CHAPTER clviii.

An Act to enable the Cork Harbour Commissioners to make further Improvements in the Harbour of Cork; to levy certain additional Rates for the use of the Harbour; and for other purposes. [2nd August 1877.]

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WHEREAS by "The Cork Harbour Act, 1875," the Cork Harbour Commissioners (who are herein-after referred to as "the Commissioners") were enabled to construct deep-water quays, as defined by that Act, on the south or right bank of the River Lee, and to raise the sum of £140,000 for the purposes of the said Act, and to charge rates for the use of the same and of any other deep-water quay which had been then or should thereafter be constructed by them, except any deep-water quay in the township of Queenstown, or immediately connected with that township:

38 & 39 Vict. c. cxxxviii.

And whereas the Commissioners were at the time of the passing of the said Act preparing to give deep-water quay accommodation at the opposite or north bank of the River Lee, and by "The Great Southern and Western Railway Act, 1876," (herein-after called "the Act of 1876,") it is provided that, in order to enable the Commissioners to construct and maintain a quay forty feet in width in extension of the deep-water berths on Penrose Quay, the Railway Company shall, on the application of the Commissioners, convey to them, free of all charge, so much of the lands of the Company as may be necessary for the purpose aforesaid; and the said Act contains provisions for the benefit of the Company and the Commissioners, and also of the Corporation of Cork:

39 & 40 Vict. c. cxlii.

And whereas it will contribute to the accommodation of the increasing commerce of Cork that the Commissioners should be enabled to execute the works herein-after mentioned, and to borrow further sums of money for the purposes thereof:

And whereas, by the agreement which forms the schedule to and is confirmed by section 23 of the said Act of 1876, the Commissioners have agreed with the Great Southern and Western Railway

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Company to construct a deep-water quay and works at Queenstown, in Cork Harbour, and it is expedient that the powers herein-after contained should be conferred on the Commissioners for the constructing of the said quay, and of approaches, works, and conveniences connected therewith:

And whereas by the 14th clause of the Cork Harbour Order, 1871, the Commissioners are obliged to supply limestone ballast to every vessel demanding it; and inasmuch as their compulsory power to take land, which was limited by their Act of 1820 to five statute acres, is exhausted, it is expedient that the powers herein-after contained should be given them to take and use a portion of the lands of Carrigrennan, situate on the shore of Cork Harbour, the same lands, so far as the powers of this Act extend, being a limestone bluff, and also to purchase a portion of the foreshore and sea-bottom adjoining the same:

1 Geo. 4. c. 52.

And whereas in the year 1820, at the time of the passing of the Act constituting the Commissioners, there was a rate levied for the support of foundlings of one shilling a ton upon all coals and on all culm imported, landed, or discharged within the county of the city of Cork, the said rate having been created originally by the 9th George II. cap. 25, continued by the 3rd George III. cap. 17, and perpetuated by the 34th George III. cap. 23, and determined in the year 1838 under the provisions of the 45th section of the 1st and 2nd Vict. cap. 56, commonly called "The Irish Poor Relief Act," and there is now no harbour due on coal at Cork, nor is there any rate levied on coal, except certain dues, rates, or tolls claimed by the mayor, aldermen, and burgesses of the borough of Cork (herein-after called "the Corporation"), called the Mayor's Due, and which produces about one hundred pounds a year; and it is expedient that coals imported should contribute in common with other imports to the improvement of the port, and that a harbour rate should be charged thereon, and that the Commissioners should be enabled to purchase from the Corporation the mayor's due on coal, and that the same should be extinguished:

And whereas it is expedient that the widening and deepening of the River Lee between Horsehead and Parliament Bridge and Saint Patrick's Bridge should be completed as speedily as possible, and that the Commissioners should be authorised to borrow money for the purpose of such widening and deepening, and for the purchase of plant, and the payment for labour, and the other expenses attendant thereon:

And whereas the land in the parish of Saint Nicholas, in the borough of Cork, acquired by the Commissioners under the 12th section of "The Cork Harbour Act, 1875," and described therein as coloured green on the map therein referred to, was intended to have

been used as the store-yard and factory of the Commissioners, but it is at some distance from the water side, and the Commissioners are now in treaty for the purchase of a water-side situation for their establishment, which will make the said green land unnecessary to them for any of their purposes, and it is expedient, therefore, that they should be authorised to sell or demise those lands, and to apply the proceeds of any such sale, or the rents arising from any such demise, to any of the purposes to which the capital or revenue of the Commissioners is properly applicable:

And whereas it is expedient that the powers of the Commissioners to make byelaws, and to impose penalties for the breach thereof, should be extended to the works proposed by the Bill;

And that the words "registered ton" in the Third Schedule of "The Cork Harbour Act, 1875," shall be read as though the same were "register ton";

And that the "rates for the use of deep-water quay" contained in the Third Schedule (amended as above) of "The Cork Harbour Act, 1875," shall be paid in respect of every vessel using any deep-water quay now constructed or which shall hereafter be constructed by the Commissioners, except quays in or immediately connected with the township of Queenstown, and except as otherwise is provided by the sixteenth section of said Act of 1876:

And whereas it is expedient that the Commissioners should be enabled to apply to the purposes of this Act any moneys now belonging to them or which they have power to raise, and which are not assigned to or required for specific purposes, and that they should be enabled for the purposes of this Act and other purposes to borrow further moneys on the credit of their revenue, and to apply any moneys from time to time in their hands not so specifically assigned, whether such moneys be capital or revenue, to the deepening, widening, and improving of the port, harbour, and river of Cork:

And whereas plans and sections showing the lines, situations, and levels of the quays, roads, and other works by this Act authorised to be made in the borough of Cork, 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 required or which may be taken for the purposes or under the powers of this Act, were duly deposited with the clerk of the peace for the county of the city of Cork, and plans and sections showing the lines, situations, and levels of the quays, roads, and other works by this Act authorised to be made in the county of Cork, and a plan showing the lands of Carrigrennan and foreshore adjoining the same, both in the county of Cork, required or which may be taken

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for the purposes of this Act, 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 said lands, were duly deposited with the clerk of the peace for the county of Cork, and the said plans, sections, and books of reference are herein-after respectively referred to as the deposited plans, sections, and books of reference:

And whereas the objects aforesaid cannot be attained 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 and commencement of Act.

1. This Act may be cited as "The Cork Harbour Act, 1877," and shall commence and take effect on and from the day of the passing thereof.

Interpretation of terms.

2. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated with this Act have the same respective meanings, unless there be something in the subject or context repugnant to such construction:

The expression "deep-water quay" means any quay, pier, or jetty at which any vessel drawing eighteen feet of water may lie afloat at all times of the tide;

The expressions "the harbour" or "the harbour of Cork" mean and include the port, harbour, and river of Cork, within the present limits thereof;

The expression "the Corporation" means the mayor, aldermen, and burgesses of the borough of Cork;

The expression "the treasurer" means the treasurer for the time being of the borough of Cork.

Certain provisions of general Acts herein named incorporated.

3. The following Acts and parts of Acts (except where the same are varied by or inconsistent with this Act) are incorporated with and form part of this Act: "The Lands Clauses Consolidation Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," and "The Railways Act (Ireland), 1851," "The Railways Act (Ireland), 1860," "The Railways Act (Ireland), 1864," and "The Railways Traverse Act," "The Harbours, Docks, and Piers Clauses Act, 1847," (with the exceptions and modifications mentioned in the schedule to this Act,) the provisions of "The Commissioners Clauses Act, 1847," with respect to the mortgages to be executed by the Commissioners, and sections 13, 18, and 19 of "The Railways Clauses Act, 1863," and the provisions of

the last-mentioned sections shall apply to any works which the Commissioners are authorised to construct under this Act.

Railways Acts (Ireland) extended to Commissioners.

4. "The Railways Act (Ireland), 1851," and the Acts amending the same, shall be deemed to be and to have been incorporated with "The Cork Harbour Act, 1875," and shall be read and have effect for the purposes of this Act and the said Act of 1875 as though the Commissioners were a railway company, and any works which they are authorised to construct under the said Act of 1875 and this Act were railways.

Power to construct works.

5. Subject to the provisions of this Act, the Commissioners may make, in the line and according to the levels shown on the deposited plans and sections, the quays, roads, and other works herein-after described, and may exercise the powers herein-after mentioned, and may enter upon and take and use such of the lands delineated on the said plans, and described in the deposited books of reference, as may be required for those purposes; (that is to say,)

Deep-water quay at Cork.

(1.) They may take down and remove a portion of Penrose Quay, about one hundred feet in length, in the parish of Saint Anne Shandon, in the city of Cork and borough of Cork, and in the county of the city of Cork, commencing on the west on Penrose Quay, at a point about five hundred feet west of the western end of Hargrave's Quay, and terminating at the eastern extremity of the present quay wall of Penrose Quay, and they may rebuild, continue, and extend Penrose Quay as a deep-water quay from the said point on the west of Hargrave's Quay to a point on the bed or foreshore of the River Lee, in said parish, city, borough, and county, about fifteen feet east of the eastern side of Water Street, and may make and maintain on the proposed quay, or in connexion therewith, all necessary works, tramways, and wharves, cranes, weighing machines, mooring places, landing places, sheds, ballast wharves, jetties, and other conveniences:

Quay at Queenstown.

(2.) They may make and maintain in the townland of Ringmeen, in the town of Queenstown, in the parish of Clonmel, in the county of Cork, and partly on the adjoining foreshore and bed of the sea, a quay with all such works and other conveniences connected therewith as aforesaid, commencing on the foreshore or in the bed of the sea immediately to the southward of the eastern end of the carriage shed of the Great Southern and Western Railway, and terminating also upon the foreshore or in the bed of the sea, at a point about twenty feet eastward of the eastern

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extremity of the said railway, and for the purposes of the said new quay may pull down or adapt the existing sea-wall between the points aforesaid, and they may make and maintain a road from the eastern extremity of the said new quay crossing through or over the public quay and boat harbour there, and terminating on the public road on the north side of the said boat harbour, and so far as may be needful for the purposes of the said road may interfere with the said boat harbour and the quays thereof, and the approaches thereto, and may construct on the eastern side of the said boat harbour steps, approaches, and other conveniences. The said new road and other works will be in the town of Queenstown, and in the townlands of Ringmeen and Ballyvoloon, or one of them, in the parish and county aforesaid.

Limiting alteration of public road at Queenstown.

6. The alteration of the public road numbered on the deposited plans and books of reference 6, in the parish of Clonmel, for the purpose of connecting the same with the new road hereby authorised, shall be made by the Commissioners with an inclination not exceeding one foot in thirty feet.

Method of ascertaining any compensation payable to William Henry and Frederica Harriet Rushbrooke.

7. Any compensation to which William Henry Rushbrooke and Frederica Harriet Rushbrooke, or either of them, may be entitled under the provisions of this Act shall be ascertained by arbitration, and the provisions of "The Railways Clauses Consolidation Act, 1845," with respect to the settlement of disputes by arbitration, shall, so far as applicable, apply to such arbitration, as if the Commissioners were a railway company, with power to the arbitrators or umpire to state a case for any court of law or equity in Ireland, if they or he think fit.

Accommodation works for the Rushbrooke estate.

8. All existing sewers under the said railway which may be interfered with by the said new quay and works at Queenstown shall be continued through the said quay at the expense of the Commissioners, and the owners and occupiers of the adjacent lands shall have full right to use the same.

Land at Carrigrennan.

9. Subject to the provisions of this Act, the Commissioners may enter upon, take, and acquire compulsorily or by agreement, or on lease, and use so much and such parts of the lands of Carrigrennan, and the foreshore, mud-lands, or sea-bottom adjoining the same, delineated on the said plans and described in the books of reference, as may be required for any of their authorised purposes or duties under the recited Acts or Order, or any of them, or this Act, and they may, if necessary, interfere with the oyster-bed on the said foreshore, mud-lands, or sea-bottom, so far as the same is

situate within the limits of the land to be taken as described on the said plans.

Lateral and vertical deviations.

10. In the construction of the works hereby authorised the Commissioners may deviate laterally from the lines thereof shown upon the deposited plans to any extent within the limits of deviation shown thereon, and vertically from the levels thereof shown upon the deposited sections to any extent not exceeding seven feet, but no deviation of any such work from the lines thereof shown as aforesaid, even within the said limits, shall be made in such manner as to diminish the navigable space of any public navigable tidal river or channel, without the previous consent of the Board of Trade, or otherwise than in such manner as is expressly authorised by the said Board.

Limiting time for completion of works.

11. The works by this Act authorised shall be completed by the Commissioners within the following periods respectively, and after the expiration of the said respective periods the powers granted by this Act for the making and maintaining of the said works respectively shall cease, excepting as to so much thereof as shall then be completed:

(1.) So much of the quay at Cork as will lie between Water Street and a point immediately adjoining and west of the slob or mud-land at the mouth of the closed tidal entrance of the Great Southern and Western Railway Company's premises, within seven years from the passing of this Act:

(2.) The taking down of Penrose Quay, and the reconstruction of that quay and works within ten years from the passing of this Act:

(3.) One half of the quay and works in the townlands of Ringmeen and Ballyvoloon at Queenstown within three years, and the remainder within five years, from the passing of "The Great Southern and Western Railway Act, 1876."

Sheds, &c. may be constructed and tramways on quay at Cork.

12. The Commissioners may, upon any part of the said deep-water quay and roadway at Cork which they shall think proper, construct such sheds and works as they may deem necessary for the temporary accommodation and protection of goods shipped or unshipped at the said quay, and may also lay down thereon, and from time to time alter or remove, such tramways as shall in their opinion facilitate the conveyance of merchandise to and from the shipping resorting to the said quay, but for no other purpose: Provided that no such tramway shall be laid down or altered without the consent in writing of the Corporation, or be maintained after the Corporation shall

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have given reasonable notice of their desire that the same shall be removed. And the Commissioners may charge for the use of the said tramways, and of any trucks which they may provide for the conveyance of goods thereon, such reasonable sum as may be agreed upon between them and the persons using the said tramways and trucks respectively: Provided that all persons desirous of using the said tramways for the purposes aforesaid shall have equal facilities for doing so.

Ownership of deep-water quays.

13. The portions of the said deep-water quays and roadways upon which the Commissioners shall from time to time erect or provide any works or conveniences within the meaning of the powers herein-before contained, and also the river wall or face of the said deep-water quays, shall vest in and be the property of the Commissioners, but in all other respects the said deep-water quays shall be public quays, subject nevertheless to the payment of the rates provided by "The Cork Harbour Act, 1875," as amended by this Act, for the use thereof.

Period for compulsory purchase of lands.

14. The powers of the Commissioners for the compulsory taking of lands for the purposes of this Act shall not be exercised after the expiration of five years from the passing of this Act.

Power to sell land in parish of St. Nicholas.

15. The Commissioners may sell or demise the lands, part of the park in the parish of Saint Nicholas, in the borough of Cork, and the county of the city of Cork, referred to in the 12th section of "The Cork Harbour Act, 1875," as coloured green upon the plan therein also referred to, and acquired by them under that Act, and apply the proceeds arising from such sale or the rents arising from any such demise to any of the purposes to which money borrowed by the Commissioners is properly applicable.

Reserving rights to Great Southern and Western Railway Company.

16. In pursuance of the provisions contained in the 14th section of the Act of 1876, the Commissioners shall allocate and set apart a portion of the quay between Penrose Quay and Water Street, forty feet in width from the face of the quay wall and five hundred feet in length, measured in an easterly direction, from the eastern side of Hargrave Street along the said quay, for the use of the Great Southern and Western Railway Company, and the Company may on such portion of quay lay down and maintain such rails, turntables, and other conveniences, and may place such steam or other cranes as may be necessary for the accommodation of their traffic, and the traffic on that portion of the quay shall be carried on and conducted under the superintendence and control of the said Company, but subject to such byelaws and regulations as may from time to time be made and agreed upon by and between the said Company and the Commissioners, or as, in case of difference, shall

be settled by an arbitrator to be appointed by the Board of Trade, and vessels requiring to load or discharge goods from or into the said Company's premises shall have the preferential use of such portion of the said quay, and if such portion when required for the use of such vessels shall be occupied by other vessels, such other vessels shall be removed by the harbour-master.

Commissioners to commence quay at eastern end.

17. The Commissioners, on receiving the land from the Great Southern and Western Railway Company, shall commence the construction of the said quay between Penrose Quay and Water Street at the eastern end, and shall complete a portion thereof, four hundred and fifty feet in length, measured from the western side of Water Street, before entering upon or interfering with the existing quay and works or the outer parts of the premises of the Cork Steam Ship Company occupied by the Great Southern and Western Railway Company, and the Great Southern and Western Railway Company shall have the like use of the said eastern portion of quay, when completed, during the construction and until the completion of the remaining portion, as is by the last preceding section provided for in respect of such remaining portion.

Certain vessels exempt from tolls.

18. No vessel drawing less than eighteen feet of water, moored or lying at or to or alongside or otherwise using the portion of quay allocated for the use of the Great Southern and Western Railway Company under the foregoing provisions, shall be liable to the rates for the use of a deep-water quay authorised by the Third Schedule to "The Cork Harbour Act, 1875," as amended by this Act, if such vessel be exclusively laden or to be laden with coals, iron, or other goods the property of or for the use of that Company, and to be landed on the said quay or shipped thereat.

Explaining "registered ton."

19. The words "registered ton" in the Third Schedule of "The Cork Harbour Act, 1875," shall be read as though the same were "register ton."

Power to borrow money.

20. In addition to the moneys which the Commissioners are at present empowered to raise by mortgage, the Commissioners may from time to time or at any time borrow on mortgage, on the security of all or any part of the rates, dues, and tolls which they are from time to time authorised to levy, any sum or sums not exceeding in the whole the sum of one hundred and twenty thousand pounds for the purposes of the works authorised by this Act, and for the purpose of widening, deepening, and improving the harbour of Cork, and of purchasing and extinguishing "the mayor's due" on coal, and of purchasing lands which the Commissioners are authorised to purchase for the general purposes of the Commissioners to which money borrowed is properly applicable;

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and any money borrowed under the authority of this Act and discharged otherwise than by means of the sinking fund in this Act mentioned, or by payments in discharge of capital equivalent to a sinking fund, may be re-borrowed from time to time if required for the said purposes.

Existing mortgages to retain priority.

21. Every mortgage or security granted by the Commissioners under the Acts or Order herein-after mentioned, or any of them, or "The Cork Improvement Act, 1868," and which shall be in force when this Act comes into operation, shall have priority over all mortgages made under this Act.

Receiver for mortgagees.

22. The mortgagees under this Act may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a receiver; and in order to authorise the appointment of a receiver, the amount owing in respect of arrears of principal to the mortgagees by whom the application for a receiver shall be made shall not be less than ten thousand pounds in the whole.

Providing for sinking fund.

23. The Commissioners shall set apart and appropriate annually, out of the rates, dues, and tolls which they are from time to time authorised to levy, a sum by way of a sinking fund, to be applied in paying off the principal sums borrowed on mortgage or bond, or in the form of consolidated stock, upon the security of those rates or any of them, the said annual sum being not less than one per centum of the aggregate sum from time to time so borrowed or secured by the Commissioners, and the provisions contained in the twenty-sixth section of "The Cork Harbour Act, 1875," relating to the annual return to the Board of Trade, shall continue to apply to the said sinking fund.

Rate of one penny per ton on coal imported.

24. In addition to the rates and duties payable to the Commissioners on goods, wares, and merchandises exported or imported from or to the harbour of Cork, it shall be lawful for the Commissioners, from and after the extinction of the mayor's due on coal as herein-after provided, to demand, receive, and take a rate or due not exceeding one penny per ton upon every ton of coal imported or brought in any vessel and received or delivered within the limits of the harbour of Cork, of and from the owner or commander of the ship or vessel in which such coal shall be so imported, brought, or unshipped, or of and from the owner or consignee of such coals.

Purchase and extinguishing of the mayor's due on coal.

25. Within twelve months from the passing of this Act the Commissioners shall, out of the moneys authorised to be raised by them by this Act, pay into the hands of the treasurer on behalf of the Corporation the sum of three thousand one hundred and fifty

pounds as the price of the due, rate, or toll heretofore levied on coal imported into the harbour, and known as the Mayor's Due: Provided that on payment of the said sum the said dues, rates, or tolls known as the Mayor's Due on coal shall wholly cease and be extinguished.

Receipt of city treasurer.

26. For the said sum of three thousand one hundred and fifty pounds the receipt of the treasurer shall be a full discharge to the Commissioners, and the Commissioners shall not be responsible for the application of the amount.

Application by the Corporation of the price of the mayor's due.

27. The Corporation shall pay and apply the said sum of three thousand one hundred and fifty pounds (after deducting the costs and charges of the negotiation and settlement with reference to the said mayor's due hereby made with the Commissioners, and all other costs and expenses incidental thereto) towards extinction of debt due by the Corporation, and secured on the said dues, rates, or tolls known as the Mayor's Due on coal.

Repeal of section 66 of 1 Geo. 4. c. 52.

28. Section 66 of the Act 1st Geo. IV. cap. 52 (Local), relating to the appointment of auditors of the accounts of the Commissioners, is hereby repealed.

Audit of Accounts.

29. For the purpose of securing the proper audit of the accounts of the Commissioners, there shall be appointed annually by the Commissioners, on or before the fourteenth day of August in each year, one person, in this Act called the auditor, whose duty shall be to inspect and examine such accounts for the year ending the thirty-first day of July next before his appointment, and in case the auditor shall find the same to be correct, he shall certify the same in writing to the Commissioners, and in case the auditor shall find the same or any part thereof not to be correct, he shall have power to make all such inquiries as under the circumstances may be necessary and expedient, and shall make to the Commissioners a special report in writing of the facts connected therewith, and the Commissioners shall be at liberty to pay to the auditor as a remuneration for such auditing such reasonable sum as they may from time to time resolve.

Amendment of section 24 of Act of 1820.

30. Sunday, Good Friday, and Christmas Day shall be excluded in computing the twenty-four hours allowed for furnishing ballast to vessels by section 24 of the said Act of 1st Geo. IV. cap. 52.

Saving previous Acts.

31. Nothing contained in this Act shall interfere with any of the rights, powers, and authorities vested in or enjoyed by the Commissioners by virtue of the Acts and Order herein-after mentioned, or any of them; (that is to say,)

1st Geo. IV. cap. 52; 29 & 30 Vict. cap. 131 ("Cork Harbour Amendment Act, 1866"); 34 & 35 Vict. cap. 97 ("Cork

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Harbour Order, 1871"); 38 & 39 Vict. cap. 138 ("Cork Harbour Act, 1875");

but the said Acts and Order, as respectively amended by this Act or any subsequent Act, shall be read together therewith as one Act. And nothing herein contained shall invalidate or interfere with the provisions contained in the said Act of 1876, and in the schedule thereto, with respect to any Acts to be done by or in favour of the Commissioners, or otherwise in relation to the works at Cork referred to in sections 13 to 18 of that Act, both inclusive, except so far as the time for completing any works therein referred to is extended by this Act.

Authorising a retiring pension to Mr. Walter Ronan.

32. And whereas Walter Ronan, although not a salaried officer of the Commissioners, has acted as their sole solicitor since the month of March 1846, it shall be lawful for the Commissioners, in case he shall retire from his employment as their solicitor by reason of age, illness, or infirmity, to resolve that there shall be paid and to pay to him thenceforth during the residue of his life a retiring pension not exceeding in amount one hundred pounds per annum.

Saving rights of Commissioners of Irish Lights.

33. Nothing contained in this Act shall extend or be construed to take away, invalidate, diminish, alter, prejudice, or affect any of the estates, rights, privileges, powers, or authorities vested in, exerciseable by, or in anywise appertaining to the Commissioners of Irish Lights.

Provision as to loan by Public Works Loan Commissioners.

34. Nothing in this Act shall operate to empower the Commissioners to borrow any loan from the Public Works Loan Commissioners: Provided that if the Public Works Loan Commissioners advance any loan to the Commissioners under the "Harbours and Passing Tolls, &c. Act, 1861," and the Acts amending the same,—

1. That loan and the security therefor shall not have priority over any loan previously borrowed by the Commissioners under this Act or any other Act relating to the Commissioners or the security therefor, except so far as the creditors consent to such priority under the "Public Works Loan Act, 1875," or otherwise, but shall have priority over any loan subsequently borrowed by the Commissioners in pursuance of this Act and the security therefor; and
2. The amount which the Commissioners are authorised by this Act to borrow shall be diminished by the amount of any loan borrowed from the Public Works Loan Commissioners under the "Harbours and Passing Tolls, &c. Act, 1861," and the Acts amending the same.

Reserving Merchant Shipping and general Acts.

35. Nothing in this Act contained shall exempt the Harbour of Cork, or the works at or connected therewith, or the Commissioners, from the provisions of the Merchant Shipping Acts, or of any general Act relating to harbours, or to dues on shipping or on goods carried in ships, now in force or which may be passed during the present or any future session of Parliament, or from any future revision and alteration, under the authority of Parliament, of the rates authorised by this Act.

Saving rights of the Crown in the foreshore.

36. Nothing contained in this Act shall authorise the Commissioners to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of her Crown, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Saving rights of the Crown under Crown Lands Act.

37. Nothing contained in this Act, or to be done under the authority thereof, shall in any manner affect the title to any of the subjects, or any rights, powers, or authorities mentioned in or reserved by sections 20, 21, and 22 of "The Crown Lands Act, 1866," and belonging to or exerciseable on behalf of Her Majesty, her heirs or successors.

Expenses of Act.

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

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SCHEDULE.

Parts and sections of "The Harbours, Docks, and Piers Clauses Act, 1847," which are not incorporated with this Act:

"With respect to life-boats;"

"With respect to keeping a tide and weather gauge;"

Sections 25 and 26;

Sections 81 and 82, "with respect to the appointment of meters and "weighers and their duties;"

"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 or the sheriff."

Sections of "The Harbours, Docks, and Piers Clauses Act, 1847," varied for the purposes of this Act:

With respect to section 28 of the said Act, nothing therein contained shall be deemed to exempt from rates or duties the vessels, whether carrying mails or not, now charged with rates or duties by "The Cork Harbour Amendment Act, 1866;"

And with respect to section 35 of the said Act, the report thereby required from the master of a vessel may, in the case of steam vessels going to or coming from any American port, be made by the agent at Cork or Queenstown of the owner of such steam vessel;

And with respect to section 50 of the said Act, the time to be allowed for sending a copy of the account therein mentioned shall, instead of one month, be three months.

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