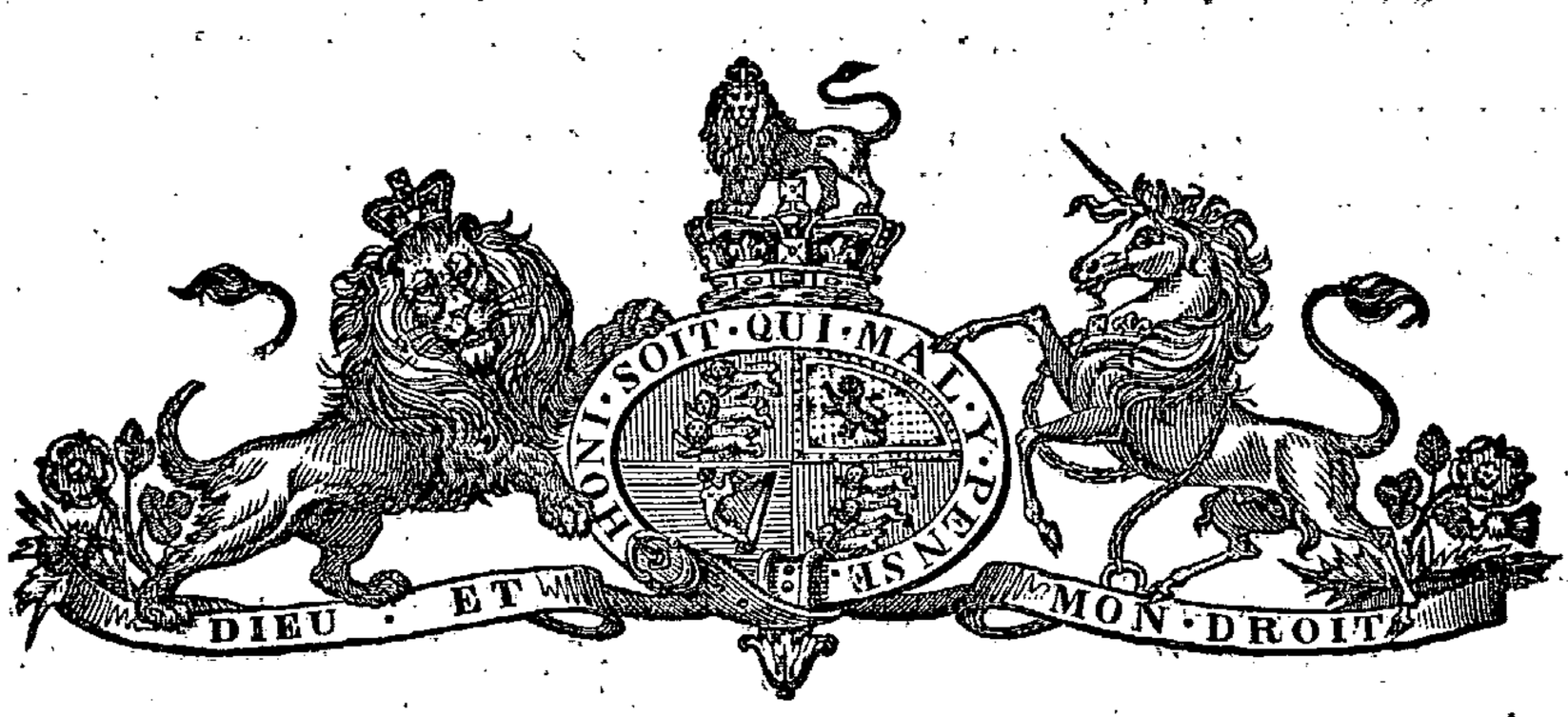


ANNO DECIMO QUINTO & DECIMO SEXTO

VICTORIÆ REGINÆ.

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venient Ways, Streets, and Passages in the said City and Suburbs thereof, and for preventing Frauds committed by the Bakers and Meal Makers of the said City; which last-mentioned Act is herein-after referred to as the secondly-recited Act: And whereas another Act was passed in the Parliament of *Ireland* in the Eleventh and Twelfth Years of the Reign of His late Majesty King *George* the Third, intituled *An Act for the Regulation of the City of* Cork, *and for other Purposes therein mentioned relative to the said City;* which last-mentioned Act is herein-after referred to as the thirdly-recited Act: And whereas another Act was passed in the Parliament of *Ireland* in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for building a Bridge over the Northern Channel of the River* Lee *in the City of* Cork *and Suburbs thereof, and for other Purposes relative to the said City;* which last-mentioned Act is herein-after referred to as the fourthly-recited Act: And whereas another Act was passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for amending the several Acts in force for making wide and convenient Streets, Ways, and Passages in the City of* Cork *and the Suburbs thereof, and for paving, cleansing, lighting, and otherwise improving the said City, and for regulating the Court of Conscience established therein;* which last-mentioned Act is herein-after referred to as the fifthly-recited Act: And whereas it is expedient that the said Acts should be repealed, with the Exception of so much of the secondly and fourthly recited Acts as relates to the Supply of Water to the City of *Cork*, and to Orders of Justices not being quashed for Want of Form or removed, and to the saving of the Rights of the Corporation to certain Tolls, and for removing Doubts as to the Appointment of the Treasurer of the County of the City of *Cork*, and the vesting in the Corporation of the Trees in the *Red House Walk*, and of so much of the fifthly-recited Act as relates to the Court of Conscience established in the City of *Cork*: And whereas by an Act of the Parliament of *Ireland* made and passed in the First Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for building a Stone Bridge from the Quay opposite* Prince's *Street in the City of* Cork *to* Lavit's Island, *and a Stone Bridge from thence to the* Red Abbey Marsh, *with a Drawbridge or Lifting Bridge of Wood in the Centre of the latter sufficient to let Vessels pass and repass, and also for supplying the said City with Water*, certain Powers for supplying the City of *Cork* with Water were vested in the Common Council of the said City, and such Freemen at large of the said City as should be elected in open Court of D'Oyer Hundred; which last-mentioned Act is herein-after referred to as the sixthly-recited Act: And whereas by the secondly-recited Act the Powers so as aforesaid created by the sixthly-recited Act were divested out of the said Common Council and Freemen, and vested in the Mayor, Sheriffs, and Commonalty of the said City, together with all the Estate, Right, and Interest

11 & 12 G. 3. c. 18. (I.)

26 G. 3. c. 28. (I.)

3 G. 4. c. 85.

1 G. 3. c. 19. (I.)

5 G. 3. c. 24. (I.)

Interest enjoyed by the said Common Council and Freemen to the Reservoirs and other Waterworks made in pursuance of the said sixthly-recited Act, and Powers were conferred on the said Mayor, Sheriffs, and Commonalty of the said City to grant Shares and Dividends of the Profits arising from the Undertaking authorized by the said recited Act to such Freemen, and for such Terms of Years as the Mayor, Sheriffs, and Common Council of the said City, by their Orders, confirmed by the Court of D'Oyer Hundred, should appoint; such Freemen to whom Shares should be granted covenanting to pay a proportionable Part of the Expenses of making and maintaining the said Waterworks: And whereas by another Act of the Parliament of *Ireland*, passed in the Seventeenth and Eighteenth Years of His late Majesty King *George* the Third, intituled *An Act for the better Regulation of the Police of the City of* Cork, *and for other Purposes relative to the said City*, further Powers were granted to the Mayor, Sheriffs, and Commonalty of the same City with reference to the Waterworks authorized by the recited Acts; which last-mentioned Act is hereinafter referred to as the seventhly-recited Act; And whereas by the fourthly-recited Act enlarged Powers were granted to the said Mayor, Sheriffs, and Commonalty of *Cork* of entering upon and taking Lands for the Construction of the Waterworks authorized by the recited Acts: And whereas the said Mayor, Sheriffs, and Commonalty, by Orders duly confirmed, as required by the said Act secondly herein-before recited, from Time to Time granted Shares in the Undertaking to divers private Individuals, amounting in the entire to the Number of Seventy-five Shares: And whereas by an Act passed in the Session of Parliament held in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for the Regulation of Municipal Corporations in* Ireland, it is provided, that in every Case in which any Body Corporate named in any Schedule to the same Act were Trustees authorized to exercise any Power or Provisions of any Acts of Parliament for any Purpose producing Profits which, or a Part of which, were to be divided between Shareholders or Proprietors for their own Benefit, the Powers and Provisions of all such Acts should, from and after the Commencement of the said Act, be executed by such Trustees as the Lord Chancellor of *Ireland* should by Order appoint and select, and thereupon all the Estate, Right, Interest, and Title, at Law and in Equity, of the then existing Trustees, should forthwith, without any Conveyance or Assignment thereof, pass to and become vested in the Trustees so appointed: And whereas the Body Corporate of the City of *Cork* was named in Schedule (A.) to the lastly-recited Act: And whereas, in pursuance of the said lastly-recited Act, the Lord Chancellor of *Ireland*, by Order duly made, has appointed Trustees, as is thereby directed, who thereupon, as thereby provided, became and are the Trustees for executing the Acts secondly, fourthly, sixthly, and seventhly herein-before recited, or such Portions

17 & 18 G. 3. c. 38. (I.)

26 G. 3. c 2 (I.)

3 & 4 Vict. c. 108.

tions of the same as relate to the Supply of Water to the City of *Cork*, and are commonly called and known as the *Cork* Pipe-Water Trustees: And whereas by the said recited Act passed in the Session of Parliament held in the Third and Fourth Years of the Reign of Her present Majesty it is provided that it should be lawful for such Body Corporate, by their Council or any Committee thereof, to purchase, with the Consent of the respective Shareholders, for the Benefit of the Inhabitants of such Borough, any of the Shares not then held by the Body Corporate of such Borough: And whereas it is expedient to confer enlarged Powers on the said Mayor, Aldermen, and Burgesses to acquire, and on the said Trustees to sell, such Shares, and to provide, as after mentioned, with respect to the Transfer of the same, and of all Powers of the said Trustees, to the said Mayor, Aldermen, and Burgesses: And whereas certain Powers of presenting and levying Rates or Cesses for divers local Purposes are now vested in the Grand Jury of the County of the City of *Cork*, and it is expedient that the Powers for such Purposes should be exercised by the Mayor, Aldermen, and Burgesses: And whereas it is expedient that the sewerage, draining, cleansing, lighting, paving, and sanitary and general Improvement of the Borough, should be placed under the Control of the Mayor, Aldermen, and Burgesses of the Borough of *Cork*, and that all necessary Powers should be granted to them for the Purposes aforesaid, and for the general good Government of the Borough, and the Establishment and Regulation of a Police Force within the same, and that all Powers for regulating Prisons within the said Borough, now possessed by the said Grand Jury, should be transferred to the Mayor, Aldermen, and Burgesses; but the aforesaid Objects 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,)

Certain Provisions of recited Acts repealed.

I. That from and after the Commencement of this Act the several Acts following, passed in the Parliament of *Ireland;* (that is to say,) the Third of *George* the Third, Chapter Seventeen, and the Eleventh and Twelfth of *George* the Third, Chapter Eighteen (being respectively the Acts firstly and thirdly herein-before recited); and also the Fifth of *George* the Third, Chapter Twenty-four (being the Act secondly herein-before recited), except the Sections in such last-mentioned Act respectively numbered 10, 11, and 18; and also the Twenty-sixth of *George* the Third, Chapter Twenty-eight (being the Act fourthly herein-before recited), except the Sections in such last-mentioned Act respectively numbered 25, 49, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, and 64; and also the Act next herein-after mentioned, passed by

by the Parliament of the United Kingdom, namely, the Third of *George* the Fourth (Local and Personal), Chapter Eighty-five, (being the Act fifthly herein-before recited,) except the Sections in such last-mentioned Act numbered from 146 to 185 (inclusive of both Numbers); and also so much of any other Act as confers any Powers upon the Commissioners appointed by the said Act, Fifth of *George* the Third, Chapter Twenty-four, shall be and the same are, except as aforesaid, hereby repealed.

Interpretation of Terms.

II. That in this Act, and the Acts and Parts of Acts incorporated herewith, the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

The Words "General Quarter Sessions," or "Quarter Sessions," shall mean the General or Quarter Sessions of the Peace for the East Riding of the County of *Cork* held at *Cork*, and shall include the Quarter Sessions for the Borough of *Cork*, or any Adjournment thereof, holden before the Recorder of the Borough:

The Expressions "the Undertakers," "the Promoters of the Undertaking," "the Company," and "the Commissioners" respectively shall mean the Mayor, Aldermen, and Burgesses of the Borough of *Cork* acting by the Council of the said Borough; and the Expressions "the Clerk" and "the Clerk of the Commissioners" respectively shall mean the Town Clerk of the said Borough for the Time being:

The Words "the Borough" shall mean the Borough of *Cork* as defined by the Third and Fourth *Victoria*, Chapter One hundred and eight, or any Act amending the same:

The Words "Mayor, Aldermen, and Burgesses" shall mean the Mayor, Aldermen, and Burgesses of the Borough of *Cork*:

The Words "the Wide Street Commissioners" shall mean the Commissioners constituted by the Act of the Parliament of *Ireland*, Fifth of *George* the Third, Chapter Twenty-four:

The Words "the Council" shall mean the Council of the Borough of *Cork*:

The Words "the Grand Jury" shall mean the Grand Jury of the County of the City of *Cork*:

The Words "the Mayor" shall mean the Mayor of the Borough of *Cork*, and shall include the Locum tenens appointed by such Mayor:

The Words "the Recorder" shall mean the Recorder of the Borough of *Cork*, and shall include the Deputy Recorder:

The Words "the Town Clerk" shall mean the Town Clerk of the Borough of *Cork*:

The Words "the Clerk of the Crown" shall mean the Clerk of the Crown of the Borough of *Cork*:

The Word "Treasurer" shall mean the Treasurer of the Borough of *Cork*:

The Word "Street" shall extend to and include any Road, Square, Court, Alley, and Thoroughfare within the Limits of this Act:

The Word "Justice" shall mean the Mayor for the Time being or any other Justice of the Peace acting for the Borough, and where any Matter is required or authorized to be done by Two Justices the Expression "Two Justices" shall be understood to mean Two or more Justices met and acting together:

The Word "Owner" used with reference to any Lands or Buildings in respect of which any Work is required to be done, or any Rate to be paid, shall mean the Person for the Time being entitled to receive or receiving the Rent from the Occupier thereof, on his own Account, or as Agent for any other Person.

Council of the Borough to carry Act into execution.

III. That the Mayor, Aldermen, and Burgesses of the Borough of *Cork* by the Council of the said Borough shall be and they are hereby empowered to carry this Act into execution.

Limits of Act.

IV. That the Limits of this Act shall be (save where herein otherwise provided) the Municipal Boundaries of the Borough of *Cork*, and this Act shall and may be put in force within the said Limits or any Part thereof.

Commencement of Act.

V. That the Mayor, Aldermen, and Burgesses shall and they are hereby required, in the Session of Parliament to be held in the Year One thousand eight hundred and fifty-three, to apply for and consent to, and use their best Exertions to obtain, an Act for the more equal Division of the Borough into Wards, and the Reduction of the Number of Town Councillors of the said Borough; and, except as mentioned in this present Enactment, this Act shall not commence nor come into operation until an Act shall have been obtained for those Purposes, and until after an Election of Town Councillors shall have taken place by virtue thereof: Provided nevertheless, that this present Enactment shall be operative from and after the passing of this Act.

Rates and Monies due and Property under recited Acts vested in Corporation of Cork.

VI. That all Rates due or in arrear from any Person, and all Monies due to, and all Property, and all Choses in Action, and all Rights and Remedies vested in the Wide Street Commissioners, and all Contracts, Bonds, Debts, and Engagements entered into with or to such Commissioners, shall immediately after the Commencement of this Act be vested in the Mayor, Aldermen, and Burgesses, who may sue for, recover, and enforce the same, and act as effectually as if the same had been originally vested in or entered into with them; and the Mayor, Aldermen, and Burgesses shall be liable to all the Contracts, Bonds, Debts, and Engagements to which the Wide Street Commissioners shall or may be liable at the Time of the Repeal of the said recited Acts, or such Portions thereof as are hereby repealed.

VII. That

Contracts and Liabilities under recited Acts how to be discharged

VII. That all Contracts, Bonds, Debts, and Engagements of the Wide Street Commissioners which may be owing or in force at the Time of the Commencement of this Act, for or on account of the Purposes for which the said Commissioners were constituted, together with all Interest then due thereon, shall be paid and discharged out of the Rates or Assessments which may be in force at the Time of the Commencement of this Act, and in case of any Deficiency for that Purpose the Amount of such Deficiency shall be paid by the Mayor, Aldermen, and Burgesses out of the Improvement Rate by this Act authorized to be levied and collected, and charged therewith; and in case there shall be any Surplus of such Monies after paying such Contracts, Bonds, Debts, and Engagements, the Amount of such Surplus shall be carried to the Credit of the said Improvement Rate; and such Contracts, Bonds, Debts, and Engagements shall have the same Priority, as nearly as Circumstances will permit, and shall be recovered from the Mayor, Aldermen, and Burgesses in like Manner, *mutatis mutandis*, as the same could have been recovered from the said Commissioners before the Commencement of this Act.

Provision for Payment of Wide Street Mortgage or Bond Debt.

Debentures, &c. heretofore granted by Wide Street Commissioners to be a Charge on the Improvement Rate authorized by this Act.

VIII. And whereas the Wide Street Commissioners, under the Provisions of the recited Acts, have borrowed from private Individuals divers Sums of Money on the Credit of the Rates and Property vested in them by virtue of such Acts, and for securing the Repayment of the said Monies, and the Interest thereon, have issued Debentures: And whereas there was due and owing by the Wide Street Commissioners, on foot of the then existing Debentures, on the Fifth Day of *December* One thousand eight hundred and fifty-one, the Sum of Thirty-one thousand five hundred and thirty-eight Pounds Eight Shillings and Eightpence: And whereas it is expedient to provide for the Payment of such Sum, or so much thereof as shall remain undischarged at the Commencement of this Act, by making the same a charge upon the said Improvement Rate to be levied under the Provisions of this Act: Be it therefore enacted, That the said Debentures and Securities which before the Commencement of this Act were duly given and legally payable from and out of the Rates which the Wide Street Commissioners were, under the Provisions of the said recited Acts or any of them, entitled to raise and levy, or to cause to be raised and levied, and which shall then be unpaid and undischarged, shall, together with all Interest due and to accrue due thereon, be chargeable on and paid by the Mayor, Aldermen, and Burgesses out of the said Improvement Rate authorized to be levied under this Act, and the Mayor, Aldermen, and Burgesses shall discharge such Portions of the Principal Money so due as aforesaid, with all Interest payable thereon, at such Times and in such Manner as has heretofore been lawfully done by the Wide Street Commissioners, in compliance with the Obligations contained in the Securities, and such Monies shall be recoverable from the Mayor, Aldermen, and Burgesses in like Manner

as

as the same might have been recovered from the Wide Street Commissioners if this Act had not been passed.

Repeal of "Wide Street Acts" not to invalidate Titles to Property acquired under them.

IX. That the Repeal of the said Acts or Portions of Acts hereinbefore recited, commonly called "The Wide Street Acts," shall not invalidate the Title to any Property purchased or acquired under the Authority of the said Acts or any of them, or in anywise invalidate or affect any Contract entered into by or with the Wide Street Commissioners.

Old Books to be Evidence.

X. That all Rate Books, and all Entries therein, and all Registers and Books of Proceedings, and other Books whatsoever, of the Wide Street Commissioners, kept according to the Directions of the said recited Acts hereby repealed, and made Evidence thereby, or which might have been received as Evidence at the Time of the Commencement of this Act, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others.

Actions not to abate.

XI. That no Action, Suit, Prosecution, or other Proceeding whatever commenced by or against the Wide Street Commissioners previously to the Commencement of this Act shall abate or be affected by this Act, but the same shall continue and take effect, both in favour of and against the Mayor, Aldermen, and Burgesses, in the same Manner in all respects as the same would have continued and taken effect in relation to the Wide Street Commissioners if this Act had not been passed; and all Persons who before the Commencement of this Act have committed any Offence or incurred any Penalty under the Provisions of the said Acts or Portions of Acts hereby repealed, or of any of them, may be sued and prosecuted or otherwise proceeded against for such Offences, Penalties, and Forfeitures, in such and the like Manner as they might have been sued, prosecuted, or proceeded against respectively if this Act had not been passed, the Mayor, Aldermen, and Burgesses being in all Cases substituted for the Wide Street Commissioners.

Wide Street Commissioners to hand over Books, &c.

XII. That the Wide Street Commissioners and their Officers shall, within One Week from the Commencement of this Act, deliver over to the Mayor, Aldermen, and Burgesses, or some Person appointed by them, all Contracts, Books, and other Documents relating to the Purposes of the said Acts wholly or in part hereby repealed.

Officers acting under recited Acts to continue until removed.

XIII. That, except as by this Act otherwise provided, every Officer appointed by virtue of or acting under the Authority of the Acts wholly or in part hereby repealed, or any of them, and who shall hold and enjoy his Office and Employment at the Time of the Commencement of this Act, shall continue to hold the same until he shall be removed therefrom by the Mayor, Aldermen, and Burgesses.

Council may Appoint Committees.

XIV. That the Council may appoint out of their own Body, from Time to Time, such and so many Committees, and consisting of such Number

Number of Persons, as they shall think fit, for all or any of the Purposes of this Act which may, in the Discretion of such Council, require the Appointment of Committees, and may fix the Quorum of such Committees; and the Acts of every such Committee shall be submitted to the Council for their Approval.

Discretionary Power to appoint Secretaries to Committees.

XV. That the Council may, in its Discretion, appoint a proper Person to act as Secretary to attend the said Committees, and may remove such Person and appoint another in his Place; and such Secretary shall be paid by the Council, out of the said Improvement Rate hereby authorized, a Salary not exceeding Two hundred Pounds *per Annum*, so long as he shall duly perform the Duties of his Office.

Quorum of Committees.

XVI. That every Committee so appointed may meet from Time to Time, and may adjourn from Place to Place, as they may think proper, for carrying into effect the Purposes of their Appointment, but no Business shall be transacted at any Meeting of the Committee unless Three Members at the least be present; and at all Meetings of the Committee One of the Members present shall be appointed Chairman, and all Questions shall be determined by a Majority of the Votes of the Members present, and in case of an equal Division of Votes the Chairman shall have a Casting Vote in addition to his Vote as a Member of the Committee.

Treasurer, &c. to continue under this Act.

XVII. That the Treasurer and the Town Clerk for the Time being of the Borough shall respectively be the Treasurer and Clerk for the Purposes of this Act.

Certain Provisions of 10 & 11 Vict. c. 16. incorporated with this Act.

XVIII. That the Clauses and Provisions of "The Commissioners Clauses Act, 1847," with respect to the following Matters, that is to say,

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

With respect to the Appointment and Accountability of the Officers of the Commissioners [except Section 69.];

With respect to giving of Notices or Orders;

With respect to the Mortgages to be executed by the Commissioners [except Sections 86, 87, and 88.],

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

Council may accept of Security of Guarantee Society from Officers.

XIX. That it shall be lawful for the Mayor, Aldermen, and Burgesses, if they shall think fit, to accept as Security for those of their Officers and Servants from whom Security shall be required, the Security of any incorporated Guarantee Society in any Part of *Great Britain* or *Ireland*, in lieu of any other Security.

Time for holding of First Meeting for Execution of this Act.

XX. That the Council shall hold their First General Meeting for executing this Act at their usual Place of Meeting or some other more convenient Place within the Borough, between the Hours of Ten o'Clock of the Forenoon and Two o'Clock in the Afternoon of the First *Monday* in the Month of *January* next after the Commencement of this Act.

All Monies due or payable under this Act to be paid by and to the Treasurer.

XXI. That, except as by this Act otherwise provided, all Monies which under the Provisions of this Act, and of the Acts and Parts of the Acts incorporated herewith, shall be due or payable to or by the said Mayor, Aldermen, and Burgesses, shall be received or paid, as the Case may be, by the Treasurer of the Borough.

Accounts to be kept of all Sums of Money received, &c. under Act, and to be audited by Borough Auditors.

XXII. That the Treasurer shall, in Books to be kept for that Purpose, enter true Accounts of all Sums of Money received and paid on account of the Purposes of this Act, and of the several Matters for which Sums shall have been paid; and the Books of Account shall at all reasonable Times be open to the Inspection of any of the Aldermen or Councillors of the Borough; and all such Accounts, accompanied with proper Vouchers in support of the same, and all Books, Papers, and Writings relating thereto, shall, in the Month of *January* next after the Commencement of this Act, and in the same Month in every Year thereafter, be submitted by the Treasurer to the Auditors for the Time being elected and acting in pursuance of the Third and Fourth *Victoria*, Chapter One hundred and eight, and to some Member of the Council nominated by the Mayor for the Time being in pursuance of the last-mentioned Act, for the Purpose of being examined and audited, in the Case of the First Audit, from the Commencement of this Act to the First Day of *January* ensuing, and in the Case of every Audit thereafter, from the First Day of *January* in the Year preceding such Audit to the First Day of *January* in the Year in which such Audit shall take place.

Mode of conducting Audit.

XXIII. That the Auditors shall give Ten clear Days Notice of the holding of the Audit in a Newspaper published in the Borough; and it shall be lawful for any Person interested in the said Accounts, either as a Creditor or Ratepayer, to attend at such Audit, by himself or his Agent, and to make Objection to any Part of such Accounts; and if such Accounts be found correct such Auditors shall sign the same, but if there is just Cause to disapprove of any Part of such Accounts, they shall make such Abatements from or Alterations in such Accounts as to them shall seem just, and in either Case shall ascertain and fix the Balance arising on such Accounts; and if any Twenty-one Members of the Council be dissatisfied with the Result of such Audit, they may appeal to the Recorder, who is hereby authorized to adjudicate in such Appeal; and the Decision of the said Recorder shall

shall be final: Provided always, that unless the Balance as ascertained by the Auditors shall be so appealed against, and Notice of such Appeal be given to them within Six clear Days from the Day on which such Balance shall have been ascertained, such Balance shall be final and conclusive, and not subject to Review.

Abstract of Accounts as audited to be printed, &c.

XXIV. That the Treasurer shall, before the First Day of *February* in every Year after the Commencement of this Act, cause an annual Account in Abstract to be prepared, showing the total Receipt and Expenditure of all Funds received or expended by virtue of this Act for the Year ending on the Day up to which the Accounts shall have been made, under the several distinct Heads of Receipt and Expenditure, with a Statement of the Balance of such Accounts, duly audited as aforesaid; and the Treasurer shall transmit to the Lord Lieutenant a certified Copy of such Account in Abstract, and he shall likewise cause Copies thereof to be printed, which shall be open to the Inspection of every Mortgagee or other Creditor of the Mayor, Aldermen, and Burgesses, by virtue of this Act or the recited Acts hereby repealed, and of all the Ratepayers of the Borough, and Copies thereof shall be delivered to all such Persons applying for the same, on Payment of One Shilling for each Copy.

Power to Council to remunerate Auditors for extra Duties.

XXV. That it shall be lawful for the Mayor, Aldermen, and Burgesses to award such Salary to the Auditors as, having regard to the Duties by this Act imposed on them, shall seem just and reasonable.

Power to make Byelaws.

XXVI. That the Mayor, Aldermen, and Burgesses may from Time to Time make such Byelaws as they may think fit for the Purpose of regulating the Conduct of their Officers and Servants, and for the several Purposes of this Act and of any Act incorporated herewith, and from Time to Time repeal, alter, or amend any such Byelaws, provided such Byelaws be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*, or the Provisions of this Act, and be reduced into Writing, and have affixed thereto the Common Seal of the Borough; and the Mayor, Aldermen, and Burgesses, by the Byelaws so to be made by them, may impose such reasonable Penalties as they shall think fit, not exceeding Forty Shillings for each Breach of such Byelaws, except such as relate to their Officers and Servants, in case of a Breach of which the Mayor, Aldermen, and Burgesses may impose a Penalty not exceeding Five Pounds for any One Offence committed by such Officers or Servants: Provided also, that such Byelaws be so framed as to allow the Justices before whom any Penalty imposed thereby is sought to be recovered to order the whole or Part only of such Penalty to be paid, or to remit the whole Penalty.

XXVII. That

Byelaws not to be in force until confirmed by Lord Lieutenant.

XXVII. That no Byelaw made under any of the Powers for that Purpose herein or in any Act incorporated herewith contained (except such as relate only to the Officers and Servants of the said Mayor, Aldermen, and Burgesses,) shall be of any Force until the Expiration of Forty Days after the same or a Copy thereof shall have been sent, sealed with the Borough Seal, to the Lord Lieutenant of *Ireland*, and shall have been published once in the *Dublin Gazette*, and in some One Newspaper published within the Borough of *Cork*; and if at any Time within the said Period of Forty Days the Lord Lieutenant, by and with the Advice of Her Majesty's Privy Council in *Ireland*, shall disallow the same Byelaws, or any Part thereof, such Byelaws or any Part thereof disallowed shall not come into operation: Provided always, that it shall be lawful for the Lord Lieutenant, with the Advice of the Privy Council, at any Time within the Period of Forty Days, to enlarge the Time after which any Byelaw, if allowed, shall come into force, and no such Byelaw shall in that Case come into force until after the Expiration of such enlarged Time.

Evidence of Byclaws.

XXVIII. That a Copy of any such Byelaw, sealed as aforesaid, with a Declaration thereon, signed by the Mayor, that the same has been sent, sealed as aforesaid, to the said Lord Lieutenant, and published as aforesaid, and that no Part thereof has been disallowed by such Lord Lieutenant with the Advice of the Privy Council, and that the same is in force, shall be received as Evidence of any such Byelaw, and of the sending and publishing thereof as aforesaid, in all Courts of Law and Equity and before all Justices.

Byclaws to be printed, affixed in Justice Rooms, and published.

XXIX. That all Byelaws made in pursuance of this Act or any Act incorporated herewith, except such as relate only to the Officers and Servants of the said Mayor, Aldermen, and Burgesses, shall be printed, and a Copy thereof shall be affixed and continued in the usual Place of Meeting of the Council, and in every Justice Room or Office in which any Justice shall sit for the Administration of Justice; and Copies of such Byelaws shall be delivered by the Town Clerk to any Person who may apply for the same, on the Payment of such Sum as the Mayor, Aldermen, and Burgesses shall think fit to fix as the Price of such Byelaws.

Penalty on Town Clerk refusing to deliver Copy of Byelaws.

XXX. That if the Town Clerk shall not, upon the Payment or Tender of such Sum as the Mayor, Aldermen, and Burgesses shall direct to be paid for the same, deliver to any Person applying for the same at the Office of the Town Clerk a printed Copy of all or any Byelaws made in pursuance of this Act, except such Byelaws as aforesaid, he shall for every such Offence be liable to a Penalty not exceeding Ten Pounds.

XXXI. That

Penalty on Persons refusing Inspection of Byelaws affixed in Police Office.

XXXI. That if the Person for the Time being having the Care of any Police Office, or any Justice Room wherein any Justice shall sit for the Administration of Justice, shall not permit the printed Copy of any Byelaws affixed in such Office or Room to be inspected at all reasonable Times, by any Person who may require to be permitted to inspect the same, the Person so offending shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Power for Council to borrow on Mortgage or Bond.

XXXII. That, subject to the Provisions of this Act, it shall be lawful for the Mayor, Aldermen, and Burgesses to borrow for the Purposes of this Act, on Mortgage or Bond, any Sum not exceeding Ninety thousand Pounds, on the Security of the said Improvement Rate by this Act authorized; and for securing the Repayment of the Monies so to be borrowed, with Interest, the Mayor, Aldermen, and Burgesses may mortgage the said Rate or any Part thereof to any Person who shall advance or lend such Money, or his Trustees, as a Security for the Payment of the Money so to be borrowed, together with Interest for the same: Provided always, that Thirty thousand Pounds, Parcel of the said Sum of Ninety thousand Pounds, shall not be borrowed, unless the Mayor, Aldermen, and Burgesses shall purchase the Undertaking of the United General Gaslight Company at *Cork*, and then only so much of that Thirty thousand Pounds as shall be required for that Purchase: Provided also, that Fifteen thousand Pounds, further Parcel of the said Sum of Ninety thousand Pounds, shall not be borrowed unless the Mayor, Aldermen, and Burgesses shall purchase the outstanding Shares in the Undertaking for supplying Water to the City of *Cork*, and then only so much of that Fifteen thousand Pounds as shall be necessary for that Purchase.

Arrears of Principal and Interest may be enforced by Appointment of Receiver.

XXXIII. That it shall be lawful for any Person entitled to any Mortgage granted under the Authority of this Act to enforce the Payment of the Arrears of Principal and Interest due on any such Mortgage by the Appointment of a Receiver obtained according to the Practice of the High Court of Chancery in *Ireland*.

Expenses of Mortgages and Annuities.

XXXIV. That the Expenses of every Mortgage shall from Time to Time be defrayed by the Mayor, Aldermen, and Burgesses out of the Monies raised by the same, or the Rate on the Credit of which such Monies shall be raised.

Fiscal Powers of the Grand Jury of the City of Cork to cease.

XXXV. That from and after the Commencement of this Act all the Powers, Rights, and Duties of the Grand Jury of the County of the City of *Cork* in relation to the Appointment of Presentment Sessions, and the presenting and levying of Rates and Cesses for any Purpose, shall cease to be enjoyed or exercised by the said Grand Jury, and shall thereupon determine.

Provision for Payment of Amount of Warrants issued to Collectors of Grand Jury Cess, &c.

XXXVI. That each Collector of Grand Jury Cess to whom any Warrant shall have been issued by the Treasurer of the County of the City of *Cork* at or after the Assizes next before the Commencement of this Act shall pay the Amount mentioned in such Warrant to the said Treasurer Six clear Days before the First *Monday* in the Month of *March* next after the Commencement of this Act, and all such Sums as shall be claimed in respect of any Presentments fiated by the Judge at the said Assizes shall be discharged in the usual Manner on or before the said First *Monday* in the said Month and Year, and all Monies which shall on the said Day remain in the Hands of the said Treasurer unpaid shall thereupon vest and the same are hereby vested in the Mayor, Aldermen, and Burgesses, and shall be paid by the Treasurer of the County of the City to the Treasurer of the Borough, and the said Treasurer of the County of the City shall on the said Day deliver to the Treasurer of the Borough a true and particular Account of such Presentments as shall then remain unpaid, and the same shall be discharged out of the said Monies, and the Surplus of the Monies remaining after Discharge of such Presentments shall be carried to the Credit of the Improvement Fund herein-after mentioned: Provided always, that nothing herein contained shall in anywise invalidate any Bond or other Security which shall have been entered into or given by any such Collector and his Sureties to the Treasurer of the County of the City for the due Collection of any Grand Jury Cess, but the same shall be enforceable and enforced by the said last-mentioned Treasurer to all Intents and Purposes as if this Act had not passed, and as if such Bond or other Security was conditioned for such Collector duly collecting and paying to such Treasurer on or before the Day herein appointed for such Purpose such Grand Jury Cess: Provided also, that the Warrant which shall have been so issued to such Collector shall remain in full Force for One Year from the last-mentioned Day, and no longer.

Council to provide by a Rate for all Purposes heretofore provided for by Grand Jury.

XXXVII. That the Mayor, Aldermen, and Burgesses shall, at the Times and in the Manner herein-after mentioned, proceed to raise and levy off the Borough, by means of the Rate for General Purposes herein-after specially provided, such Sums of Money as shall be required in order to make Provision for all such Purposes as but for the passing of this Act the said Grand Jury, with or without previous Application to Presentment Sessions, would be bound or empowered to make or might lawfully have made Provision for out of the Rates or Cesses which they were empowered to raise or levy within the said Borough: Provided always, that in no Case shall the said Rate for General Purposes be applicable to the making, enlarging, repairing, or paving any Street, Road, or Passage within the Borough.

Mode of proceeding.

XXXVIII. That the Council of the Borough shall, at an open Meeting of the Council or of a Committee thereof to be holden on the

the First *Monday* in the Months of *March* and *September* respectively in the Year next after the Commencement of this Act, and on the same Days respectively in each and every Year thereafter, hear Applications for all Things heretofore authorized to be done by the said Grand Jury of the County of the City of *Cork*; and such Applications shall be made in such Form as the Council shall direct, and shall be lodged with the Town Clerk Four clear Days before the Days hereby respectively appointed for the hearing of the same.

Schedule of Applications to be lodged with the Clerk of the Crown.

XXXIX. That a Schedule of such Applications as may be agreed to with respect to the aforesaid Purposes shall be made out by the Town Clerk, who shall lodge the same, Two clear Days before the Third *Monday* in the Months of *March* and *September* respectively in the aforesaid Year, and in each and every Year thereafter, with the Clerk of the Crown, and the Recorder shall, on the last-mentioned Days respectively, proceed to consider the Subject of such Applications, and on such Days Twelve Members of the Council (and who shall be appointed for such Purpose at the Meeting of the Council to be holden as aforesaid for the hearing of such Applications) shall attend the Recorder, and the said Recorder, after hearing all Parties affected by or interested in such Applications, shall make such Orders, and shall allow or disallow the same or any of them, or any Portions thereof, as to the said Recorder shall seem fit, and shall fiat the same or any Portions thereof, according as the same shall be allowed by him.

Provision for Payment of Poundage of Collectors of Grand Jury Cess, and of Arrears, &c.

XL. That the Council shall at their First Meeting to be holden for the Purpose of hearing Applications as aforesaid, on the Application of any Collector of Grand Jury Cess interested therein, verified by the Production of a Certificate of the Treasurer of the County of the City of *Cork* that the Amount of the Warrant issued to such Collector has been paid pursuant to the Provisions of this Act, and likewise of an Affidavit to be sworn by the said Collector before a Justice that the Money included in such Warrant has been fairly and impartially levied, and that no more than the Sum authorized by the Warrant, with the customary Collector's Fees, has been collected, to the best of such Collector's Knowledge and Belief, include in the said Schedule such Sum as will defray the Poundage to which such Collector shall be entitled in respect of the Monies collected by him since the then last preceding Assizes, and which, but for the passing of this Act, the Grand Jury would be bound to present; and the Council shall likewise at such Meeting insert in such Schedule, on the Application of any such Collector interested therein, the Amount or Sum of Money which shall be then unpaid or in arrear on Foot of any Warrant issued by the said Treasurer at or after the said Assizes, provided that it shall be made to appear to the Council, by Affidavit of such Collector, that

that such Amount or Sum is actually in arrear and unpaid, and that it could not have been levied from the Persons or out of the Property theretofore charged with or liable to pay the same.

Provision for Payment of Treasury Advances to the County of the City of Cork.

XLI. And whereas divers Sums of Money have been from Time to Time advanced from Her Majesty's Exchequer to the County of the City of *Cork* for local Purposes: Be it enacted, That the Council shall include in the said Schedule of Applications at the said half-yearly Periods the like Sum towards Discharge of the said Liabilities as but for the passing of this Act the Treasurer of the County of the City of *Cork* would have been required to applot and insert in his Warrant at each Assizes, which Sum shall be defrayed out of the Rate for General Purposes by this Act authorized; and the Treasurer of the Borough shall pay over the said Sum, when and so soon as the same shall have been raised and levied, into such Bank or to such Person and in such Manner as the Commissioners of Her Majesty's Treasury shall direct.

Orders made by Council may be traversed.

XLII. That it shall be lawful for any Person liable to pay the Rate applicable to such Purposes to traverse any Order for the raising or levying the said Rate made by the Council, or to object to the same being fiated, and such Traverse or Objection shall be heard and determined by the Recorder at a Time to be named by him, and it shall be lawful for the Recorder (who in respect of the Jurisdiction hereby conferred on him shall have all the Incidents and Authorities of a Court of Record, and shall also possess such Authorities as any Judge of Assize is now entitled to exercise in regard to the fiating or disallowing of Presentments made by a Grand Jury,) to make Orders from Time to Time to regulate the Reception of the said Traverses, and the Mode of Procedure thereupon, and to order Juries to be impannelled for the Trial thereof, in like Manner as heretofore in such Cases authorized before the Judges of Assize: Provided also, that in case the Members of the Council so appointed as aforesaid shall not attend the said Recorder as aforesaid, it shall be lawful for the Recorder to hear and determine such Matters as shall be brought before him as if such Members were then present, and the Recorder shall have Power to inflict a Penalty on any Member of the Council so as aforesaid appointed who shall fail to attend at the Times herein-before provided, not exceeding Five Pounds.

Rejected Applications may be made before the Recorder and granted by him.

XLIII. That in case any Application shall not be sanctioned by the Council, the Party making such Application shall be at liberty (on giving Four clear Days Notice to the Town Clerk of his Intention so to do), to bring the same before the Recorder at the Time of fiating the said Orders; and if it shall appear to the Recorder that such Application ought to have been allowed, wholly or in part, the same,

so

so far as to the Recorder shall seem fit and right, shall be added to the Schedules sent in by the Town Clerk.

Provision in case of Illness, &c. of Recorder.

XLIV. That in case of the Illness or Absence of the Recorder, or of a Vacancy in the Office, and in case there shall not be a Deputy Recorder at the Times respectively appointed for hearing the said Applications, it shall be lawful for the Justices of the Borough, at a Meeting duly convened for the Purpose, to appoint a Barrister of not less than Six Years standing, who shall have the Powers by this Act conferred on the Recorder, and in case of a Difference as to such Appointment the Majority of the Justices at such Meeting shall determine the same.

Schedule when signed by Clerk of the Crown to be sent to the Town Clerk.

XLV. That when all Objections or Traverses have been disposed of, and the Orders made by the Recorder (if any) have been added, the said Schedule shall be signed by the Clerk of the Crown, and shall by him be transmitted to the Town Clerk, who shall lay the same before the Council.

Amount specified in Schedule of Applications as settled to be raised by the Rate for General Purposes.

XLVI. That when the Schedule of the Applications, so signed by the Clerk of the Crown, shall have been laid before the Council, they shall and they are hereby required forthwith to make, assess, and levy (in lieu and stead of the Rates which might have been applotted, assessed, or levied by the said Grand Jury,) such equal Rate, to be called "The Rate for General Purposes," as will defray the Amount of the several Sums mentioned in the said Schedule.

Property of Grand Jury to vest in Corporation.

XLVII. That all the Property in the said Borough now vested in the Grand Jury or any of its Officers, or in the Treasurer of the County of the City of *Cork*, by virtue of his or their Office or Offices, shall from and after the First *Monday* in the Month of *March* next after the Commencement of this Act vest in the Mayor, Aldermen, and Burgesses.

Contracts made by or with the Grand Jury to be good.

XLVIII. That all Contracts, Bonds, and other Securities heretofore made or entered into by or with the Grand Jury or the Treasurer of the County of the City of *Cork* shall be enforceable and enforced by or against the Mayor, Aldermen, and Burgesses, after this Act shall come into operation, as if the same had been originally made or entered into by or with the Mayor, Aldermen, and Burgesses.

Treasurer of the Borough to pay Expenses of Witnesses, &c.

XLIX. That from and after the First *Monday* in the Month of *March* next after the Commencement of this Act the Treasurer of the Borough shall, subject to the Provisions of any Act in force regulating the same, perform all the Duties in respect to the Payment of Prosecutors and Witnesses Expenses which shall have been theretofore done and performed by the Treasurer of the County of the City of

of *Cork*, and the same shall be defrayed out of the Rate for General Purposes hereby authorized.

Powers of Superintendence of Borough Prisons vested in Grand Jury to cease, and be exercised by Council.

L. Whereas under the Provisions of divers Acts now in force, the Grand Jury are authorized and required to appoint a Board of Superintendence of Prisons within the County of the City of *Cork*, and the Officers and Servants of the said Prisons, and it is expedient that the Mayor, Aldermen, and Burgesses should appoint the said Board of Superintendence, Officers, and Servants respectively, instead of the said Grand Jury: Be it enacted, That from and after the First *Saturday* in the Month of *March* in the Year next after the Commencement of this Act all the Powers of the said Grand Jury in respect to the Appointment of the said Board of Superintendence, Officers, and Servants respectively shall cease and determine, and on the First *Monday* in the Month of *March* in that and each ensuing Year the Council are hereby required to appoint Twelve Persons, being Burgesses of the Borough, One Half of whom at least shall be Justices of the Peace for the Borough, to be a Board of Superintendence of every Gaol, Bridewell, House of Correction, or other Prison within the Borough now supported in part or in whole by Presentment passed by the said Grand Jury, and the Board of Superintendence so appointed shall report to the Council One Week before the Times respectively appointed for holding the Assizes for the County of the City of *Cork* in each and every Year on the Condition and Circumstances of every Prison under its Superintendence, Copies of which Reports shall be laid before the Judge of Assize at the Assizes to be holden for the County of the City of *Cork* next ensuing the Date of every such Report, and the said Council shall likewise from Time to Time appoint such Officers and Servants of the said Prisons as but for the passing of this Act the Grand Jury would be required and authorized to appoint, and all the Powers, Duties, Regulations, Authorities, Clauses, and Provisions in any Act now in force contained with respect to such Board of Superintendence, Officers, and Servants respectively, save as to such of the Provisions thereof as are or may be inconsistent with the Provisions of this Act, shall be incorporated with and form Part of this Act, and shall be applicable to the Board of Superintendence, Officers, and Servants respectively to be appointed under the Provisions of this Act.

Office of the Treasurer of the County of the City of Cork abolished.

LI. That from and after the First *Monday* in the Month of *March* next after the Commencement of this Act the Office of Treasurer of the County of the City of *Cork* shall be and the same is hereby abolished: Provided always, that nothing herein contained shall in anywise lessen or affect the Liability or Duty of the Person holding the said Office, or his Sureties, to account, pursuant to any Act of Parliament now in force, or make good any Assessment, or to answer for

for any Default which shall have been incurred by him or them respectively.

Treasurer of Borough to issue Warrant for levying Instalments of Debts to which Barony of Cork is liable under 3 & 4 Vict. c. 109.

LII. And whereas by Operation of the Third and Fourth *Victoria*, Chapter One hundred and nine, that Part of the County of the City of *Cork* not within the Municipal Boundaries of the Borough of *Cork* as defined by the Third and Fourth *Victoria*, Chapter One hundred and eight, was constituted a Barony in itself (now called the Barony of *Cork*), and for Grand Jury, Civil and Criminal Purposes, a Part of the County of *Cork*: And whereas that Part of the County of the City so constituted the Barony of *Cork* was liable to contribute to any Rate which would have been made for the Purpose of satisfying the lawful Debts to which the Ratepayers of the Borough were liable to contribute: And whereas recourse was had to Arbitration, as provided by the Third and Fourth *Victoria*, Chapter One hundred and nine, for the Purpose of adjusting the Proportion of such Debts to which the said Barony was liable, which Proportion, as well as the Instalments by which the same ought to be paid by the said Barony, was ascertained by the Award then made: And whereas, as by the said Act is provided, the Treasurer of the County of the City of *Cork* hath from Time to Time, in the Manner thereby provided, levied off the Barony of *Cork* the Instalments due on foot of the said Award: And whereas by this Act the Office of the Treasurer of the County of the City of *Cork* is abolished, and it is necessary to make Provision for the Execution of the Duties imposed upon him by the firstly-recited Act: Be it enacted, That it shall be lawful for the Treasurer of the Borough and he is hereby empowered and required, at such Times and by the same Means as but for this Act the Treasurer of the County of the City of *Cork* would have been empowered to do, and according to the Terms of the said Award, to levy by Warrant such Rate off the said Barony, until the Proportion of the Debt to which said Barony was liable, and which was ascertained by the said Award, shall have been fully paid off and satisfied in the Manner thereby directed.

Warrant of Borough Treasurer to be issued to County Collector in Barony of Cork.

LIII. That the Treasurer of the Borough shall issue his Warrant to such Person as for the Time being shall be a Collector of Grand Jury Cess duly appointed for said Barony by the Grand Jury of the County of *Cork* (and the Amount of which Warrant such Collector is hereby empowered and required to collect, and for such Purpose such Collector shall have all the Powers and Authorities of a Collector of Grand Jury Cess), and such Collector shall pay to the said Treasurer, at the Time appointed for Payment of the Grand Jury Cess collected by him, the Amount of such Warrant.

Treasurer of Borough to

LIV. That the Clerk of the Peace of the County of the City of *Cork* shall, within One Week after the Commencement of the Midsummer Sessions

make out List of Persons liable to serve on Juries, &c. prescribed by 3 & 4 W. 4. c. 91.

Sessions for the Borough in the Year next after the Commencement of this Act, and within One Week after the Commencement of the said Sessions in every succeeding Year, issue and deliver to the Treasurer of the Borough his Precept in the Form and Manner and within the Times directed by the Third and Fourth *William* the Fourth, Chapter Ninety-one, requiring the said Treasurer to do the several Matters and Things directed by that Act to be done by the Collectors of Grand Jury Cess; and the said Treasurer shall prepare and make out in alphabetical Order a true List of every Man residing within the County of the City of *Cork* who shall be qualified and liable to serve on Juries for the Trial of all Issues joined in any of Her Majesty's Courts of Record in *Dublin*, and in all Courts of Nisi Prius, Oyer and Terminer, and Gaol Delivery, in the City of *Cork*, with the same Particulars with regard to every such Man and in the same Manner as are now required to be furnished and done by the Collectors of Grand Jury Cess under the Powers and Provisions of the said Act and other Acts amending the same; and the said Treasurer shall deliver a true Copy of such List, signed by the said Treasurer, to the Town Clerk, within Twenty-one Days after the Receipt of such Precept, and shall also deliver a true Copy of such List to the Clerk of the Peace of the County of the City of *Cork*; and the said List shall be dealt with in the like Manner, and shall be good, valid, and effectual, to all Intents and Purposes whatsoever, as if the same had been prepared and made by the Collectors of Grand Jury Cess under the Provisions of the said recited Act.

Power to Council and Pipe-Water Trustees to agree for Purchase of outstanding Shares.

LV. That it shall be lawful for the Mayor, Aldermen, and Burgesses to enter into Contracts or Agreements with the Trustees for executing the aforesaid Portions of the said Acts secondly, fourthly, sixthly, and seventhly herein-before recited, which relate to the Supply of Water to the City of *Cork*, and which Trustees are commonly called or known as the *Cork* Pipe-Water Trustees, for the Purchase of each and every outstanding Share in the Undertaking for supplying Water to the City of *Cork* by such Acts authorized, not heretofore repurchased by or otherwise belonging to the said Mayor, Aldermen, and Burgesses; and it shall also be lawful for the said Trustees, with the Sanction of the Holders of such Shares, to be obtained in the Manner herein-after provided, to enter into such Agreement.

Sanction of Shareholders to be obtained for any Agreement entered into by Trustees at a Meeting convened for the Purpose.

LVI. That it shall not be lawful for the said Trustees to enter into and conclude any Agreement with the Mayor, Aldermen, and Burgesses for the Purchase of such Shares unless and until the Terms of such Agreement shall, previous to the Conclusion thereof, have been previously submitted to and ratified by a Meeting of the Holders of such Shares, in the Manner herein-after provided, which Meeting the said Trustees are hereby empowered and required to convene,

convene, having previously given Ten clear Days Intimation of the holding thereof by Notice duly advertised once in each Newspaper published in the Borough, and likewise by a Notice sent by Post addressed to each Holder of such Shares, directed to his last known Place of Abode.

Procedure at Meeting of Shareholders.

LVII. That the Holders of such outstanding Shares present at such Meeting shall choose One of the Trustees, being a Holder of such Shares, to preside thereat, and thereupon the Meeting shall proceed to determine with respect to the Matter for which it shall have been so convened, and the Votes thereat may be given either personally or by Proxies, being Holders of such Shares, authorized in Writing under the Hand of the Shareholder nominating such Proxy, and the Question shall be determined by a Majority of not less than Four Fifths of the Votes of the Parties present, including Proxies (every such Shareholder being entitled to One Vote for each and every Share held by him); and the Shareholders who shall neglect to attend the said Meeting, or to nominate Proxies, shall be bound by any Resolution arrived at by such Majority, as fully as the Minority of such Shareholders present or voting by Proxy thereat.

Evidence Sanctionot Meeting.

LVIII. That a Declaration by the Chairman of such Meeting, under his Hand, that a Resolution authorizing the Conclusion of such Agreement has been carried, and an Entry to that Effect in the Record of the Proceedings of such Meeting, shall be a sufficient Authority to the Trustees to enter into and conclude such Agreement.

Parties entitled to vote at Meeting of Shareholders.

LIX. That the several Persons whose Names shall appear in the Books of the Undertaking to be Proprietors of such Shares therein, and the Executors, Administrators, Trustees, Committees, and Guardians of such Persons, shall be entitled to vote at such Meeting, either by themselves or their Proxies.

Purchase Money agreed for Shares to be paid within Six Months to Trustees.

LX. That the Mayor, Aldermen, and Burgesses shall, within Six Calendar Months from the Date of such Agreement, pay or cause to be paid to the said Trustees, at a Place within the Borough of *Cork* to be appointed by the said Trustees, the Sum of Money which shall have been agreed on for the Purchase of the Shares in the Undertaking which shall not so as aforesaid belong to the said Mayor, Aldermen, and Burgesses.

Receipt in Writing of Trustees to be a valid Discharge to Council.

LXI. That the Receipt in Writing of any Two of the said Trustees for the Purchase Money agreed on to be paid shall be an effectual Discharge to the Mayor, Aldermen, and Burgesses for the Sum which shall be expressed or acknowledged to be received in such Receipt; and the Mayor, Aldermen, and Burgesses shall not be obliged or concerned to see to the Distribution of such Purchase Money, or any Money which may be paid by them to such Trustees as aforesaid, or be accountable for the Misapplication or Nonapplication thereof.

In case Trustees decline to receive Money, &c., same to be lodged in Bank, to attend Orders of Court of Chancery.

LXII. That in case the said Trustees shall refuse or decline to receive or to sign and deliver a Receipt for the Purchase Money which shall have been agreed on, as aforesaid, it shall be lawful for the Mayor, Aldermen, and Burgesses, and they are hereby required, forthwith after such Refusal, to pay such Purchase Money into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the Court of Chancery in *Ireland*, to the Credit of an Account there to be entitled "In the Matter of the dissolved *Cork* Pipe-water Trust."

Receipt of One of Bank Cashiers, &c. to be sufficient Discharge to Council for Money so lodged.

LXIII. That the Receipt of One of the Cashiers of the Bank of *Ireland* for the Payment of such Purchase Money, together with a like Certificate of the Accountant General, shall be a good and sufficient Discharge to the Mayor, Aldermen, and Burgesses for the Payment of such Purchase Money, and the Mayor, Aldermen, and Burgesses shall not afterwards be liable to see to the Application of such Purchase Money or any Part thereof, or be answerable or accountable for any Misapplication or Nonapplication thereof.

Upon Application of Trustees, Court of Chancery to order Money so lodged to be paid out.

LXIV. That upon Application by Petition of any Two of the Trustees the Court of Chancery may, in a summary Way, as to the Court shall seem fit, order the Money which shall have been so lodged to be paid to the said Trustees, to be applied and disposed of by them in the Manner by this Act directed.

Receipts of Trustees or Cashier of Bank, when stamped, to have the Effect of Reconveyances of Waterworks, and then, Waterworks &c. to vest in Corporation.

LXV. That the Receipt of the Trustees for the Payment of the said Purchase Money, or the Receipt of the Cashier of the Bank of *Ireland* for the Lodgment of such Sum as aforesaid, as the Case may be, shall, when impressed with an *ad valorem* Stamp applicable to a Conveyance executed for the same Consideration, have the like Effect as if the Shareholders in the said Undertaking on whose Account the Purchase Money had been paid or lodged had severally and respectively executed to the Trustees Transfers or Surrenders of the Shares so respectively held by them in the said Undertaking, and as if the Trustees had executed to the Mayor, Aldermen, and Burgesses a Conveyance or Reconveyance of the Waterworks, Reservoirs, Canals, Trenches, Pipes, Mains, and Plant belonging to the said Undertaking; and by virtue of such Receipt, and of the Payment or Lodgment thereby acknowledged, the Mayor, Aldermen, and Burgesses shall be entitled to take, hold, use, and maintain such Waterworks, Reservoirs, Canals, Trenches, Pipes, Mains, and Plant, both within and without the Borough, and to use and enjoy the same, as fully, to all Intents and Purposes, as the Corporation and Persons empowered in that Behalf by each and every of the recited Acts respectively, and that freed and discharged of any Right, Title, Property, or Demand of any or every Person who had been theretofore a Shareholder thereof; and from and after the Payment of the said Purchase Money to the said Trustees, or the Lodgment of the same in the Bank, so much of the said Acts

After Payment of Purchase Money, so much of re-

secondly, fourthly, sixthly, and seventhly herein-before recited as relates to the Supply of Water to the City of *Cork* shall be repealed.

cited Acts as relate to Supply of Water repealed.

LXVI. That the Trustees to whom such Purchase Money shall be payable shall stand possessed of the same, and also of all other Sums of Money which shall be received by them as such Trustees, upon trust to divide the same among the several Persons, other than the Mayor, Aldermen, and Burgesses, who shall be Proprietors of Shares in the Capital Stock of the said Undertaking, in proportion to the Number of their respective Shares therein, and their respective Executors, Administrators, and Assigns.

Trusts of Purchase Money.

LXVII. That the several Persons whose Names shall appear on the Books of the said Undertaking to be Proprietors of such outstanding Shares therein shall, until the contrary be proved to the Satisfaction of the said Trustees, be considered to be the Persons entitled to a distributive Share of such Purchase Money.

Proof of Ownership of Shares.

LXVIII. That previous to the Distribution of the Purchase Money the said Trustees shall cause Notice to be inserted once in the *Dublin Gazette*, and once in each Paper published in the Borough of *Cork*, and likewise to be addressed by Post to each such Proprietor, directed to his last known Place of Abode, stating the Intention of the Trustees to pay, to the several Persons whose Names shall appear on a Day to be named in the Books of the Undertaking to be the Proprietors of such Shares, a distributive Part or Share of the said Purchase or other Monies, and requiring all Persons who may have become entitled to any such Shares in the Undertaking by reason of Purchase, Operation of Law, or Transmission of Interest, to send in their Claim to the Office of the Trustees on or before the Day to be named in such Notice, and to verify the same in such Manner as the Trustees shall think proper, and further, that in case any of the Purchase Money shall be unclaimed after Six Months from the Date of such Notice, the Trustees will pay in the same into the Court of Chancery, to be dealt with as herein-after provided.

Procedure previous to distribution of Purchase Money.

LXIX. That the said Trustees shall not be bound to see to the Execution of any Trust, whether express, implied, or constructive, to which any of such Shares in the said Undertaking may be subject; and the Receipt of the Person in whose Name any such Share shall stand in the Books of the said Undertaking shall be a sufficient Discharge to the Trustees for all Monies which shall be paid in respect of such Share, notwithstanding any Trust to which such Share may be subject, and that notwithstanding any actual or constructive Notice of such Trust; and the said Trustees shall not be bound to see to the Application of the Money paid upon such Receipt.

Trustees shall not be liable to regard Trusts.

LXX. That

Receipts of Executors, &c. to be valid Discharges to Trustees with respect to Shares of Persons under Disabilities.

LXX. That the Receipt of any Executor, Administrator, Trustee, Committee, or Guardian of any Proprietor of such Shares, or any Person entitled thereto, shall be a good and sufficient Discharge to the said Trustees for so much Money as shall be paid by them or by their Order to such Executor, Administrator, Trustee, Committee, Guardian, or Person entitled thereto, and as shall be expressed in such Receipt to have been received, and shall exonerate and discharge such Trustees from seeing to the Application thereof, and from being answerable for any Misapplication of the same or any Part thereof, or being liable to any Duty or Obligation by reason of any Trust affecting the Person to whom or the Share in respect of which such Payment shall be made, and the Assets of the said Trustees shall not after such Payment be in anywise liable to the Performance of such Trusts, or to any Action or Suit at Law or in Equity in respect thereof.

In case of adverse Claims, &c., Money to be lodged in Court,

LXXI. That in case the Money payable in respect of any such Share in the said Undertaking shall not be claimed within Six Months from the Date of the aforesaid Notice, or in case Two or more Persons shall lay claim to the same Share, or an insufficient Title thereto shall be shown, it shall in every such Case be lawful for the Trustees to cause the same to be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there to the Credit of the Person appearing to be entitled thereto, describing him, or as he may be described in the Books of the Undertaking.

Receipt of Cashier of Bank, &c. to be valid Discharge for all Monies lodged.

LXXII. That with respect to all Monies lodged in pursuance of the preceding Section, the Receipt of the Cashier of the Bank of *Ireland*, together with a like Certificate of the Accountant General of the Court of Chancery, shall be a good and sufficient Discharge to the Trustees for the Payment of such Money, and the Trustees shall thereby be relieved from all Liability as to seeing to the Application of the same or any Part thereof, or being answerable or accountable for any Misapplication or Nonapplication thereof.

Powers of Court of Chancery with respect to Monies lodged.

LXXIII. That all Monies which shall be paid by the said Trustees into the Bank of *Ireland* to the Credit of the Accountant General of the Court of Chancery shall there remain until the Person entitled thereto shall, upon Petition to the Court of Chancery in a summary Way, obtain an Order for the Transfer thereof into his own Name or otherwise; and the said Accountant General shall and may apply the Dividends thereof, when the same shall amount to a competent Sum, in the Purchase of Stock, for the Benefit of the Persons entitled thereto, subject to the Orders and Directions of the Court of Chancery, which Court, on the Application of any Person making claim thereto by Petition, shall and is hereby empowered, in a summary Way, as to the

the Court shall seem meet, to order the Sum to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates or Interests of the Persons making claim thereto, and to make such Order or Orders in the Premises as to the Court shall seem just and reasonable.

Provision for Reimbursement and Indemnity of Trustees.

LXXIV. That the said Trustees, their Executors and Administrators, shall not be answerable for the Acts or Receipts of each other, or for any Loss or Damage which may happen in the Execution of the aforesaid Trusts without their own respective Default, and they shall be at liberty to deduct and retain out of the said Purchase Money all Costs and Expenses which they may incur or sustain in the Execution of their Trusts.

Certain Powers of the Pipe-water Trustees to be continued to the Mayor, &c., notwithstanding the Repeal of the Portions of the Acts which relate to the Supply of Water.

LXXV. Whereas by the said Acts secondly, fourthly, sixthly, and seventhly herein-before recited, Portions of which are by this Act to be repealed upon the Payment or Lodgment of the said Purchase Money as aforesaid, the said Trustees now possess certain Powers of entering upon and purchasing Lands, taking Streams and Springs, and constructing Works, for the Purpose of providing a Supply of Water for the City of *Cork*, and it is expedient to continue to the Mayor, Aldermen, and Burgesses such Powers, notwithstanding the Repeal of the said Portions of the said Acts: Be it enacted, That it shall be lawful for the Mayor, Aldermen, and Burgesses, subject to the Provisions of this Act and the Acts incorporated herewith, from and after the Payment or Lodgment of the said Purchase Money as aforesaid, from Time to Time to enter upon, take, and use any Lands or Streams of Water, or to construct or alter any Reservoir or other Works of any Description, which may now be lawfully entered upon, taken, used, constructed, or altered by the said Trustees under the Provisions of the said Acts or any of them, but such Powers shall only be exercised for the Purpose of supplying Water within the Limits of this Act, and all the Clauses and Provisions of "The Lands Clauses Consolidation Act, 1845," shall be applicable to the purchasing or taking of Lands or Buildings by the Mayor, Aldermen, and Burgesses for the Purposes aforesaid; and the Mayor, Aldermen, and Burgesses shall make to the Owners and Occupiers of and all other Parties interested in any Lands or Streams hereafter taken or used for the Purpose aforesaid, and which have not hitherto been taken or used for such Purpose, or which shall be otherwise injuriously affected by the Construction of any additional Works which may be constructed for such Purpose, full Compensation for the Value of the Lands and Streams so taken or used, and for all Damage sustained by such Owners, Occupiers, or other Parties, by reason of the Exercise as to such Lands or Streams of the Powers transferred to or vested in the Mayor, Aldermen, and Burgesses by the Authority of this Act; and the Amount of

such Compensation shall be determined in the Manner provided by "The Lands Clauses Consolidation Act, 1845," for determining Questions of Compensation with regard to Lands purchased or taken under the Provisions thereof.

As to compulsory Powers of taking Lands, &c. transferred to and vested in Mayor, &c.

LXXVI. Provided always, That the compulsory Powers for taking Lands and Streams by this Act transferred to and vested in the Mayor, Aldermen, and Burgesses shall not be exercised after the Expiration of Twenty-five Years from the Commencement of this Act: Provided nevertheless, that the Mayor, Aldermen and Burgesses may, after the Expiration of the said Period of Twenty-five Years, continue to take and use all such Streams as may previously have been taken and used by them.

Certain Provisions of 10 & 11 Vict. c. 17. incorporated.

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

With respect to the breaking up of Streets for the Purpose of laying Pipes;

With respect to the Communication Pipes to be laid by the Undertakers;

With respect to the Communication Pipes to be laid by the Inhabitants;

With respect to Waste or Misuse of the Water supplied by the Undertakers;

With respect to the Provision for guarding against fouling the Water of the Undertakers;

And with respect to the Payment and Recovery of the Water Rates,

Shall be incorporated with and form Part of this Act, except so far as the same Provisions shall be expressly varied or otherwise provided for by this Act.

Penalty for illegally diverting Water.

LXXVIII. That after any Streams or Supplies of Water authorized to be taken by the Mayor, Aldermen, and Burgesses shall have been so taken, every Person who shall illegally divert or take the Waters supplying or flowing into the Streams so taken, or any Part thereof, or who shall do any unlawful Act whereby the said Streams or Supplies of Water shall be reduced in Quantity, and who shall not immediately repair the Injury done by him, on being required so to do by the Mayor, Aldermen, and Burgesses, so as to restore the said Waters to the State in which they were before such Act, shall forfeit to the Mayor, Aldermen, and Burgesses any Sum which shall be awarded by Two Justices, not exceeding Five Pounds for every Day during which the said Supply of Water shall be diverted or diminished by reason of any Act done by or by the Authority of such Person; and any Sum so forfeited shall be in addition to the Sum which he may be lawfully adjudged

adjudged liable to pay to the said Mayor, Aldermen, and Burgesses for any Damage which they may sustain by reason of their Supply of Water being diminished; and the Payment of the Sum so forfeited shall not bar or affect the Right of the Mayor, Aldermen, and Burgesses to bring an Action at Law against such Person for the Damage so committed.

Reservation of existing Rights.

LXXIX. Provided always, That nothing herein contained shall prevent the Owners and Occupiers for the Time being of Lands through or by which such Streams shall flow from using the Waters thereof in such Manner and to such Extent as they might have done if this Act had not been passed, unless they shall have received Compensation in respect of their Right of so using such Water.

Council to cause a sufficient Supply of Water to be furnished.

LXXX. That the Mayor, Aldermen, and Burgesses, upon the Completion of the Transfer of the said Waterworks, shall continue to furnish to each Person then receiving the same a sufficient Supply of Water at the Rate herein-after authorized, and shall, at the Request of the Owner or Occupier of any House or Part of a House in any Street or Place in which any Pipe belonging to the Mayor, Aldermen, and Burgesses shall be laid, and who shall not then be receiving a Supply of Water from the Waterworks, and who, under the Provisions of this Act or any Act incorporated herewith, shall be entitled to demand a Supply of Water for domestic Purposes, furnish to such Owner or Occupier a sufficient Supply of Water for their domestic Uses at a Rate *per Annum* not exceeding Five Pounds *per Centum* upon the net annual Value of the Premises supplied with Water for domestic Purposes.

As to Supply of Water for domestic Purposes.

LXXXI. That a Supply of Water for domestic Purposes shall not, unless where the Rental of the House amounts to Fifty Pounds a Year or upwards, include a Supply of Water for Baths, Horses, Cattle, or for washing Carriages, nor in any Case for any Trade or Business whatsoever.

As to Supply for other Purposes.

LXXXII. That it shall be lawful for the Mayor, Aldermen, and Burgesses to lay down Communication Pipes for the Purpose of supplying and to furnish a Supply of Water for other than domestic Purposes to any Person or Corporation, upon such Terms as shall be agreed upon between them.

Power to maintain, &c. public Fountains.

LXXXIII. That the Mayor, Aldermen, and Burgesses shall cause all existing public Fountains, Cisterns, Pumps, Wells, Conduits, and other Waterworks now used for the gratuitous Supply of Water to the Inhabitants of the Borough to be continued, maintained, and supplied with Water, or they shall substitute other such Works equally convenient, and shall cause them to be maintained and supplied with Water

Water for such gratuitous Supply; and such public Cisterns and other Works shall be vested in the Mayor, Aldermen, and Burgesses, and shall be under their Management and Control; and the Mayor, Aldermen, and Burgesses may construct any Number of new Fountains, Cisterns, Pumps, Conduits, and other Waterworks, for the gratuitous Use of any Persons who choose to carry Water away from the same, but for their own private Use only, and not for Sale, and may supply with Water any public Baths or Wash-houses.

Power to contract, &c. for Supply of Water, for public Fountains.

LXXXIV. That the Mayor, Aldermen, and Burgesses may contract with the Pipe-water Trustees or any other Person for such Supply of Water as they shall think necessary for the Purposes of the said public Fountains and other public Waterworks; and the said Mayor, Aldermen, and Burgesses, when they shall have obtained Possession of the Waterworks belonging to the said Trustees, shall furnish an efficient Supply of Water for the Maintenance of the said public Fountains and other public Waterworks.

Corporation to cause Fireplugs, &c. to be provided and maintained.

LXXXV. That the Mayor, Aldermen, and Burgesses shall cause Fireplugs and all necessary Works, Machinery, and Assistance for securing an efficient Supply of Water in Cases of Fire, to be provided and maintained, and for this Purpose they may enter into any Agreement with the Pipe-water Trustees, or, when they shall obtain Possession of the said Waterworks, they shall supply Water for the said Purposes, and they shall paint or mark on the Buildings and Walls within the Streets Words or Marks near to such Fireplugs to denote the Situation thereof, and do such other Things for the Purposes aforesaid as they may from Time to Time deem expedient.

Rates, &c. to be carried to "Waterworks Account."

LXXXVI. That all Rates and Sums of Money to be received by the Mayor, Aldermen, and Burgesses under the Provisions of this Act for the Supply of Water shall be carried to the Credit of an Account to be called "The Waterworks Account."

Power to Council to cause Streets, &c. to be paved, &c.

LXXXVII. That the Mayor, Aldermen, and Burgesses shall and may, subject to the Provisions of this Act and of the Acts and Clauses of Acts incorporated herewith, cause to be paved, drained, lighted, cleansed, watered, and otherwise improved the Borough of *Cork*, and may do all necessary Acts for promoting the Health and Convenience of the Borough, and for that Purpose may exercise all the Powers vested in them by this Act and the Acts incorporated herewith.

Certain Provisions of 10 & 11 Vict. c. 34. incorporated with this Act.

LXXXVIII. That the several Clauses and Provisions of "The Towns Improvement Clauses Act, 1847," except the following, (that is to say,) except Sections Nineteen and Twenty, and except the Clauses and Provisions thereof —

With respect to the Supply of Water;

With

With respect to the Byelaws to be made by virtue of that or the Special Act; and

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,

Shall, except as aforesaid, be incorporated with and form Part of this Act, and shall apply to all the Purposes thereof, save so far as the same may be expressly varied thereby.

Owners possessing Freehold of Courts, &c. to pave the same.

LXXXIX. That whenever the Freehold of any Court, Passage, or open Place, not being a public Thoroughfare, shall be vested in the Owner of any adjoining House, the paving of such Court, Passage, or open Place shall be done by such Owner.

Owners of Courts to flag them, and to keep Flagging in repair.

XC. That the Owner of any such Court, Passage, or open Place, not being a public Thoroughfare, shall, to the Satisfaction of the Mayor, Aldermen, and Burgesses, sufficiently pave the same, and lay, at a proper Level through, over, or along such Part thereof as they may require, a Channel or Gutter, and keep such Pavement and Channel or Gutter in good Repair to the Satisfaction of the Mayor, Aldermen, and Burgesses; and if any such Owner of any Court, Passage, or open Place, not being a public Thoroughfare, shall not sufficiently pave the same as aforesaid, or shall not lay down therein such Channel or Gutter, or shall not repair, and keep the same respectively in good Repair, to the Satisfaction of the Mayor, Aldermen, and Burgesses, within Fourteen Days after Notice in Writing requiring him so to do shall have been given to him by the Mayor, Aldermen, and Burgesses, it shall be lawful for the Mayor, Aldermen, and Burgesses, to cause such Court, Passage, or open Place to be paved, or such Channel or Gutter to be laid down, or, as the Case may be, to be repaired and put into good Order, and to levy and recover the Costs and Expenses thereof from such Owner in the Manner by this Act provided.

Public Conveniences to be erected.

XCI. That the Mayor, Aldermen, and Burgesses may, if they think fit, provide and maintain, in proper and convenient Situations, Urinals, Waterclosets, Privies, and other similar Conveniences for public Accommodation.

Appointment of local Surveyor and Officer of Health, subject to Approval of Lord Lieutenant.

XCII. That the Appointment of the local Surveyor of Paving, Drainage, and other Works, and of the Officer of Health, as provided by the Clauses of "The Towns Improvement Clauses Act, 1847," incorporated herewith, shall be subject to the Approval of the Lord Lieutenant of *Ireland* for the Time being.

Council may purchase or

XCIII. That it shall be lawful for the Mayor, Aldermen, and Burgesses, and they are hereby authorized and empowered, for all or any of the

rent Premises.

the Purposes for which, but for the passing of this Act, the Wide Street Commissioners would have been authorized so to do, from Time to Time to rent or to purchase and take, pursuant to the Provisions in this Act and the Acts incorporated herewith contained, any Messuages, Lands, Tenements, Grounds, Hereditaments, and Premises which the said Commissioners or their Successors would, under the said recited Acts or any of them, be authorized to rent or purchase and take, and which the Mayor, Aldermen, and Burgesses shall deem expedient to rent, purchase, or make use of for the Purposes of this Act; and all the Provisions of the Lands Clauses Consolidation Act, 1845, shall be applicable to the purchasing or taking of such Lands by the Mayor, Aldermen, and Burgesses: Provided always, that the compulsory Powers of taking Lands, Tenements, Grounds, Hereditaments, and Premises, transferred to the Mayor, Aldermen, and Burgesses by this Enactment, shall not be exercised after the Expiration of Twenty-five Years from the Commencement of this Act.

Bodies Politic and Persons under Disability, &c. empowered to convey Lands.

XCIV. That it shall be lawful to and for all Bodies Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporations, whether aggregate or sole, Tenants for Life or in Fee Tail, General or Special, or for any Term or Terms for Lives or Years, or for Years determinable upon any Life or Lives, and all Husbands, Guardians, Trustees, Feoffees in Trust for charitable and other Purposes, Committees of Lunatics or Idiots, Executors or Administrators, and all other Trustees and Persons whomsoever, though under any legal Disability or Incapacity, not only on behalf of themselves, their Heirs, Executors, Administrators, and Successors, but also for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interests therein, and for every other Person or Persons whomsoever who is or shall be seised, possessed of, or interested in or entitled unto any Estate or Interest whatsoever in any such Messuages, Lands, Tenements, Grounds, Hereditaments, and Premises as aforesaid, or having or claiming to have any Charge, Lien, or Incumbrance therein, to contract for and agree with the Mayor, Aldermen, and Burgesses for a Lease or Leases or for the Sale thereof or any Part thereof, and for the Purchase of all or any Estates, Rights, Titles, Terms, and Interest whatsoever of and in the same, to the Mayor, Aldermen, and Burgesses, and to demise, convey, or assign the same respectively unto the Mayor, Aldermen, and Burgesses; and all Contracts, Leases, and Conveyances which shall be so made by virtue and in pursuance of this Act shall be good, valid, and effectual, to all Intents and Purposes, not only to convey the Estate and Interest of the Person conveying, but also to convey all Right, Title, Estate, Interest, Use, Property, Claim, and Demand

Demand whatsoever of their several Cestuique Trusts, and all Persons claiming or to claim by, from, or under them or any of them, any Law, Statute, Usage, or other Matter or Thing whatsoever to the contrary thereof notwithstanding.

Confirming Right of Corporation to purchase existing Gasworks.

XCV. And whereas the Borough of *Cork* is at present lighted under a Contract made and entered into between the United General Gaslight Company and the said Wide Street Commissioners, bearing Date the Sixth Day of *June* One thousand eight hundred and forty-five, and still unexpired: And whereas by virtue of this Act the Benefits arising from and the Liabilities to each and every Contract entered into by or with the said Wide Street Commissioners are transferred to the Mayor, Aldermen, and Burgesses, or intended so to be: Be it declared and enacted, That in case the Mayor, Aldermen, and Burgesses shall be desirous to take advantage of the Provisions contained in the said Contract for the Purchase of the Gasworks, Gas Apparatus, Plant, Lands, and Tenements belonging to the said United General Gaslight Company, it shall be lawful for the Mayor, Aldermen, and Burgesses to purchase, and for the said United General Gaslight Company to sell, the said Works, Gas Apparatus, Plant, Lands, and Tenements belonging to the said United General Gaslight Company, at the Time, in the Manner, and according to the Terms and Provisions mentioned and contained in the recited Contract with respect to the Purchase of same by the said Wide Street Commissioners, and the Gasworks, Gas Apparatus, and Plant so purchased shall be conveyed by the United General Gaslight Company to the Mayor, Aldermen, and Burgesses: Provided always, that, save as aforesaid, nothing in this Act contained shall prejudice or affect such Contract, or the Continuance thereof, for the Term therein mentioned, or any Clause or Provision therein contained.

Power to Council, upon Completion of Purchase, to manufacture Gas, for lighting of Borough.

XCVI. That for the Purpose of lighting the Streets of the Borough upon the Transfer of the Gasworks as aforesaid, it shall be lawful for the Mayor, Aldermen, and Burgesses to maintain the Gasworks so purchased, and to manufacture Gas, and to provide Gasometers and all Apparatus and Machinery necessary for that Purpose, and to sell, dispose of, or manufacture the Substances, Materials, and other Produce obtained in making Gas.

Power to Council to supply Gas to private Individuals.

XCVII. That it shall be lawful for the Mayor, Aldermen, and Burgesses, in case they shall obtain Possession of the Gasworks as aforesaid, and shall manufacture Gas for lighting the Streets of the Borough, to supply Gas to any Person in the Borough or the Vicinity thereof, on such Terms and Conditions as shall be agreed upon between the Mayor, Aldermen, and Burgesses and such Person.

XCVIII. That

Certain Provisions of 10 & 11 Vict. c. 15. incorporated with this Act.

XCVIII. That the several Clauses and Provisions of "The Gasworks Clauses Act, 1847," with respect to the Matters herein-after mentioned; that is to say,

With respect to the breaking up of Streets for the Purpose of laying Pipes;

With respect to the Supply of Gas, and the Recovery of the Rent to be paid for the same;

With respect to Waste or Misuse of the Gas, or Injury to the Pipes and other Works;

And with respect to the Provision for guarding against fouling Water, or other Nuisance from the Gas,

Shall be incorporated with and form Part of this Act, and shall extend to and include any Company with whom the Mayor, Aldermen, and Burgesses may contract for the lighting of the Borough, in pursuance of the Powers in that Behalf conferred on them by the Provisions of "The Towns Improvement Clauses Act, 1847," incorporated herewith.

Monies received for Supply of Gas to be carried to a separate Account.

XCIX. That all Rates and Sums of Money to be received by the Mayor, Aldermen, and Burgesses, under the Provisions of this Act, for the Supply of Gas, shall be carried to the Credit of an Account to be called "The Gasworks Account."

If the Corporation do not purchase the Gasworks, they may enforce Covenant for Renewal of Contract.

C. That in case the Mayor, Aldermen, and Burgesses shall not take advantage of the Provisions of the said recited Contract for the Purchase of the said Gasworks, it shall be lawful for them, at the Time, in the Manner, and according to the Terms and Provisions in that Behalf contained in the said Contract, to enforce the Covenants therein contained, and entered into between the said United General Gaslight Company and the Wide Street Commissioners, for the Renewal of the said Contract: Provided always, that, subject and without Prejudice to the said existing Contract, nothing herein contained shall prevent the Mayor, Aldermen, and Burgesses from contracting for a Supply of Gas with any other Company, in such Manner as they are by the Clauses of the Towns Improvement Clauses Act, 1847, with respect to lighting the Town or District, incorporated herewith, enabled to do, if they shall so think fit.

Council empowered to form a Body of Police for Borough.

CI. That, subject to the Provisions herein-after mentioned, it shall be lawful for the Mayor, Aldermen, and Burgesses to appoint One or more Superintendents, Chief Constables, and Inspectors, and any Number of Constables they may think necessary, to keep the Peace within the Limits of this Act, to be called "The Borough of *Cork* Police," and to pay them such Salaries and Allowances, and to make such Rules for their Regulation, Suspension, and Dismissal, as the Mayor, Aldermen, and Burgesses shall think fit and determine; and

every

every such Superintendent, Chief Constable, Inspector, and Constable shall be sworn in before the Mayor.

Duties of Borough Police.

CII. That the Constables so appointed and sworn in shall keep Watch and Ward within the Borough, and shall use their best Endeavours to prevent any Mischief by Fire, and all Felonies, Misdemeanors, and Breaches of the Peace; and the said Constables shall have within the Limits of this Act the like Powers, Privileges, and Duties, and shall have the same Indemnity and Protection, and shall be subject to the like Penalties and Forfeitures, as any Constable duly appointed has or is subject to by Law.

Certain Provisions of 10 & 11 Vict. c. 89. incorporated with this Act.

CIII. That the several Clauses and Provisions of "The Town Police Clauses Act, 1847," with respect to the following Matters, that is to say,

With respect to the Appointment and the Powers, Duties, and Privileges of Constables (except the Sections numbered 6 and 7 respectively in the Copy of said Act as printed by the Queen's Printers):

With respect to Obstructions and Nuisances in the Streets:

With respect to Fires:

With respect to Places of public Resort:

With respect to Hackney Carriages:

With respect to public bathing,

Shall be incorporated with and form Part of this Act, except so far as the same may be expressly varied thereby.

Appointments of Constables, &c. subject to Approval of Lord Lieutenant.

CIV. That the Appointment or Removal of all such Superintendents, Chief Constables, Inspectors, and Constables as aforesaid shall be subject to the Approval of the Lord Lieutenant; and all such Officers or Constables shall, so long as they respectively may remain in Office, be subject to the Control and Direction of the Lord Lieutenant, or of some Officer appointed by him, and shall not be subject to the Control or Direction of the Mayor, Aldermen, and Burgesses.

Recorder to hold Sessions every Fortnight.

CV. That the Recorder shall hold a General Quarter Sessions of the Peace for the Borough, or an Adjournment thereof, once at least in every Fortnight in each and every Year, unless prevented by Illness, unavoidable Absence, or other sufficient Cause.

Salary of Recorder to be increased by 100*l.* per Annum.

CVI. And whereas by reason of the Provisions of this Act the Duties of the Recorder will be increased, and it is just that he should be remunerated therefor: Be it enacted, That the annual Salary now payable to the Recorder by the Mayor, Aldermen, and Burgesses shall be augmented by the Sum of One hundred Pounds, which is hereby charged on the Borough Fund, and such additional Salary shall be paid in equal Portions on the First *Monday* in the Months of

of *January*, *April*, *July*, and *October* respectively in each and every Year, and the First Payment shall be made on the First *Monday* in the Month of *April* next after the Commencement of this Act: Provided always, that the Recorder shall not practise as an Advocate in any Court of Petty Sessions, or in any Court holden by an Assistant Barrister.

Power to Mayor, in certain Cases, to appoint Locum tenens.

CVII. That in case of his Illness it shall be lawful for the Mayor for the Time being, by Writing under his Hand, and to be entered in the Records of the Council, to appoint any Alderman of the Borough to act as Locum tenens for him during such Illness; and the Person so appointed Locum tenens shall, until the Mayor resumes the Duties of his Office, have all the Authorities, Powers, and Privileges of the Mayor with respect to all Matters imposed upon the Mayor, or appertaining to his Office, by Statute, Charter, or otherwise.

Power to Council to appoint Weighmaster.

CVIII. That the Right (if any) of the Mayor of appointing to the Office of Weighmaster shall, from and after the Commencement of this Act, be transferred to and exercised by the Mayor, Aldermen, and Burgesses acting by the Council.

Provision against Sale of unwholesome Meat;

CIX. That in any Shop, Building, Stall, or Place within the Borough kept or used for the Sale of Butchers Meat, Poultry, Fish, or other Article of Food, no Animal, Carcase, Meat, Poultry, Game, Flesh, Fish, or other Article of Food which is unfit for the Food of Man shall be kept or retained, unless entirely separate and apart from any Animal, Carcase, Meat, Poultry, Game, Flesh, Fish, or other Article of Food which is intended for such Food, nor unless the same be ticketed in large and legible and conspicuous Characters as being unfit for such Food; and any Person who shall keep in any Shop, Building, Stall, or Place occupied or used by him as aforesaid any Animal, Carcase, Meat, Poultry, Game, Flesh, Fish, or other Article of Food which is unfit for the Food of Man, otherwise than entirely separate and apart and ticketed as aforesaid, shall be liable to a Penalty not exceeding Ten Pounds; and the Inspector of Nuisances, Officer of Health, or any other Officer appointed by the Mayor, Aldermen, and Burgesses for that Purpose, may and he is hereby empowered, at all reasonable Times, with or without Assistants, to enter into and inspect any Shop, Building, Stall, or Place kept or used for the Sale of Butchers Meat, Poultry, Fish, or other Article of Food, or as a Slaughterhouse, and to examine any Animal, Carcase, Meat, Poultry, Game, Flesh, Fish, or other Article of Food which may be therein; and in case any Animal, Carcase, Meat, Poultry, Game, Flesh, Fish, or other Article of Food appear to him to be intended for the Food of Man, and to be unfit for such Food, the same may be seized; and if it appear to any Justice, upon the Evidence of a competent Person, that any such Animal, Carcase, Meat, Poultry, Game, Flesh, Fish, or other Article of Food is unfit for the Food of Man, he shall order the same to be destroyed,

destroyed, or to be so disposed of as to prevent its being exposed for Sale or used for such Food; and the Person to whom such Animal, Carcase, Meat, Poultry, Game, Flesh, Fish, or other Article of Food belongs, or in whose Custody the same is found, shall be liable to a Penalty not exceeding Ten Pounds for every Animal or Carcase, Fish, or Piece of Meat, Flesh, or Fish, or any Poultry or Game, or other Article of Food so found, and which such Justice shall be satisfied that it was intended for the Food of Man.

and against Sale of adulterated Food.

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

Weighing Machines to be erected.

CXI. That it shall be lawful for the Mayor, Aldermen, and Burgesses to erect and maintain Steelyards, Scales, or other Weighing Machines upon or adjacent to the different Streets, or at any other convenient Places within the Borough, for the Purposes herein-after mentioned, or to grant Powers to others to that Effect, and to appoint proper Persons to attend the same, with suitable Allowances for their Trouble.

Coals to be weighed.

CXII. That the Purchaser of any Coals, or the Driver of any Cart loaded with Coals, may require that any such Cart loaded with Coals shall be weighed at the said Steelyard, Scales, or other Weighing Machines; and in such Case the Weight of the Coals and of the Cart, and also the Time of such weighing, shall be marked on a Ticket, and shall be delivered to the Driver thereof; and the Person having the Charge of such Steelyards, Scales, or other Weighing Machines shall exact and receive from the Driver for each Cart a Sum not exceeding One Penny Halfpenny for weighing the Coals and delivering the Ticket as aforesaid; and the Money so to be paid shall be repaid to such Driver by the Purchaser of the Coals, or Person to whom the same are delivered, on the Ticket thereof being produced.

CXIII. That

Portable Machines for weighing Coals.

CXIII. That it shall be lawful for the Mayor, Aldermen, and Burgesses to provide, furnish, and maintain such Number of portable or moveable Machines for weighing Coals as they may deem necessary, to be kept at convenient Places within the Borough, in order that the Inhabitants may have Access to them for the Purpose of re-weighing their Coals at their own Expense, if they shall be so inclined, and to employ proper Persons to attend such Machines, and to establish the Rates to be payable for such re-weighing; and it shall be lawful for the Superintendent of Police or any other Officer acting under this Act to cause Coals offered for Sale or for Delivery to be re-weighed, and to require the Driver to produce the Ticket thereof, as a Check on the Conduct of Drivers and others, such re-weighing being always done free of Expense.

Coals sold by Retail to be weighed.

CXIV. That for the Purpose of ascertaining the Weight of Coals sold in Quantities of less than Half a Ton within any Yard, Depôt, Cellar, or Place where they may be kept, or from any Cart on which they may be carried by Dealers for Sale, such Dealers shall be obliged to have and keep Scales and Weights of the legal Standard within such Yard, Depôt, Cellar, or other Place, and also to have such Scales and Weights attached to the Cart used by them for the Sale of such Coals, whereby the Coals so sold by Retail may be weighed at the Time of the Sale or Delivery, and such Dealers shall be obliged to weigh the same, upon being required so to do, either by the Person purchasing the same, or by any Constable or Officer of Police; and any such Dealer in Coals failing to have and keep such Scales and Weights, or refusing to weigh the Coals as aforesaid, shall, upon Conviction before a Justice, be liable to a Penalty not exceeding Forty Shillings for the First Offence, and not exceeding Five Pounds for any subsequent Offence.

Penalty on Dealer failing to keep Scales, &c.

Penalty on Driver refusing to weigh Coals.

CXV. That if any Driver or other Person having the Charge of any Cart shall not, upon being so required as aforesaid, take the same to any such public Weighing Machine, or shall refuse to assist in the weighing of the same in such Manner as the Drivers of Carts are used and accustomed to do, such Driver or other Person shall, upon Conviction before a Justice, for each Offence be liable to a Penalty not exceeding Forty Shillings.

Penalty for fraudulent weighing.

CXVI. That if the Keeper of any Weighing Machine used within the Borough for the Purpose of ascertaining the Weight of Coals, or the Seller of any Coals which shall be weighed at such Weighing Machine, or any of their respective Servants, shall wilfully, on Application, refuse duly to weigh or re-weigh any Cart, with or without Loading, or shall designedly do or omit to do anything with Intent that the true Weight or Measurement of any Coals weighed thereat shall not be ascertained, or if the Owner or Driver or other

Person

Person having the Charge of any Cart shall place or knowingly leave any Article, Matter, or Thing in and about such Cart, other than the proper Load therein, or shall alter the Tare or Weight, or the Ticket denoting the Weight of any Cart or the Loading thereof, or shall make, use, or be privy to the making or using any false or fraudulent Ticket respecting the Weight of any such Cart or Loading, or if by re-weighing or otherwise it shall be discovered that any Coals have been abstracted by such Owner, Driver, Person in charge, Keeper, or Servant, from such Cart, after it shall have passed the Steelyard or Weighing Machine where it was originally weighed, or if the Owner, or Driver or Person in charge of any Cart, or the Keeper of any Machine as aforesaid, or his Servants, shall make or give or use, or be privy to the making or giving or using, any false or fraudulent Contrivance touching the Weight of any Cart or of the Load therein, or shall knowingly assist in or connive at any Fraud in or concerning the Weight of any Cart or of the Load therein, or if any other Person shall knowingly aid or assist in the committing of any Fraud respecting the Weight of any Cart or the Load therein, weighed, or stated or represented to be weighed, at any such Machine as aforesaid, then and in every such Case every Person so offending shall, upon Conviction before a Justice, for every Offence be liable to a Penalty not exceeding Five Pounds, or to be imprisoned for any Period not exceeding Thirty Days.

Expenses of making Sewers to be paid out of Improvement Rate.

CXVII. That the Expenses of making, maintaining, and cleansing the present and any future Sewers of the Borough shall be defrayed out of the Improvement Rate, and the Mayor, Aldermen, and Burgesses shall not make any Sewer Rate, either General or Special, distinct from the Improvement Rate.

Power to levy a General Improvement Rate.

CXVIII. That for the Purposes of defraying the Costs and Expenses of carrying this Act and the Powers and Provisions thereof into execution (except the Purposes to which "The Rate for General Purposes" hereby authorized, and any Rates to be made for private Drains and private Improvements are hereby or by any Act incorporated herewith directed to be applied), and of defraying the Expenses of and incident to the obtaining of this Act, and also of paying the Amount of Compensation awarded to any Person or Officer under the Provisions of this Act, it shall be lawful for the Mayor, Aldermen, and Burgesses from Time to Time to make, assess, and levy (in lieu and stead of the Rates which might have been assessed and levied under the Provisions of the recited Acts hereby repealed) such equal Rate, to be called "The Improvement Rate," as may be necessary for the Purposes aforesaid, not exceeding in any One Year Five Shillings in the Pound on the net annual Value of the Property included in such Rate.

Order of Justices not to be removed by Certiorari.

CXIX. That no Order of Justices or Court of Quarter Sessions upon any Appeal made against any Rate assessed under this Act or the Acts incorporated herewith shall be removed by Certiorari or otherwise into any of Her Majesty's Courts of Record at *Dublin*.

Application of Improvement Rate or Improvement Fund.

CXX. That all Monies which shall come to the Hands of the Mayor, Aldermen, and Burgesses from the said Rate called the Improvement Rate, or which shall be raised by any Mortgage or Security thereof granted by the Mayor, Aldermen, and Burgesses, and all other Monies to be received by the Mayor, Aldermen, and Burgesses under this Act, except the Monies arising from the Rate for General Purposes, shall form a Fund to be called "The Improvement Fund," and shall be applied as follows:

Firstly, in defraying the Charges and Expenses of and incidental to the obtaining and passing of this Act, or so much thereof as may not have been defrayed out of the Borough Fund:

Secondly, in paying the Interest of all Monies borrowed and which shall be from Time to Time due and owing on the Credit of the said Rate:

Thirdly, in paying the Amount of Compensation awarded to any Officer or Person under the Provisions of this Act:

Fourthly, in setting apart the Sum required to pay the Debts herein-before mentioned due by the Wide Street Commissioners:

Fifthly, in setting apart and appropriating the Sum as herein-after directed to be set apart and appropriated in Payment of the Principal Monies which shall have been borrowed or secured on the Improvement Rate:

Sixthly, in carrying into execution all the Purposes to which the said Improvement Rate or Improvement Fund is made applicable:

Lastly, in paying off the Principal of all Monies due on the Credit of said Improvement Rate.

Collectors to lodge all Monies received by them in Bank.

CXXI. That every Collector of any Rate authorized by this Act shall be obliged to lodge all Money received by him in a Bank transacting Business in the Borough, to be approved of by the Council, at such Times as they shall appoint, upon an Account to be opened in the Name of the Mayor, Aldermen, and Burgesses; and the Drafts to be drawn on the Bank on such Account shall be drawn at a Meeting of the Council, and there signed by the Mayor, by Two Members of the Council at the least, and by the Treasurer; and no Drafts on the said Account shall be drawn for any private Purpose on any Pretence whatever, nor for any other Purpose than the Payments which shall from Time to Time be authorized by the Council for the Purposes of this Act, as the same shall be certified to the said Treasurer by the Town Clerk, who shall countersign all such Drafts: Provided always, that no Draft for any Money ordered to be paid shall

shall be signed as aforesaid until the Meeting of Council next succeeding that at which such Order shall be made.

Costs of Proceedings for Recovery of Rates.

CXXII. That it shall be lawful for any Justice who shall issue any Warrant of Distress, as he is hereby authorized and empowered to do, for the Recovery of any Rate payable under this Act, to order that the Costs of the Proceedings for the Recovery of such Rate shall be paid by the Person liable to pay the said Rate; and such Costs shall be ascertained by such Justice, and levied by Distress; and the Justice shall include in his Warrant of Distress for the Recovery of the said Rate the Amount of such Costs, and shall issue his Warrant accordingly.

Amount to be set apart for a Sinking Fund.

CXXIII. That the Amount to be appropriated and set apart every Year by the Mayor, Aldermen, and Burgesses out of such Rate as a Sinking Fund, to be applied in paying off the Monies borrowed under the Powers of this Act, shall be not less than One Sixtieth Part of the Monies so borrowed, and that until the Expiration of Five Years from the Commencement of this Act it shall not be obligatory on the Mayor, Aldermen, and Burgesses to set apart any Money as a Sinking Fund.

Council not to make any Rates, except those authorised by 3 & 4 Vict. c. 108. and this Act.

CXXIV. That, save and except any Borough Rate to be raised and levied pursuant to the Provisions of the Act, Third and Fourth *Victoria*, Chapter One hundred and eight, it shall not be lawful for the Mayor, Aldermen, and Burgesses, by virtue of this Act or of any Act incorporated herewith, to make, assess, and levy any Rates or Sums of Money for the Purposes of this Act, other than the Rates hereby authorised, (that is to say,) the said "Improvement Rate," and the said "Rate for General Purposes:" Provided always, that nothing herein contained shall prevent the Mayor, Aldermen, and Burgesses from levying Rates for private Drains and private Improvements, and such Rates as the Persons supplied at their own Request with Gas or Water shall be bound to pay for the Supply of the same.

Penalties to be paid to Treasurer of Borough.

CXXV. That in all Cases where by this Act or any Act incorporated herewith any Penalty or Forfeiture is imposed, the Recorder or the Justices by whom any such Penalty or Forfeiture shall be imposed shall award such Penalties, or such Part thereof as shall not be awarded to an Informer, to the Treasurer of the Borough, in aid of the Improvement Fund.

Damages to be levied by Distress.

CXXVI. That all Damages, Costs, and Expenses which are by this Act, or any Act or Part of an 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.

CXXVII. That

Exemption from Rates.

CXXVII. That no Person shall be rated to any Rate made in pursuance of this Act in respect of Ministers Money, or of any Church, Chapel, Meeting House, or other Building exclusively used for Public Worship, or any Building exclusively used for the Purposes of gratuitous Education of the Poor, or of public Charity, or any Lands, Houses, or Buildings, or Parts of Houses or Buildings, exempted from the Payment of any County, Borough, Parochial, or other local Rates or Cesses, under the Provisions of the Sixth and Seventh *Victoria*, Chapter Thirty-six, or of any other Act relating to the Payment of such Rates as aforesaid.

Officers to receive Compensation, and Mode of ascertaining Compensation.

CXXVIII. That the Person holding the Office of Treasurer of the County of the City of *Cork*, or Clerk of the Wide Street Commissioners, or Secretary of the Grand Jury, at the Time when this Act shall come into operation, whose Office shall be abolished, or cease or become unnecessary, by reason of this Act, or who shall be removed from his Office under the Provisions of this Act, or who shall be deprived of the Salary to which he would have been entitled if this Act had not been passed, and who shall not be re-appointed under this Act, or who shall not be employed or retained by the Mayor, Aldermen, and Burgesses in an Office of equal Value under this Act, shall be entitled to have an adequate Compensation, by way either of a Sum of Money in gross or of Annuity, at the Option of and to be assessed by the Council, and paid out of the Improvement Fund, for the Salary of the Office which he shall so cease to hold; and every Person entitled to such Compensation as aforesaid shall, within Three Months from the Day when he shall so become entitled, deliver to the Town Clerk a Statement under his Hand setting forth the Amount received by him or his Predecessors in Office every Year during the Period of Five Years next before the passing of this Act, on account of the Salary in respect whereof he shall claim such Compensation, distinguishing the Office in respect whereof the same shall have been received, and containing a Declaration that the same is a true Statement, according to the best of the Knowledge, Information, and Belief of such Person, and also setting forth the Sum claimed by him as such Compensation; and the said Town Clerk shall lay such Statement before the Council, who shall take the same into consideration, and determine thereon; and immediately upon such Determination being made by the said Council touching the Matter in the said Statement, the Person preferring such Claim shall be informed of the Particulars of such Determination, by Notice in Writing under the Hand of the Town Clerk; and in case such Claim shall be admitted in part and disallowed in part, such Notice shall specify the Particulars in which the same shall have been admitted and disallowed respectively; and in case the Person preferring such Claim shall think himself aggrieved by the Determination of the Council thereon, or in case One Third of the Members of the

the Council shall subscribe a Protest against the Amount of Compensation allowed by such Determination, as excessive, it shall be lawful for the Person preferring such Claim, or any Member of the Council who shall subscribe such Protest, to appeal to the Commissioners of Her Majesty's Treasury, who shall thereupon make such Order as to them shall seem just; and such Order, signed by Three or more of such Commissioners, shall be binding upon all Parties: Provided always, that a Compensation of not less than Two Thirds of the Amount of his Salary shall be granted to such Officer, calculated upon an Average of such Salary, or that of his Predecessors, for the Five Years next before the passing of this Act: Provided also, that every such Officer who shall be continued in or re-appointed to such Office, or appointed to any other Office in lieu thereof, under the Provisions of this Act, and who shall be subsequently removed from such Office for any Cause other than such Misconduct as would warrant Removal from any Office held during good Behaviour, shall be entitled to Compensation, in like Manner as if he had been forthwith removed under the Provisions of this Act, and had not been continued in or re-appointed to such Office, or appointed to some other Office at a Salary of equal Amount in lieu thereof: Provided always, that if the Council shall not determine on such Claim within Six Months after the aforesaid Statement shall be delivered to the Town Clerk, such Claim shall be considered as admitted: Provided also, that it shall not be lawful for any Member of the Council to subscribe such Protest as aforesaid, except within such Period of Six Months: Provided always, that, if the Council shall so require, the Person preferring such Claim, upon receiving Notice in Writing signed by the Town Clerk, shall attend at any Meeting or adjourned Meeting of the said Council, or any Committee thereof, to which the Investigation of such Claim may be referred by such Council, and then and there shall answer all such Questions as shall be asked by any Member of the said Council or Committee touching the Matters set forth in the Statement subscribed by such Person as aforesaid, and produce all Vouchers, Books, Papers, and Writings in his Possession, Custody, or Power relating thereto; and the Mayor, Aldermen, and Burgesses shall pay to every such Person awarded Compensation as aforesaid the Money or Annuity so granted or determined as and for Compensation, when and as the same shall respectively become due and payable; and in case such Compensation shall be a Sum of Money in gross, the same shall be payable forthwith, with Interest thereon at the Rate of Five Pounds *per Centum per Annum*; and in case such Compensation shall be by way of Annuity, the same shall be payable by half-yearly Payments, the first Payment thereof to be made at the Expiration of Six Months from the Time when the aforesaid Statement shall be delivered to the Town Clerk.

If Compensation by Way of Annuity, the same to be secured by Bond.

CXXIX. That the Amount of the Sum of Money payable to any Person as such Compensation as aforesaid, if not forthwith paid, shall be secured to such Person by Bond or Obligation under the Common Seal of the Mayor, Aldermen, and Burgesses, in a sufficient Penalty, conditioned for the Payment to such Person, his Executors, Administrators, or Assigns, of the Amount of such Sum, with Interest after the Rate aforesaid, and all Arrears thereof (if any) accrued due before the Date of such Bond; and every Annuity payable to any Person as such Compensation as aforesaid shall be secured to such Person by a like Bond, in a sufficient Penalty, conditioned for the Payment to such Person, his Executors, Administrators, or Assigns, of such Annuity, with all Arrears thereof (if any) which shall have accrued due before the Date of such Bond; and every such Bond or Obligation shall be prepared and executed at the Expense of the Fund by this Act made chargeable with such Compensation, and delivered to the Person entitled to such Compensation as soon as conveniently may be after the Amount thereof shall have been determined as aforesaid by the said Council, or shall have been determined, in the event of such Appeal as aforesaid, by Order of the said Commissioners of Her Majesty's Treasury.

Short Title.

CXXX. That in citing or referring to this Act in other Acts of Parliament, or in Pleadings, legal Instruments, or other Proceedings, it shall be sufficient to use the Expression "The *Cork* Improvement Act, 1852."

Recovery of Damages not specially provided for, and of Penalties.

CXXXI. That 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.

This Act not to affect the Powers of the Market Trustees or Harbour Commissioners of Cork.

CXXXII. That nothing in this Act contained shall alter, limit, prejudice, lessen, or affect any of the Powers, Rights, Privileges, or Authorities of the Commissioners established under or by virtue of an Act passed in the First Year of the Reign of King *George* the Fourth, Chapter Fifty-two, commonly called "The *Cork* Harbour Commissioners," or of the Trustees for Markets in the City of *Cork* and Suburbs thereof as constituted under an Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the Establishment of Markets for the Sale of Corn and other Articles in the City of* Cork, or the Manner in which the said Trustees are to be elected or appointed, or to limit or affect the Powers, Duties, or Authorities of the Grand Jury of the County of the City of *Cork* to make any Presentment which they are authorized or required to make under

under and by virtue of the said last-mentioned Act; and that, notwithstanding anything in this Act or in any other Act contained, the Grand Jury of the County of the said City shall, at the Times and in the Manner mentioned in the said Act of the Third Year of the Reign of His late Majesty King *George* the Fourth, make the Presentments of the Three new Trustees thereby required to be made by them, and the Application for such Presentments shall be lodged with the Clerk of the Crown for the County of the said City within the same Time and in the same Manner as such Application is now required and accustomed to be lodged with the Secretary of the said Grand Jury.

Saving Rights of the Great Southern and Western Railway Company.

CXXXIII. That nothing in this Act contained shall authorize or empower the Mayor, Aldermen, and Burgesses of the Borough of *Cork* to enter upon, purchase, take, or otherwise interfere with any Lands, Tenements, or Hereditaments of or belonging to the *Great Southern and Western* Railway Company, for any of the Purposes of this Act or of any Act incorporated herewith, without the Consent of the said Company, to be signified in Writing under their Common Seal: Provided always, that this Enactment shall not exempt the said Company from Payment in respect of such Lands, Tenements, or Hereditaments of any Rate leviable under this Act to which they would have been subject and liable if this Enactment had not formed Part of this Act.

This Act not to exempt the Corporation or Borough of Cork from the Provision of 3 & 4 Vict. c. 108.

CXXXIV. That nothing in this Act contained shall extend or be deemed or construed to extend to exempt the Corporation or Borough of *Cork* from any of the Provisions of an Act passed in the Session of Parliament held in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for the Regulation of Municipal Corporations in* Ireland, or of any General Act now in force relating to Municipal Corporations in *Ireland*, but such Acts, except so far as the same may be expressly varied by this Act, shall be applicable to the said Corporation and Borough, as fully and effectually as if this Act had not been passed, and shall also be applicable to the Purposes of this Act.

This Act not to prejudice Rights, &c. of the Corporation of Cork.

CXXXV. That nothing in this Act shall in anywise prejudice, lessen, or interfere with any Rights, Powers, Franchises, or Authorities now vested in the Mayor, Aldermen, and Burgesses or the Council of the Borough of *Cork*, by Law, Charter, or otherwise.

Expenses of Act.

CXXXVI. That the Costs, Charges, and Expenses of or incidental to the applying for and obtaining this Act shall be paid by the Treasurer of the said Borough out of the Borough Fund.

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