to pay any Penalty, or to make Satisfaction for any Damages by reason of any Neglect or Default done or committed as aforesaid, to recover from the Persons employed in or upon any such Vessel or Float of Timber, or any of them, such Penalty or Damages, with the Costs thereof, in the like Manner and as fully as the Corporation is hereby authorized to recover same from such Owner.

Penalties for Injuries or Obstructions to Passengers.

XVII. If any Person shall wilfully occasion any Obstruction, Annoyance, or Hindrance of any Description to Passengers on or along the said Bridges, or either of them, he shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, and shall also make Satisfaction to the Corporation or to the Party injured for the Damage so done as aforesaid, which Satisfaction shall be recoverable as any Penalty under this Act.

Provision as to Conservancy of Approaches to Bridges.

XVIII. When the several Approaches shown and laid down on the said Plans shall be made in pursuance of this Act, all the Ground, Land, and Hereditaments which shall be laid open into the same shall form Part of the Streets of the Borough, and shall be used by the Public accordingly; and the Corporation shall be the sole Conservators of such Streets, and alone chargeable with and responsible for the Maintenance and Repairs of the same.

Previously to commencing Works, Plans, &c. to

XIX. Previously to commencing either of the Bridges over the River *Lee*, or the Works respectively connected therewith, the Corporation

be deposited at the Admiralty.

poration shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of the said Bridges respectively, 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, subject to the Provisions of this Act, such Bridges and Works shall be constructed only in accordance with such Approval.

Lights to be kept burning during the Construction of Bridges, &c.

XX. During the Construction of each of the said Bridges and Works respectively connected therewith, the Corporation shall cause to be hung out or exhibited every Night, from Sunset to Sunrise, on each of such Bridges a Light, to be kept burning by and at the Expense of the Corporation, for the Navigation and safe Guidance of Vessels; and for ever after the Completion of each of the said Bridges the Corporation shall cause to be hung out or exhibited upon or near to the Centre thereof every Night, from Sunset to Sunrise, a good and sufficient Light, to be kept burning by and at the Expense of the Corporation, for the Navigation and safe Guidance of Vessels; and which Lights shall be from Time to Time altered by the Corporation 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 Corporation shall neglect to exhibit and keep any or either of such Lights burning as aforesaid, they shall forfeit and pay for every such Neglect the Sum of Ten Pounds.

Corporation to provide Tide Scales at Bridges and to cause Registers of Tides, &c. to be kept.

XXI. The Corporation shall provide and always maintain in good Repair a Tide Scale at each of the said Bridges, and shall cause a Register to be kept of High and Low Water of each Tide, and of any extraordinary Floods in the River.

Power to Admiralty to order a local Survey at Expense of the Corporation.

XXII. 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 Corporation in, over, or affecting any tidal or navigable Water or River, or of the intended Site thereof, the Corporation 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 Corporation, 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 Corporation.

XXIII. If

If Works affecting tidal Waters are abandoned, &c., Admiralty may remove same at Expense of Corporation.

XXIII. If any Work to be constructed by the Corporation 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 Corporation, and the Amount thereof shall be a Debt due from the Corporation to the Crown, and be recoverable accordingly with Costs of Suit.

Power to borrow Money for Purposes of the Bridges only on the Credit of the Improvement Rate leviable under the Act of 1852.

XXIV. The Corporation may from Time to Time borrow, on the Credit of the Improvement Rate authorized to be levied by the Act of One thousand eight hundred and fifty-two, any Sum or Sums of Money not exceeding in the whole the Sum of Twenty-four thousand Pounds, in addition to any Sums authorized by that Act to be borrowed on the Credit of that Rate; but, except as is by this Act otherwise provided with respect to the Costs of this Act, all and every Part of the Moneys borrowed under the Authority of this Act on the Credit of that Rate shall be applicable only to the Purposes of the Bridges authorized by this Act, and so much only of that Sum of Twenty-four thousand Pounds shall be raised as may be necessary for those Purposes.

Former Mortgages to have Priority.

XXV. Provided always, That all Mortgages of the said Improvement Rate which shall be in existence at the Time of the passing of this Act shall, during the Continuance thereof, have Priority over all Mortgages of that Rate created under the Authority of this Act.

Provision for a Bridges Sinking Fund.

XXVI. The Corporation shall set apart annually out of the Improvement Rate One Sixtieth Part of the Money borrowed under this Act to form a Sinking Fund, to be called "The Bridges Sinking Fund," to be applied in paying off the Moneys borrowed for the Purposes of Bridges; but until the Year One thousand eight hundred and fifty-nine it shall not be obligatory on the Corporation to set apart any Money as a Bridges Sinking Fund.

Separate Accounts to be kept of Moneys received and paid for Bridge Purposes.

XXVII. The Treasurer of the Borough of *Cork* shall, in Books to be kept for that Purpose, enter true and separate Accounts of all Moneys received and paid on account of or for the Purposes of the said Bridges, and such Books of Account shall at all reasonable Times be open to public Inspection.

Provision for Payment of Purchase of outstanding Shares of Pipe Water Trust.

XXVIII. The Corporation shall, within Six Months from the passing of this Act, pay the Sum of Thirteen thousand eight hundred and seventy-five Pounds, being the Amount of Purchase Money mutually stipulated for in respect of the Pipe Water Trust, in the Manner prescribed by the Act of 1852; and the Trustees then existing, and the Survivor of them, shall be competent from Time to Time to execute the Powers conferred on them by that Act.

Officers who lose their Appointments may be compensated.

XXIX. The Corporation may award to any Person now holding any salaried Office under the Pipe Water Trust, and who shall not be appointed to some similar Office of equal Value by the Corporation, such Compensation, either by a Payment in gross or by a yearly Sum, as the Corporation shall think just to be awarded in each Case, and the Corporation may pay such Compensation out of the Water Rates and Rents to be raised by virtue of this Act.

Provision for Compensation to Secretary of Pipe Water Trust.

XXX. *William Lumley Perrier* Esquire, the Secretary to the Pipe Water Trust, shall, from and after the Transfer of the same to the Corporation, be entitled to receive from the Corporation, by way of Compensation for the Loss of his Office or Employment, the Sum of One hundred Pounds *per Annum* during the Term of his Life; which Compensation is hereby charged on the Improvement Rate authorized by the Act of 1852, and shall be paid to the said *William Lumley Perrier* in half-yearly Gales, the first whereof shall be payable at the Expiration of Six Months from the Date of the Transfer aforesaid; provided that a rateable Proportion of the said Annuity shall be paid to the Representatives of the said *William Lumley Perrier* in the event of his Death within any Half Year and previous to any Gale Day.

Provision for increased Water Supply to Borough.

XXXI. In consideration of the Water Rates authorized by this Act to be levied, the Corporation shall and they are hereby required, when they shall have acquired the Pipe Water Trust, to proceed to execute all necessary Works and do all necessary Acts by virtue of the Powers conferred on them by the Act of 1852, so that after the Expiration of Five Years from the Purchase of the said Undertaking they shall be enabled to furnish, and shall furnish, to all Districts and Parts of the Borough a Supply of pure and wholesome Water sufficient for the domestic Use of all the Inhabitants of the Borough, and which Supply shall be constantly laid on at such a Pressure as will make the Water reach the highest Story of the highest of the Houses within the Borough; but until after the Expiration of that Period of Five Years it shall not be obligatory on the Corporation to furnish such Supply, except to such Districts of the Borough and according to such Succession as the Corporation shall judge expedient, nor to deliver

deliver such Supply to a greater Extent or at a greater Pressure than the Works from Time to Time existing within the said Period of Five Years will enable them to do.

Limits of Act for Water Supply.

XXXII. The Limits of this Act for the Purposes of Water Supply by Agreement shall comprise and include the Borough and the Suburbs thereof within a Circuit of Three Miles, to be reckoned from the Borough Boundary; and the said Limits shall be termed "the Limits for Water Supply by Agreement."

Limits of Act for compulsory Supply of Water.

XXXIII. The Limits of this Act for the compulsory Supply of Water, and the Exercise of the compulsory rating Powers by this Act granted to the Corporation, shall comprise and include the Borough as defined by the Act of the Third and Fourth of *Victoria*, Chapter One hundred and eight, or as may from Time to Time be defined in any Amendment of the said Act; and the Limits last above described shall be termed "the Limits for compulsory Water Supply."

Section 81. of the Act of 1852 repealed.

XXXIV. Section Eighty-one of the Act of 1852, defining the Purposes included in the Expression "domestic Purposes," is hereby repealed.

Persons assessed to domestic Water Rate entitled to Supply of Water.

XXXV. Subject to the Provisions of this Act, every Person assessed to the domestic Water Rate as herein-after provided shall, when he has laid Communication Pipes into the Mains or Pipes of the Corporation, be entitled to demand and receive from the Corporation a sufficient Supply of Water for domestic Purposes.

Defining domestic Purposes.

XXXVI. A Supply of Water for domestic Purposes shall include a Supply for Waterclosets and Baths, but shall not include a Supply for Cattle, or for Horses or washing Carriages when such Horses or Carriages are kept for Hire or are the Property of a Dealer.

Corporation to erect public Fountains or Stand Pipes.

XXXVII. The Corporation shall from Time to Time, within the aforesaid Period of Five Years, erect within the Limits of compulsory Supply, in Situations easily attainable by the poorer Inhabitants of the Borough, and selected with regard to the particular Localities in which the Dwellings of such Inhabitants are situate, so many public Fountains or Stand Pipes that on the Expiration of that Period there shall be existing not less than One hundred and twenty of such public Fountains or Stand Pipes, from which all Persons shall be permitted to draw Water for domestic Purposes (but for such Purposes only), and such Number of Fountains or Stand Pipes shall at all Times be kept properly charged with Water: Provided always, that such Supply shall not exempt any Person from the Payment of the compulsory

pulsory Water Rates authorized by this Act, or the Corporation from the Obligation to furnish a Supply of Water for domestic Purposes within the Limits of compulsory Water Supply: Provided also, that any Person who shall take any Water from any public Fountain or Stand Pipe, except for domestic Purposes, shall forfeit to the Corporation for every such Offence a Sum not exceeding Five Pounds.

Corporation may supply Water for other than domestic Purposes.

XXXVIII. The Corporation may furnish to any Person within the Limits for Water Supply by Agreement, a Supply of Water for Steam Engines or Railway Purposes, or for Shipping, or for warming any Dwelling House or other Premises, or for working any Machine or Apparatus, or for Cattle, or for Horses or washing Carriages when such Horses or Carriages are kept for Hire or are the Property of a Dealer, or for Gardens, Fountains, or ornamental Purposes, or for flushing Sewers or Drains, or for any Trade, Manufacture, or Business, whether carried on in any Dwelling House or in any other Premises, or for any Barrack, Gaol, Hospital, Workhouse, or other public Establishment or Institution, or for any other Purpose not domestic, and may likewise furnish to any Person within that Portion of the aforesaid Limits not included in the Limits for compulsory Water Supply a Supply of Water for domestic Purposes, such respective Supplies being so furnished at such Rates and upon such Terms and Conditions as shall be agreed upon between the Corporation and the Person desiring the same: Provided always, that as far as possible the Charge for such Supply of Water shall be uniform to all Persons in the same Circumstances, and requiring the same Extent of Supply.

Cisterns to be constructed to prevent Waste and Impurity.

XXXIX. Every Cistern or other Receptacle for Water, and every Closet, Soil Pan, and private Bath, which shall be supplied with Water by the Corporation, shall be so constructed and used as effectually to prevent the Waste, Misuse, or undue Consumption of Water, and the Flow or Return of foul Air or other noisome or impure Matter into the Mains or Pipes of the Corporation, or into any Pipes connected or communicating therewith; and the Corporation shall not be bound to supply Water into any Cistern or other Receptacle for Water, Closet, Soil Pan, or private Bath, which shall not be so constructed and used.

TheCorporation to estimate annual Sums required.

XL. The Corporation shall and they are hereby authorized and required from Time to Time, before proceeding to make any Water Rate under this Act, to estimate and fix the Amount of Money necessary to be levied for the Purpose of defraying the Cost, Charges, and Expenses of supplying Water as required by this Act, including the Payment of the Interest of any Money to be borrowed for the Purpose of such Supply under the Provisions of this Act, and a Sum sufficient to indemnify the Improvement Rate under the Act of 1852 against the

the Compensation payable to *William Lumley Perrier* as by this Act provided, and also against the Payment of Interest or Contribution to the Sinking Fund in respect of the Money borrowed on the Credit thereof for the Purchase of the Pipe Water Trust, as well as any Sum of Money which shall be set apart and applied as and for a Sinking Fund as herein-after provided.

Power to Corporation to levy public Water Rate.

XLI. It shall be lawful for the Corporation, and they are hereby authorized and required, from Time to Time to assess and levy upon all Dwelling Houses, Shops, Warehouses, Counting-houses, Coach-houses, Stables, Cellars, Vaults, Buildings, Depôts, Workshops, Mills, and Manufactories, and of the several Gardens, Yards, or Lands thereunto belonging, and all other Lands, Gardens, Yards, Tenements, Buildings, and Premises within the Limits for compulsory Water Supply, a Rate to be called "the public Water Rate," not exceeding in any One Year Threepence in the Pound of the Valuation of all such Property, which Rate shall in the first instance be levied by the Corporation from the Occupiers of such Property.

Cases in which Deductions are to be made from Rent in respect of public Water Rate.

XLII. The following Regulations and Incidents shall be applicable to the Property liable to the public Water Rate, and also to the Payment of that Rate:

First, Every Occupier of such Property at a Rent not less than the Valuation, who has paid that Rate, shall be entitled to deduct the whole Amount of the Rate so paid by him from his Rent:

Second, Every Occupier of such Property at a Rent less than the Valuation, who has paid that Rate, shall be entitled to deduct from his Rent such Proportion only of the Rate paid by him as the Rent payable by him bears to the Valuation:

Third, Every Person from whom any Part of his Rent has been deducted under the preceding Provisions, and who is himself liable to Rent, shall be entitled to deduct therefrom such Proportion of that Deduction as the Rent payable by him bears to the Rent payable to him, and so in succession with respect to every Person receiving Rent and liable to pay the same, but in no Case shall any such Person be entitled to deduct from his Rent more than the Amount of the Deduction from the Rent payable to him.

Power to Corporation to levy domestic Water Rate.

XLIII. It shall be lawful for the Corporation, and they are hereby authorized and required, from Time to Time to assess and levy a Rate, to be called "the domestic Water Rate," upon and from the Occupiers of all Dwelling Houses and of such Parts or Portions of all Shops and Buildings as may be used as Dwelling Houses within the Limits for compulsory Water Supply, according to the Valuation of such Dwelling Houses and Shops and Buildings, and of any Gardens or Land attached or belonging thereto respectively, which Rate shall not in any

One Year exceed One Shilling in the Pound of the Valuation of such Property, nor within that Limit so much in the Pound of the Valuation as shall be sufficient, with the Aid of the public Water Rate and the Revenue derivable by the Corporation for the Supply of Water by Agreement, to defray the Charges and Expenses specified in the Fortieth Section of this Act; and if at any Time the Amount received shall be more than sufficient for all the Purposes aforesaid, the Corporation shall and they are hereby required, on the Occasion of making the ensuing domestic Water Rate, to make a corresponding Reduction therein.

As to assessing of Occupiers to "domestic Water Rate" of Premises.

XLIV. Provided always, That no Occupier of any Dwelling House or Premises shall be liable to be assessed to "the domestic Water Rate," in respect of the same, to any greater Extent than according to One Half of the Valuation of such House or Premises, nor be liable to any Portion of the domestic Water Rate after the Expiration of Five Years from the passing of this Act, unless and until the Mains or other Pipes of the Corporation shall be laid down and properly supplied with Water, according to the Provisions of this Act, within Fifty Feet of the outer Wall, Fence, or Boundary of such House or Premises.

Powers of this Act as to levying of Rates, &c. not to take effect until Pipe Water Trust be vested in the Corporation.

XLV. Provided always, That none of the Provisions or Powers of this Act with respect to the Supply of Water or levying of Water Rates shall take effect until such Time as the Pipe Water Trust shall be vested in the Corporation; and thereupon no Rates or Charges, other than those authorized by this Act, shall be levied or made by the Corporation in respect of supplying Water for domestic or public Purposes within the Limits for compulsory Water Supply.

Water Rates to be made, &c. at such Periods as Corporation may direct.

XLVI. The Water Rates authorized by this Act shall be made, levied, and collected at yearly, half-yearly, or such other Periods as the Corporation may direct.

10 & 11 Vict. c. 34. incorporated.

XLVII. The several Clauses and Provisions of "The Towns Improvement Clauses Act, 1847," with respect to the following Matters; (that is to say,)

With respect to the Manner of making Rates (except the Sections numbered respectively 167, 176, 177, and 179);

With respect to the Appeal to be made against any Rate;

With respect to the Recovery of the Rates;

are incorporated with this Act, and shall be applied to the Water Rates thereby authorized.

Power to borrow on the Credit of Water Rates and Revenue

XLVIII. The Corporation may from Time to Time borrow on Mortgage, on the Credit of the Water Rates and Charges by this Act authorized and the Revenue arising from Water Supply by the Corporation,

poration, any Sum or Sums of Money, not exceeding in the whole the Sum of Forty-five thousand Pounds; but (except as is by this Act otherwise provided with respect to the Costs of this Act) all and every Part of the Money so to be borrowed shall be applied only to the Purposes of such new Works as may be necessary for affording the improved Supply of Water required by this Act to be provided by the Corporation. derived from Water Supply.

XLIX. The Water Rates authorized by this Act, and the Revenue arising from Water Supply by the Corporation, shall be applied as follows: Application of Water Rates, &c.

Firstly, In defraying the Expenses of Management and Maintenance of any Waterworks used by the Corporation, and in Payment of the Rent (if any) payable in respect of any Lands or Streams used or acquired for the Purposes of the Waterworks:

Secondly, In Payment of the Interest of the Money borrowed under this Act on the Credit of the Water Rates, Charges, and Revenues:

Thirdly, In recouping the Improvement Fund under the Act of 1852, for any Sums paid out of that Fund for the Compensation to *William Lumley Perrier* by this Act provided, and for Interest on Money borrowed on the Credit of the Improvement Rate for the Purchase of the Pipe Water Trust, and also for any Money paid out of the Improvement Fund to the Credit of the Sinking Fund under the Act of 1852, for the Purpose of paying off Money borrowed for that Purchase, and in paying any Compensation which may be awarded by the Corporation, in pursuance of the Powers of this Act, to any Person now holding any salaried Office under the Pipe Water Trust, and who may not have been appointed to some similar Office of equal Value by the Corporation:

Lastly, In paying the Sums by this Act directed to be set apart annually to form a Sinking Fund, to be called the Water Sinking Fund, for the Purpose of paying off the Principal Money borrowed on the Credit of the said Water Rates, Charges, and Revenues.

L. For the Purpose of paying off any Monies from Time to Time due under the Act of 1852, or this Act, the Corporation may from Time to Time re-borrow such Sum as they shall deem fit, and if, after having borrowed any Sums of Money under the Authority of the Act of 1852, or this Act, the Corporation pay off the same otherwise than by means of the Sinking Fund herein-after mentioned, it shall likewise be lawful for them again to borrow the Amount so paid off, and so from Time to Time. Provision for re-borrowing to pay off Moneys borrowed or paid off.

LI. The Corporation may from Time to Time borrow on Mortgage, in addition to any Sums which they are now authorized to borrow, Power to Corporation to borrow a further Sum

for Purposes of Gasworks.

borrow, and in the Manner and subject to the Restrictions herein-after prescribed, on Security of the Gasworks authorized to be acquired by the Act of 1852, and the Income of such Property, any Sums not exceeding the Sum of Thirty thousand Pounds: Provided always, that so much only of that Sum of Thirty thousand Pounds shall be raised as may be necessary (together with the Sum primarily applicable to that Purpose under the Act of 1852) to complete the Purchase of the Undertaking of the *United General* Gaslight Company at or near *Cork*, and to pay the Proportion herein-after provided of the Costs of obtaining and passing this Act.

Amount to be set apart as Water Sinking Fund.

LII. The Amount to be set apart and appropriated every Year as a Water Sinking Fund by the Corporation shall not be less than One Sixtieth Part of the Money borrowed under this Act on the Credit of the Water Rates, Charges, and Revenue; and until the Year One thousand eight hundred and fifty-nine it shall not be obligatory on the Corporation to set apart any Money as a Water Sinking Fund.

Sinking Fund for Gas.

LIII. The Corporation shall set apart annually, out of the Income received by them from supplying Gas, One Sixtieth Part of any Moneys borrowed by them under the Powers of this Act for the Purchase of the said Undertaking of the *United General* Gaslight Company, as a Sinking Fund to be applied in paying off the Moneys so borrowed.

Certain Provisions of Act of 1852 respecting Byelaws repealed.

LIV. Sections XXVI. to XXXI., both inclusive, of the Act of 1852, relating to Byelaws to be made by the Corporation, are hereby repealed: Provided always, that all Byelaws made thereunder, and in force at the Time of the passing of this Act, shall continue in full Force for all Purposes for Six Months from the passing thereof, unless they be sooner repealed, altered, or varied in pursuance of this Act.

Substituted Provision for making Byelaws.

LV. It shall be lawful for the Corporation from Time to Time to make Byelaws for the several Purposes of the Act of 1852 or of any Act incorporated therewith, or of this Act; and the Provisions of "The Towns Improvement Clauses Act, 1847," with respect to the Byelaws to be made by virtue of that Act and the Special Act, are (except as varied by this express Enactment) incorporated with this Act: Provided always, that no Byelaw made under the Authority of this Act shall come into operation until the same be confirmed by the Recorder of the Borough, who is hereby required to inquire into any Byelaw tendered to him for Confirmation, and to allow or disallow the same, and adjudicate thereon, as he shall think fit, within One Month after the Hearing of the Application for the Confirmation of the same.

LVI. All

Provisions of 10 & 11 Vict. c. 89. extended to Government Constabulary.

LVI. All Powers conferred on any Constables by "The Town Police Clauses Act, 1847," incorporated with the Act of 1852, may be exercised within the Borough by any Member of the General Constabulary Force of *Ireland*.

Corporation may cause Hackney Carriages, &c. to be inspected, and if not in fit Condition may suspend Licences.

LVII. It shall be lawful for the Corporation to cause an Inspection to be made, as often as they deem it necessary, of all Hackney Carriages, and of the Horse or Horses used in drawing the same; and if any such Carriage, or such Horse or Horses, shall at any Time be in a Condition unfit for public Use, the Corporation shall give Notice in Writing accordingly to the Proprietor thereof, which Notice shall be personally served on such Proprietor, or delivered at his usual Place of Residence; and if after Notice as aforesaid any Proprietor shall use or let to Hire such Carriage as a Hackney Carriage, or use or let to Hire such Horse or Horses, whilst in a Condition unfit for public Use, the Corporation shall have Power to suspend, for such Time as they may deem proper, or to withdraw the Licence of the Proprietor of such Carriage.

Penalty for using Carriage not in fit Condition.

LVIII. Every Proprietor or Driver of a Hackney Carriage who shall use or let to Hire any Carriage as a Hackney Carriage, after Notice given to him as herein-before required by the Corporation that such Carriage was no longer in a fit and proper Condition for public Use, shall be liable to a Penalty not exceeding Three Pounds for each Day that he shall so use or let to Hire such Carriage.

Abstract of Laws and Badge to be delivered to Drivers, &c. with Licence.

LIX. The Corporation shall, at the Time of granting any Licence, cause to be delivered to the Driver to whom the same shall be granted an Abstract of any Law, Byelaw, and Regulations in force specifically relating to such Employment, and of the Penalties for any Misconduct therein, and also such Badge of Distinction as the Corporation may cause to be provided or require to be worn; and every such Driver shall at all Times during his Employment wear such Badge on his Breast in such Manner and so that the Number therein shall be distinctly visible and legible; and if any licensed Driver shall act as such without having and wearing such Badge in manner aforesaid, or shall, when thereunto required, refuse to produce such Badge for Inspection, or to permit any Person to note the Number thereon, he shall for every such Offence forfeit a Sum not exceeding Forty Shillings.

Badge to be worn by Drivers.

Penalty for neglecting or refusing Inspection of Badge.

Proprietors of Hackney Carriages withdrawing Carriage from Hire beyond a certain Time liable to a Penalty.

LX. The Proprietor of every Hackney Carriage licensed to ply for Hire who shall withdraw his Carriage from Hire for Two consecutive Days, or for any Two Days in One Week, without just Cause, of which the Justice before whom the Complaint is heard shall be the Judge, shall be liable to a Penalty of a Sum not exceeding Twenty Shillings in respect of every Carriage for each Day he shall so withdraw the same,

same, and the Licence of such Proprietor shall be suspended or recalled and taken away at the Discretion of the Corporation: Provided always, that it shall be lawful for such Proprietor, upon giving One Month's Notice to the Corporation, to withdraw his Carriage from Hire.

Provision for the Consolidation of the Collection of the Corporation Rates.

LXI. In order to consolidate the Collection of all Rates within the Borough, the Corporation shall from Time to Time so arrange that all the compulsory Rates on Property or Houses leviable by the Corporation in any particular District shall be collected by one and the same Collector appointed for such District, and so in like Manner as regards every District in the Borough; and it shall not be lawful for the Corporation to award to any Collector, by way of Remuneration (which shall include Poundage and all other Expenses incidental to Collection), a greater Sum than Three Pounds *per Centum* upon the total Amount of all the Rates collected by him.

Sections 109. and 110. of Act of 1852 repealed.

LXII. Sections CIX. and CX. of the Act of 1852, with respect to the Sale of unwholesome Meat and adulterated Food, are hereby repealed.

Provision against Sale of Food unfit for Use.

LXIII. No Animal, Carcass, Meat, Poultry, Fish, Game, Flesh, Fruit, Vegetables, Corn, Bread, Flour, or other Article of Food which is unfit for the Food of Man shall be kept or exposed for Sale in any Shop or other Place whatsoever within the Borough; and any Person who shall keep or expose for Sale in any Place occupied or used by him as aforesaid any of the Articles of Food aforesaid which is unfit for the Food of Man shall be liable to a Penalty not exceeding Ten Pounds.

Power to Corporation to seize and destroy Food unfit for Use.

LXIV. The Inspector of Nuisances, Officer of Health, or any other Officer appointed by the Corporation for that Purpose, may and he is hereby empowered at all reasonable Times, with or without Assistants, to enter into any Shop or Place whatsoever kept or used for the Sale of the Articles herein-after particularised, or any of them, and to examine any Animal, Carcass, Meat, Poultry, Game, Flesh, Fish, Vegetables, Corn, Bread, or Flour exposed for Sale or in the course of or on the way to slaughtering, dressing, or Preparation for Sale or Use, or landed from any Ship or Vessel in the Borough, or other Article of Food which may be therein, and in case any of such Articles of Food appear to him to be intended for the Food of Man, and to be unfit for such Food, the same may be seized, and if it appear to any Justice, upon the Evidence of a competent Person, that any such Article of Food is unfit and is intended for the Use of Man, he shall order the same to be destroyed, or to be so disposed of as to prevent its being exposed for Sale or used for such Food, and the Person to whom such Article of Food belongs, or in whose Custody the same is found, shall be liable to a Penalty not exceeding Ten Pounds for every

Animal

Animal or Carcass, Fish, or Piece of Meat, Flesh, or Fish, or any Poultry or Game, or for the Parcel of Fish, Vegetables, Corn, Bread, or Flour, or other Article of Food so found, and which such Justice shall be satisfied that it was intended for the Food of Man.

Provision against Sale of adulterated Food.

LXV. If any Person shall sell or expose for Sale any adulterated Butter, Meal, Bread, Corn, Flour, or other Article of Food, such Person so offending shall be deemed guilty of an Offence, and upon Conviction before a Justice for every such Offence be liable to a Penalty not exceeding Five Pounds, and such adulterated Article shall be forfeited and disposed of as such Justice shall direct; and it shall be lawful for such Justice, on the Application of any Person authorized in that Behalf by the Corporation, setting forth that he has received Information and has just Cause to believe that any adulterated Article of Food is in the Possession of any Person for the Purpose of being disposed of, to grant a Warrant to enter upon the Premises of such Person, and to search for and seize such Article of Food, and the said Justice may, on Proof being given to his Satisfaction of the Adulteration of any Article of Food which may have been so seized, order the same to be forfeited and disposed of as to him shall seem proper.

As to Audit of Corporation Accounts.

LXVI. In order that the several Accounts of the Corporation may be audited and published together and at the same Period, the Audit of the Accounts prescribed by the Act of 1852, or any Act amending the same, shall, after the passing of this Act (instead of in the Month of *January* or otherwise), be audited and published in the Month of *September* in each Year, according to the Provisions of the Act of Third and Fourth *Victoria*, Chapter One hundred and eight, with respect to the Audit and Publication of the Accounts thereunder.

Provision for Recovery of Penalties, &c.

LXVII. The Clauses and Provisions of "The Railways Clauses Consolidation Act, 1845," with respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices, are incorporated with this Act, in reference to the same Matters in this Act or in any Act incorporated herewith.

Corporation not exempt from Provisions of 3 & 4 Vict. c. 108., &c., or the Act of 1852.

LXVIII. Nothing in this Act contained shall extend or be deemed or construed to extend to exempt the Corporation or Borough of *Cork* from any of the Provisions of an Act passed in the Session of Parliament held in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for the Regulation of Municipal Corporations in* Ireland, or of any General Act now in force relating to Municipal Corporations in *Ireland*, or of the Act of 1852, but such Acts, except so far as the same may be expressly varied by this Act, shall

shall be applicable to the said Corporation and Borough as fully and effectually as if this Act had not been passed, and shall also be applito the Objects and Purposes of this Act.

Saving Rights of the Crown.

LXIX. That nothing contained in this Act, or in any of the Acts herein referred to, shall extend to authorize the Corporation 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, without the Consent in Writing of the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or One of them, on behalf of Her Majesty, first had and obtained for that Purpose, (which Consent such Commissioners are hereby respectively authorized to give,) or to take away, prejudice, diminish, or alter any of the Estates, Rights, Privileges, Powers, or Authorities vested in or enjoyed or exerciseable by the Queen's Majesty, Her Heirs or Successors.

Expenses of Act.

LXX. All the Costs, Charges, and Expenses of and incidental to the obtaining and passing this Act shall be paid by the Corporation out of Monies borrowed under the Authority of this Act, as follows; (that is to say,) such Proportion of those Costs, Charges, and Expenses shall be paid out of Monies borrowed on the Credit of the Improvement Rate for Bridges as the total Amount borrowed on the Credit of that Rate bears to the whole Amount borrowed under the Authority of this Act, and so in like Manner with respect to the Monies borrowed on the Credit of the Water Rates or the Gasworks: Provided always, that the Corporation may in the first instance pay those Costs, Charges, and Expenses out of any Monies borrowed for any of the Purposes of this Act; provided nevertheless, that if more than a due Proportion of those Costs, Charges, and Expenses shall have been paid out of any of the separate Funds created by this Act, the Fund or Funds out of which such Excess shall have been paid shall be recouped out of the other Funds so soon as they respectively are available for that Purpose.

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