CHAPTER cxix.

An Act for the permanent establishment regulation and management of the Butter Market of the City of Cork and for other purposes. [14th July 1884.] A.D. 1884.

WHEREAS the butter trade of the city or borough of Cork (herein-after called "the borough") is one of the most important industries of the south of Ireland and the value of butter passing through the Cork Butter Market annually is about one and a half millions of pounds sterling:

And whereas various Acts have from time to time been passed for the purpose of regulating the said trade:

And whereas the persons commonly called or known as butter merchants butter buyers or brokers and export merchants who are engaged in the said butter trade in the borough have from time to time made and adopted certain rules and regulations for the weighing inspection classification and branding of all butter and casks containing butter which should be voluntarily brought to the public weigh-house in the borough (herein-after called "the Butter Market") in which the sale and inspection of butter has been carried on under the said Acts:

And whereas a public body called or known by the name of the committee of merchants of the city or borough of Cork representing the said butter merchants and export merchants have expended from the funds arising from fees paid to them under the said rules and regulations considerable sums of money in defraying the annual cost of maintaining the Butter Market and the salaries of the officers appointed by them in extending enlarging and improving the Butter Market in erecting a firkin crane and buildings and offices and in the purchase of lands buildings and premises to enable them to effect such extension enlargement and improvement and in making a wide and convenient street and approach to the Butter Market:

And whereas the said committee of merchants consists of twenty-one persons annually elected seven of whom represent and are

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elected by the said butter merchants and fourteen of whom represent and are elected by the said export merchants and since the year of our Lord one thousand eight hundred and twenty-nine the control and management of the Butter Market has been exercised by the said committee although they are a voluntary and unincorporated body:

And whereas objections have been raised to the said rules and regulations and to the internal control and management of the Butter Market:

And whereas it is expedient in the interest of producers of butter in the county of Cork and the adjoining counties and for the benefit of the traders in the Butter Market and of consumers of butter that the control and management of the Butter Market should be transferred from the said committee of merchants to an incorporated body of Trustees and that the Butter Market and firkin crane together with all lands buildings premises and appurtenances connected therewith of which the said committee of merchants or any person or persons on their behalf are seized and possessed should be vested in such Trustees with power to them to make byelaws for the due control and management of the Butter Market of the officers employed therein and of all persons trading in the Butter Market and for the prevention and punishment of all frauds or abuses which may be attempted in the conduct of the trade:

And whereas a portion of the Butter Market is held by the mayor aldermen and burgesses of the borough of Cork (herein-after called "the corporation") by lease purporting to be dated the ninth day of August 1817 from the late Sir Henry Mannix for a long term of years and the corporation have hitherto permitted the committee of merchants to occupy the same upon the terms of paying the rent reserved by the said lease and the corporation with a view to the permanent establishment of the Butter Market are willing to transfer their interest in the said lease to such a body of Trustees as aforesaid upon the terms of being indemnified by the said Trustees from any liability under the said lease:

And whereas the corporation are also willing to convey to such Trustees the right claimed by the corporation of holding a market for the sale of butter and the charter right also claimed by the corporation of toll on all butter which may be brought to the borough by land for the purpose of sale at the Butter Market in consideration of such gross or annual sum as may be agreed upon or settled by arbitration in the event of a disagreement as is herein-after mentioned:

And whereas it is expedient that such Trustees should be incorporated and that the Butter Market should be transferred from the

said committee of merchants and vested in such Trustees and that they should be empowered to hold regulate and manage the Butter Market and firkin crane and to enlarge the same and to provide such additional market places for the sale of butter in the borough as may from time to time be required and to raise money and to demand and take tolls in manner herein-after provided and that the Acts herein-after mentioned relating to the sale of butter or the weighing of butter or casks or the regulation of the butter trade in the borough should be repealed to the extent herein-after provided:

And whereas the principal objects to be attained in addition to those already specified are:

1. Increased production of pure butter.
2. Improvement in its manufacture and quality.
3. Increased facilities for its sale in the Butter Market.
4. Careful and impartial inspection and classification.
5. Prevention of frauds and of adulteration.
6. The collection and diffusion of intelligence respecting improvements in the production manufacture and sale of butter.
7. The establishment of a market or markets containing as far as practicable the advantages of a free market with such regulations or restrictions only as experience has shown or may prove to be necessary or useful:

And whereas it is expedient that the Trustees should be authorised for the purposes of the Butter Market to acquire certain lands situated in the parishes of St. Mary Shandon and St. Anne Shandon in the borough on which the present market buildings and firkin crane are situated and plans with a book of reference to those plans containing the names of the owners or reputed owners and lessees or reputed lessees and of the occupiers of all lands to be taken compulsorily have been deposited with the clerk of the peace of the county of the city of Cork (which plans and book of reference are herein referred to "as the deposited plans and book of reference"):

And whereas the 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 (that is to say):

Short Title.

1. This Act may be cited as the Cork Butter Market Act 1884.

Interpretation of terms.

2. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be some-

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thing in the subject or context repugnant to such construction. And in this Act and in the schedules hereunto annexed unless the context otherwise requires.

The expression "the corporation" means the mayor aldermen and burgesses of the borough of Cork.

The expression "the council" means the council of the borough of Cork.

The expression "the grand jury" means the grand jury for the county of Cork.

The expressions "the borough" and "the city" mean the borough of Cork as defined by the 3rd and 4th Victoria chapter 108 or any Act amending the same.

The expression "the Trustees" means the Cork Butter Market Trustees incorporated by this Act.

The expression "quarter sessions" in this Act and in the Acts and parts of Acts incorporated herewith means the general or quarter sessions of the peace holden in the borough and includes the quarter sessions for the borough or any adjournment thereof holden before the recorder of the borough.

The expression "firkin" includes cask keg tub barrel box or other package of butter of whatsoever description in which butter is or may be packed and which shall be approved of by the Trustees under this Act.

The expression "the Local Government Board" means the Local Government Board for Ireland.

The expression "the clerk of the peace" means the clerk of the peace and crown of the county of Cork and the clerk of the peace and crown of the county of the city of Cork and the east riding of the county of Cork.

The expression "the Privy Council" means the Lord Lieutenant and Privy Council in Ireland and the expression "Lord Lieutenant" includes the Lord Lieutenant or other Chief Governor or Governors of Ireland for the time being.

The expression "byelaws" means the byelaws to be made from time to time under the authority of this Act and allowed by the Privy Council.

The expression "the exporters" means for the purpose of qualification for being elected as a Trustee for the exporters or for the purpose of qualification for voting at elections of Trustees for the exporters under this Act the persons or whose firms being exporters of butter at the city and port of Cork who shall have exported butter equivalent to thirty tons in weight during the twelve months immediately preceding such elections

or persons being exporters who shall have such other qualification as shall be prescribed by the byelaws.

The expression "the butter merchants" means for the purpose of qualification for being elected as a Trustee for the butter merchants or for the purpose of qualification for voting at elections of Trustees for the butter merchants under this Act the persons or whose firms being butter buyers or brokers engaged in the purchase and sale of butter on their own account or as agents for any other person or persons who have traded in the Butter Market during the twelve months immediately preceding such elections and received and passed through the Butter Market during that period butter equivalent to thirty tons in weight or persons being butter merchants who shall have such other qualification as shall be prescribed by the byelaws.

The expression "the Butter Market" means the existing Butter Market of the borough together with the offices firkin crane and all other buildings conveniences and appurtenances connected therewith and also any future improvements or enlargements thereof or new or additional markets from time to time made or established by the Trustees under this Act.

And the Acts and parts of Acts incorporated herewith shall be read and construed as if the words "the Cork Butter Market Trustees" were inserted therein instead of the words "company" "undertakers" "promoters" and "commissioners" respectively wherever the same may occur and such insertion is necessary to effectuate the objects of this Act.

Commencement of Act.

3. This Act shall commence and take effect on and from the passing thereof.

Repeal of Acts.

4. On the passing of this Act so much of the following Acts or any of them as in any way relate to the weighing inspection or the sale of butter or the regulation of the butter trade in the borough shall be and the same are hereby repealed that is to say 4 Anne chapter fourteen (Ireland) (Public) 6 Anne chapter twelve (Ireland) (Public) 52 George III. chapter one hundred and thirty-four (Public) 53 George III. chapter forty-six (Public) 53 George III. chapter seventy (Local) 3 George IV. chapter eighty-five (Local) 7 and 8 George IV. chapter sixty-one (Public) and 10 George IV. chapter forty-one (Public) and also the whole of the Act 40 George III. chapter one hundred (Ireland) (Local).

Certain provisions of Commissioners Clauses Act incorpo-

5. The clauses and provisions of the Commissioners Clauses Act 1847 (except the provisions thereof with respect to the election and rotation of the commissioners where the commissioners are to be elected by the ratepayers or other like class of electors and with

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respect to the accounts to be kept by the commissioners and with respect to the making of byelaws and sections 84 and 104 to 107 inclusive) shall (so far as the same are applicable and are not varied by or inconsistent with the provisions of this Act) be incorporated with and form part of this Act.

rated with Act.

Incorporation of Acts.

6. The Lands Clauses Consolidation Act 1845 and the Lands Clauses Consolidation Acts Amendment Act 1860 as amended by the Railways Acts (Ireland) 1851 1860 and 1864 and the Railways Traverse Act and the Markets and Fairs Clauses Act 1847 (except sections 12 13 31 32 45 46 50 52 and 53) are (except where expressly varied by or inconsistent with the provisions of this Act) incorporated with and form part of this Act.

As to management of Butter Market until making of first byelaws.

7. On the passing of this Act the control and management of the Butter Market by the said committee of merchants and the aforesaid rules and regulations shall absolutely cease and determine Provided that until the making of the first byelaws under this Act and their allowance by the Privy Council the Trustees may use and put in force such of the existing rules and regulations as are not inconsistent with the provisions of this Act save and except any rule or regulation which prohibits exporters or other persons from dealing in or exporting both branded or unbranded butters and provided also that from and after the passing of this Act no penalty or forfeiture incurred under such rules and regulations previously to such passing and which shall not then have been paid or taken effect shall be enforced or enforceable after the passing of this Act and provided also that until the making and allowance of such first byelaws the trustees may demand and take the same tolls and charges which were immediately preceding the passing of this Act taken by the said committee of merchants and after the making and allowance of such first byelaws shall take the tolls authorised by this Act and prescribed by the byelaws.

Incorporation of Trustees for government of market.

8. For the purpose of carrying this Act into execution there shall be a body of Trustees consisting of twenty-one members and they and their successors shall be and are hereby for the purposes of this Act incorporated by the name of the Cork Butter Market Trustees and by that name shall be one body corporate with perpetual succession and a common seal and with power to sue and be sued and to purchase take hold and dispose of land goods chattels and other property for the purposes of this Act.

First body of Trustees.

9. The first body of Trustees under this Act shall be the following twenty-one persons who shall unless their offices shall sooner become vacated hold office until the first election nomination and presentment of Trustees under this Act (that is to say):—Henry Hickie

John Flynn Sir Daniel Vincent O'Sullivan Knight Timothy Joseph Clanchy Henry Dale and John Henry Sugrue being six Trustees named by and representing the exporters John Leader John Daly Mathew Scanlon Alexander MacCarthy Daniel MacCartie and Dominic Cronin being six Trustees named by and representing the butter merchants Sir George St. John Colthurst Baronet Daniel Joseph Riordan William Richard Meade Ludlow Axel Beamish William Norwood and Richard Barter being six Trustees presented by the grand jury at the spring assizes 1884 and Patrick Francis Dunn Robert Constable Hall and John O'Neill being three merchants not engaged in the butter trade nominated by and representing but not being members of the council and the said first body of Trustees are herein-after referred to collectively as "the first Trustees."

Constitution of Trustees.

10. The future constitution of the Trustees shall be as follows:—

Six Trustees to be elected by the exporters from their own body.

Six Trustees to be elected by the butter merchants from their own body.

Six Trustees to be presented by the grand jury.

And three Trustees to be nominated by the council being merchants not engaged in the butter trade and not being members of the council.

On the first Monday of April 1886 two of the first Trustees named in this Act to represent the exporters two of the first Trustees named in this Act to represent the butter merchants two of the first Trustees presented by the grand jury and named in this Act and one of the first Trustees nominated by and named in this Act to represent the council shall go out of office and in each case the Trustees who are to retire shall be determined by agreement or failing agreement by lots drawn at a meeting of the Trustees to be held during the month of March preceding and in case seven days before the said date the Trustees who are to go out of office shall not have been determined as aforesaid the chairman of the Trustees shall nominate the Trustees who are to retire.

On the first Monday of April 1887 two others of the first Trustees named in this Act to represent the exporters two others of the first Trustees named in this Act to represent the butter merchants two others of the first Trustees presented by the grand jury and named in this Act and one of the first Trustees nominated by and named in this Act to represent the council to be determined respectively in like manner shall go out of office and on the first Monday of April 1888 the remaining

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Trustees who are of the first Trustees under this Act shall go out of office.

On the first Monday of April 1889 and so on in every succeeding year two of the Trustees to be elected or presented by the exporters the butter merchants and the grand jury respectively and one of those nominated by the council and who have been longest in office shall go out of office.

On the first Monday of April 1886 or as soon thereafter as may be and so on in every succeeding year the exporters the butter merchants and the council shall respectively elect or nominate qualified persons to be Trustees in the place of the Trustees elected or nominated by them going out of office under the provisions of this Act.

On the first day of the spring assizes in Cork in 1886 or as soon thereafter as may be and so from time to time on the first or some other day of every successive spring assizes the grand jury shall present two persons to be Trustees in the place of the Trustees so going out of office on the first Monday of April following.

Trustees retiring to be re-eligible.

11. Every Trustee going out of office or otherwise ceasing to be a Trustee may unless disqualified be re-elected re-nominated or re-presented as the case may be.

Mode of supplying occasional vacancies.

12. If any Trustee appointed by name in this Act to represent the council or nominated after the passing of this Act to represent them becomes a member of the council while holding the office of a Trustee he shall thereupon vacate the office of Trustee and if any Trustee decline to accept office die resign or be disqualified or cease to be a Trustee from any other cause than that of going out of office in the regular course or if there is any failure to elect nominate or present Trustees in the regular course such vacancy shall within three months from the happening thereof be filled up in manner following (that is to say):

(1.) If the vacancy be in the office of a Trustee elected by the exporters or by the butter merchants the exporters or the butter merchants as the case may be shall elect a person to fill such vacancy.

(2.) If the vacancy be in the office of a Trustee presented by the grand jury the grand jury if it be then sitting or if not the remaining Trustees presented by the grand jury or if there are none of such Trustees remaining then the other Trustees for the time being shall elect a person to fill such vacancy.

(3.) If the vacancy be in the office of a Trustee nominated by the council that body shall appoint a person to fill such vacancy

And every Trustee so substituted shall continue in office only so long as the person in whose place he is substituted would have been entitled to continue in office except that in case a vacancy in the office of a Trustee presented by the grand jury is filled by the appointment of a Trustee by the remaining Trustees presented by the grand jury or by the other Trustees for the time being the Trustee so appointed shall hold office only until the next meeting of the grand jury who shall then elect a Trustee to fill such vacancy.

Acts of Trustees not to be invalidated by vacancies or informalities of election.

13. In the event of any vacancy or deficiency in the number of the Trustees by death resignation failure to elect nominate or present or otherwise the Trustees for the time being shall continue to be as competent to act as if no such vacancy or deficiency in number had occurred and no act of the Trustees shall be invalidated or be illegal by reason of any irregularity or omission in or about the election presentment nomination or qualification of any Trustees or in or about any matter preliminary or incidental thereto.

First meeting of Trustees.

14. The Trustees shall hold their first general meeting at some convenient place within the borough within one month next after the passing of this Act and shall proceed as soon as may be to make byelaws.

Quorum of Trustees.

15. No business shall be transacted at any meeting of the Trustees held for the purpose of making byelaws unless twelve Trustees are present and the majority requisite for making byelaws shall be not less than two-thirds of those present and no business shall be transacted at any meeting of the Trustees held for any other purpose unless five Trustees are present.

If Trustees do not make byelaws power to Privy Council to do so.

16. If the Trustees shall not within six months after the passing of this Act make a code of byelaws such as may be necessary to carry the provisions of this Act into operation and have deposited the same with the Privy Council for allowance it shall be lawful for the Privy Council on the application of any person or body interested therein to order and direct that the Local Government Board or such other body as to the Privy Council shall seem fit shall proceed forthwith to frame such code of byelaws and for that purpose shall have the powers with reference to the making of byelaws by this Act conferred on the Trustees and such code of byelaws when made and approved of by the Privy Council shall have the like effect and operation as if they had been made by the Trustees and the Trustees shall on being thereunto required by the Privy Council affix their seal thereto.

Notice of byelaws to be given.

17. No proposed byelaw or alteration or repeal of a byelaw shall be considered or passed at any meeting of the Trustees unless

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notice of such proposed byelaw or alteration or repeal of a byelaw has been given by the clerk to the Trustees to each of the Trustees at least fourteen days (or such other period as may be directed by the byelaws) before such meeting in manner (except as to the period of giving such notice) prescribed as to meetings of the commissioners by the Commissioners Clauses Act 1847 (section 47) (How notices of meetings of commissioners are to be given) incorporated herein.

The corporation empowered to sell lease of part of Butter Market.

18. It shall be lawful for the corporation to assign and for the Trustees to accept the interest of the corporation under the said lease purporting to be dated the 9th day of August 1817 hereinbefore mentioned for a nominal consideration and the corporation in such case shall be indemnified from liability under such lease by the Trustees.

Sale of right of holding Butter Market.

19. It shall be lawful for the corporation to sell and for the Trustees to purchase the right claimed by the corporation of holding a Butter Market in the borough and the consideration for such purchase shall be a gross sum or an annual payment in perpetuity or for such term as may be agreed upon and in case of difference the amount of such consideration and mode of payment shall be settled by arbitration according to the provisions of the Railway Companies Arbitration Act 1859 which shall apply for the purpose as if the parties in difference were railway companies and upon the completion of such purchase by the Trustees the said right and all privileges thereunto attached of holding a public market for the sale of butter within the borough shall (subject to the provisions of this Act) be deemed to be and shall be vested in the Trustees in lieu of the corporation.

Sale of toll on butter.

20. It shall be lawful for the corporation to sell and for the Trustees to purchase the right of toll herein-before mentioned claimed by the corporation on butter brought to the borough by land for the purpose of sale at the Butter Market for the purpose of extinguishing the said toll upon such butter and the consideration for such purchase shall be a gross sum or an annual payment in perpetuity or for such term as may be agreed upon and in case of difference the amount of such consideration and mode of payment shall be settled as provided in the last preceding section and upon such purchase being effected the said toll on butter brought to the borough by land for the purpose of sale at the Butter Market shall be extinguished and no longer leviable Provided always that within three months from the acquisition by the Trustees of any of the rights specified in this or in the last two preceding sections the Trustees shall produce to the Commissioners of Inland Revenue a

deed of conveyance duly stamped in which the purchase money or consideration for the sale to the Trustees shall be fully and truly set forth and in default of such production the ad valorem stamp duty with interest thereon at the rate of five pounds per centum per annum from the date of acquisition to the date of payment shall be recoverable from the Trustees with full costs of suit and all costs and charges attending the same.

How moneys received by the corporation on account of sale of right to hold market and of toll on butter to be applied by them.

21. The corporation shall pay and apply any gross sum or sums to be received by them under this Act from the Trustees on account of the sale of the said right claimed by them of holding a Butter Market in the borough and of the sale of the said right of levying a toll by them on butter brought to the borough by land for the purpose of sale after deducting the costs and charges of the negotiation and settlement with reference to such sales or either of them and all other costs and charges incidental thereto towards the extinction of any debt due by the corporation secured on such property and the corporation shall pay and apply any annual payment (other than gross sums) to be received by them from the Trustees in consideration of such sales or either of them as aforesaid after payment of any costs and charges to be incurred as aforesaid towards the payment of interest due by the corporation and secured on such property.

The Butter Market of the committee of merchants &c. to vest in Trustees.

22. On the passing of this Act the Butter Market of the borough together with the offices firkin crane and all other lands buildings premises and appurtenances connected therewith now vested in or belonging to the said committee of merchants or to which they are entitled at law or in equity or which are held by any person or persons in trust for them shall be and the same are hereby transferred to and vested in the Trustees for the same estate and interest and subject to the same rights obligations contracts agreements rents and covenants as the same were held or possessed by the said committee of merchants or by any person or persons whatsover in trust for them immediately before the passing of this Act.

All deeds &c. of committee of merchants to be good against Trustees.

23. All deeds of trust leases mortgages bonds contracts agreements securities letters of lien transfers and other acts and things before the passing of this Act made entered into executed or done by or with or on account of the said committee of merchants for managing the affairs of the said market or any person or Trustee on their behalf shall be as good valid and effectual to all intents for against or with reference to the Trustees as they would have been for against or with reference to such committee if this Act had not been passed and may be proceeded on executed used dealt with and enforced accordingly the Trustees being only substituted in or in relation thereto respectively for such committee.

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Debts of committee to be paid.

24. All debts due to the said committee of merchants with all interest (if any) due or to accrue due thereon shall be paid to the Trustees and shall be recoverable by them and all debts due by such committee with all interest (if any) due or to accrue due thereon including any sum which shall be ascertained to be due and owing by such committee to Joseph Bennett the solicitor of the said committee for all his costs charges and expenses the same to be taxed and ascertained by the proper taxing masters of the courts respectively to which they severally relate in case the parties shall differ about the same and any sum due by the said committee to their bankers the National Bank (Limited) at the time of the passing of this Act shall be paid by the Trustees out of the funds to be received by them under this Act.

Power to take lands.

25. Subject to the provisions of this Act the Trustees may for the purposes of this Act and in so far as the same are not otherwise transferred to and vested in the Trustees under and by the provisions of this Act acquire compulsorily or by agreement and may enter upon take and use the lands houses and buildings herein-after described and which are delineated upon the deposited plans and described in the deposited book of reference (that is to say) :—

The portion of the premises known as the Butter Market situated in the parish of Saint Mary Shandon in the county of the city or borough of Cork bounded as follows on the north by Church Street on the south by houses and premises the reputed property of Mr. Purcell Mallow and by Mannix Street on the east by Tivy Street and Mannix Street and on the west by Clement's Lane the reputed property of Nicholas Dunscombe and houses and premises the reputed property of Denis M'Carthy Mahony.

The portion of the premises known as the firkin crane partly situated in the parish of Saint Mary Shandon and partly in the parish of Saint Anne Shandon in the county of the city or borough of Cork and bounded as follows on the north by Mulgrave Street on the south by Dominick Street on the west by Mannix Street and on the east by Francis Street.

Period for compulsory purchase of lands.

26. The powers of the Trustees 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 of this Act.

Trustees may purchase land by agreement.

27. The Trustees may from time to time purchase by agreement and hold any lands required for the purposes of this Act not exceeding four acres.

Trustees may take

28. The Trustees may by agreement take on lease or otherwise rent any lands or buildings which they may think convenient or

proper for any of the purposes of this Act for such term not less than ninety-nine years and subject to such conditions and covenants as the Trustees may think fit not exceeding two acres.

land on lease &c.

29. It shall be lawful for the Trustees upon any lands which may be purchased or leased or transferred to or vested in them as aforesaid to extend and enlarge the Butter Market and to make construct provide and maintain an additional market-place or market-places for the sale of butter within the borough with all necessary buildings conveniences appurtenances and approaches thereto and all and singular the powers and provisions of this Act and the said Acts incorporated herewith shall be applicable for the purposes of enlarging and improving the said market and providing such additional market-place or places and of regulating and maintaining the same.

Power to enlarge market and make additional market-places.

30. The Trustees shall set apart and keep set apart a portion or division of the Butter Market or provide an additional market-place with suitable market accommodation and appliances to be a free market for the sale of such butter as the sellers thereof desire shall not be classified or branded and which may be there dealt with without any classification or brand subject however to such byelaws and regulations for the purpose of preventing frauds or excluding from the market unmerchantable butter or any adulterated compound made to represent genuine butter as shall be prescribed by the byelaws from time to time Provided always that the Trustees may in their discretion set apart or provide the said free market subject to such rules and regulations as they shall think fit at any time before the making of the first byelaws under this Act and until the making of the first byelaws may take tolls in respect of the butter brought into the said free market not exceeding in amount the tolls and charges taken by the said committee of merchants in respect of branded butter immediately before the passing of this Act.

Free Butter Market to be provided.

31. Subject to the provisions of the Lands Clauses Consolidation Act 1845 with respect to the sale of superfluous lands which shall apply as if the prescribed period were ten years from the passing of this Act it shall be lawful for the Trustees to sell dispose of lease or surrender any lands or premises which shall not be necessary for the purposes of this Act to such person at such times and in such manner as they shall think fit.

Trustees authorised to sell lease or surrender surplus lands.

32. The Trustees shall award to John Byrne the present general weighmaster of the borough such pension or superannuation allowance as to the Trustees shall seem just being not less than one hundred and fifty pounds nor more than three hundred pounds per annum and to be paid out of the tolls collected under this Act.

As to compensation to present weighmaster.

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Provision for present secretary of committee of merchants.

33. John Egan the secretary to the committee of merchants shall after the passing of this Act continue to hold office as clerk to the Trustees with the same or any larger salary thereunto annexed and upon the same terms and conditions upon which he was appointed by the said committee of merchants and if he shall not be continued in office by the Trustees or shall cease to hold same owing to ill-health infirmity or other reasonable cause the Trustees shall pay to him such pension or superannuation allowance as to them shall seem fit not being less than two-thirds nor more than the full amount of the salary which he was paid by the committee of merchants at the passing of this Act such allowance to be paid quarterly in four equal payments and to be paid out of the tolls collected under this Act.

Trustees may appoint officers and butter inspectors.

34. It shall be lawful for the Trustees from time to time for the purpose of conducting the business of the market and of preventing frauds in the sale of butter brought to the Butter Market to appoint such officers as to the Trustees shall seem proper including firkin inspectors and fit and competent persons to be called butter inspectors to taste and classify such butter and to brand firkins brought to the Butter Market under such regulations as shall be prescribed by the byelaws and upon payment of the tolls by this Act authorised.

Provisions as to officers.

35. The following provisions shall apply to the appointment of firkin inspectors and butter inspectors and other officers of the Trustees :—

(1.) They shall hold office during the pleasure of the Trustees.

(2.) The Trustees may pay such salaries and allowances to the firkin inspectors butter inspectors and other officers as the Trustees think reasonable.

(3.) The Trustees shall from time to time make provision for the due testing of the competency and skill of persons applying to be appointed to the office of butter inspector and shall before appointing any person to be a butter inspector take all reasonable care and precaution to satisfy themselves that such person possesses the requisite qualifications for properly discharging the duties of such office and is a person of strict integrity.

(4.) Every person appointed to the office of butter inspector or firkin inspector shall before he enters on the execution of his office take before a justice of the peace of the borough the oath following :—

I A B do swear that I am not now indebted in any sum nor am I under any pecuniary obligation or liability whatever to any person concerned in the trade of the Cork Butter Market that

during the time I hold the office of butter inspector [*or* "firkin inspector" *as the case may be*] I will not incur any pecuniary obligation or liability whatever to any such person and that I will diligently and faithfully execute the office of butter inspector [*or* "firkin inspector" *as the case may be*] and that during the time I shall continue in the said office I will take care truly and honestly and without fraud or delay to taste and truly try all butter required to be tasted in pursuance of my office as butter inspector and truly assign to it the proper classification to which it is entitled [*or as the case may be* "to "truly weigh and inspect all firkins required to be weighed or "inspected in pursuance of my office of firkin inspector"] and I will not exact or accept on account of any thing done by virtue of my office any fee reward or other consideration whatsoever other than the salary or allowance allowed by the Cork Butter Market Trustees and in all other respects I will truly execute my said charge and not allow any person or persons whomsoever to interfere with me or to use any influence inducement or control with or over me in the due execution of my office.

Which oath any such justice is hereby empowered to administer.

(5.) Provided always that in the case of butter inspectors or firkin inspectors the penalty imposed by section 67 of the Commissioners Clauses Act 1847 shall be two hundred pounds in lieu of fifty pounds therein mentioned.

Provision as to butter and firkin inspectors.

36. Any butter inspector or firkin inspector who at the passing of this Act or at any time thereafter shall be or become the debtor of or incur any pecuniary obligation or liability to any person concerned in the trade of the Butter Market either as producer butter merchant exporter or otherwise shall thereupon forfeit his office and shall upon the same coming to the knowledge of the Trustees be immediately dismissed by them and shall become incapable of being reappointed to any office under the Trustees.

Penalty on persons unduly influencing inspectors.

37. Any person who shall by means of threats or menaces or by offering bribes or by gift or loan or other consideration or in any other manner whatsoever unduly influence or attempt to unduly influence any butter inspector or firkin inspector or to interfere with him in the discharge of his duty under this Act shall be liable to a penalty not exceeding fifty pounds and not less than ten pounds and any person may sue for such penalty before any justice of the peace acting in petty sessions in the borough or in any other court of competent jurisdiction and shall on recovery thereof be entitled to full costs of suit.

Secretary and officers of the com-

38. Every secretary treasurer butter inspector clerk or officer of the said committee of merchants appointed by or acting under the

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mittee of merchants.

authority of the said committee of merchants for the purposes of the Butter Market at the passing of this Act shall hold and enjoy his office and employment with the salary thereunto annexed and be deemed an officer and servant of the Trustees until he be removed by the said Trustees from such office and employment or until such salary be changed by them and he shall have the like power and authority for the purposes of this Act and be subjected to the like power of removal and the like rules and regulations pains and penalties in all respects whatsoever as if he had been appointed by the Trustees under this Act.

As to continuance of superannuation allowances.

39. If at the passing of this Act any person who ceases to hold office under the provisions of this Act or any other person is in receipt of a superannuation allowance or pension from the said committee of merchants in respect of having been employed by them as an officer clerk or servant the Trustees may so long as they think fit pay the person who so ceases to hold office or is in receipt of a superannuation allowance or pension such allowance or pension as they may think fit or in their discretion may commute all such allowances or pensions each for a gross sum of such amount as to them shall seem proper.

Power to make byelaws.

40. In addition to the byelaws which the Trustees are authorised to make under the Markets and Fairs Clauses Act 1847 or which may be otherwise made under the authority of this Act the Trustees may from time to time with the approval of the Privy Council and subject to the provisions herein-after contained make such byelaws as they think fit for all or any of the following purposes and may from time to time with such approval alter or repeal any byelaws to be made under the authority of this Act and make others (that is to say):—

(1.) For regulating the time place and manner of holding and conducting the elections of Trustees by the exporters and the butter merchants and for nominating the persons to preside at such elections for prescribing the method of recording the votes whether by ballot or otherwise and for giving the person so presiding a deciding vote in case of an equality of votes.

(2.) For regulating and fixing the qualification of Trustees to be elected by and representing the exporters and the butter merchants and for disqualifying Trustees who may absent themselves unduly from the meetings of the Trustees or may become permanently resident out of Ireland.

(3.) For regulating and fixing the qualification of persons to be entitled to vote at the election of Trustees to represent the exporters and the butter merchants and for making and keeping a roll of the persons entitled to vote at such elections.

(4.) For regulating the scale of votes.

(5.) For regulating the mode time and place of summoning and holding meetings of the Trustees and the mode of voting and the conduct of proceedings thereat.

(6.) For regulating the appointment of a chairman of the Trustees and his powers and functions.

(7.) For regulating the appointment of a sub-committee or sub-committees of the Trustees and determining their powers.

(8.) For defining and regulating the duties powers and authorities of the butter inspectors firkin inspectors and other officers and servants of the Trustees and for providing against interference or any influence inducement or control with or over them in the discharge of their respective duties by any persons whatsoever.

(9.) For fixing the salaries and allowances to the butter inspectors firkin inspectors and other officers and servants of the Trustees and for determining the amount of any superannuation allowance or pension which the Trustees in their discretion may think fit to grant to them.

(10.) For the prevention of the adulteration of butter and excluding from the Butter Market unmerchantable butter or any adulterated butter or any adulterated compound to represent genuine butter and generally for the prevention of frauds in relation thereto.

(11.) For the regulation of the weighing and inspection of firkins and for the prevention of frauds with respect to the weight and materials thereof.

(12.) For the regulation of the weighing tasting and inspection of butter and for prescribing brands for denoting the weight and quality of butter.

(13.) For prescribing and regulating the conditions under which the said brand shall be imposed or impressed on firkins to denote the quality of butter therein contained and for prevention of every undue or improper use of the brand or of any branded firkin and for protection against any fraud in relation to the brand.

(14.) For prescribing the tolls to be taken in respect of all firkins inspected and all firkins of butter brought to the Butter Market not exceeding the tolls authorised to be taken by this Act.

(15.) For regulating the portion of the Butter Market or the market place set apart to be a free market for the inspection and sale of unbranded butter and for regulating the inspection and examination of butter brought thereto and for prescribing

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the tolls to be taken in respect of all butter brought thereto not exceeding the tolls authorised to be taken by this Act.

And lastly generally for providing for the due management and regulation of the Butter Market and of the affairs of the Trustees and for the conduct of buying and selling in the Butter Market and for carrying this Act into execution but no byelaw shall be repugnant to the laws of Ireland or to any provision of this Act.

Provisions as to byelaws.

41. With respect to any byelaws to be made under the authority of this Act the following provisions shall have effect:—

(1.) All byelaws shall be reduced into writing and when made by the Trustees shall be under the seal of the Trustees.

(2.) Byelaws may impose penalties for offences against the same not exceeding in respect of any offence the sum of ten pounds.

(3.) No byelaw shall take effect until it is allowed by the Privy Council.

(4.) No byelaw shall be allowed unless notice of intention to apply for allowance of the same has been given not less than one month before the making of such application in the following manner namely by advertisement once in one or more newspapers published or circulating in the borough and by affixing such notice at the office of the Trustees and such advertisement shall state the places where copies of the proposed byelaws have been deposited for public inspection.

(5.) For one month at least before such application a copy of the proposed byelaws shall be deposited at the office of the town clerk of Cork at the office in Cork of the secretary to the grand jury at the office of the clerk of the peace and at the offices of the respective clerks of the several poor law unions in the county of Cork and at the office of the Trustees and any person applying to the Trustees for a printed copy of the same shall be entitled thereto on payment of such sum not exceeding one shilling for each copy as the Trustees may appoint.

(6.) Any person or body corporate desiring to object to any of such byelaws may on giving to the clerk of the Trustees and to the clerk of the Privy Council notice in writing of the nature of his objection ten days before the date fixed by the Privy Council as herein-after mentioned for considering the said application for the allowance of the byelaws be heard thereon in such manner as the Privy Council thinks fit to direct but the Privy Council may hear any person body or corporation without such notice having been given if they shall think fit so to do.

The Privy Council shall fix a day for hearing the application for the allowance of such byelaws and of objections thereto of which day the Privy Council shall give public notice by publication in the "Dublin Gazette" and in two of the Cork daily newspapers or in some newspapers published or circulating in the borough at least fourteen days before the date of hearing and it shall be lawful for the Privy Council after hearing all parties affected thereby to allow alter add to or amend such byelaws in any manner they may think expedient.

(7.) All byelaws when allowed shall be printed with the date at which they are so allowed and a printed copy thereof shall be kept at the office of the Trustees and all persons may at all reasonable times inspect such copy without payment and any person applying to the Trustees for a printed copy of the byelaws for the time being in force shall be entitled to the same on payment of such sum not exceeding one shilling for each copy as shall be fixed by the Trustees.

(8.) A printed copy of the byelaws dated and purporting to be allowed as aforesaid and signed by the clerk of the Trustees shall be received as primâ facie evidence of the existence and of the due making and allowance and publication of such byelaws in all courts of law and equity or elsewhere.

Publication of byelaws.

42. The Trustees shall erect and keep up in some conspicuous part of the Butter Market a board having printed or painted thereon in large and legible characters or to be printed or attached to such board in large and legible characters an exact copy of each of such byelaws and the byelaws shall (until repealed or altered) be binding and conclusive as if the same had been expressly enacted herein.

Tolls.

43. The Trustees from time to time may demand and take such tolls as they may think reasonable in respect of the Butter Market as follows (that is to say):

(1.) For the weighing inspection and branding of firkins which may be brought to the Butter Market for inspection.

(2.) For the use of the Butter Market and the services of the officers thereof and for the weighing of all butter brought to the Butter Market for sale.

(3.) For the inspection tasting and classifying of butter and for branding firkins in which such butter is packed brought to the Butter Market for sale and which butter the sellers thereof desire to be classified and

(4.) For the inspection of butter brought to the Butter Market for sale and which the sellers thereof desire shall not be classified.

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The tolls to be demanded and taken by the Trustees in respect of all or any of the purposes aforesaid shall be such as shall be prescribed by the byelaws but shall not exceed in the aggregate one shilling for each firkin.

Trustees to revise tolls.

44. The Trustees shall from time to time revise the tolls levied by them under this Act so that the revenues received by them thereunder may always be so far as practicable sufficient and not more than sufficient for the purposes of this Act.

List of tolls &c. to be set up in conspicuous places.

45. The Trustees shall from time to time cause to be printed or painted on boards or to be printed and attached to boards in large and legible characters a list of the tolls from time to time payable under this Act and shall cause a board containing such list to be conspicuously set up and continued in the Butter Market.

Penalty on damaging boards.

46. Any person who shall destroy pull down injure or deface any board on which the byelaws or any toll to be taken in pursuance of this Act shall be painted shall forfeit a sum not exceeding five pounds for every such offence and shall defray the expenses attending the restoration of such board.

Power to borrow on mortgage.

47. The Trustees may from time to time borrow upon mortgage upon the security of the tolls by this Act authorised to be taken by them any sum of money not exceeding in the whole thirty thousand pounds.

Trustees may issue debentures payable to bearer and be for any amount not less than one hundred pounds.

48. In lieu of borrowing the whole or any part of the said sum of thirty thousand pounds by issuing mortgages as by this Act provided the Trustees may from time to time borrow the same or such part thereof as they may think fit by the issue of debentures charged on the tolls authorised to be taken by this Act and that in manner prescribed by the Local Loans Act 1875 and section 5 of the said Act with reference to debentures is hereby incorporated and made applicable for such purpose and such debentures may be for any amount not less than one hundred pounds.

Power to Trustees to create debenture stock.

49. For enabling the Trustees to substitute a continuing stock for renewable mortgages or debentures the following provisions shall have effect (that is to say):—

(1.) The Trustees may raise any money which they are by this Act authorised to borrow or any part thereof by the creation and issue of stock to be called "the Cork Butter Market debenture stock" (herein-after called "debenture stock") charged upon the tolls by this Act authorised The debenture stock shall be issued by the Trustees in such amounts at such prices and such times and subject to such conditions not being inconsistent with the provisions of this Act and being equally applicable to all

issues of stock at all times as the Trustees at or before the creation thereof from time to time determine and the stock shall bear such fixed interest being the same for all issues of stock as the Trustees by resolution shall fix The interest shall be payable half-yearly on the first day of May and first day of November or such other days as the Trustees may determine on issuing the same excepting when such days fall on a Saturday Sunday or day observed as a public holiday at the Bank of Ireland and then upon the day next following such excepted day or days;

(2.) The debenture stock shall be transferable by deed and shall have all the incidents of personal estate and such deed may be in the form in the Second Schedule hereto or to the like effect and such deed shall exclusively relate to such transfer and shall not contain any recital trust power or proviso whatsoever;

(3.) A person becoming entitled to any debenture stock in consequence of the death or bankruptcy of the owner or by any lawful means other than by such deed as aforesaid shall produce such evidence of his title as may be reasonably required by the Trustees and the same shall be entered in the said register as a transfer;

(4.) The Trustees shall cause entries of the debenture stock from time to time issued by them to be made in a register with the names and addresses of the holders and the amounts of their holdings;

(5.) The register shall be accessible for inspection at all reasonable times to mortgagees and holders of debentures and of debenture stock of the Trustees without charge and such register shall be evidence of all matters therein entered under the provisions of this Act;

(6.) The Trustees shall deliver to each holder of debenture stock a certificate stating the amount held by him and the Trustees shall not be bound to register any transfer except upon the production of the certificate relating to the debenture stock to be transferred The said certificate shall be admitted in all courts of justice as primâ facie evidence of the title of the stockholder his executors administrators or assigns to the sum therein specified Such stock certificate may be in the form in the First Schedule hereto or to the like effect and shall be sealed with the seal of the Trustees and shall be signed by the chairman or by the chairman for the time being of the Trustees and by the clerk of the Trustees and the conditions on which such stock is issued shall be shortly stated on such certificate and for such certificate the Trustees may demand any sum not exceeding one shilling where the amount of the stock transferred does not exceed one hundred pounds and two shillings

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and sixpence where the amount of the stock transferred exceeds the sum of one hundred pounds ;

(7.) If any such certificate be worn out or damaged then the same may upon the production thereof be cancelled and another similar certificate may be given to the holder of the stock therein specified or if such certificate be lost or destroyed then upon proof thereof to the satisfaction of the Trustees a similar certificate may be given to the holder of the stock specified in the certificate so lost or destroyed and in either case a due entry of the substituted certificate shall be made in the said register and for every such certificate given in pursuance of this sub-section a fee not exceeding one shilling where such certificate relates to an amount of stock not exceeding one hundred pounds and two shillings and sixpence where such certificate relates to an amount of stock exceeding one hundred pounds may be demanded ;

(8.) The debenture stock shall entitle the holder to the rights and powers of a mortgagee of the Trustees under this Act other than the right to require payment of the nominal principal money represented thereby ;

(9.) The interest of all debenture stock and of all mortgages or debentures at any time created and issued or granted by the Trustees under this or any subsequent Act shall subject to the provisions of any subsequent Act rank pari passu without respect to the dates of the securities or of the Acts of Parliament or resolutions by which such securities were authorised respectively and shall have priority over all principal moneys secured by such mortgages or debentures ;

(10.) Separate and distinct accounts shall be kept by the Trustees showing how much money has been received for or on account of debenture stock and how much money borrowed or owing on mortgage or debenture which they have power so to borrow under this Act has been paid off by debenture stock or raised thereby instead of being borrowed on mortgage or debenture ;

(11.) The power of the Trustees to raise money on mortgage or on debenture under this Act shall be diminished by the amount of debenture stock so from time to time created and issued ;

(12.) If the certificate of any of the debenture stock shall be endorsed with a certificate under the hand of the clerk of the Trustees for the time being in the form set forth in the Third Schedule to this Act or to the like effect it shall not be necessary for any person or body to inquire whether the moneys mentioned in the certificate are within the borrowing powers of the Trustees.

Money may be borowed in substitu-

50. In case any part of the money borrowed or raised by debenture stock under this Act by the Trustees shall at any time

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be paid off and discharged except by the sinking fund it shall be lawful for the Trustees from time to time to borrow or raise and take up at interest on the security aforesaid any sum in lieu of such part of the said debt as shall have been so paid off and discharged Provided that the sum due and owing on the said security at any one time shall not exceed the amount by this Act authorised to be borrowed or raised by debenture stock by the Trustees And for the purpose of repayment the moneys reborrowed and the moneys originally borrowed shall be deemed to form the same loan.

tion of sums paid off.

51. The Trustees shall in respect of the money borrowed or raised by them by debenture stock under the provisions of this Act set apart annually out of their revenues an amount equal to one-sixtieth part of the moneys so borrowed or raised to be applied as a sinking fund in paying off the moneys so borrowed or raised and until the moneys forming the sinking fund shall be applied in paying off the moneys borrowed or raised or such part thereof as the Trustees may think ought to be paid off the Trustees may place them with their bankers for the time being or may invest them in the purchase of exchequer bills or other Government securities to be increased by accumulation in the way of compound interest or otherwise but so that the Trustees shall not allow any sum exceeding three hundred pounds to remain with the bankers of the Trustees for a longer period than six calendar months without investing the same as aforesaid Provided it shall be lawful for the Trustees instead of bringing any money into the sinking fund to pay off a portion of the money borrowed or raised to an amount equivalent to the amount which ought to be brought into the sinking fund and in case a part only of such moneys shall be so applied the Trustees shall bring the residue thereof into the sinking fund Provided further that it shall not be obligatory upon the Trustees to commence any such sinking fund for the aforesaid purpose until five years after the passing of this Act.

Sinking fund to be formed by Trustees.

52. The clerk to the Trustees shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund under this Act transmit to the Local Government Board a return in such form as may be required by the said Board and verified by statutory declaration if so required by them showing the amount which has been invested or otherwise paid for the purpose of such sinking fund during the year preceding the making of such returns and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys set apart for the sinking fund and all interest thereof have been applied during the same period and the total amounts remaining invested at the

Annual return to Local Government Board with respect to sinking fund.

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end of the year and in the event of any wilful default in making such returns such clerk making such default shall be liable to a penalty of not exceeding twenty pounds recoverable summarily by the Local Government Board If it appears to the Local Government Board by such return or otherwise that the Trustees have failed to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of mandamus to be obtained by the said Local Government Board.

Application of borrowed moneys.

53. The moneys to be borrowed or raised by debenture stock by the Trustees under the authority of this Act shall be applied by them to the purposes following:—

In paying the costs charges and expenses of and incident to the preparing for obtaining and passing of this Act as specified in the last section of this Act and in recouping the corporation for any moneys paid by them for such purposes:

In paying to the said Joseph Bennett the amount of the aforesaid costs charges and expenses so due to him as aforesaid:

In extinguishing any debts or liabilities affecting the Butter Market by this Act vested in the Trustees and other debts made payable by the Trustees under this Act:

In paying the corporation such gross sums (if any) payable in respect of their right of holding a Butter Market and in respect of the said toll upon butter brought to the borough by land for the purpose of sale at the Butter Market:

In acquiring lands for the purpose of the Butter Market and in improving and enlarging the Butter Market and in providing new and additional Butter Markets and generally towards the purposes of this Act to which capital is properly applicable.

Arrears may be enforced by appointment of a receiver.

54. The mortgagees and debenture holders of the Trustees may enforce payment of the arrears of interest or principal and interest due on their mortgages and debentures by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees or debenture holders by whom the application for a receiver is made shall be not less than one thousand pounds And the holders of debenture stock may enforce the payment of any arrears of interest by the appointment of a receiver and the amount of arrears of interest owing to any holders of debenture stock by whom appli-

cation for a receiver is made shall not be less than one hundred pounds.

Protection of lenders from inquiry.

55. A lender of money to the Trustees under this Act shall not be bound to inquire respecting the observance by them of any provision of this Act or be bound to see to the application or be answerable for any loss non-application or misapplication of the money lent or of any part thereof.

Penalty for counterfeiting brands.

56. Any person who shall counterfeit or simulate or cause or procure to be counterfeited or simulated any brand or stamp used and adopted by the Trustees or the impression of any such brand or stamp or shall cause or procure to be used any such false or counterfeit brand or stamp to brand or stamp any firkin and any person who shall knowingly have in his possession any firkin with any impression of any false brand or stamp or any words device or impression purporting to represent that such firkin or any butter therein had been duly inspected or weighed by any officer of the Trustees or who shall fraudulently use any firkin which has been duly branded or stamped for the purpose of containing butter of a different quality from that in respect of which it was so branded or stamped or who shall remove butter from any firkin so branded and place other butter therein shall forfeit a sum not exceeding fifty pounds for every such offence And it shall be lawful for the justice before whom a conviction under this section has been obtained to award at the request of the Trustees a portion of the penalty imposed not exceeding two-thirds thereof to the person or persons through whose instrumentality the conviction was obtained and in such shares and proportion as to such justice shall seem fit.

Power to justice to issue warrant to enter.

57. In case any of the Trustees or any butter inspector or firkin inspector or any other officer servant or person employed by the Trustees has reasonable cause to suspect that any fraudulent practice is being carried on or attempted to be carried on in the house stores or premises of any person in respect of any butter or firkins purporting to be butter or firkins weighed classified or branded at the Butter Market it shall be lawful for any justice of the peace having jurisdiction in the place where such practice is alleged to be so carried on or attempted to be carried on on application made on behalf of the Trustees and on an information on oath made by any Trustee butter inspector or firkin inspector or other officer servant or person employed by the Trustees setting forth the grounds of his suspicion to issue a warrant if he shall think fit authorising the Trustees or some one on their behalf to enter upon such house stores or premises for the purpose of detecting such fraudulent practice.

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Application of money arising from tolls &c.

58. All moneys arising from the tolls by this Act authorised and all other revenues which shall come to the hands of the Trustees otherwise howsoever under this Act shall be applied and disposed of as follows:—

First. In payment of the costs charges and expenses of and incident to the preparing for obtaining and passing of this Act and as specified in the last section of this Act or in recouping the corporation for any such costs charges and expenses paid by them.

Second. In payment of the establishment expenses and salaries and pensions and of the maintenance of the Butter Market and the costs charges and expenses which the Trustees shall properly incur in the due execution of their trust and of the provisions of this Act.

Third. In payment of interest on moneys borrowed or raised by debenture stock under the provisions of this Act.

Fourth. In providing the sum by this Act appointed to be set aside as a sinking fund.

Fifth. In payment of the costs incurred in the collection and diffusion of knowledge as to the manufacture and sale of butter and towards the encouragement by subscription giving of prizes or otherwise of the improvement of such manufacture.

Sixth. In payment of the sums if any (other than a gross sum) to be paid to the corporation for the purchase of the right of holding a Butter Market and of the sums (if any) (other than a gross sum) to be agreed to be paid to the corporation for the purchase of the toll herein-before mentioned.

Seventh. In forming a contingency fund to meet any unforeseen accident or extraordinary damage which may happen or be caused to the Butter Market.

And the residue (if any) in the hands of the Trustees after the purposes aforesaid shall have been effected shall be paid and applied for the improvement of the Butter Market and markets authorised by this Act and for carrying into effect the objects of this Act.

Damages &c. to be levied by distress.

59. All damages costs and expenses which are by this Act or any Act incorporated herewith directed to be paid and the amount of which shall not be disputed may be levied by distress and any justice on application shall issue his warrant accordingly.

Trustees to keep accounts.

60. The Trustees shall keep such due and regular accounts of all moneys received by them under this Act as may be necessary to elucidate the money transactions of the Trustees in carrying this Act into effect.

Accounts to be balanced to certain dates.

61. Such accounts shall be balanced in each year to a period not less than fourteen days before the 14th day of January or before some other convenient day or days to be fixed by the Trustees and on the days so fixed and for so long thereafter as may be necessary they shall be submitted for examination and inspection to the auditor by this Act authorised to audit them.

Accounts of Trustees to be audited.

62. The accounts of the Trustees shall be audited and examined once at least in every year or every six months if the Trustees shall so decide by the auditor of accounts for the poor law union who shall have for that purpose all the powers authority and jurisdiction conferred by the Local Government (Ireland) Act 1871 and the Acts amending the same in relation to the audit of accounts and sections 12 13 14 15 and 16 of the said Act of 1871 shall so far as they are not inconsistent with the provisions of this section be deemed to be incorporated herein and read as part of this Act but the words in section 14 "funds of any town" shall be read as "funds of the Trustees" and the words "governing body of such town" shall be read as "the Trustees."

Provided always that in case the Trustees are surcharged by such auditor for or on account of any expenditure which has been bonâ fide incurred by them and without knowledge of its alleged illegality it shall be lawful for the Trustees within three months from the decision of such auditor to appeal against the same to the recorder of Cork who is hereby required and empowered to adjudicate on such appeal and if upon the hearing thereof the said recorder shall be satisfied upon the whole circumstances of the case that such surcharge is erroneous and should not be enforced he may alter amend or revoke the decision of the said auditor and the judgment of the said recorder shall not be subject to appeal but shall be final and conclusive.

All penalties forfeitures &c. must be sued for within three months.

63. No penalty for any offence against any byelaw nor any other penalty forfeiture or sum of money whatever imposed or made payable for any offence against or non-compliance with this Act or any Act incorporated herewith shall be sued for or recovered unless the action or other proceeding for recovery thereof shall be commenced within three months next after the time at which the party charged in such action or proceeding shall have committed the offence or been guilty of the non-compliance in respect of which any such penalty forfeiture or sum of money shall have arisen or be sought to be recovered and all such penalties forfeitures and sums of money may be sued for before any justice of the peace for the borough in a summary way.

Nothing in Act to

64. Nothing herein contained shall be construed to prevent any person from being indicted for any indictable offence made

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prevent indictment.

punishable on summary conviction by this Act or any Act incorporated herewith or to prevent any person from being liable under any other Act to any other or higher penalty or punishment than is provided for such offence by this Act or any Act incorporated herewith so nevertheless that no person be punishable twice for the same offence.

Newspapers for insertion of advertisements.

65. The newspapers in which advertisements and notices may be published under the provisions of this Act shall be some newspaper or newspapers published in or circulating in the borough.

Saving rights of harbour commissioners corn market trustees and corporation.

66. Nothing in this Act contained except as is otherwise by this Act expressly provided shall alter limit prejudice lessen or affect any of the existing franchises rights privileges powers or authorities vested in or enjoyed by the commissioners for preserving the port harbour and river of Cork or by the corn market trustees or by the corporation.

Recovery of damages not specially provided for and of penalties.

67. The clauses 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 except so far as the same shall be expressly varied or otherwise provided for by this Act shall be incorporated with this Act in reference to the same matters in this Act or in any Act incorporated herewith.

Expenses of Act.

68. All the costs charges and expenses of and incident to the preparing for and obtaining and passing of this Act or otherwise in relation thereto including the costs incurred by or on behalf of the corporation in respect of an inquiry held by the corporation in the year 1883 as to the management of the Butter Market and the costs of the corporation in relation to an arbitration held in the month of February 1884 before Lord FitzGerald with respect to this Act shall be paid by the corporation out of any of their funds but shall be recouped to them by the Trustees out of the revenues arising from the Butter Market and of the moneys borrowed or raised by the Trustees under the provisions of this Act and the costs of the committee of merchants in relation to the said arbitration and to this Act respectively shall also be paid by the Trustees out of the said revenues and moneys borrowed or raised by the Trustees under the provisions of this Act.

SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

FORM OF CERTIFICATE.

Cork Butter Market Debenture Stock.

No.

This is to certify that of is (*or* "are" *as the case may be*) the proprietor (*or* "proprietors" *as the case may be*) of pounds of the Cork Butter Market debenture stock issued by the Cork Butter Market Trustees pursuant to Act of Parliament.

Given under the common seal of the said Cork Butter Market Trustees this day of 18 .

Present when the seal of the Cork Butter Market Trustees affixed hereto at a meeting of the Cork Butter Market Trustees.

L.S.

A.B.
Chairman of Trustees (*or* Chairman of Trustees for the time being *as the case may be*).

C.D.
Clerk of the Trustees.

[NOTE.—The conditions on which the stock is issued to be shortly stated on the certificate.]

THE SECOND SCHEDULE.

Form of Transfer.

I (*or* "we" *as the case may be*)
of in consideration of the sum of
pounds paid to me (*or* "us" *as the case may be*) by
of do hereby transfer
to the said his (*or* "their" *as the case may be*)
executors administrators and assigns the sum of
Cork Butter Market debenture stock standing in my name (*or* "our names" *as the case may be*) in the books kept of such stock and all my (*or* "our" *as the case may be*) property right and interest in and to the same and the interest thereon.

In witness whereof I (*or* "we" *as the case may be*) have hereunto set my hand and seal (*or* "our hands and seals" *as the case may be*) this
day of 18 .

Witness

THE THIRD SCHEDULE.

Form of Certificate by Clerk.

I the clerk of the Cork Butter Market Trustees do hereby certify that the sum secured by the within written stock certificate is within the borrowing powers of the Cork Butter Market Trustees as fixed by Act of Parliament.

Witness my hand this day of 18 .

C.D.
Clerk to the Trustees.

Witness

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