

ANNO TRICESIMO PRIMO & TRICESIMO SECUNDO

VICTORIÆ REGINÆ.

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adjoining the River *Lee*, called "the Upper Park," and afterwards reclaimed and enclosed another Portion of Slob or Mud Land Eighty-nine Acres or thereabouts in Extent, called "the Lower Park," and such reclaimed Lands together are now generally known and are in this Act referred to as "the Park:" And whereas by "The *Cork, Blackrock, and Passage* Railway Act, 1846," (in this Act called "the Railway Act of 1846,") the Company, in that Act called "the *Cork, Blackrock, and Passage* Railway Company (and in this Act called "the Railway Company"), were authorized to make and maintain a Railway (herein-after called "the *Passage* Railway") from the Borough through the Townland or District of *Blackrock* to the Town of *Passage West*, all within the County of the City and County of *Cork*, passing through, among others, that Part of the Property of the Corporation called the *Blackrock* or *South Slob*, adjoining "the Park:" And whereas by "The *Cork, Blackrock, and Passage* Railway Extension to *Monkstown* and Amendment Act, 1847," (in this Act called "the Railway Act of 1847,") the Powers of the Railway Company were extended, but by Section Twenty-one of that Act it was expressly enacted as follows, with respect to the Slob Lands, Part as aforesaid of the Property of the Corporation, "And whereas it is expedient that Provision should be made for "the Construction at a future Time of a Dock or Docks on the Slob, "near *Cork*: Be it therefore enacted, That the said Company shall "at any Time hereafter, when required by the Lord High Admiral "or the Commissioners" (of Railways), "set back the Line of the "said Railway sufficiently for that Purpose on Ground to be pro-"vided by the Dock Promoters, such Ground and the Power to set "back the Line being first obtained by the said Dock Promoters:" And whereas by an Indenture of Lease bearing Date the 9th Day of *October* 1848 the Corporation, with the Consent and Approval of the Commissioners of Her Majesty's Treasury, demised to the Railway Company for the Term of One thousand Years from the 1st Day of *May* 1847 a Plot of Land Nine thousand Feet in Length and One hundred Feet in Breadth, forming Part of the Corporate Property called "the Park," and the *Blackrock* or *South Slob*, at the yearly Rent of Fifty Pounds, being the same Land or Part of the same Land referred to in the said Twenty-first Section of the Railway Act of 1847; and the existing Line and Terminus of the *Passage* Railway have been in part constructed upon the Plot of Land so leased by the Corporation: And whereas the Trade of the Borough and Port of *Cork* have of late greatly increased, but by reason of the Construction and Existence in its present Line of that Portion of the *Passage* Railway which commences near the Foot Bridge on the Navigation Wall, and extends to the Terminus near the *Victoria Road*, the Park is deprived of Access to the River Frontage, and is rendered unavailable for Trade or public Purposes: And

9 & 10 Vict. c. cxlviii.

10 & 11 Vict. c. lix.

And whereas the Corporation have in their Possession or under their Control within the Park a Site which they are willing to assign to the Railway Company in furtherance of this Act upon Terms as favourable to the Railway Company as those upon which the Site of such Portion of the existing Line is held by them: And whereas it would be attended with local and public Advantage if the Corporation or the Railway Company were authorized and required to remove and put back such Portion of the existing Line (herein-after called "the abandoned Portion"), and to construct a substituted Line or Lines of Railway in the Manner and upon the Terms herein-after provided: And whereas by an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for erecting a Ballast Office, and for regulating Pilots within the Port and Harbour of* Cork, *and for rendering more safe and commodious the said Port and Harbour for all Ships and Vessels trading to and from the same*, (in this Act referred to as "the Act of 1820,") the Commissioners for improving and preserving the Port, Harbour, and River of *Cork* (in this Act called "the Harbour Commissioners") were constituted and authorized; and by the "*Cork* Harbour Amendment Act, 1866," the Powers of the Harbour Commissioners were confirmed and extended: And whereas the Harbour Commissioners have expended and are expending large Sums of Money in deepening and improving the River *Lee*, and for that Purpose in the Removal of Alluvial Matter dredged from the Bed of the River (and herein-after called "dredged Stuff"), but for the increased and increasing Trade of the Port still further Improvements are required, and in the Prosecution of such Works great Difficulty has been and is experienced and Cost incurred in obtaining Sites for the Deposit of dredged Stuff: And whereas a convenient Site for such Deposit would be rendered available by the Removal of the abandoned Portion of the *Passage* Railway, and in addition to any Payment made by the Harbour Commissioners for Permission to deposit dredged Stuff an increased and progressive Value would thereby be given to the Lands of the Corporation so utilized, and it is expedient that the Agreement in that Behalf between the Corporation and the Harbour Commissioners set forth in the Schedule (B.) hereto be confirmed and carried into effect as in this Act provided: And whereas it is expedient that Powers with respect to the abandoned Portion and to the Disposal and Management of the Park generally be conferred upon the Corporation: And whereas by "The *Cork* Improvement Act, 1852," (in this Act called "the Act of 1852,") the Corporation were empowered to purchase the Undertaking (in the Act of 1852 called "the Pipe Water Trust"), and divers other Powers were by the Act of 1852 conferred upon the Corporation for the Improvement and good Government of the Borough; And whereas by "The *Cork* Municipal Corporation Act,

1 G. 4. c. lii.

29 & 30 Vict. c. cxxxi.

15 & 16 Vict. c. cxliii.

16 & 17 Vict. c. x.

Act, 1853," (in this Act called "the Act of 1853,") additional Provisions were made with regard to the Constitution and Regulation of the Corporation: And whereas by "The *Cork* Bridges, Waterworks, and Improvement Act, 1856," (in this Act called "the Act of 1856,") certain Provisions of the Act of 1852 were repealed or altered, and the Corporation were enabled to remove and rebuild Bridges, to confirm Arrangements with the Pipe Water Trustees to extend and improve their Water Supply, to regulate Hackney Carriages, and to borrow Money for these and other Purposes: And whereas the Corporation have provided a constant Supply of Water at high-pressure within the Borough, but great Waste and Misuse of Water now take place which cannot under the Provisions of the said Acts of 1852, 1853, and 1856 (in this Act called "the recited Acts") be prevented, and it is expedient that Power should be conferred upon the Corporation to prevent such Waste and Misuse: And whereas it is expedient that the Corporation be empowered to improve their existing Waterworks, and to establish a Depreciation Fund, and for the Purposes of this and the recited Acts that the Limits of their Water Supply should be defined: And whereas the Corporation are or claim to be the Owners of a public Walk within the Borough and County of the City formerly known as the *Redhouse Walk*, and now called the *Mardyke Walk;* and by an Act passed in the Twentieth Year of the Reign of His late Majesty King *George* III. the Trees planted upon that Walk, which it was thereby recited (Section 52) were not then vested in any Person, became vested in the Corporation; and it is expedient that Powers should be conferred upon the Corporation to maintain and preserve such Walk for the public Recreation and Enjoyment, and with that Object to prohibit Encroachments or Nuisances upon or to such Walk, and to make Regulations with regard to the Use of such Walk by the Public, and especially with Carriages and Horses, subject, however, to legal Rights (if any) now existing: And whereas the Corporation in like Manner are or claim to be the Owners of another public Walk known as the *Navigation Wall* or *Walk*, upon the Maintenance and Improvement of which they from Time to Time have expended large Sums of Money, and it is expedient that similar Rights and Powers be granted to the Corporation with respect thereto, and also that Powers should be granted to them for the Establishment and Maintenance of a public Park: And whereas under the Act of 1852 the Corporation were empowered to borrow upon Security of the Improvement Rate by that Act authorized the Sum of Ninety thousand Pounds, with a Proviso that Thirty thousand Pounds of that Amount should only be raised in the event of the Purchase by the Corporation of the Undertaking of the *United General* Gaslight Company at *Cork* (which Event has not happened); and with a further Proviso that Fifteen thousand Pounds, or any lesser Sum, Part of such Ninety thousand

19 & 20 Vict. c. xlviii.

thousand Pounds, should be borrowed only in respect of the Purchase of the Pipe Water Trust: And whereas by the Act of 1856 the Corporation were authorized to borrow the following additional Sums; (that is to say,) upon the Security of the Improvement Rate the Sum of Twenty-four thousand Pounds, applicable only to the Purposes of Bridges; upon the Credit of the Water Rates and Charges by that Act authorized a Sum of Forty-five thousand Pounds, applicable only to the Purposes of additional Waterworks; and upon the Security of the Gasworks authorized to be acquired by the Act of 1852 a Sum of Thirty thousand Pounds, applicable only towards completing the Purchase of such Gasworks (which were never so purchased): And whereas the Pipe Water Trust was long since purchased by the Corporation for the Sum of Thirteen thousand eight hundred and seventy-five Pounds, but by reason of Losses sustained through Compensation to Millowners, and otherwise, the Amounts which the Corporation were authorized to borrow for Waterworks Purposes were found insufficient, and the Corporation (with the Consent and Approval of the Lords Commissioners of Her Majesty's Treasury) borrowed on the Credit of the Borough Fund Revenues and applied for Waterworks Purposes the Sum of Twenty thousand Pounds or thereabouts, and it is expedient that so much thereof as has been paid on account of Principal as a Sinking Fund should now be recouped to the Borough Fund by Monies borrowed on the Credit of the Water Revenues of the Corporation, and that Provision should be made for the Payment in future out of the Water Revenues of Interest upon the Debt so created, and for the eventual Liquidation of such Debt, in manner by this Act mentioned: And whereas by the Act of 1852 such of the Powers of the Wide Street Commissioners under their various Acts of Parliament as were not extinguished on the Dissolution of that Body, together with their then existing Debt of Thirty-one thousand five hundred and thirty-eight Pounds Eight Shillings and Eightpence, were transferred to the Corporation, and the Debentures of the Wide Street Commissioners representing such Debt were charged upon the Improvement Rate, and together with all Interest due and to accrue due thereon were made recoverable in all respects from the Corporation as they had previously been from the Wide Street Commissioners: And whereas there is now due in respect of these Securities (commonly called "Wide Street Debentures") the reduced Amount of Twenty-eight thousand eight hundred and seventy-six Pounds Nineteen Shillings and Sixpence, but no Sinking Fund exists or existed in the Time of the Wide Street Commissioners for the Liquidation of such Debt, and Doubts have arisen as to the Extent and Mode in which the borrowing Powers of the Corporation are legally applicable in Payment of these Debentures, and it is expedient that such Doubts be set at rest: And whereas it is expedient that the existing

Sewerage and Drainage System of the Borough be improved, and that the Corporation be enabled to execute paving and other Improvements: And whereas the Officers of the Corporation, instead of being concentrated in any single Building, carry on their Business in different Localities, and much Inconvenience consequently arises, and it is expedient that the Corporation be authorized to erect a Town Hall, with suitable Offices: And whereas for the greater Security of Property, and for the more effectual Prevention of Fires within the Borough, it is expedient that the Corporation be empowered to establish a Night Watch and Fire Brigade, and to agree as to Terms with the different Insurance Companies: And whereas a public Cemetery adjoining the Borough has been provided by the Corporation, and it is expedient that all usual and proper Powers in respect thereof be vested in the Corporation: And whereas it is expedient that divers Powers for ensuring the safe Removal and keeping of Gunpowder, and for regulating Theatres and other Places of Public Amusement, and for the better Regulation of Hackney Carriages, and generally for the better local Government and Management of the Borough, be conferred on the Corporation as in this Act expressed: And whereas it is expedient that better Provision be made for the Assessment and Collection of Rates, and for apportioning the Value of Property in certain Cases, and for ascertaining the Value of Lands taken by Compulsion, and also that the Powers of Justices within the Borough, and of the Corporation under the recited Acts, be extended as in this Act expressed: And whereas the borrowing Powers of the Corporation are insufficient for the Requirements of the Borough, and it is expedient that for the Purposes of this Act and the recited Acts the Corporation be authorized to borrow Money to the Extent and in the Manner in this Act expressed: And whereas Plans and Sections describing the Lines, Situation, and Levels of the Railways by this Act intended to be authorized, and of the Lands and Buildings intended to be taken for the same, together with a Book of Reference to the several Plans containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of Lands in the Lines of the proposed Works, or within the Limits of Deviation as defined on the Plans, and describing all the Lands and Buildings aforesaid, have been deposited with the Clerk of the Peace for the County of the City (and are in this Act referred to as "the deposited Plans, Sections, and Book of Reference"): But the Objects aforesaid cannot be attained without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows; (that is to say,)

Part I.—Preliminary.

1. This Act may for all Purposes be cited as "The *Cork* Improvement Act, 1868." Short Title.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," (so far as the same Two Acts are not inconsistent with "The Railways Acts (*Ireland*), 1851, 1860, and 1864,") "The Railways Clauses Consolidation Act, 1845," and Part I. of "The Railways Clauses Act, 1863," "The Railways Act (*Ireland*), 1851," "The Railways Act (*Ireland*), 1860," and "The Railways Act (*Ireland*), 1864," "The Waterworks Clauses Acts, 1847 and 1863," "The Burial Grounds (*Ireland*) Act, 1856," and the Clauses of "The Cemeteries Clauses Act, 1847," "with respect to exclusive Rights of Burial and Monumental Inscriptions in the Cemetery," (save Section 51 of that Act,) except such of the Provisions of those Acts as are varied by or are repugnant to any of the Provisions of this Act, are respectively incorporated with this Act; and the Provisions of "The Waterworks Clauses Act, 1863," shall in like Manner extend and apply to the Waterworks constructed pursuant to the Provisions of the recited Acts respectively. Incorporation of General Acts herein named.

3. The Clauses or Provisions of "The Commissioners Clauses Act, 1847," with respect to the following Matters, (that is to say,) 10 & 11 Vict. c. 16. incorporated.

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 Notices or Orders;

With respect to the Mortgages to be executed by the Commissioners,

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

4. "The Towns Improvement Clauses Act, 1847," except the following Provisions thereof, namely, Sections, Nineteen and Twenty, One hundred and twenty-one to One hundred and twenty-four (inclusive), One hundred and fifty-six to One hundred and sixty-eight (inclusive), One hundred and seventy-six, One hundred and seventy-seven, and One hundred and seventy-nine, and Two hundred and ten to Two hundred and thirteen (inclusive), and the following Provisions of "The Towns Improvement (*Ireland*) Act, 1854," namely, Sections Forty-three, Fifty-one, Seventy, Seventy-one, Seventy-two, Seventy-four, Seventy-five, and Seventy-six, so far as the same respectively are not varied by or are not repugnant 10 & 11 Vict. c. 34. and 17 & 18 Vict. c. 103. incorporated.

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to the Provisions of this Act, are incorporated with this Act, and such Clauses shall apply to all the Purposes of this Act.

Same Meanings to Words in incorporated Acts as in this Act.

5. The several Words and Expressions to which by the Acts wholly or partially incorporated with this Act Meanings are assigned shall in this Act have the same respective Meanings; and in the incorporated Acts the Expression "the Special Act" means this Act, and the Expressions "the Undertakers," "the Company," "the Commissioners," or other like Expressions, shall mean "the Corporation," and the Expression "the Clerk," "the Clerk of the Commissioners," or "the Clerk of the Company," means the Town Clerk of the Borough, unless there be in the Subject or Context something repugnant to or inconsistent with such Construction.

Interpretation of Terms.

6. In construing this Act the following Words and Expressions have the Meanings herein-after assigned to them, unless there be something in the Subject or Context inconsistent with such Construction; (that is to say,)

The Term "the Borough" means the Borough of *Cork;* and the Terms "the Corporation," "the Mayor," "the Council," "Aldermen," "Councillor," "the Town Clerk," "the Treasurer," mean respectively the Mayor, Aldermen, and Burgesses of the Borough, and the Mayor, the Council, Aldermen, Councillor, the Town Clerk, and the Treasurer for the Time being of the Borough:

The Term "the Lord Lieutenant" means the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being:

The Term "the Municipal Corporation Acts" means the Act of the Session of the 3rd and 4th Years of Her Majesty's Reign, Cap. 108., "for the Regulation of Municipal Corporations in *Ireland*," and all such Acts for the Time being in force amending the same, or otherwise relating to Municipal Corporations in *Ireland:*

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

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

The Term "Person" includes a Body Corporate:

The Term "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 Occupiers thereof on his own Account, or as Agent for any other Person.

PART II.—PROCEEDINGS OF CORPORATION.

Act to be carried into execution by the Council.

7. This Act shall be carried into execution by the Corporation (acting by the Council), and (subject to the express Provisions of this Act) according and subject to the Municipal Corporation Acts and other Acts for the Time being affecting the Corporation, and with all the Authorities conferred by those Acts on the Corporation and on the Council and Committees of the Council, and the Officers, Agents, and Servants of the Corporation, with respect to Matters provided for by or comprised in those Acts respectively, and (subject as aforesaid) as nearly as may be in all rêspects as if the Powers, Duties, and Property vested in, or imposed upon, or enjoyed by the Corporation by or under this Act were vested in, imposed upon, or enjoyed by them by or under the Municipal Corporation Acts.

15 & 16 Vict. c. cxliii. ss. 14. 16.

8. Sections 14 and 16 of the Act of 1852 are hereby repealed.

Saving for Acts done.

9. Provided always, that notwithstanding the Repeal in manner aforesaid of Sections 14 and 16 of the Act of 1852, anything before the passing of this Act done, suffered, or confirmed under or by those Sections respectively, or either of them, shall be as valid and effectual to all Intents and Purposes as if the same had not been hereby repealed.

Power to Corporation to appoint Committees.

10. The Corporation may appoint out of their own Body from Time to Time such and so many Committees, and consisting of such Number of Persons, as they shall think fit, for all or any of the Purposes of this Act, or the recited Acts, which may in the Discretion of the Corporation 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 Corporation for their Approval.

Power to Corporation to appoint Committees; further Powers.

11. In addition to the Power of appointing Committees already possessed by the Corporation, they may from Time to Time appoint out of their own Body Committees, consisting of such Number of Persons as they think fit, for any Purposes which in the Discretion of the Corporation would be better regulated and managed by such Committees, and with the Concurrence in every Case of Four Fifths at least of the Members of the Council present at a Meeting specially convened by Notice stating the Object for which such Meeting is to be held, and issued at least Seven Days previous to the holding thereof, may delegate to each such Committee such of the Powers and Duties of the Corporation under this Act, or the recited Acts, as the Corporation think fit for the Purpose of carrying into effect any specific Orders of the Council, and the Acts and Proceedings of every

such Committee within the Limits of such Delegation shall be deemed the Acts and Proceedings of the Corporation.

Quorum and Proceedings of Committee.

12. The Quorum of every Committee shall be such as the Corporation may appoint, or, in default of Appointment, shall consist of Three Members; and in case the Chairman (if any) appointed by any such Committee shall not be present at the Time named for any Meeting of such Committee, or in case there be no Chairman appointed as aforesaid, the Members present shall choose One of their own Number to be Chairman of such Meeting; and all Questions at every Meeting of such Committee or Committees shall be determined by a Majority of Votes of the Members present and voting on that Question, and in case of an equal Division the Chairman shall have a Second or Casting Vote.

Minutes of Proceedings &c. to be Evidence.

13. For the Purposes of this Act and the recited Acts, any Minute made of Proceedings at Meetings of the Council, or of Committees of the Council, if signed by any Person purporting to be the Chairman of the Council or Committee of the Council at which such Proceedings took place, shall be receivable in all Courts of Law and Equity and elsewhere as *primâ facie* Evidence, without further Proof of the Proceedings of which the same purports to be a Minute; and until the contrary is proved every Meeting of the Council or Committee of the Council in respect of the Proceedings of which Minutes have been so made shall be deemed to have been duly convened and held, and all the Members thereof to have been duly qualified; and the Minutes of Proceedings of the Council shall at all reasonable Times be open to the Inspection of any Member of the Council.

As to Election of Mayor.

14. Where at any Meeting of the Council held for the Election of Mayor there happens to be an Equality of Votes for and against the Member who is proposed, or for the Members respectively who are proposed, to be elected Mayor, the Mayor or Chairman for the Time being presiding at such Meeting of the Council shall have a Second or Casting Vote.

15 & 16 Vict. c. cxliii. s. 107. repealed.

15. Section 107 of the Act of 1852 is hereby repealed.

Mayor may appoint Locum tenens.

16. It shall be lawful for the Mayor, in case of his Illness or Absence from the Borough, to appoint an Alderman or Councillor, being a Justice of the Peace for the Borough, to act as his Deputy or Locum tenens during the Period of such Illness or Absence, and the Name of such Deputy, and the Reason of his Appointment, shall be signified in Writing to the Council, and, if by them approved of, allowed, and such Appointment shall be recorded in the Minutes of the

the Proceedings; and the Alderman or Councillor so appointed Deputy or Locum tenens shall during the Illness or Absence of the Mayor, and 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.

Part III.—Diversion of Railway.

Certificates of Omission and Alteration of Plans.

17. The Provisions of "The Railways Clauses Consolidation Act, 1845," relating to the Deposit with the Postmasters of Post Towns in *Ireland* of Certificates of Omissions, Misstatements, or erroneous Descriptions in certain Plans and Books of Reference therein referred to, and of certain Plans and Sections of such Alterations in the original Plans and Sections as shall have been approved of by Parliament, shall for the Purposes of this Act be read and construed as if the Expression "Clerks of the Unions within which such Parishes are included in *Ireland*" were substituted for "the Postmasters of the Post Towns in or nearest to such Parishes in *Ireland*," and as if the Words "Clerks of the Unions" were substituted for the Word "Postmasters," and the Words "Clerk of the Union" were substituted for the Word "Postmaster," wherever the same respectively occur in the said Provisions.

Power to construct substituted Railways.

18. Subject to the Provisions of this Act and the Acts incorporated herewith, the Corporation may make in the Lines and according to the Levels shown on the deposited Plans and Sections the substituted Railways herein-after described, with all proper Stations, Works, Approaches, and Conveniences connected therewith, and may enter upon, take, and use such of the Lands shown on the deposited Plans and described in the deposited Book of Reference as may be required for that Purpose.

Describing substituted Railways.

19. The substituted Railways herein-before referred to and authorized by this Act are:

No. 1. A Railway One Mile Two Furlongs in Length or thereabouts, commencing at a Point on the existing Line of the *Passage* Railway situated Sixty-eight Yards or thereabouts to the West of the Foot Bridge which crosses said Railway from the Navigation Wall at or near *Blackrock* in the Parish of *St. Finn Bar's*, and marked with the Letter "A" on the deposited Plans, and terminating at a Point in the Upper Park marked with the Letter "C" on the deposited Plans, situate near the Junction of the *Southern Park Road* and the *Victoria Road* leading to *Blackrock*, and distant One Furlong or thereabouts from the Southern Wall of the Terminus of the said

Railway

Railway at *Cork* in the Parish of *St. Nicholas*, which Railway (No. 1) will be situate in the Parishes of *St. Finn Bar's* and *St. Nicholas* and County of the City or Borough of *Cork*:

No. 3. A Railway One Furlong Nine Chains and Fifteen Yards in Length or thereabouts, commencing at the Termination of the Railway (No. 1) herein-before described at the Point marked "C" on the deposited Plans, and terminating at a Point marked "D" on the deposited Plans, situate at or near the Eastern Angle formed by *Albert Street* and *Albert Quay*, and which Railway (No. 3) will be situated in the Parish of *St. Nicholas* and County of the City or Borough of *Cork*.

Confirmation of Agreement with Railway Company.

20. The Agreement entered into between the Corporation and the Railway Company which is set forth in Schedule (A.) to this Act annexed is by this Act confirmed and made binding on the Corporation and the Railway Company, and full Effect shall be given thereto as if the Provisions of such Agreement were herein expressly re-enacted.

Substituted Railways when to be transferred to Railway Company.

21. From and after the Completion and Transfer to the Railway Company of the substituted Railways in manner provided by the said Agreement in Schedule (A.) to this Act, all Liability, pecuniary or otherwise, of the Corporation in respect of the substituted Railways shall cease and determine, save only as regards the Stipulations in the said Agreement contained for the Maintenance and Repair by the Corporation of the said Works for a Period of Twelve Months after their Delivery to the Company: Provided always, that the substituted Railways shall be transferred to the Company free from Incumbrances of any kind made by the Corporation.

Substituted Railways to form Part of Railway Company's Undertaking.

22. From and after the Transfer to the Railway Company of the substituted Railways, the same shall be vested in the Railway Company, and shall be maintained by them, and shall form Part of their Undertaking; and the several Acts relating to the Undertaking of the Railway Company as now existing, and to the Maintenance, Management, Regulation, Working, User, and Enjoyment of same, and to the Traffic upon same, and to the Tolls, Fares, Rates, and Charges to be demanded and taken for and in respect of same, shall apply equally to the substituted Railways, and every Part thereof, as if the same were Part of the existing Line, and shall be construed and have Effect accordingly: Provided always, that nothing in this or any other Act contained shall render the substituted Railways, or any Portion thereof, liable to Removal or setting back in manner contemplated with regard to the abandoned Portion of the existing Line of the Railway Company by the Railway Acts of 1846 and 1847, or either of them.

23. In

Abandonment by Railway Company of Part of existing Line.

23. In pursuance of the said Agreement the Railway Company shall abandon so much of their authorized and existing Line as will be rendered unnecessary by the substituted Railways, or either of them; (that is to say,) the Portion which is situated between a Point on the *Passage* Railway Sixty-eight Yards or thereabouts to the West of the Foot Bridge which crosses the *Passage* Railway from the *Navigation Wall* at or near *Blackrock*, situate in the Parish of *Saint Finn Bar* in the County of the City and Borough of *Cork*, and marked with the letter "A" on the deposited Plans, and a Point on the *Passage* Railway marked with the Letter "B" on the deposited Plans at or near the existing Terminus of the *Passage* Railway situate at the *Victoria Road* in the Parish of *Saint Nicholas* in the County of the City and Borough of *Cork*, together with and including such existing Terminus of the *Passage* Railway; and all the Rights, Powers, Authorities, and Privileges by the Railway Acts of 1846 and 1847, or either of them, granted to the Railway Company for the Construction, Maintenance, Regulation, or Use of that Part of their authorized and existing Line which by this Act is required to be abandoned (and is in this Act called "the abandoned Portion"), shall from and after such Abandonment, and immediately upon the Transfer to the Corporation of such abandoned Portion in manner herein-after specified, absolutely cease and determine.

Transfer to Corporation of abandoned Portion.

24. In pursuance of the said Agreement the Railway Company shall transfer, convey, and make over to the Corporation, free from Incumbrances of any kind made by the Railway Company, the abandoned Portion of their authorized and existing Line, including the Terminus and the Site thereof, and all Lands used, taken, or held by the Railway Company for the Purposes of such abandoned Portion, or in connexion therewith, together with all Rights, Powers, Authorities, and Privileges of the Railway Company in respect thereof or connected therewith; and all Incumbrances and Liabilities created or incurred by the Railway Company affecting the abandoned Portion, or any Part thereof, shall be held in every Case to affect and to have affected, instead of such abandoned Portion, the substituted Railways by this Act authorized.

Corporation may lease Land to the Railway Company.

25. It shall be lawful for the Corporation, in case they think fit, for the Purposes of this Act and of the said Agreement, to execute any Lease or other formal Instrument which may be required for giving effect to the said Agreement, and the Corporation in respect thereto shall be held to possess and be capable of exercising all such Powers as the Circumstances may require.

Removal of abandoned Portion.

26. It shall be lawful for the Corporation, subject to the Provisions of this Act and the Acts herewith incorporated, to deal at their own Discretion with the Site of the abandoned Portion in the Manner and for the Purposes by this Act and the said Agreement contemplated.

Period for compulsory Purchase of Lands.

27. The Powers of the Corporation for the compulsory Purchase of Lands for the Purposes of the substituted Railways by this Act authorized shall not be exercised after the Expiration of Two Years from the passing of this Act.

Period for Completion of Works.

28. The substituted Railways by this Act authorized shall be completed within Four Years from the passing of this Act, and on the Expiration of that Period the Powers by this Act granted to the Corporation for executing the Works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as shall then be completed.

Power to Railway Company to subscribe and apply Funds by this Act.

29. The Railway Company may, with the Authority of Three Fourths of the Votes of their Shareholders present in person or by proxy at a General Meeting of the Railway Company specially convened for that Purpose, from Time to Time subscribe any Sum which they think fit towards the Construction of the substituted Line No. 3 by this Act authorized not exceeding in the whole the Sum of Three thousand Pounds; and the Railway Company may, with the like Authority, contribute and apply in Payment of their said Subscription any Monies which they are already authorized to raise, and which may not be required by them for the Purposes of their Undertaking, and also any Monies which they are by this Act authorized to raise.

Power to Company to create Shares or Stock.

30. The Railway Company may from Time to Time raise for the Purposes of their Subscription to the substituted Line No. 3 by this Act authorized any Sums of Money, not exceeding in the whole the Amount which the Railway Company may as aforesaid agree to subscribe, by the Creation and Issue of new ordinary Shares or Stock or new Preference Shares or Stock in their Capital, or, at the Option of the Railway Company, by both or either of those Modes; and the Clauses and Provisions of the Companies Clauses Consolidation Act, 1845, with respect to the following Matters, that is to say,

The Distribution of the Capital of the Company into Shares;

The Transfer or Transmission of Shares;

The Payment of Subscriptions and the Means of enforcing the Payment of Calls;

The Forfeiture of Shares for Nonpayment of Calls;

The

The Remedies of Creditors of the Company against the Shareholders;

The Consolidation of the Shares into Stock;

The General Meetings of the Company, and the Exercise of the Right of voting by the Shareholders;

The making of Dividends; and

The giving of Notices;

and Part II. (relating to additional Capital) of "The Companies Clauses Act, 1863," shall extend and apply to the Railway Company, and to the additional Capital which they are by this Act authorized to raise.

Application of Monies raised by the Company.

31. All Monies which the Railway Company may raise under the Powers of this Act shall be applied for the Purposes of the before-mentioned Contribution only.

Shares not to be issued until One Fifth Part paid up.

32. The Railway Company shall not issue any Share or Stock under the Authority of this Act, nor shall any Share vest in the Person accepting the same, unless and until a Sum, not being less than One Fifth of the Amount of such Share or Stock, shall have been paid in respect thereof.

Deposits for future Bills not be paid out of Capital.

33. The Corporation or the Railway Company shall not, out of any Money by this Act authorized to be raised, pay or deposit any Sum which, by any Standing Order of either House of Parliament now or hereafter in force, may be required to be deposited in respect of any Application to Parliament for the Purpose of obtaining an Act authorizing the Corporation to construct any Railway, or to execute any similar Work or Undertaking.

Interest not to be paid on Calls paid up.

34. The Railway Company shall not, out of any Money by this Act authorized to be raised, pay Interest or Dividend to any Shareholder on the Amount of Calls made in respect of the Shares held by him; provided that this Act shall not prevent the Railway Company from paying to any Shareholder such Interest on Money paid in anticipation of Calls as is in conformity with "The Companies Clauses Consolidation Act, 1845."

Provisions as to General Railway Acts.

35. Nothing herein contained shall be deemed or construed to exempt the substituted Railways by this Act authorized to be made from the Provisions of any General Act relating to Railways, or the better and more impartial Audit of the Accounts of Railway Companies, now in force, or which may hereafter pass during this or any future Session of Parliament, or from any future Revision or Alteration, under the Authority of Parliament, of the maximum Rates of Fares and Charges or of the Rates for small Parcels authorized by this Act as affecting the Railway Company.

PART IV.—HARBOUR COMMISSIONERS.

Agreement in Schedule (B.) confirmed.

36. The Agreement entered into between the Corporation and the Harbour Commissioners which is set forth in Schedule (B.) to this Act annexed is by this Act confirmed and made binding on the Corporation and the Harbour Commissioners respectively, and full Effect shall be given thereto.

Harbour Commissioners may borrow.

37. For the Purposes of such Agreement, and of the Improvements thereby contemplated, the Harbour Commissioners may borrow upon Mortgage of their Rates, Rents, Dues, Tolls, and Revenues any Sums not exceeding in the whole the Sum of Three thousand Pounds, and such Sums shall be borrowed in manner contemplated by the Sections of "The Commissioners Clauses Act, 1847," with respect to the Mortgages to be executed by the Commissioners, which shall accordingly be applicable for the Purpose: Provided always, that the Harbour Commissioners shall not be bound in any One Year to set apart as a Sinking Fund a greater Sum than One Thirtieth Part of the Monies hereby authorized to be borrowed by them, nor shall it be obligatory on the Harbour Commissioners to commence any such Sinking Fund until the Expiration of Five Years from the passing of this Act.

Existing Mortgages to have Priority.

38. All Mortgages and Bonds granted by the Harbour Commissioners before the passing of this Act, and which shall be subsisting at the Time of the passing thereof, shall during the Continuance of such Mortgages and Bonds have Priority over any Mortgages to be granted by this Act.

Amount paid off may be reborrowed.

39. If, after having borrowed any Part of the Money authorized to be borrowed under the Powers of this Act, the Harbour Commissioners pay off the same otherwise than by means of the Sinking Fund herein-before mentioned, it shall be lawful for them again to borrow the Amount so paid off, and so from Time to Time.

Appointment of a Receiver.

40. It shall be lawful for any Person entitled to any Mortgage granted by the Harbour Commissioners under the Authority of this Act to enforce the Payment of the Arrears of Interest or Principal, or Principal and Interest, due on the Mortgage of any such Person by the Appointment of a Receiver; and in order to authorize the Appointment in respect of Principal, or Principal and Interest, the Amount owing to the Mortgagees by whom the Application for a Receiver is made shall not be less than Five hundred Pounds in the whole.

41. Nothing

Saving Rights of Harbour Commissioners.

41. Nothing in this Act contained, except where expressly provided therein, shall alter, limit, prejudice, lessen, or affect any of the existing Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Harbour Commissioners.

Part V.—Waterworks.

Corporation may draw off Water for Repairs and cleaning of Reservoirs.

42. It shall be lawful for the Corporation from Time to Time to cause the Water to be drawn or let off from any of their Reservoirs for the Purpose of repairing or inspecting the State of such Reservoirs, or any of the Dams, Banks, Tanks, Channels, Watergates, Pipes, or other Works appertaining thereto, or for the Purpose of cleaning out such Reservoirs or any Part thereof, but in any such Case the Corporation shall use all convenient Speed in making such Repairs or in executing such cleaning.

Regulations for preventing Waste, &c. of Water.

43. For preventing Waste, Misuse, undue Consumption, or Contamination of the Water of the Corporation, the Corporation may from Time to Time make Regulations to be observed by Persons supplied with Water by the Corporation; and until such Regulations are made, or in default of any such Regulations, the Provisions herein-after contained shall apply and be read as if the same were "Regulations for the Time being in force in the Borough."

Repealing certain Sections of recited Acts.

44. Section 80, and Sections 82 to 86 inclusive, of the Act of 1852, and Sections 36 and 39 of the Act of 1856, (relating to Water Supply,) are hereby repealed.

Nature of Regulations.

45. The Corporation may direct the Use, and prescribe the Size, Nature, Strength, and Materials, and the Mode of Arrangement, Alteration, and Repair of the Pipes, Valves, Cocks, Cisterns, Baths, Soilpans, Waterclosets, and other Apparatus or Receptacles, or any of them, to be used for carrying, delivering, and receiving Water, and may interdict any Arrangement and the Use of any Pipe, Valve, Cock, Cistern, Bath, Soilpan, Watercloset, or other Apparatus or Receptacle in their Judgment likely to occasion Waste, Misuse, undue Consumption, or Contamination of Water.

Conditions of Supply.

46. The Corporation shall not be bound under any Agreement or otherwise to supply or to continue to supply Water to any Person unless the Pipes, Cocks, Cisterns, Waterclosets, or other Apparatus used be made of such Size, Nature, Strength, and Materials, and be so arranged and repaired, as the Corporation from Time to Time prescribe or approve, or unless such Regulations as are for the Time being in force be duly observed; and in the event of any Dispute as to whether such Regulations have been duly observed, the same shall be settled by the Justice or Justices at any Police Court in

Cork in the same Manner as is provided by "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 any Justice or Justices.

Repairs of Pipes.

47. In the event of the Failure of any Person supplied with Water by the Corporation to observe such Regulations as are for the Time being in force, the Corporation may, if they think fit, after Twelve Hours Notice in Writing, at any Time between the Hours of Nine in the Morning and Six in the Evening, enter, and by or under the Direction of their duly authorized Officer repair, replace, or alter any Pipe, Valve, Cock, Cistern, Bath, Soilpan, Watercloset, or other Apparatus or Receptacle belonging to or used by any Person supplied by them, and the Expense of every such Repair, Replacement, or Alteration shall be repaid to the Corporation by the Person on whose Credit the Water is supplied, and may be recovered by them as Damages for the Recovery of which no special Provision is made: Provided that if the Person so liable to repay such Expenses to the Corporation shall, after Demand, refuse or neglect to pay the same, it shall be lawful for the Corporation to turn off the Supply of Water from the Premises of such Person, who shall nevertheless continue liable to the Water Rate then assessed or thereafter to be assessed thereon.

Branch Pipes, Thickness of.

48. All Branch and Communication Pipes to convey the Water from any Main Pipe or Service Pipe belonging to the Corporation shall be of such Bore, Thickness, and Dimensions, and laid down in such Manner, and of such Materials, as shall be determined by the Corporation, and in case such Pipes shall be cut off for Waste, or any improper Appropriation, Use, or Misuse of the Water, the Person liable to be rated and assessed under this Act in respect of the Supply afforded by means of such Pipes shall nevertheless continue to be so liable as if such Pipe had not been cut off.

Want of Supply, when excused.

49. The Corporation shall not be liable to any Penalty under this Act or the recited Acts, or otherwise, or to any Damages, for not supplying Water as required by this Act or the recited Acts, if the Want of such Supply arises from Frost, unusual Drought, or other unavoidable Cause or Accident.

Corporation to lay down Pipes on Request of Occupier.

50. The Corporation may, upon the Request and at the Cost of the Owner or Occupier of any Dwelling House in any Street in which their Mains are laid, lay down Communication Pipes for connecting such Dwelling House with the Mains of the Corporation, a Deposit being first made by such Owner or Occupier of the estimated Cost of providing and laying such Communication Pipes.

51. If

Power to remove Pipes.

51. If the Occupier for the Time being of any Dwelling House or other Building to which Communication Pipes are laid omits to pay the Water Rates chargeable on such House or Building, refuses to pay for a Supply of Water, or if such House or Building is unoccupied, the Corporation may cut off the Water Supply and remove such Pipes.

Power to Inhabitants to break up Pavements, giving Notice of same.

52. Any Person supplied, or requiring to be supplied, with Water by the Corporation may open or break up so much of the Pavement of any Street, or so much of any Sewer or Drain in any Street, as lies between the Main of the Corporation and his House, Building, or Premises for the Purpose of effecting a Communication with the Main of the Corporation, or for the Purpose of removing any Pipe already laid, doing as little Damage as may be, and making Compensation to the Corporation for any Damage done in the Execution of any such Work; but every such Person desiring to break up the Pavement of any Street, or any Sewer or Drain in such Street, shall give Three Days previous Notice to the Corporation, and shall in the Execution of such Work be subject to such Control, Restrictions, and Obligations, pecuniary or otherwise, as are now imposed by Law, or as may from Time to Time be imposed by the Corporation.

What shall be deemed domestic Purposes.

53. A Supply of Water for domestic Purposes shall include a Supply of Water for Waterclosets in private Houses, but shall not include a Supply of Water for Cattle or for Horses, or for washing Carriages (where such Horses or Carriages are kept for Hire, or by Common Carriers, or are the Property of a Dealer), or for Steam Engines, or for the Supply of Shipping, or for Railway Purposes, or for working any Machine or Apparatus, or any Trade, Manufacture, or Business whatsoever, or for watering Gardens or washing Horses or Carriages by means of any Tap, Tube, Pipe, Hose, or other such like Apparatus, or for Fountains, or for flushing Sewers or Drains, or for public Baths, or for any ornamental Purpose whatsoever: Provided always, that in Houses valued at less than Sixty Pounds *per Annum*, where more than Four Horses are kept for any Purpose, a Supply for such Horses in excess of Four shall only be furnished by Agreement.

Supply of Water for other than domestic Uses.

54. Where the Corporation shall contract with any Person within the Borough under the Provisions of this or the recited Acts to supply such Person with Water for other than domestic Uses, the Rate or Rent for such Supply which may be mutually agreed on between the Corporation and such Person shall be deemed and taken to be and shall operate as a Rate assessed upon the Person with whom the Corporation shall so contract; and the Provisions

of

of this Act or the recited Acts with respect to the Recovery of Rates shall apply thereto; and the Rate so to be charged shall be collected by and paid to the Collector or other proper Officer or Officers of the Corporation appointed for that Purpose.

Clubs, &c. how to be supplied.

55. For the Purposes of Water Supply by the Corporation, no Club, Hotel, or Public Building shall be considered a Dwelling House or shall be rated as such, or be entitled to a Supply of Water for domestic Purposes; but in respect of any such Club, Hotel, or Public Building, a Supply of Water may be obtained by Agreement or Contract in manner by this Act or the Act of 1856 authorized: Provided always, that as far as possible the Charge for such Supply of Water shall be uniform to all Clubs, Hotels, and Public Buildings in similar Circumstances and requiring the same Extent of Supply.

Corporation may take Deposit.

56. In the Case of all Contracts or Agreements for the Supply of Water by the Corporation within the Borough for other than domestic Purposes, and in the Case of all Contracts or Agreements beyond the Borough but within the Limits of Supply by Agreement, the Corporation may demand and receive by its Officers and Servants Payment in advance by way of Deposit.

No Contract entered into shall disqualify.

57. No Person entering into a Contract or Agreement with the Corporation for a Supply of Water shall thereby be disabled from being, continuing, or acting as Mayor, Alderman, or Councillor of the Borough, or as an Officer or Servant of the Corporation, or shall incur any Penalty by reason of such Contract, or of his being, continuing, or acting as such Mayor, Alderman, Councillor, Officer, or Servant.

Notice of Discontinuance.

58. Notice to the Corporation for the Discontinuance of the Supply of Water shall not be of any Effect unless it is in Writing, and is left at the Waterworks Office of the Corporation.

Power to Corporation to let Meters for Hire.

59. The Corporation may let for Hire any Meter or Instrument for ascertaining the Quantity of Water consumed and supplied, and any Pipes and Apparatus for the Conveyance and Storage of such Water, for such Remuneration in Money as shall be agreed upon between the Corporation and the Person to whom the same is let, and such Remuneration shall be recovered in the same Manner as the Rates or Sums due to the Corporation for Water, together with Costs; and such Meters, Instruments, Pipes, and Apparatus shall not be subject to Distress for Rent, or to be taken in Execution under any Process of any Court of Law or Equity, or under any Proceedings in Bankruptcy or Insolvency, or under any other legal Proceedings however or whatsoever.

60. The

Meters may be inspected.

60. The Officers of the Corporation may at all reasonable Times enter any House, Building, or Land supplied by the Corporation by Meter in order to inspect the Meters, Instruments, Fittings, and Works for regulating the Supply of Water, and for the Purpose of ascertaining the Quantity of Water consumed or supplied, and may from Time to Time enter any House, Building, or Land for the Purpose of removing or carrying away any Meter, Instrument, Pipes, Fittings, or other Works the Property of the Corporation; and if any Person hinder any such Officer from entering and making such Inspection or effecting such Removal, or refuse to admit him into such Premises, every Person so offending shall for every such Offence forfeit to the Corporation a Sum not exceeding Five Pounds: Provided always, that, except with the Consent of a Justice or Justices, such Power of Entry shall not be exercised in any Manner not authorized by the "Waterworks Clauses Act, 1847."

Penalty on wrongful User of Water.

61. Every Person who, not being entitled to be supplied with Water by the Corporation, shall take or use any Water from any Reservoir, Watercourse, Conduit, or Pipe, or from any Cistern, or any like Place containing Water belonging to or supplied by the Corporation, shall for every such Offence forfeit to the Corporation any Sum not exceeding Five Pounds over and above any Damage or Loss sustained by the Corporation; and every Person who, being entitled to be supplied with Water by the Corporation for any one of the Purposes specified by this Act or the recited Acts, or in any Agreement between such Person and the Corporation, shall wilfully take or use any Water from any such Reservoir, Watercourse, Conduit, or Pipe, or from any such Cistern or other like Place, for any other Purpose than the Purpose for which he is entitled to be supplied, shall for every such Offence forfeit to the Corporation a Sum not exceeding Five Pounds over and above any Damage or Loss sustained by the Corporation.

Water may be cut off in certain Cases.

62. If any Person supplied with Water by the Corporation neglect to pay any Rate or Sum of Money payable by him, or wilfully do or cause or permit to be done anything in contravention of any of the Provisions of this Act or the Acts incorporated herewith, or the recited Acts, or wilfully fail to do anything which under any of these Provisions ought to be done for the Prevention of Waste, Misuser, undue Consumption, or Contamination of the Water supplied by the Corporation, or refuse any Officer of the Corporation Admittance to or prevent him from entering any House or Premises to which such Officer shall for the Time being be authorized to enter, the Corporation may cut off any of the Pipes by means of or through which Water is supplied to him, or on his Responsibility or Liability, and may cease to supply Water to him,

or on his Responsibility or Liability, so long as the Cause of Injury or Complaint remains and is not remedied, and may also recover from him, together with full Costs of Suit, in any Court of competent Jurisdiction, the Amount of any Loss, Damage, or Injury which the Corporation may sustain by reason of any such Act or wilful Failure.

Penalty for allowing Persons wrongfully to use the Water.

63. If any Owner or Occupier of any Building supplied with Water by the Corporation supplies to any other Person or wilfully permits him to take any such Water from any Cistern or Pipe in such Building, unless for the Purpose of extinguishing Fire, or unless he is a Person supplied with Water by the Corporation, and the Pipes belonging to him are, without his Default, out of repair, he shall be liable to a Penalty not exceeding Five Pounds, and the Existence of any Communication Pipe or other Apparatus suited for such Supply or Permission shall be *primâ facie* Evidence of such Supply or Permission.

Penalty for destroying Valves, &c.

64. If any Person wilfully or carelessly breaks, injures, or opens any Lock, Cock, Valve, Pipe, Work, or Engine belonging to the Corporation, or flushes, turns, or draws off the Water from the Mains, Pipes, Reservoirs, or other Works of the Corporation, or does any other wrongful Act whereby such Water is wasted, he shall be liable to a Penalty not exceeding Five Pounds.

Penalty for Waste of Water.

65. Every Person supplied with Water by the Corporation who wilfully or negligently suffers any Pipe, Valve, Cock, Cistern, Water-closet, or other Apparatus to be out of repair, or so used as that Water supplied by the Corporation is wasted or misused, or so as to allow an undue Consumption of the Water supplied by the Corporation, or to allow the Return of foul Air or other noisome or impure Matter into the Pipes belonging to or connected with the Mains or Pipes of the Corporation, shall for every such Offence forfeit to the Corporation any Sum not exceeding Five Pounds.

Construction of public Fountains.

66. The public Fountains and Stand Pipes which the Corporation is by the Act of 1856 (Sec. 37) empowered and required to erect shall as far as possible be so constructed or altered, placed or maintained, as to prevent the Waste or Misuse of the Water supplied thereto, and the continuous Discharge of Water therefrom.

Several Houses supplied with Water by One Pipe.

67. Where several Houses or Parts of Houses in the separate Occupation of several Persons are supplied by One common Pipe, the several Owners or Occupiers of such Houses or Parts of Houses shall be liable to the Payment of the same Rates for the Supply of Water as they would have been liable to if each of such several Houses

Houses or Parts of Houses had been supplied with Water from the Works of the Corporation by a separate Pipe.

Penalty for fouling Water.

68. The Provisions of "The Waterworks Clauses Acts, 1847," "with respect to the Provision for guarding against fouling the "Water of the Undertakers," shall extend and apply to the Waterworks Weir of the Corporation and to the River *Lee* for a Distance of One Mile above such Waterworks Weir.

Apportioners of Value.

69. The Corporation shall annually, at a Meeting to be specially called for that Purpose, proceed and they are hereby required to elect Three fit and proper Persons residing within the Borough to be Apportioners of Value for the Purposes of this Act for One Year from the Date of such Election, or until their Successors shall be appointed, and any Persons so elected may, if the Corporation shall think fit, be re-elected; and in case any Person so re-elected shall die or from any other Cause be unable to act or incapable of acting, or shall in the Opinion of the Corporation, or a Majority of them, misconduct himself, and shall be declared by Resolution or otherwise to have done so, then and in such Case he shall cease to be such Apportioner, and the Corporation shall thereupon elect some other fit and proper Person in his Stead to be such Apportioner as aforesaid, and every Person so elected as last mentioned shall continue for the same Period in Office, and have the like Powers and Authorities, and be subject to the like Rules, Regulations, and Restrictions, as the Person so dying or being incapacitated from acting, or in whose Stead he shall be so appointed as aforesaid: Provided always, that no Person shall act as such Apportioner under this Act unless he shall take and sign the following Declaration before One or more Justice or Justices of the Peace, which Declaration any One or more Justice or Justices of the Peace is or are hereby empowered and required to administer in the Form or to the Effect following; (that is to say,)

'I do hereby solemnly declare that I will diligently and carefully, and according to the best of my Skill and Judgment faithfully, honestly, and impartially, without Favour or Affection, Malice or Ill-will, apportion the Value of the Tenements authorized to be apportioned by the Cork Improvement Act, 1868, and discharge all the Duties of my Office in conformity with the Provisions of the said Act.'

Apportionment of Value of composite Buildings.

70. In every Case in which any Part of a Building within the Borough liable to be rated for Water under this or the recited Acts shall be appropriated and occupied as a Dwelling House, and the Remainder of such Building shall be appropriated and used only as a Building other than a Dwelling House, then and in every such

such Case the Apportioners elected as aforesaid, or such of them as the Corporation shall in that Behalf direct, shall apportion to such Part of the same Building as shall be occupied as a Dwelling House its due Proportion of the Value of the entire Building according to the general Tenement Valuation for the Time being in force, and shall also apportion to the Remainder of the same Building the Residue of the entire Value of the said Building according to the Valuation aforesaid, and thereupon for the Purposes of this Act the first-mentioned Part of the said Building shall be deemed to be a Dwelling House, and the Remainder of said Building shall be deemed to be a Building other than a Dwelling House, in each Case of such apportioned yearly Value as aforesaid.

Apportionment of Value.

71. If the Apportioners shall neglect or omit in any Case or Cases to make such Apportionment as aforesaid, or in case from any Cause there shall be no such Apportioners at the Time when such Apportionment ought to be made under this Act, then and in every such Case it shall be lawful for the Corporation, or any Committee of the Corporation duly authorized for that Purpose, to make such Apportionment as aforesaid, and for that Purpose to avail themselves of the Assistance of and employ a Valuator or Valuators, as they may think proper, and every such Apportionment shall be as valid and effectual as if the same had been duly made by the Apportioners under this Act.

Appeal against such Apportionment.

72. If any Person shall consider himself aggrieved by any such Apportionment of Value as herein-before mentioned, it shall be lawful for such Person to appeal within Fourteen Days after such Apportionment shall have been made to the Corporation, which Appeal they, or any Three of them, are hereby empowered and required to hear, and to make such Order or Decision thereon as to them, or the Majority of them, present at any Meeting to be held for the Purpose of hearing such Appeal shall appear just and proper.

As to Limits of Water Supply by Agreement.

73. For the Purposes of the recited Acts and this Act, the Limits of Water Supply by Agreement, as defined by the Act of 1856 (Section 32), shall be deemed to be "the Limits of the Special Act" referred to in "The Waterworks Clauses Act, 1847," incorporated by the Act of 1852, and the Provisions of the Waterworks Clauses Act, 1847, shall apply accordingly.

Corporation may form a Depreciation Fund.

74. The Corporation to defray and provide for the Expenses attendant upon or occasioned by any sudden Breach or Accident to the Waterworks, Water Mains, Plant, or otherwise in relation thereto, and for the Purpose of maintaining such Waterworks, Water Mains, and Plant in efficient Condition and Repair, may appropriate

appropriate and set apart annually a Proportion of their Revenue arising from the Sale of Water, not exceeding Four hundred Pounds in any One Year, so as to form a Depreciation Fund, but no Accumulations of such Depreciation Fund shall at any Time exceed in the aggregate Two thousand Pounds in Amount.

PART VI.—PARK AND PUBLIC WALKS.

Park to be a Place of public Recreation.

75. The Slob Lands in this Act described or referred to as "the Park," with the Appurtenances thereto, shall remain and be vested in the Corporation, and (subject to any Portion or Portions thereof being granted by the Corporation for Purposes by this Act or the Municipal Corporation Acts authorized) the same may be held and maintained as a Place of public Resort and Recreation; and the Corporation may from Time to Time improve the Park or the Approaches thereto, and may do all such other Acts as appear to them necessary or expedient in relation to the Park and the Recreation and Enjoyment of the Public in connexion therewith: Provided always, that the Corporation shall not be at liberty to lease or grant for Building Purposes or themselves to erect Buildings upon any Portion of the Park at a Distance greater than a Depth of One hundred and fifty Feet in a Southerly Direction from the present Line of the abandoned Portion of Railway.

Provision for maintaining Park.

76. The Corporation may in every Year after the passing of this Act expend or set apart out of the Borough Fund a sufficient Sum (not exceeding Five hundred Pounds) in or towards defraying the Expenses of making and beautifying the Park, and in or towards the ordinary current Expenses of maintaining the Buildings, Terraces, Trees, Shrubs, Walks, Waters, Seats, Gates, Fences, and Palings which now are or hereafter may be in the Park, and all other Parts thereof, in a proper and sufficient State of Repair, Order, Cleanliness, and Renewal, and for these Purposes, and for the general Purposes of the Park, in providing and paying a sufficient and adequate Staff of Gardeners, Servants, and Keepers.

Future Additions to Park subject to this Act.

77. In the event of any Land adjoining the Park being at any Time added thereto, such additional Land shall, upon a formal Resolution to that Effect being passed at any Meeting of the Corporation, be subject to the same Regulations and Conditions in all respects as if such Land had formed or had been intended to form Portion of the Park at the Time of the passing of this Act.

Committee for Regulation of Park.

78. The Corporation may yearly appoint a Standing Committee for the Management and Regulation of the Park, and the Members of the Committee shall be so many of the Members of the Council as the Corporation from Time to Time think fit, and the Corporation may

may confer upon such Park Committee Powers of the like Description and Extent as may be conferred upon any other Committee of the Corporation.

Regulations for Management of Park.

79. The Corporation from Time to Time may make and enforce such Regulations as they think fit for the Exclusion of improper Persons from the Park, and for the Use, Government, Control, or Management of the Park, and for protecting and preserving from Injury all Buildings, Terraces, Trees, Shrubs, Walks, Waters, Seats, Gates, Fences, and Palings which now are or hereafter may be in the Park, and all other Parts thereof, and the Corporation may alter or revoke any such Byelaws and Regulations when and as they think fit.

Regulations to be posted.

80. A printed Copy or a sufficient Abstract of the Regulations relating to the Park shall be put up at every Entrance to the Park, and at such other convenient Place in or near to the Park as the Corporation think fit.

Penalty for Breach of Byelaws.

81. The Corporation may appoint any Penalty not exceeding Five Pounds for any and every Breach, whether by any of their Officers or Servants, or by any other Person, of any Byelaws or Regulations made by the Corporation with respect to the Park, or with respect to any other Place of public Resort or Recreation belonging to or under the Control of the Corporation in or adjacent to the Borough.

For Preservation of the Mardyke Walk.

82. From and after the passing of this Act the Corporation shall preserve and maintain in proper Order and Repair, and in all respects suitably for the public Recreation and Enjoyment, the public Walk now called the *Mardyke Walk*, formerly known as the *Redhouse Walk*, and the Walls thereof, and shall prohibit and take effectual Measures to prevent Encroachments, Nuisances, or Buildings upon such Walk; and for protecting and preserving from Injury or Encroachment the Walk, and all Trees, Shrubs, Seats, Fences, Palings, and other Matters and Things belonging thereto, the Corporation shall have full Power of making Byelaws, and, if need be, of enforcing the Observance of same by Penalties not exceeding in any Case the Sum of Five Pounds, and shall in like Manner regulate the Use of the Walk by the Public, and make effectual Provision for the public Safety whenever the Walk is used with Carriages or Horses: Provided always, that whereas the Most Noble *William* Duke of *Devonshire* is or claims to be Owner in Fee of Lands on both Sides of the said Walk, and has exercised and claims the Right to exercise for himself and his Under-tenants full and free Right of Access over the said Walk to and from his

said

said Lands adjoining thereto, and also claims certain Rights to the Walls bounding the said Lands, nothing herein contained shall lessen, prejudice, interfere with, or in any way affect any Rights in respect of such Lands and Walls: Provided also, that this Enactment shall also be subject and without Prejudice to all other Rights of Way (if any) now existing in respect of such Walk, and to all other legal Rights now vested in or enjoyed by any Owners of Lands adjoining such Walk.

Providing for Maintenance of Navigation Walk.

83. From and after the passing of this Act the Corporation shall preserve and maintain in proper Order and Condition, and in all respects suitably for the public Recreation and Enjoyment, the public Walk known as the *Navigation Wall* or *Walk*, and shall prohibit and take effectual Measures to prevent Encroachments, Nuisances, or Buildings upon such Wall or Walk; and for protecting and preserving from Injury or Encroachment the Wall or Walk, and all Trees, Shrubs, Seats, Fences, Palings, and other Matters and Things belonging thereto, the Corporation shall have full Power of making Byelaws, and, if need be, of enforcing the Observance of same by Penalties not exceeding in any Case the Sum of Five Pounds, and shall in like Manner regulate the Use of the Wall or Walk by the Public, and make effectual Provisions for the public Safety whenever the Wall or Walk is, with the Permission of the Corporation, used with Carriages or Horses, subject however to Rights of Way (if any) now existing: Provided always, that in the Exercise by the Corporation of such Powers as aforesaid, and in the Use to which from Time to Time the Wall or Walk may be applied, regard shall be had at all Times to the Importance to Navigation and to Trade of such *Navigation Wall*.

Portion of Wall shall be dedicated for Trade Purposes.

84. In case the increasing Requirements of the Trade of the Port of *Cork*, and the due Accommodation of Shipping therein, shall in the Opinion of the Harbour Commissioners render such Dedication expedient, the Corporation shall dedicate to the Use of the Public for Trading or Shipping Purposes such Portion or Portions of the *Navigation Wall* or *Walk* as the Harbour Commissioners from Time to Time deem fitting and necessary for those Purposes, not exceeding in Depth a Distance of Sixty Feet from the outer or River Edge of the Quay Wall.

At the Request of the Harbour Commissioners.

85. Such Dedication as last aforesaid shall be preceded by a Request in Writing of the Harbour Commissioners that the same be made by the Corporation, coupled with a Declaration that in the Opinion of the Harbour Commissioners such Dedication will be for the public Advantage.

86. The

Power to make Byelaws for Regulation of Park, &c.

86. The Corporation may from Time to Time make Byelaws for all or any of the following Purposes relating to the Park, or any such other Places of public Resort or Recreation belonging to or under the Control of the Corporation in or adjacent to the Borough:

For appointing and regulating Keepers and Servants employed therein:

For regulating the Days on and Hours at which the Park or Place is to be opened and closed:

For regulating the Conduct of Persons frequenting the Park or Place:

For regulating the Days on and Hours at which Games and Gymnastics are to be permitted therein:

For regulating Refreshment Rooms therein, and for determining the Days on and Hours at which they are to be opened and closed, and the Nature and Price of the Articles and Things to be sold therein:

For preventing or regulating the Admission therein of Vehicles and Horses:

For protecting from Injury Buildings, Terraces, Fountains, Bridges, Walks, Seats, Fences, and other Parts of, or Things belonging to, or that hereafter may belong to, the Park or Place, and for preventing the Destruction or Injury of Aquatic or other Birds, or of other Animals, or of Trees, Shrubs, Plants, or Flowers, or the plucking of Flowers or Leaves therein:

For enabling the Servants of the Corporation to exclude therefrom Persons not being clean, or not being dressed in clean and decent Clothes, and to remove therefrom Persons guilty of a Breach of any Byelaw relative thereto, or of any public Law.

Part VII.—Town Hall.

Corporation may erect Town Hall.

87. The Corporation may, on Land within the Borough now belonging to them, or upon Land to be purchased by them, erect or maintain and regulate a Building or Buildings to be used as the Town Hall and Offices of the Corporation, and may from Time to Time enlarge and improve the same, and furnish and fit up the same with all proper Furniture and Conveniences, and may allow the Use thereof for Public Meetings or otherwise on such Terms and Conditions as they from Time to Time think fit, and may make Byelaws for the Regulation thereof, and impose and recover Penalties for the Breach of such Byelaws.

PART VIII.—NIGHT WATCH.

Corporation to appoint Chief Constable,

88. In addition to all or any of the Officers whom the Corporation is now empowered to appoint, the Corporation may from Time to Time appoint and at pleasure revoke the Appointment of a Chief Constable of the Night Watch (herein-after called "the Chief Constable"), who shall find sufficient Security for the faithful Execution of the Duties of that Office, and may be sworn in as a Constable.

and Inspectors of Hackney Carriages and Streets.

89. The Corporation may from Time to Time appoint One or more Inspectors of Streets for the Purpose of carrying into effect the Provisions of the recited Acts or this Act in that Behalf, and One or more Inspectors for enforcing the Provisions of this Act classed under the Head of "Hackney Carriages," if it is found expedient to enforce such Provisions by means of special Officers instead of the ordinary Officers of Police.

Appointment of Constables, &c.

90. The Corporation may from Time to Time appoint the Officers and other Persons to be employed under the Chief Constable as Constables of the Night Watch in the Execution of this Act; but, except with the special Approval of the Corporation, every such Person shall, when first admitted into the Establishment as a Constable, be under Thirty Years of Age, and the Number and Description of each Class of such Persons shall be fixed by the Corporation.

For securing Efficiency and enforcing Discipline.

91. For the Purpose of securing Efficiency and enforcing Discipline and good Conduct among the Persons appointed under this Act to be Officers or Constables of the Night Watch, or Inspectors of Streets, or Inspectors of Hackney Carriages, the Chief Constable shall, unless the Corporation otherwise direct, have full Powers of suspending or dismissing any Person so appointed, and shall have the Power of imposing a Fine not exceeding Five Pounds in Amount upon any Person whom he does not think it necessary to dismiss: Provided always, that such Order of Suspension or Dismissal, or such Order imposing a pecuniary Fine, as the Case may be, shall within Three Days after the making of such Order be reported to the Corporation, who may, in the Exercise of their Discretion and for just Cause shown, cancel or modify the same.

Salaries of Night Watch,

92. The Salaries of the Chief Constable and other Officers and Constables of the Night Watch, and of any Inspectors of Streets or of Hackney Carriages, shall from Time to Time be fixed and paid by the Corporation.

Night Watchmen to carry out Act.

93. The Chief Constable and the Officers and Constables acting under him shall efficiently execute the Powers by this Act and the recited Acts or by Common Law conferred upon them for the Prevention, Detection, and Punishment of Penal and Police Offences, or for the Preservation of Peace and good Order within the Borough, and shall otherwise carry into effect the Objects and Purposes of this Act.

Chief Constable to be responsible.

94. The Chief Constable shall be responsible to the Corporation, and shall be under their Regulation with reference to such of the Provisions of this Act or the recited Acts as he is or shall be empowered to carry into effect, and with reference to all his other Duties.

Night Watch to be Constables.

95. The Chief Constable and the Officers and Constables acting under him, and the Inspectors of Streets and Inspectors of Hackney Carriages, shall, when duly sworn before any Justice, have and exercise similar Powers and Privileges to those appertaining for the Time being to any Constable within the Borough.

Penalties on Persons assaulting Constables.

96. If any Person assaults, obstructs, or resists, or aids or incites any Person to assault, obstruct, or resist, any Constable in the Execution of his Duty, he shall be liable to a Penalty not exceeding Five Pounds, or in the Discretion of the Justice before whom he is convicted to be imprisoned for any Term not exceeding Three Months, with or without Hard Labour.

Byelaws for regulating Constables.

97. The Corporation may from Time to Time make Byelaws for the Guidance of the Chief Constable, and for regulating the Conduct and Duties of the Constables and other Persons employed in any Department which by this Act is placed under their Regulation and Control.

Constables to obey Orders of Chief Constable.

98. The Constables acting under the Chief Constable shall obey his Orders and Directions, and shall give Attendance at the Police Court, and, when required, at any Meeting of the Corporation, or of the Committees of the Corporation, and shall afford Aid and Assistance to them and to the Officers of the Corporation in carrying into execution the Provisions of this Act.

Constables dismissed to deliver up Accoutrements.

99. Every Constable who is dismissed from or ceases to hold and exercise his Office under this Act shall deliver over to the Chief Constable, or to such Person and at such Time as the Chief Constable directs, and not later than the Day after such Dismissal, or after he has so ceased to hold Office, all the Clothing, Accoutrements, Appointments, and other Necessaries which have been supplied to him for

for the Execution of his Duty, under pain of Imprisonment for a Period not exceeding Fourteen Days; and any Justice may issue and grant Warrants to search for and seize for the Use of the Corporation all the Clothing, Accoutrements, Appointments, and other Necessaries not so delivered over.

Penalty for unlawful Possession of Accoutrements.

100. Every Person who, not being at the Time a Constable appointed under this Act, has in his Possession any Article being Part of the Clothing, Accoutrements, or Appointments supplied to any such Constable, and who is not able satisfactorily to account for his Possession thereof, or who puts on the Dress or takes the Name, Designation, or Character of any Person appointed as such Constable for the Purpose of thereby obtaining Admission into any House or other Place, or of doing or procuring to be done any Act which such Person would not be entitled to do or procure to be done of his own Authority, or for any other unlawful Purpose, shall be liable to a Penalty not exceeding Five Pounds, or to Imprisonment for a Period not exceeding Thirty Days.

Penalty for Neglect of Duty.

101. Every Constable who is guilty of any Neglect or Violation of his Duty as a Constable, and is convicted thereof before any Two or more Justices, shall be liable to a Penalty not exceeding Five Pounds, or to Imprisonment for a Period not exceeding Thirty Days, and shall also forfeit his Claim to any Arrears of Salary or Wages due to him.

Constables not to resign without Leave or Notice.

102. No Constable appointed under this Act shall resign his Office, or withdraw himself from the Duties thereof, unless expressly allowed so to do in Writing by the Chief Constable, or until after the Expiry of One Month's Notice; and every Constable who resigns or withdraws himself without such Leave or Notice shall be liable to a Penalty not exceeding Five Pounds, or to Imprisonment for a Period not exceeding Thirty Days, and shall also forfeit his Claim to any Arrears of Salary or Wages due to him.

Penalties may be deducted from Salaries.

103. When any Penalty is recovered under this Act against any Constable or other Person who has held the Office of Constable in respect of any Act or Omission of such Person while holding such Office, the Amount of the Penalty may be deducted from any Salary due or to become due to him as Constable.

Defining Duties of Night Watch.

104. The Chief Constable or any Officer or Constable acting under him shall for the Purposes of this Act have all the Powers and be capable of executing all the Authorities conferred by the Provisions of "The Towns Police Clauses Act, 1847," incorporated in the Act of 1852, in so far as the same shall not be repugnant to or varied by the Provisions of this Act.

PART IX.—HACKNEY CARRIAGES.

Watermen at Stands for Hackney Carriages.

105. The Corporation may from Time to Time appoint One or more Watermen, who shall be sworn in as Constables, and shall be entitled to maintain Order, and to prevent all Disputes at the Stands appropriated to Hackney Carriages.

Licences may be granted for particular Stands.

106. The Corporation may license Hackney Carriages for particular Stands in the Borough, and may make it a Condition in granting any such Licence that the Hackney Carriage in respect of which the Licence is so granted shall only be permitted to ply for Hire from the Stand which shall be specified in such Licence, and any Proprietor or Driver who shall permit such Hackney Carriage so licensed for any particular Stand to ply from any other Stand shall be liable to a Penalty not exceeding Forty Shillings.

Penalty on Driver for Misconduct.

107. If the Driver of any Hackney Carriage, Cart, or other Vehicle drawn by a Horse or Horses be intoxicated while in charge of such Hackney Carriage or other Vehicle, or if by wanton or furious driving, or by any other wilful Misconduct, he injures or endangers any Person in his Life, Limbs, or Property, or causes unnecessary Alarm, he shall be liable to a Penalty not exceeding Forty Shillings, or to Imprisonment for a Period not exceeding Seven Days.

Penalty for leaving Carriage unattended.

108. If the Driver of any Hackney Carriage, Cart, or other Vehicle as aforesaid leaves it in any public Street, or at any Place of public Resort or Entertainment, whether it be hired or not, without placing it under the Charge of some proper Person, he shall be liable to a Penalty not exceeding Forty Shillings, or to Imprisonment for a Period not exceeding Seven Days.

Hackney Carriages not to be withdrawn from public Use.

109. In case the Proprietors of One Third or any greater Number of the Hackney Carriages licensed to ply for Hire within the Jurisdiction of the Corporation in that Behalf shall upon, for, and during any One Day in the Year, or for and during any Portion thereof, withdraw such Hackney Carriages, or the major Part thereof, from plying for Hire in the public Streets of *Cork*, or from the public Stands authorized by the Corporation for Hackney Carriages, without just Cause for such Withdrawal (and of the Sufficiency of the Cause assigned for such Withdrawal the Justice before whom the Complaint is heard shall be the Judge), such Proprietors respectively shall be liable to a Penalty not exceeding Five Pounds in respect of every Carriage so withdrawn for each Day or Portion of a Day the same shall be so withdrawn, and the Corporation may suspend or withdraw the Licence of every such Proprietor at their Discretion:

Discretion: Provided always, that it shall be lawful for Proprietors of Hackney Carriages, upon giving One Month's Notice of their Intention to do so, to withdraw such Carriages, or any of them, but in every Case where Notice to that Effect is given the Licence of the Proprietor so notifying shall be cancelled.

Penalty on any Person injuring Carriage.

110. Any Person using a Hackney Carriage who wilfully injures the same, or who defaces or tears or pulls down any Card or Plate required by Law, or any Byelaw, to be attached to such Hackney Carriage, shall for every such Offence be liable to a Penalty not exceeding Forty Shillings; and the Justice may direct the said Penalty, or so much thereof as he thinks proper, to be paid, when recovered, in Compensation of such Injury; and if the Payment so directed to be made be accepted by the Proprietor or Driver of such Carriage he shall be barred from claiming any further Compensation from the Person causing such Injury.

Power to make Byelaws for regulating Hackney Carriages.

111. For the Purposes of this and the recited Acts, the Corporation may from Time to Time (subject to the Provisions of this Act) make Byelaws for all or any of the Purposes following; (that is to say,)

For regulating the Position and Manner in which the Number of the Carriage, the Name of the Proprietor, and the other Particulars required to be conspicuously painted or marked upon any Hackney Carriage shall be so painted or marked:

For regulating the Number of Persons to be carried by Hackney Carriages, and the placing of Bells or Bell-pulls or of Check-strings to such Carriages, and the holding of the latter by the Driver, and how such Carriages are to be furnished, provided:

For regulating the Conduct of the Drivers of Hackney Carriages, and the Uniform or Badge, if any, which shall be worn by them:

For fixing the Fares or Rates to be paid for Hackney Carriages, as well for Time as Distance, and the Number of Persons to be carried for such Fares, the Weight or Quantity of Luggage to be conveyed free of Charge, and the Charge to be made for extra Luggage, and for securing the due Publication of such Fares or Rates:

For requiring the Delivery, upon Demand, by every Driver of a Hackney Carriage to every Hirer thereof of a Ticket containing Information as to the Number of the Carriage, the Fare demandable, and other such Matters:

For regulating the minimum Speed of Hackney Carriages when hired by Time, and the maximum Number to ply on each of the public Stands:

For securing the safe Custody and Re-delivery of any Property accidentally left in Hackney Carriages, and the Remuneration to be made by the Owners of such Property for its Recovery.

Part X.—Fire Brigade.

Power to provide Fire Stations, &c.

112. The Corporation may from Time to Time purchase by Agreement, or take on Lease, any Buildings within the Borough for Fire Brigade Stations, Engine Houses, and Firemen's Dwellings, and other Buildings or Premises necessary for Fire Brigade Purposes, and may alter or enlarge any Buildings for the Time being vested in them, and repair and furnish and fit up any such Buildings with all proper Conveniences and Appliances for Fire Brigade Purposes.

Power to provide Fire Engines and other Implements.

113. The Corporation may provide and maintain such Engines for extinguishing Fire, together with Water Buckets, Pipes, Water Carts, and Appurtenances for such Engines, and such Fire Escapes and other Implements for Safety or Use in case of Fire, as they consider necessary, and may purchase, keep, or hire Horses for drawing such Engines, Water Carts, or other Vehicles.

Duties of Inspector of Fires.

114. The Corporation may for the Purposes of this Act appoint an Inspector of Fires (herein-after called "the Inspector"), who shall be responsible to the Corporation for the Maintenance of the Fire Brigade and Fire Establishment by this Act authorized in a complete State of Efficiency, and for the good Conduct of the Firemen appointed by him, and he shall make Provision for securing a speedy Attendance of Firemen with Engines and their Appurtenances, and with Fire Escapes and other Implements, on every Alarm of Fire within the Borough, and he may send such of the Engines under his Charge with their Appurtenances, and such of the Firemen appointed by him as he can spare, beyond the Limits of this Act for the Purpose of extinguishing Fire.

Provisions as to Fireplugs.

115. To secure a proper Supply of Water for extinguishing Fire within the Limits of this Act the Corporation may fix and maintain within the Borough proper Fireplugs in their Mains and other Pipes at convenient Distances, and beyond the Borough they may fix and maintain proper Fireplugs in their Mains and other Pipes at such Places as they think requisite, having regard to the Number of the Buildings near such Pipes, and other Circumstances.

Additional Fireplugs may be placed on Request.

116. The Corporation may, at the Request and Expense of the Owner or Occupier of any Work, Warehouse, or Manufactory in any Street or Court within or beyond the Borough in which there is a Pipe of the Corporation, place in such Street or Court and maintain a Fireplug (to be used only for extinguishing Fires) as near as conveniently may be to the Exterior of such Work, Warehouse, or Manufactory; and the Corporation, as soon as any such Fireplug is completed, shall deposit a Key thereof at each Place where any public

public Fire Engine is kept under this Act, and in such other Places as they may think fit, and may put up a public Notice in some conspicuous Place in each Street or Court in which such Fireplug is placed, showing its Situation, and such Notice may be put on any Building in such Street.

Inspector to report.

117. The Inspector shall report in Writing to the Corporation every Defect in the Number, Position, Construction, or Maintenance of the Fireplugs and of the public Notices relating thereto, and every Failure or Irregularity in the Supply of Water for the Extinction of Fires, in order that the same may be forthwith remedied by the Corporation.

Inspector and Firemen to be sworn Constables.

118. The Inspector and Firemen may be sworn in as Special Constables, and shall be entitled to act in that Capacity along with or in the Absence of Police Constables on all Occasions of Fire.

Power of Inspector and Firemen.

119. The Inspector and Firemen may enter, and if necessary break into, any Building within the Limits of this Act being or reasonably supposed to be on fire, or any Building or Lands adjoining or near thereto, without the Consent of any Owner or Occupier thereof respectively, and may do all such Acts and Things as he or they may deem necessary or expedient for extinguishing Fire in any such Building, or for protecting the same, or rescuing any Person or Property therein from Fire, or for preventing the Extension of or diminishing the Loss caused or likely to be caused by any Fire; and any Damage occasioned by the Inspector or Firemen in the due Execution of their Duty shall be deemed to be Damage by Fire.

Additional Firemen may be employed on Emergency.

120. The Inspector may employ any additional Number of Persons he thinks proper on the Occasion of any Fire, although not regularly appointed as Firemen or sworn in as Special Constables, but he shall as soon as may be report the Names of such Persons to the Corporation.

Inspector to estimate Expense of Fire.

121. The Inspector shall make up and deliver to the Corporation a Statement of the whole Expense attending each Fire occurring within the Limits of this Act, which shall include the Wages payable to the Firemen and other Persons employed at it, the Rewards or Premiums which he recommends to be given to such Firemen and other Persons, the Outlay incurred in taking them and the Engines to the Spot where such Fire occurred, and in obtaining a Supply of Water, and other like Expense; and such Statement, in so far as approved of or altered by the Corporation, shall be *primâ facie* Evidence of the Amount of Expenses attending such Fire.

122. It

Agreements with Insurance Companies.

122. It shall be lawful for the Corporation to agree with the several Companies for insuring Houses, Buildings, and other Property against Destruction by Fire, established and having Agencies in *Cork* (herein-after called "the Insurance Companies"), with respect to the Proportion or Proportions to be contributed by such Insurance Companies respectively towards the Cost of the Fire Brigade and Fire Establishment so to be established and maintained by the Corporation.

Insurance Companies may be represented on special Committee.

123. In the event of any such Agreement between the Corporation and the Insurance Companies being entered into, it shall be lawful for the Corporation to nominate and appoint annually a Fire Committee, consisting of as many Members of the Council or otherwise as the Corporation may think proper, or as may be agreed on, and to nominate and appoint upon the Fire Committee a Representative or Representatives of such and so many of the Insurance Companies as may contribute, or undertake to contribute, towards the Expenses incurred or to be incurred in establishing and maintaining such Fire Brigade and Fire Establishment; and the Corporation may depute to the Fire Committee full Powers as to the Superintendence and Management of such Fire Brigade and Fire Establishment, or otherwise in relation thereto.

Improvement Rate may be charged.

124. The Costs, Charges, and Expenses of and attending the Establishment and Maintenance of such Fire Brigade and Fire Establishment, as far as any Proportion thereof properly chargeable upon the Revenues of the Corporation under the Terms of any Agreement or otherwise is concerned, shall be defrayed out of the Improvement Rate which the Corporation is authorized to levy: Provided always, that it shall be lawful for the Corporation, in case they think proper, or in case of any Agreement to that Effect being entered into, to defray the entire of such Costs, Charges, and Expenses in the first instance out of the Improvement Rate, to be afterwards recouped in whole or part by the Contributions respectively of the several Insurance Companies.

Part XI.—Gunpowder.

Provisions as to Gunpowder.

125. The Corporation may make Byelaws or Regulations with respect to the Sale, storing, Conveyance, and Shipment of Gunpowder or other explosive Substances within the Borough and within Five Miles of the General Post Office therein, and by such Byelaws or Regulations may prescribe the Times at which and the Conditions under which Gunpowder or other explosive Substances shall be conveyed and shipped, and may impose pecuniary Penalties for the Breach of any such Byelaws or Regulations: Provided that for any

One

One single Infraction of such Byelaws or any of them the Penalty to be so imposed shall not exceed Fifty Pounds.

Not to be sold by Candle-light.

126. No Gunpowder shall be sold within the Borough by Candle, Gas, Oil, or other artificial Light under a Penalty not exceeding Fifty Pounds for each Offence.

Limit that may be kept.

127. No Person shall keep at any Time more than Ten Pounds Weight of Gunpowder at any Place within the Borough, except by special Permission of the Corporation, signed by the Mayor or Town Clerk, and under such Regulations for the safe Custody of such Gunpowder as the Corporation may approve and determine; and the Penalty for any Infraction of this Regulation shall for the First Offence be any Sum not exceeding Ten Pounds, for the Second Offence any Sum not exceeding Twenty Pounds, and for the Third or any subsequent Offence any Sum not exceeding Fifty Pounds; and all the Gunpowder found in any Place within the Borough that shall be in excess of the Weight so limited shall be forfeited to the Corporation.

Gunpowder, how to be stored.

128. All Quantities of Gunpowder exceeding Ten Pounds in Weight shall within the Borough be deposited by the Owner or Possessor thereof for the Time being in a Place separate from all other Goods and Commodities, and secured by Lock and Key; and the Penalty for any Breach of this Regulation shall for each Offence be a Sum not exceeding Fifty Pounds, to be paid by the Occupier of the Premises on which Gunpowder exceeding Ten Pounds in Weight, and not kept and secured as aforesaid, shall be found: Provided always, that nothing herein contained shall apply to any Quantity of Gunpowder provided for Military or Constabulary Purposes.

Other explosive Substances.

129. If any Person makes within the Borough Lucifer Matches, or any combustible Article in the Manufacture of which Gunpowder, Detonating Powder, or other explosive or dangerous Substance is used, in any Store or Place other than in a detached Building, or in any Case nearer than One hundred Yards to any Street or Dwelling House, he shall be liable to a Penalty not exceeding Ten Pounds, and to a further Penalty not exceeding Fifty Pounds for every Day during which the Offence continues after the Time when the First Penalty of Ten Pounds is incurred.

Part XII.—Streets.

Definition of Buildings in Streets, &c.

130. For the Purposes of this Act Buildings shall be deemed to be in a Street or Court where they abut upon such Street or Court, or where only some Portion of waste or unoccupied Ground, open

to the Passage of the Public, intervenes between any such Building or Lands and any such Street or Court.

Power to stop up Highways where unnecessary.

131. The Corporation may from Time to Time by Order stop up, wholly or partially, any Street, Lane, Road, Footpath, or other Passage within the Borough which has ceased or may hereafter cease to be used as a public Thoroughfare, or which in their Opinion is unnecessary, upon such Terms as to the vesting of the Soil and other Matters as may be agreed on between the Corporation and the Owners and Lessees of Buildings and Lands abutting on such Street, Lane, Road, Footpath, or Passage; and upon the Issue of any such Order by the Corporation all public and other Rights of Way and other Rights in, over, or upon such Street, Lane, Road, Footpath, or Passage shall be absolutely extinguished.

Projecting Houses when taken down to be set back.

132. When any Building any Part of which projects beyond the regular Line of the Street or Court, or beyond the Front of the Building on either Side thereof in any Street or Court, is burnt or taken down to or below Half the Front Elevation thereof, the same shall be set back to or towards the Line of the Street or Court, or the Line of the adjoining Building, in such Manner as the Corporation direct for the Improvement of such Street or Court, the Corporation making Compensation to the Owner of such Building for any Loss or Damage sustained by him in consequence of his Building being so set back: Provided always, that it shall not be lawful in any Case, without the express Sanction of the Corporation, to carry to any greater Height, by building or otherwise, any Building or Part of a Building which now or hereafter may be found to project beyond the regular Line of the Street or Court, or beyond the Point of the Building on either Side thereof, and that whether the same shall or shall not first have been taken down or burnt.

Future Projections, &c. to be removed.

133. The Corporation may serve Notice on the Occupier of any Building to remove or alter any Porch, Shed, projecting Window, Step, Cellar, Cellar Door or Window, Crane, Windlass, exterior Lift, Sign, Sign Post, Sign Iron, Showboard, Window Shutter, Wall, Gate, or Fence, or any other Obstruction or Projection erected or placed after the passing of this Act against or in front of any Building within the Borough, and which is an Obstruction to the safe and convenient Passage along any Street; and such Occupier shall within Fourteen Days after the Service of such Notice on him remove such Obstruction or Projection, or alter the same in the Manner required by the Notice, and in default thereof he shall be liable to a Penalty not exceeding Five Pounds, and the Corporation may remove such Obstruction or Projection, and the Expense of such Removal shall be paid by him, and shall be recoverable as

Damages,

Damages, but, except where such Obstruction or Projection was made or put up by the Occupier, the Occupier shall be entitled to deduct the Expense of his removing or altering the same as required by the Notice from the Rent payable by him to the Owner of the Building.

Corporation may cause existing Projections to be removed.

134. If any such Obstruction or Projection was erected or placed against or in front of any Building in any Street or Court before the passing of this Act, the Corporation may remove or alter the same as they think fit, first giving Notice of such intended Removal or Alteration to the Occupier of the Building Thirty Days at least before such Removal or Alteration is begun, and if such Obstruction or Projection has been lawfully made they shall make reasonable Compensation to every Person who suffers Damage by such Removal or Alteration.

Cellars not to be made under or Steps project into Streets.

135. After the passing of this Act it shall not be lawful for any Person, without the Consent of the Corporation first obtained in Writing, to make any Cellar, Arch, Vault, Oven, or underground Passage, or other Work, under any Street or Court, or to make any Cellar, Area, or Cellar Steps, or other Steps, in any Street or Court, and every such Cellar, Work, or Thing for the Time being lawfully existing shall be kept in repair by the Owner or Occupier thereof; and if any Person offends against any of the Provisions of this Section he shall be liable to a Penalty not exceeding Five Pounds, and to a further Penalty not exceeding Forty Shillings for every Day during which such Offence continues after the Expiration of Twenty-four Hours from the Service of Notice thereof on him.

Cellar Openings to be covered or secured.

136. The Owner or Occupier of every Building shall cause the Areas of the same fronting any Street or Court to be well and sufficiently guarded by a Railing of such Materials, Dimensions, and Form as the Corporation direct; and when any Opening in any Pavement or Footpath or other Entrance into any Vault or Cellar for the Time being lawfully exists, a Door or Covering shall be made by the Owner or Occupier of such Vault or Cellar of Iron or such other Materials and in such Manner as the Corporation direct, and such Railing, Door, or Covering shall be kept in good Repair by such Owner or Occupier; and if any such Owner or Occupier fails to comply in any respect with the Requirements of the present Section he shall be liable to a Penalty not exceeding Forty Shillings.

Hoards to be set up during Progress of Buildings.

137. Every Person intending to build or take down any Building, or to alter or repair the outward Part of any Building, in any Street

Street or Court, shall in the first place seek and obtain the Sanction of the Corporation, who shall also fix such Limit of Time for the Performance of the Works as under the Circumstances they may deem reasonable, having regard to the Importance of the Street or Court in which such Works are to be executed; and every such Person shall, before beginning such Works, cause sufficient Hoards or Fences to be put up in order to separate the Building where such Works are being carried on from the Street or Court, with a convenient Platform and Handrail, if there is Room enough, to serve as a Footway for Passengers outside of such Hoard or Fence, and shall continue such Hoard or Fence with such Platform and Handrail as aforesaid standing and in good Condition, to the Satisfaction of the Corporation, during such Time as the public Safety or Convenience requires, and shall in order to prevent Accidents cause the same to be sufficiently lighted during the Night, and shall remove the same when required by the Corporation; and if any Person fails to comply in any respect with the Requirements of the present Section he shall be liable to a Penalty not exceeding Five Pounds, and to a further Penalty not exceeding Forty Shillings for every Day during which such Failure continues after the Expiration of Twenty-four Hours from the Service of Notice thereof on him.

Deposits of Building Materials or Excavations to be lighted.

138. Before any Person lays any Building Materials, Rubbish, or other Things, or makes any Excavations on or in any Street or Court, he shall seek and obtain the Consent of the Corporation as aforesaid, and shall at his own Expense cause such Materials, Rubbish, Things, or Excavations to be sufficiently fenced, and a sufficient Light to be fixed in a proper Place upon or near the same, and to be continued every Night from Sunset to Sunrise, and shall remove such Materials, Rubbish, or Things, or fill up such Excavation (as the Case may be), when required by the Corporation; and if any Person fails to comply in any respect with the Requirements of the present Section he shall be liable to a Penalty not exceeding Five Pounds, and to a further Penalty not exceeding Forty Shillings for every Day during which such Failure continues after the Expiration of Twenty-four Hours from the Service of Notice thereof on him.

Streets to be named and numbered.

139. The Corporation may name any Street or Court which is without a Name, or which bears Two Names, and from Time to Time for good and sufficient Reason may alter the Name of any Street or Court, and may from Time to Time paint, engrave, or otherwise describe and place the Name of any Street or Court on a conspicuous Part of any Building, at or near each End, Corner, or Entrance thereof, and from Time to Time number on the Door thereof or otherwise every Building therein as they think proper; and

and if any Person wilfully destroys, obliterates, defaces, removes, or without the Consent of the Corporation alters any such Name or Number, or any Part thereof, he shall be liable to a Penalty not exceeding Five Pounds; and when any such Number is defaced or rubbed out the Occupier of such Building shall immediately at his own Expense cause the same to be reinstated; and in case he fails to do so for Seven Days after Notice in Writing given him to do so, the Corporation may reinstate the Number, and recover the Expenses from him.

Register of Alterations in Names.

140. The Corporation shall keep a Register of all Alterations made by them in the Names of Streets and Courts, and such Register shall be kept in such Form as to show the Date of every such Alteration, and the Name of the Street or Court, as well before as after such Alteration.

Streets to be kept clear.

141. The Corporation may from Time to Time make Regulations for the Route to be observed by all Carts, Carriages, Horses, and Persons, and for preventing Obstructions of the Streets in all Times of public Processions, public Meetings, public Rejoicings, Illuminations, or Holidays, and in Cases when the Streets are thronged or liable to be obstructed, and may give Directions to the Constables or other Corporation Officers to be appointed for that Purpose, and may arrange with the Officers of the Constabulary Force for the keeping of Order, and for preventing any Obstruction of the Streets, more especially in the immediate Neighbourhood of the Court House, the Police Court, the Theatre, and other Places of public Resort; and any Person wilfully guilty of any Breach of such Regulations, after the same have been duly notified, or who does not comply with the Direction of any Constable or other Officer acting in pursuance of this Act, shall be liable to a Penalty not exceeding Five Pounds, and any Constable may arrest such Offender in case his Name be not known.

Open and dangerous Places to be enclosed or repaired.

142. With respect to the enclosing or repairing of open and dangerous Places, the following Provisions shall take effect; namely,

(1.) If any Building, Wall, Structure, Excavation, Pond, open Space, or other Thing is in the Opinion of the Corporation, for Want of sufficient Repair, Protection, or Enclosure, dangerous to the Occupiers thereof, or of the neighbouring Buildings or Lands, or to the Passengers along any Street or Footpath, or from any such Causes as aforesaid is suffered to become a Resort of bad Characters and a Nuisance to the Locality, the Corporation may order the Owner within the Period in the Order prescribed to repair, protect, or enclose the same so as to prevent any Danger, Nuisance, or Annoyance therefrom:

(2.) If after Service of the Order on the Owner the Directions of the Order are not complied with within the prescribed Period, the Owner shall be liable to a Penalty not exceeding Twenty Pounds, and in that Case, and also if the Owner is not known, and cannot after due Inquiry be found, the Corporation may cause such Works as they think proper to be done for effecting such Repair, Protection, or Enclosure, and the Expenses thereof shall be payable by the Owner:

(3.) If such Owner can be found within the Borough, and if on Demand of the Expenses aforesaid he neglects or refuses to pay the same, then such Expenses may be levied by Distress, and any Justice may issue his Warrant accordingly:

(4.) If such Owner cannot be found within the Borough, or sufficient Distress of his Goods and Chattels within the Borough cannot be made, the Corporation, after giving Twenty-eight Days Notice of their Intention to do so by posting a Notice in a conspicuous Place on or near such Building, Thing, or open Space, may take possession of the same, provided such Expenses are not paid or tendered to them within the said Twenty-eight Days, making Compensation to the Owner of such Building, Thing, or open Space, but deducting out of such Compensation the Amount of the Expenses aforesaid, and may thereupon sell or otherwise dispose of such Building, Thing, or open Space:

(5.) If any Building, Wall, Structure, or other Thing be pulled down by virtue of the present Section, the Corporation may sell the Materials thereof or of so much of the same as is pulled down, and apply the Proceeds of such Sale in Payment of the Expenses incurred in respect of such Building or other Thing, and the Corporation shall restore any Overplus arising from such Sale to the Owner on Demand:

(6.) Nevertheless the Corporation, although they sell such Materials for the Purposes aforesaid, shall have the same Remedies for compelling the Payment of so much of the said Expenses as may remain due after the Application of the Proceeds of such Sale as are herein-before given to them for compelling the Payment of the whole of the said Expenses.

Part XIII.—Nuisances.

Burning Bricks and Bones, &c.

143. Any Person who in any Place nearer than Thirty Yards to a Dwelling House situate in or near any Street within the Borough begins to burn Bricks or Tiles, or who in any Place within Fifty Yards of any Dwelling House situate as aforesaid burns any Cork, Rags, Bones, Hair of Animals, or other offensive Substance for making Manure, Ivory Black, or Sal Ammoniac, or other chemical Compound, or for any other Purpose of Trade, Manufacture, or Commerce,

Commerce, shall after the passing of this Act be liable upon Conviction to a Penalty not exceeding Five Pounds, and to a further Penalty not exceeding Forty Shillings for every Day during which such Offence is continued after the Expiration of Two Days from the Service upon him by the Corporation of Notice to discontinue the same.

Offensive Trades.

144. The Business of a Brick or Tile Burner, Blood Boiler, Bone Boiler, Slaughterer of Cattle, Horses, or Animals of any Description, Soap Boiler, Tallow Melter, Tripe Boiler, or other noxious or offensive Business, Trade, or Manufacture, shall not be newly established in any Building or Place within the Borough without the Consent of the Corporation; and whosoever offends against this Enactment shall upon Conviction be liable for each Offence to the Penalty not exceeding Twenty Pounds, and a further Penalty not exceeding Forty Shillings for each Day during which the Offence is continued; and the Corporation may from Time to Time make such Byelaws with respect to any such Businesses so newly established as they may think necessary and proper in order to prevent or diminish the noxious or injurious Effects thereof.

Disorderly Houses.

145. If any Person keeps or acts or assists in the Management of any Brothel or other disorderly House, Room, or other Place he shall be liable on Conviction to a Penalty not exceeding Ten Pounds.

Bill posting.

146. Every Person who, without the Consent of the Owner or Occupier of any Building, Wall, Fence, Hoarding, or other Erection in any Part of the Borough, affixes thereto, or to any Gas Lamp, any Posting Bill or other Paper or Signboard, or by any Writing or Drawing or otherwise marks and disfigures such Building, Wall, Fence, Hoarding, or other Erection, or Gas Lamp, shall be liable upon Conviction to a Penalty not exceeding Forty Shillings.

Penalty for other Offences.

147. Every Person who in any Street or Court, or elsewhere than in a Street or Court, in the Cases in that Behalf in this Section specified, commits any of the following Offences, shall be liable to a Penalty not exceeding Forty Shillings; that is to say,

Every Person who, to the Obstruction, Annoyance, or Damage of any Resident or Passenger in any Street or Court, exposes for Show, Hire, or Sale (except in a Market or Market Place or Fair lawfully appointed for that Purpose) any Horse or other Animal, or exhibits in a Caravan or otherwise any Show or other public Entertainment, or shoes, bleeds, or farries any Horse or Animal (except in Cases of Accident), or cleans, dresses, exercises, trains, or breaks or turns loose any Horse or Animal (except in a Mews properly used for that Purpose), or makes or repairs any Part of any Cart or Carriage (except in case of Accident where Repair on the Spot is necessary):

Every Person who causes any Tree, or Timber, or Iron Beam, or Stone to be drawn in or upon any Carriage without having or supplying sufficient Means of safely guiding the same, and causing the same to be safely guided:

Every Driver of a Vehicle not having Springs who drives or conducts the same in any Street at a Rate of Speed exceeding a walking Pace.

Part XIV.—Notices.

Notices how to be given by Corporation.

148. Any Notice, Order, Resolution, Declaration, Requisition, Demand, or other Instrument made, given, delivered, or served under this or the recited Acts or any incorporated Act, or under any Byelaw of the Corporation, may be either in Print or in Writing, or partly in Print and partly in Writing, and shall be sufficiently authenticated by the Name of the Town Clerk, Surveyor, Collector, or other proper Officer, according to the Subject of the particular Document, being affixed thereto in Print or Writing on behalf of the Corporation; and it shall be sufficient in all Cases when any such Notice, Order, Resolution, Declaration, Requisition, Demand, or other Instrument is required to be given to or served upon the Owner or Occupier of any Property to address such Notice, Order, Resolution, Declaration, Requisition, Demand, or other Instrument to such Owner or Occupier (as the Case may be) of the Premises (naming them) in respect of which the Notice, Order, Resolution, Declaration, Requisition, Demand, or other Instrument may be served upon any Owner, Occupier, or other Person, either personally or by sending the same through the Post addressed to him by Name at his last known Place of Abode or Business, or by delivering the same to some Inmate at his last known Place of Abode or Business, or, in case of an Occupier, to any Inmate of the Building in respect of which such Notice, Order, Resolution, Declaration, Requisition, Demand, or Instrument is given or served, or if the Building is unoccupied, and the Place of Abode of the Person to be served is unknown, it shall be sufficient to affix such Notice, Order, Resolution, Declaration, Requisition, Demand, or Instrument, or a Copy thereof, upon some conspicuous Part of said Building.

Notice given to Corporation.

149. Any Notice to or Demand on the Corporation under this Act may be served on the Corporation by being delivered to the Town Clerk, or by being sent through the Post in a registered Letter directed to the Town Clerk, in which latter Case Service shall be deemed to be effected on the Corporation on the Day on which such Letter would be delivered in the ordinary Course of Post.

150. If

Penalty for defacing Notices.

150. If any Person pulls down, injures, or defaces any Byelaw, Placard, or Notice issued or put up by or under the Direction of the Corporation, or any Notice of the Position of a Fireplug, or any Board provided by the Corporation on which any Byelaw or Part of a Byelaw of the Corporation is painted or placed, he shall be liable to a Penalty not exceeding Five Pounds.

Part XV.—Finance.

Borrowing Powers.

151. The Corporation may from Time to Time borrow at Interest for a Term of Years or otherwise, on Mortgage of the Rates, Funds, Revenues, Estates, and Property of the Corporation in manner herein-after provided, and in addition to any Monies which they have before the passing of this Act borrowed, or which they are for the Time being independently of this Act authorized to borrow, such Sums as they think requisite, not exceeding in the whole the Sums following, for the respective Purposes following; (that is to say,)

For the Purpose of constructing the Railways by this Act authorized, or in relation thereto, they may borrow upon the Security of the Improvement Rate any Sum not exceeding Eighteen thousand nine hundred Pounds:

For the Waterworks Purposes by this or the recited Acts authorized, or in relation thereto, they may borrow on the Security of the Water Rates and Revenue any Sum not exceeding Thirty thousand Pounds:

For the Purpose of recouping certain Advances made by the Borough Fund they may borrow such Sum upon the Security of the Water Rates and Revenue as is herein-after specially mentioned:

For the Purposes of the Fire Brigade, Street Improvements, Sewerage Works, and for the remaining Purposes by this Act authorized, or in relation thereto, they may borrow upon the Security of the Improvement Rate any Sum not exceeding Sixty-two thousand Pounds.

Restriction as to Cost of Railways.

152. The said Sum of Eighteen thousand nine hundred Pounds which the Corporation are by this Act authorized to borrow for Railway Purposes shall be reducible by the Sums respectively of Three thousand Pounds payable to the Corporation by the Harbour Commissioners, and Two thousand Pounds payable to the Corporation by the Railway Company, as set forth in this Act or the Schedules thereto, and the Corporation may accordingly borrow for Railway Purposes the Sum of Thirteen thousand nine hundred Pounds in the first instance upon such Security as aforesaid, and may apply the Payments, when made by the Harbour Commissioners

and the Railway Company respectively, in discharging the further Cost of constructing such Railways and in reference thereto, or may in the first instance borrow the full Sum of Eighteen thousand nine hundred Pounds for Railway Purposes, applying such Payments as aforesaid, when made by the Harbour Commissioners and the Railway Company respectively, in discharge of a Portion, equal to a Sum of Five thousand Pounds, of the Amount so borrowed.

Application of Water Revenues.

153. The Corporation shall apply all Money received by them under this Act or the recited Acts in respect of Waterworks and Water Supply, other than Money borrowed, as follows; (that is to say,)

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

Secondly, in Payment of the Interest of the Money borrowed under the Act of 1856, and now due on the Credit of the Water Rates, Charges, and Revenues:

Thirdly, in recouping the Improvement Fund, under the Act of 1852, for any Sums paid out of that Fund for Compensation to *William Lumley Perrier* by the Act of 1856 provided, and for Interest on Money borrowed on the Credit of the Improvement Rate for the Purchase of the Pipe Water Trust, and also for any Money paid out of the Improvement Fund to the Credit of the Sinking Fund, under the Act of 1852, for the Purpose of paying off Money borrowed for the Purchase:

Fourthly, in paying the Sums by the Act of 1856 directed to be set apart annually to form a Sinking Fund, called the Water Sinking Fund by that Act, for the Purpose of paying off the Principal Money borrowed on the Credit of the said Water Rates, Charges, and Revenues, or so much thereof as shall remain due and owing at the passing of this Act:

Fifthly, in paying the Interest of all Monies borrowed under this Act for Waterworks Purposes, including the Interest on such Portion thereof as shall be borrowed for the Purpose of recouping the Borough Fund as by this Act authorized:

Sixthly, in paying the Sums by this Act authorized to be set apart annually to form a Sinking Fund for the Purpose of paying off the Principal Money under the Provisions of this Act on the Credit of the said Water Rates, Charges, and Revenues:

Lastly, in setting apart such annual Sum to be appropriated and set apart to defray Expenses attendant on or occasioned by any sudden Breach or Accident as by this Act authorized.

154. In

Certain Monies borrowed on Security of Improvement Rate to be recouped.

154. In the event of the Monies or any Part of the Monies, together with Interest thereon, hereby authorized to be raised and applied towards the Purposes of the Railways, or towards the Purposes of the Erection of a Town Hall, being raised or borrowed on the Security of the Improvement Rate, the said Monies and Interest shall be recouped to the Improvement Rate out of the Borough Fund and the Revenues thereof, and the recouping hereby authorized shall be carried out in such Manner and at such Times as the Corporation shall think fit.

For Appointment of a Receiver.

155. It shall be lawful for any Person entitled to any Mortgage granted under the Authority of this Act or of the recited Acts to enforce the Payment of the Arrears of Interest or Principal, or Principal and Interest, due on the Mortgages of any such Person by the Appointment of a Receiver; and in order to authorize the Appointment of a Receiver in respect of Principal, or Principal and Interest, the Amount owing to the Mortgagees by whom the Application for a Receiver is made shall not be less than Ten thousand Pounds in the whole.

Corporation may reborrow to Amount paid off.

156. For the Purpose of paying off any Monies from Time to Time due under this Act or the recited Acts, the Corporation may from Time to Time reborrow such Sums as they may think fit, not exceeding in the aggregate the Amount so falling due and requiring to be paid off; and if after having borrowed any Sums of Money under this Act or the recited Acts the Corporation pay off the same otherwise than by means of a Sinking Fund, it shall likewise be lawful for them again to borrow the Amount so paid off, and so from Time to Time: Provided always, that Monies when so reborrowed shall in every Case be charged and secured upon the same Rate or Fund as that upon which the Monies so paid off were charged or secured, and not otherwise.

For Repayment of Wide Street Debenture Debt.

157. For the Purpose of liquidating the Balance yet outstanding of the Debt incurred by the late Wide Street Commissioners, and transferred to the Corporation by the Act of 1852, the Corporation shall annually set apart out of the Improvement Rate a Sum not less than One Sixtieth Part of the Balance of the said Debt as existing at the Time of the passing of this Act, to be applied as a Sinking Fund for the Redemption or Liquidation thereof: Provided always, that (save as herein mentioned) nothing in this or in any other Section contained shall give to the Holders of Debentures representing such Debt, or forming the Security for the Amount or Amounts so advanced to the Wide Street Commissioners, and now due by the Corporation, any special or other Right of Payment out of

of the Improvement Rate, or any other Rate, Fund, Revenue, or Monies of the Corporation, over or in Priority to any other Creditors of the Corporation, which such Debenture Holders did not possess or enjoy previous to the passing of this Act.

Limit upon Exercise of borrowing Powers of 1852.

158. Until the said Balance of the Wide Street Debenture Debt has been liquidated in manner by this Act provided, it shall not be lawful for the Corporation to exercise any Portion of their borrowing Powers yet unexercised under the Act of 1852 to any greater Amount than the Sum of Two thousand three hundred and sixty-four Pounds Five Shillings and Tenpence, save for the Purpose of paying off such Balance of the Wide Street Debenture Debt, or any Portion thereof: Provided always, that such Exercise of their borrowing Powers as last aforesaid shall not be compulsory upon the Corporation.

Borough Fund to be recouped Advances.

159. For the Purpose of recouping to the Borough Fund the Sum of Twenty thousand Pounds or thereabouts borrowed on Mortgage of that Fund, and expended for Waterworks Purposes, it shall be lawful for the Corporation, subject to the Approval of the Commissioners of Her Majesty's Treasury, to borrow upon Security of the Waterworks and Water Revenues received by them under this or the recited Acts a Sum not exceeding Three thousand five hundred Pounds, to be applied exclusively in and towards recouping or making good to the Borough Fund the Amount which at the passing of this Act may have been expended out of that Fund in Repayment of Portion of the Principal Sum of Twenty thousand Pounds or thereabouts so borrowed as aforesaid; and the Monies arising from the Water Rates and Water Revenues of the Corporation shall in future, and until the Residue of such Principal Sum of Twenty thousand Pounds or thereabouts is wholly paid off, and until such Mortgages are wholly extinguished, recoup and pay over to the Borough Fund all Sums from Time to Time paid out of the Borough Fund by way of Principal and Interest upon such of the Mortgages as are still outstanding: Provided always, that as between the Corporation and the Person or Persons by whom such Principal Sum of Twenty thousand Pounds or thereabouts was or were advanced, the Borough Fund shall still be the Fund primarily liable for Payment of Interest, as well as of any Principal from Time to Time outstanding.

Priority of Mortgages.

160. All Mortgages and Bonds made by the Corporation before the passing of this Act affecting any Fund or Property by this Act authorized to be mortgaged shall during their respective Continuance have Priority over any Mortgage granted under and for the Purposes of this Act.

161. All

Application of Money borrowed.

161. All Monies borrowed by the Corporation under this Act shall be applied for the Purposes exclusively for which the same respectively are specially authorized by this Act to be borrowed, and to no other Purposes whatever.

Certain Provisions of 10 & 11 Vict. c. 16., as to borrowing, incorporated.

162. The Clauses of "The Commissioners Clauses Act, 1847," with respect to Mortgages to be executed by the Commissioners herein incorporated, shall be applicable to the borrowing of all such Sums of Money as aforesaid by the Corporation, and shall be read and construed as if the Words "the Mayor, Aldermen, and Burgesses of the Borough of *Cork*," "the Town Clerk," and "the Town Clerk's Office" had been inserted therein instead of the Words "the Commissioners," "the Clerk to the Commissioners," and "the Offices of the Commissioners" respectively.

Sinking Fund to be formed.

163. The Corporation shall, in respect of all Sums of Money borrowed by them under the Provisions of this Act, set apart annually out of the Revenues respectively applicable to the Repayment of such Monies an Amount equal in every Case to One Sixtieth Part of any Monies so borrowed, to be applied as a Sinking Fund in paying off the Monies so borrowed: Provided always, that it shall not be obligatory upon the Corporation to commence any such Sinking Fund until Five Years after the passing of this Act.

Part XVI.—Rates.

Exemption from Rates, how to be claimed.

164. Before any Person claims partial Exemption from any Rate which the Corporation are authorized to levy, on the Grounds that the Premises in respect of which such Rate was made had been unoccupied during a Portion of the Period for which such Rate was made, he shall in the first instance serve a Notice in Writing on the Rate Collector or other Officer of the Corporation as aforesaid, and such Notice shall be served within Seven Days from the Date of his leaving the said Premises, or otherwise he shall not be entitled to claim any such Exemption.

Collector may recover Sums with which he has been personally charged.

165. In any Case where a Collector of Rates or Revenues for or belonging to the Corporation has been obliged by the Regulations of the Corporation to close his Warrant, and pay over to the Corporation the Monies assessed by the Corporation, and which ought to have been collected by him, it shall be lawful for such Collector to sue in his own Name, and recover from any Defaulter the Amount of Rates or Revenues due and outstanding from any such Defaulter, together with the Costs of such Proceeding.

Exemptions from Rates.

166. No Person shall be rated to any Rate made in pursuance of this Act or of the recited Acts in respect of Tithes, or of any Church,

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 of any Lands, Houses, or Buildings excepted from the Payment of any County, Borough, Parochial, or other local Rates or Cesses under the Provisions of the 6th and 7th *Vict.* Cap. 36., or of any other Act relating to the Payment of such Rates as aforesaid; but, save as in this Section expressly provided, no Exceptions or Exemptions shall be allowed from any Rates authorized or levied under it or the recited Acts.

PART XVII.—BYELAWS.

Byelaws, how to be made.

167. Any Byelaws or Regulations which the Corporation are entitled by this Act to make shall be subject to the Provisions of "The Towns Improvement Clauses Act, 1847," with respect to the Byelaws to be made by virtue of that Act, except as such Provisions are varied by this Act, and shall be made and be subject to Confirmation in the Manner and according to the Procedure prescribed by Section 55 of the Act of 1856.

Proof of Byelaws.

168. A printed or written Copy of any Byelaws made by the Corporation under the recited Acts or this Act, and purporting to be signed by the Recorder, shall be Evidence of the Existence and of the due making and Allowance of such Byelaws in all Prosecutions under the same, without Proof of the Signature of the Recorder or of the due Publication thereof.

Byelaws to be so framed that Penalties may be mitigated.

169. All the Byelaws to be made by the Corporation shall be so framed as to allow the Justice before whom any Penalty imposed thereby may be sought to be recovered to order a Part only of such Penalty to be paid, if such Justice shall think fit.

PART XVIII.—LODGMENT OF MONIES.

15 & 16 Vict. c. cxliii. s. 121. repealed.

170. Section 121 of the Act of 1852 is hereby repealed.

Collectors to lodge all Monies received by them in Bank.

171. Every Collector of any Rate (including in that Term Monies leviable by Compulsion or Agreement) authorized by this Act or the recited Acts 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, or a Committee consisting of all the Members of the Council, and there signed by the Mayor, by Two Members of the Council at least, and by the Treasurer; and no Drafts on the said Account shall be drawn for any private Purpose

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on any Pretence whatever, nor for any other Purpose than the Payments which shall from Time to Time be authorized by the Council, or a Committee consisting of all the Members of the Council, for the Purposes of this Act or of the recited Acts, as the same shall be certified to the said Treasurer by the Town Clerk, who shall countersign all such Drafts.

Part XIX.—Theatres, &c.

Theatres, &c. to be licensed.

172. It shall not be lawful for any Person to have or keep any House or other Place of public Resort within the Borough for the Performance of Stage Plays or other Theatrical Representations, or any Circus, or any Place for Entertainments in the Nature of Dramatic Entertainments, or any other Place of public Resort kept or used for public Dancing, Music, or other Entertainment of a like kind (all which Places are herein-after shortly described or referred to as "Theatres or other Places of public Amusement") into which Admission is obtained by Payment of Money, without being duly licensed by the Corporation.

Terms of Licence.

173. The Fee to be paid for each Licence shall not exceed Five Shillings, and no Licence shall be granted to any Person except the actual and responsible Manager of any such Theatre or other Place of public Amusement, and the Name and Place of Abode of such Manager shall be printed on every Playbill or other public Notice announcing any Representation at such Theatre or other Place of public Amusement, and such Manager shall become bound himself in such penal Sum as the Corporation may require, not exceeding One hundred Pounds, with Two Sureties to be approved of by the Corporation in such further Sum not exceeding Fifty Pounds each as the Corporation in like Manner may require, for the due Observance of the Byelaws from Time to Time in force in the Borough during the Currency of such Licence for the Regulation of such Theatre or other Place of public Amusement, and for securing Payment of the Penalties which such Manager may be adjudged to pay for Breach of any such Byelaws or of this Act.

Byelaws as to Theatres, &c.

174. The Corporation may from Time to Time make Byelaws for the due licensing of Theatres and other Places of public Amusement within the Borough, and may provide in such Byelaws for the Suppression of Riots and disorderly Conduct, and for the Prevention of Smoking within such Theatres or other Places, and for regulating the Times at and during which the same shall severally be allowed to remain open.

Penalty for Breach of Byelaws.

175. In case of Riot or of the Breach of any Byelaws made by the Corporation taking place in any Theatre or other Place of public Amusement,

Amusement, the Corporation may order the same to be closed, or may suspend the Licence thereof for any Period they think fit, and during that Period such Theatre or other Place of public Amusement shall be deemed to be unlicensed, and the Manager thereof shall, in addition to any other Penalty he may incur, be liable to a Penalty not exceeding Five Pounds for each Day on which he continues to contravene or offend against such Byelaw.

Fines may be imposed.

176. It shall be lawful for the Corporation on the making of any Byelaws as aforesaid to fix a pecuniary Penalty for the Breach thereof not exceeding for every Offence the Sum of Five Pounds.

Character of Performances.

177. Where in any Case Money or other Reward shall be taken or charged directly or indirectly as an Entrance Fee, or where the Purchase of any Article is made a Condition for the Admission of any Person into a Theatre or other Place of public Amusement, every Actor therein shall be deemed to be acting for Hire; and in proceeding against any Person for having or keeping an unlicensed Theatre or other unlicensed Place of public Amusement, in case it shall be proved that such Theatre or other Place is used for any public Performance, or for any of the Purposes of public Amusement herein-before specified, the Burden of Proof that such Theatre or other Place of ublic Amusement is duly licensed shall devolve on the Party accused, and until the contrary is proved such Theatre or other Place of public Amusement shall be taken to be unlicensed, and every Person acting therein shall be liable to a Penalty not exceeding Forty Shillings for each Offence.

Unlicensed Theatres may be entered and Occupants removed.

178. Any Justice may by Order in Writing authorize any Constable or Corporate Officer to enter into any Building or Part of a Building, or any Place kept or used or suspected to be kept or used for Stage Plays or Dramatic Entertainments, or as a Circus, or for any of the Purposes herein-before specified, into which Admission is obtainable by Payment of Money, and which is not licensed in accordance with the Requirements of this Act, at any Time when the same is open for the Reception of Persons resorting thereto, and to remove any Person found therein without lawful Excuse; and every Person keeping, using, or knowingly letting any Building, or Part of a Building, or any Place for the Purposes aforesaid, or any of them, which Building, Part of a Building, or Place shall be unlicensed as aforesaid, shall be liable to a Penalty not exceeding Twenty Pounds; and every Person performing or being therein without lawful Excuse shall be liable to a Penalty not exceeding Forty Shillings, and the Burden of proving that any such Building, Part of a Building, or Place is a licensed Theatre shall be upon the Person keeping or conducting the same.

179. The

Constables may enter Theatres to preserve Order.

179. The Constables or other Corporate Officers duly authorized for that Purpose by the Corporation or the Mayor may enter any licensed Theatre or other Place of public Amusement, and aid in the Preservation of Order therein, and in the Restoration of Order, in case the same be disturbed, and in carrying into effect the Provisions of this Act, or any Byelaws made thereunder.

Part XX.—Miscellaneous.

Jurisdiction of Justices for Purposes of this Act.

180. All Matters required or authorized to be heard and determined before any Justice or Justices in relation to any Offence under or Breach of this Act or of the recited Acts may be heard and determined before any Justice or Justices of the Peace acting in and for the Borough; and such Justice or Justices, as the Case shall require, shall have full Jurisdiction as if such Matter, Offence, or Breach had taken place or occurred within his or their ordinary Jurisdiction, notwithstanding that any such Matter may have taken place or occurred outside the Borough, but within the Distance of Five Miles from the General Post Office therein.

Persons contracting with Corporation not disqualified as Members.

181. Any Person entering into or being concerned in any Contract with the Corporation for a Supply of Water, or for a Water Meter, or for the Sale to the Corporation of any Lands for the Purposes of this Act, or lending any Money to the Corporation under this Act or the recited Acts, shall not thereby be disabled from being, continuing, or acting as Mayor, Alderman, or Councillor of the Borough, or as an Officer or Servant of the Corporation, or incur any Penalty by reason of such Contract, Sale, or Loan, or of his being, continuing, or acting as such Mayor, Alderman, Councillor, Officer, or Servant.

Justices, &c. not disqualified from acting.

182. Except as expressly otherwise provided, any Person shall not be disqualified or disabled to act as Justice, Coroner, Juror, or otherwise in any Matter arising under or in relation to this Act or the recited Acts by reason of his being a Ratepayer in the Borough, or liable to any Rent or Payment under this Act or the recited Acts, or a Member of the Council, or of any Committee thereof.

Mode of Arbitration.

183. Where by any Section of this Act it is provided that a Reference to Arbitration shall or may be made, and Questions hereafter arise as to the true Intent, Construction, Effect, and Meaning of such Section or any Portion thereof, or of the Part of this Act in which such Section occurs, every such Question shall be referred to and determined by Arbitration according to the Provisions with respect to the Determination of Disputes by Arbitration of "The Companies Clauses Consolidation Act, 1845," herewith incorporated.

184. For

Lands, &c. how to be taken.

184. For the Purposes of this Act and the recited Acts, and for the entering upon, taking, or using by the Corporation of such Lands, Buildings, or Streams of Water as the Corporation by this Act or by the recited Acts respectively, or either of them, are authorized to enter upon, take, or use, "The Railways Act (*Ireland*), 1851," as amended by "The Railways Act (*Ireland*), 1860," and "The Railways Act (*Ireland*), 1864," shall be incorporated with and form Part of this Act and of the recited Acts respectively, and shall apply and have Effect accordingly.

Bathing.

185. It shall be lawful for the Corporation to make Byelaws for the Regulation of Bathing within the Borough, and the Hours and Places at which Bathing shall be permissible.

Saving Rights of the Crown.

186. Nothing contained in this Act, or to be done under the Authority thereof, shall in any Manner affect the Title to any of the Subjects, or any Rights, Powers, or Authorities, mentioned in or reserved by Sections 21 and 22 of "The Crown Lands Act, 1866," or shall divest, alter, or affect any other Estate, Right, or Interest belonging to the Queen's most Excellent Majesty, Her Heirs or Successors.

Expenses of Acts.

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

SCHEDULE (A.) referred to in the foregoing Act.

AN AGREEMENT under Seal made the Ninth Day of March One thousand eight hundred and sixty-eight between the Mayor, Aldermen, and Burgesses of the Borough of Cork (herein-after called "the Corporation") of the one Part, and the Cork, Blackrock, and Passage Railway Company (herein-after called "the Company") of the other Part.

WHEREAS a Bill is now pending before Parliament, whereby (amongst other things) Powers are sought by the Corporation for the Abandonment and Discontinuance of a Portion (in the Bill called "the abandoned Portion") of the existing Line of the Cork, Blackrock, and Passage Railway (herein-after called "the Passage Railway"), and for the Construction in lieu of such abandoned Portion of the new or substituted Lines of Railway in the Bill described and proposed to be authorized:

And whereas the Company are willing and desirous, upon certain Conditions, that such Abandonment and Construction should take place, and Heads of Agreement embodying those Conditions were accordingly reduced into Writing, and it was by that Document agreed that such Heads should be embodied in an Agreement, and that Parliamentary Sanction should be obtained for the same:

And whereas for carrying into effect the said Agreement the Corporation and the Company respectively are desirous and have agreed to execute these Presents:

Now, therefore, these Presents witness that for the Considerations herein-after appearing it is mutually agreed by and between the said Parties hereto as follows; (that is to say,)

1. The Corporation shall at their own Cost use their best Endeavours to procure the passing into a Law of the Bill, whereof the Short Title is the "Cork Improvement Bill" (herein-after called "the Bill"), with such Modifications as to them may seem expedient, or as Parliament may require, but so that such Modifications do not in any way vary the Terms of this Agreement, and a Clause or Clauses shall be introduced into the Bill confirming and giving full Effect to this Agreement.

2. The Obligations by this Agreement imposed upon the Corporation and the Company respectively (save as herein-after provided with regard to Costs) shall become binding only in the event of the Bill being passed into a Law, and the Corporation shall be at liberty to abandon the Bill at any Time before the same receives the Royal Assent, in case from any Circumstances they think proper in the Exercise of their Discretion to do so.

3. The Corporation shall abandon and expunge from the Bill all Provisions authorizing or relating to the Construction of the Line of Railway in the Bill as introduced and deposited in Parliament described or referred to, and shown on the Plans deposited for the Purposes of such Application to Parliament by the Corporation, herein-after called the deposited Plans, as Railway (No. 2).

4. The

4. The Corporation shall construct the Lines of Railway in the Bill described or referred to as Railways (No. 1) and (No. 3), herein-after called "the Extension Railways;" (that is to say,)

No. 1. A Railway commencing at a Point on the existing Line of the Passage Railway situated Sixty-eight Yards or thereabouts to the West of the Foot Bridge which crosses the said Railway from the Navigation Wall at or near Blackrock in the Parish of St. Finn Bar's, and marked with the Letter "A" on the deposited Plans, and terminating at a Point in the Upper Park marked with the Letter "C" on the deposited Plans, situate near the Junction of the Southern Park Road and the Victoria Road leading to Blackrock, and distant One Furlong or thereabouts from the Southern Wall of the Terminus of the said Railway at Cork in the Parish of St. Nicholas, which Railway (No. 1) will be situate in the Parishes of St. Finn Bar's and St. Nicholas and County of the City or Borough of Cork.

No. 3. A Railway commencing at the Termination of the Railway (No. 1) herein-before described at the Point marked "C" upon the deposited Plans, and terminating at the Point marked "D" on the Plans deposited as aforesaid, situate at or near the Eastern Angle formed by Albert Street and Albert Quay, which Railway (No. 3) will be situated in the Parish of St. Nicholas and County of the City or Borough of Cork.

5. The Corporation shall bonâ fide purchase the Lands necessary for the Construction of the Extension Railways, including the Terminal Station and other Works to be constructed by them, within a Period of Three Years from the passing of the Bill into Law.

6. The Corporation shall construct and complete the Extension Railways within a Period of Five Years from the passing of the Bill into Law, and by way of Guarantee for the Fulfilment of this Undertaking shall, in the event of Failure to complete the Extension Railways within the prescribed Limit of Time, forfeit and pay to the Company the pecuniary Sum or Penalty of Five hundred Pounds, and such Penalty may be recovered by the Company as and by way of ascertained Damages in any Court of competent Jurisdiction.

7. The Corporation shall erect a new Terminal Station, with all proper Offices and Accommodation Works, at Albert Street, equal in all respects to the existing Terminal Station, Offices, and Accommodation Works of the Company which the Bill seeks Power to remove or affect; and in the Erection of such new Terminal Station the Corporation shall be at liberty to use, wholly or in part, the Buildings, Materials, and Fittings herein-after described or referred to.

8. All the Works to be performed by the Corporation under this Agreement, whether with reference to the new Terminus or to the Extension Railways, shall be executed to the Satisfaction of the Inspector appointed by the Board of Trade.

9. The Corporation, or their Officers or Workmen, shall not interfere in any way with the Passage Railway as existing at the Date of this Agreement until the Extension Railways have been completed in all their Parts, except so far as may be necessary for the Construction of the Works or any of them authorized by the Bill, and then only to the Extent which may be determined and mutually agreed upon by the Engineers respectively of the Company and the Corporation,

and

and in the event of their Disagreement by an Umpire appointed previously to their entering upon any such Conference by those Engineers respectively in their representative Capacity.

10. The Corporation shall grant to the Company a Lease of so much of the Lands in the Park, the Property of the Corporation, as the Extension Railways shall be constructed upon, for a like Term and subject in all respects, except as herein-after provided as regards the Amount of Rent, to the same Conditions as contained in the Lease from the Corporation to the Company bearing Date the Ninth Day of October One thousand eight hundred and forty-eight, and made in respect of Lands in the Park forming the Site of or held in connexion with that Portion of the Passage Railway as now existing, in the Bill called "the abandoned Portion."

11. The Rent to be reserved under any such Lease shall be so arranged that the Company shall only be liable to pay to the Corporation the annual Sum of Fifty Pounds for or in respect of any Lands belonging to the Corporation forming Part either of the existing or of the Extension Railways.

12. The Corporation shall likewise grant and convey to the Company, either in Fee or upon such other good and sufficient Title as can reasonably be had and obtained, the Lands to be purchased by the Corporation upon which the Portion of the Extension Railways in the Bill described as Railway (No. 3), up to and including the Terminal Station at Albert Street, shall be constructed.

13. Upon the Completion by the Corporation of the Extension Railways and Terminal Station, and the Approval of the same by the Inspector to the Board of Trade, the Company shall forthwith pay to the Corporation the Sum of Two thousand Pounds in Cash by way of Contribution towards the Expenses incurred by the Corporation in constructing such Extension Railways, including the Terminal Station and Accommodation Works thereunto belonging; and for such Sum of Two thousand Pounds the Receipt of the City Treasurer shall be a full Discharge to the Company, and such Sum may be recovered by the Corporation in any Court of competent Jurisdiction.

14. The Company upon such Completion and Approval as last aforesaid shall grant and convey to the Corporation, at the Expense of the Corporation, that Portion of the existing Line of the Passage Railway in the Bill described as "the abandoned Portion," and marked "A" to "B" on the deposited Plans, and shall also at the like Expense reassign to the Corporation all the Lands upon which the present Terminus of the Company has been erected, together with all the Lands included in the said Lease from the Corporation to the Company of the Ninth Day of October One thousand eight hundred and forty-eight, save and except such Portion of the said Lands comprised in the existing Line of the Passage Railway between the Lands of Dundanion, described in said Lease as in the Occupation of Sir Thomas Deane, and the Point marked "A" on the deposited Plans, as shall not be interfered with by the Corporation in the Construction of the Extension Railways.

15. In any such Conveyance or Reassignment as last aforesaid it shall be provided that the Rails, Sleepers, Chairs, Bolts, and other Materials for Purposes of Locomotion upon "the abandoned Portion" of the Railway as distinct from the Embankment or Permanent Way itself (which shall become the Property of the Corporation) shall remain and be the Property of the Company.

16. All permanent or roofed Buildings, Walls, Fences, and Gates in existence upon the abandoned Portion of the Railway at the Date of this Agreement, together with the Turn-table, Water Tank, Stand Pipe, Lamps, and Fittings upon such abandoned Portion, shall belong to the Corporation, and may be used by the Corporation, if they think fit, in the Construction of the new Terminus and Works in Albert Street forming Part of the Extension Railways.

17. The Corporation shall pay all Expenses incidental to the Preparation and passing of the Bill (save in the event and with the Exception herein-after mentioned), together with the Amount requisite for the Purchase of Lands for the Purposes of the Extension Railways, including the Costs of Conveyances, Investigation of Title, and all Matters incidental thereto, and for the Construction of the Extension Railways, less the Sum of Two thousand Pounds to be contributed by the Company as herein-before provided, and together also with the Costs of erecting such new Terminal Station, Offices, and Accommodation Works as aforesaid.

18. The Corporation shall not be liable for any Costs which may have been incurred by the Company for or in respect of Engineering up to the Seventh Day of February last beyond the Sum of Ten Guineas, but shall be liable for all other Costs which have been or which shall hereafter be properly and necessarily incurred by the Company in relation to the Bill, including the Costs (if any) of inserting Clauses in the Bill for the Protection of the Company, and shall pay the same when ascertained, and that whether the Bill be passed into a Law during the present Session or be rejected by Parliament, or be abandoned by the Corporation from any Cause before it receives the Royal Assent.

19. Any Differences (other than Differences upon purely engineering Questions which shall be settled as provided by Article 9) arising between the Corporation and the Company touching the Intent, Construction, or Effect of this Agreement, or touching any of the Incidents or Consequences of, or the Exercise of any Power or touching any Breach or alleged Breach of any Provision of, this Agreement, or touching any Claim, Demand, or Matter whatsoever in anywise arising out of this Agreement, shall, by virtue of this Agreement, stand referred to Arbitration under and according to the "Railway Companies Arbitration Act, 1859," subject nevertheless to any express Provision herein contained at variance therewith, as if the Corporation and the Company were Two Railway Companies, and this Agreement shall be deemed an Agreement for Reference thereof, and a Reference thereof in accordance with that Act.

20. The Arbitrators in any such Arbitration as aforesaid shall be Arbitrators to be named respectively by the Corporation and the Company, and such Arbitrators, prior to entering into the Matter of Arbitration, shall mutually agree upon and nominate a Barrister as Umpire.

21. The following Conditions agreed upon by the Engineers respectively of the Corporation and the Company as to the Mode of constructing the Extension Railways shall form Part of this Agreement, and shall be read and have Effect accordingly:

(*a.*) That Railways Nos. 1 and 3 shall be constructed according to the Lines and Gradients shown on the Parliamentary Plans, and that such Lines shall not be deviated from except with the Consent of the Engineer to the Company.

(*b.*) That

(*b.*) That the Curve at the Junction of these Two Lines shall be improved as far as the Limits of Deviation will permit, as already agreed to by Sir John Benson.

(*c.*) That the Works, except the Permanent Way, shall be constructed for a double Line of Railway, with a Width of not less than Twenty-eight Feet on the Level of Formation, and that the Level of Formation shall nowhere be of a less Height over the Surface of the Park than Two Feet Six Inches.

(*d.*) That the Permanent Way shall be laid for a single Line except at the Station and Sidings, where all necessary additional Roads shall be laid down, and shall be similar to that at present laid for the Second Line of the Cork and Youghal Railway, having Rail of approved Specification, Seventy Pounds to the Yard Linear, Sleepers of Red Pine Nine Feet by Nine Inches by Four and a Half Inches Square, and suitable Fishes and Fastenings, and ballasted with Ten Inches of broken Stone and Six Inches of Gravel; and the Corporation shall be permitted to quarry and remove Stone for said Ballast from the Cuttings of the Railway at Blackrock, but all such Work must be executed under the Control of the Company and their Officials, and subject to such Regulations as they may from Time to Time deem necessary; and the Corporation shall keep the Line clear of all Accumulations of Rubbish or Obstructions during the Execution of the said Work, and shall be responsible for any Damage or Injury that may arise from said Work, and shall clear up the Line, and leave it in a fit and proper State on the Completion thereof.

(*e.*) That the Fencing through the Park shall consist of Morton's Five-wire Railway Fence with Iron Posts, and that the Remainder of the Line and Station Grounds shall be fenced with Masonry Walls of approved Section, having such Openings and Gates as may be found necessary for the Accommodation of the Traffic and other Requirements of the Company.

(*f.*) That sufficient Land for the Site of all the Works, Embankments, Fences, Ditches, Sidings, Station, &c. &c., shall be conveyed to the Company by the Corporation free of Cost, and that the Land throughout the Park shall not be of a less Width at the lowest Part of the Line than Sixty Feet, and increase proportionately with the increased Slopes of the Embankments.

(*g.*) That between Victoria Road and Albert Street it shall not be less than Eighty-one Feet, unless it can be shown to the Satisfaction of the Company's Engineer that a less Width will be sufficient to afford Accommodation for Sidings and Buildings equally efficient to those now existing at Victoria Road Station.

(*h.*) That a Portion of the Land now occupied by Harris' Western Stores and Yard, having a parallel Width of Fifty-four Feet, and a Frontage to Albert Quay of not less than Fifty-four Feet, and a Frontage to Albert Street when widened as proposed, shall be conveyed in like Manner to the Company.

(*i.*) That, in addition to the above, a Portion of Ground extending along Albert Street in front of the Site of the proposed Buildings, and for a Width of Twenty Feet, shall be appropriated to form a Footpath over which the Public and the Company shall have a Right of Way, but on or over any Part of which the Company, either by Arrangement with the Corporation or otherwise, shall have the Right to erect a Roof, with all necessary Columns, &c., as a covered Approach to their Station.

(*j.*) That

(*j.*) That on those Lands a new Station, terminating as proposed at Albert Street and Albert Quay, shall be erected, with Sidings, Sheds, Tanks, Platforms, Station Offices, and all other Buildings and Requirements complete, so as to render it equally efficient both for present and prospective Traffic to that now existing at Victoria Road Station.

(*k.*) That the Centre of the Turn-table shall be placed in the same Position with respect to the Rails and Terminus as at the present Terminus, and shall not be further than Two hundred and forty Feet from the South Side of Albert Quay, and that the Centre of Turn-table shall not be further East than the Line of Eastern Wall of Harris' Western Store and Yard, unless by mutual Consent.

(*l.*) That a Passenger Shed, with a Roof similar to the centre Portion of that now existing at Victoria Road Terminus, of the same Length, and of the clear Width between the Walls of Fifty-seven Feet Six Inches, shall be erected, covering Three Lines of Rails, and One Platform Two hundred Feet long and Twenty Feet wide, and that it shall be provided with all such Gates and Approaches as may be necessary for the Accommodation of Traffic.

(*m.*) That the Platform shall extend to an additional Length beyond the Shed of at least One hundred and fifty Feet, and in Width at East End not less than Ten Feet.

(*n.*) That an Engine House and Workshops shall be erected as proposed One hundred and twenty Feet long and Forty Feet wide, covered with Part of the Iron and slated Roof of present Platform, or one similar thereto and equally suitable, with Engine Pits and all necessary Adjuncts, and a Forge, Storeroom, and Office affording similar Accommodation to those at present existing.

(*o.*) That additional Sheds and Shops shall be erected to the Extent of any surplus Roofing that may remain after the Erection of the above Works, so as to provide the same Amount of roofed Area as the Company at present possess, and in such Positions as may be hereafter agreed upon.

(*p.*) That a Station House and Offices sufficient to afford an equal Amount of Accommodation to that at present existing at Victoria Road, and with all necessary Waiting Rooms, Waterclosets, Urinals, &c., shall be erected on the Piece of Ground between Albert Quay and the proposed Site of the Turn-table, and it shall be of such Design and Elevation as may be hereafter mutually agreed upon.

(*q.*) That all necessary Lines of Rails, Switches, Crossings, Turn-tables, Signals, Switch-boxes, Indicators, Tanks, &c. shall be erected by the Corporation so as to render this Station and Shop as effective and accessible as those at present existing.

(*r.*) That all the roofed Buildings, Walls, Gates, and all present Buildings now in existence, and the Turn-tables, Water Tank, Stand Pipes, Gas and Water Pipes, Lamp and Fittings, shall become the Property of the Corporation, and that they shall be allowed to avail of and use them in the Construction of the new Works, but that none of them shall (with the Exception of the Passenger Shed Roof and the Turn-table or such Buildings the Removal of which will not interrupt the regular Traffic of the Line) be removed or interfered with until the new Station is completed and surrendered to the Cork and Passage Company.

(*s.*) That

(*s.*) That all Tools, Machinery, and similar Plant, and all existing Rails, Sleepers, Switches, Crossings, &c., and other Plant appertaining to the Railway, shall remain undisturbed until the new Line is complete and in the Possession of the Cork and Passage Railway Company, and that all such Plant and all other Materials and Property, except the roofed Buildings, Walls, Gates, Tanks, Water Pillars, Gas and Water Pipes and Fittings, and the Turn-table, shall belong to and remain the Property of the Cork and Passage Company, to be disposed of by them as they may think proper.

(*t.*) That the whole of the Line and Works from Blackrock to Albert Quay shall be constructed and completed to the Satisfaction of the Inspector of the Board of Trade and the Company's Engineer, and supplied with Gas, Water, and all other necessary Fittings, and delivered up to the Company ready for Traffic within the Time specified by this Agreement.

(*u.*) That while the Turn-table is being removed and re-erected Switches shall be laid as a Substitute therefor, so as not to interfere with the working of the Traffic as it is at present carried on.

(*v.*) That the Removal of the Passenger Shed Roof shall not occupy more than Four Months immediately previous to the Completion and Delivery of the new Works, and during its Removal all necessary Means shall be taken to prevent as much as possible Interruption to the Traffic of the Railway or Inconvenience to the Passengers or the Company.

(*w.*) That all Tools, Machinery, Boilers, Benches, &c. now existing at Victoria Road Station shall be re-erected at the new Station, or, where this cannot be done in a perfect Manner, Tools and Machinery equally good and suitable must be provided and erected by the Corporation.

(*x.*) That previous to the Removal of said Machinery, &c., the Foundation and all necessary Preparations for their Erection shall be completed, so as to prevent Interruption to the usual Works of Repair, and that all Expenses incurred by the Company in consequence of the Removal of their Works and Station shall be repaid by the Corporation.

(*y.*) That the Corporation shall maintain and repair or pay the Company for the Maintenance and Repair of all the Works executed by them, except the ordinary Maintenance of Permanent Way, for Twelve Months after their Delivery to the Company, except Injuries arising from any unlawful Acts or Negligence of the Company themselves, and the Corporation shall be responsible for all Cost or Injury arising from Subsidence, bad Foundations, or defective Materials or Workmanship, and shall repay the Cost of remedying all such Defects.

(*z.*) That the true Intent and Meaning of the Agreement is, that the Cork and Passage Railway Company shall be provided with a new Line and Station equally efficient with that which they at present possess, without Loss and free of all Cost, except the Sum they have stipulated to pay the Corporation; and if any Question should arise between the Corporation and the Company as to the Design of the new Works and Station, the Description of the Works and Materials, the Manner in which they are executed, their Sufficiency for the Purposes intended, or any other engineering Question, same shall be left to Arbitration in the Manner provided by Article 9.

(*z*[1].) That previous to the Commencement of the Works, Plans and Specifications showing the Land to be conveyed, and all the Works and Stations proposed to be constructed in compliance with the above Conditions, or such Modifications thereof as may be mutually agreed upon, shall be prepared by the Engineer to the Corporation, and approved of by the Engineer to the Company.

In witness whereof the Corporation have caused the Common Seal of the said Borough of Cork to be affixed to this Agreement, and the Railway Company have also hereunto affixed their Common Seal, the Day and Year first above written.

Present when the Common Seal of the Borough of Cork was affixed hereto,

ALEXR. MCCARTHY, Jr., Town Clerk.

Corporation Seal.

Present when the Common Seal of the Company was affixed hereto,

DAVID HALL, Solicitor, Cork.

Railway Company's Seal.

JOHN HACKETT, Secretary.

SCHEDULE (B.) referred to in the foregoing Act.

AGREEMENT under Seal entered into this Thirtieth Day of March 1868 between the Mayor, Aldermen, and Burgesses of the Borough of Cork (herein-after called "the Corporation") of the one Part, and the Commissioners for improving and preserving the Port, Harbour, and River of Cork (herein-after called "the Commissioners") of the other Part.

WHEREAS the Corporation have given Notice of their Intention to apply to Parliament in the present Session for an Act to enable them (among other things) to remove that Portion of the existing Line of the Cork, Blackrock, and Passage Railway which commences near the Foot Bridge on the Navigation Wall, and extends to the Terminus near the Victoria Road, as defined by the Letters A B on the Map made in duplicate for the Purposes of this Agreement, whereof one Copy is retained by the Corporation, and the other by the Commissioners, and as also defined by the Letters A B on the Plans deposited for the Purposes of the intended Act, and to enable the Corporation to make new or substituted Lines of Railway in the inner Side of the Park, in lieu of the Portion of the existing Line so proposed to be removed (and herein-after called "the abandoned Portion"): And whereas by the Removal of the abandoned Portion a convenient Site in that Portion of the Park known as the Lower Park would be rendered available for the Deposit of Alluvial Matter (herein-after called "Dredge Stuff") taken from the River Lee by the Commissioners in the course of their Works,

Works, and meanwhile the Commissioners, having no convenient Site for the Purpose of such Deposit, have incurred and are incurring great Expense in the Removal of Dredge Stuff: And whereas the Corporation, upon the Application of the Commissioners, have consented (if such Act be obtained) to grant to the Commissioners Permission to use the Portion of the Park herein-after described for the Deposit therein of Dredge Stuff, subject to the Conditions herein-after mentioned: Therefore it is mutually agreed between the Corporation and the Commissioners as follows; (that is to say,)

1. The Corporation and the Commissioners shall, at the sole Costs and Charges of the Corporation, use their utmost Endeavours to procure the passing of the Bill intended to be promoted by the Corporation.

2. Subject to the Approval of Parliament, the Corporation shall with all convenient Despatch construct the new or substituted Line or Lines of Railway, and remove the abandoned Portion of the Cork, Blackrock, and Passage Railway, and on the Completion of those Works shall allocate for the Use of the Commissioners that Portion of the Lower Park shown on the said Map and thereon coloured Brown, and on Payment to them by the Commissioners of the Sum of Three thousand Pounds shall grant to the Commissioners all proper and necessary Facilities for using such Portion of the Lower Park during the Space of Fifty Years or any longer Period which the Corporation may approve, with free Access thereto, for the Purpose of depositing Dredge Stuff.

3. During the Term aforesaid no Dredge Stuff shall be deposited in the Park, except in such Manner, at such Hours, Times, and Seasons, and subject to such Conditions and Restrictions, as the Engineers or other proper Officers of the Corporation and the Commissioners may from Time to Time direct and appoint.

4. The Commissioners (subject to such Supervision and Direction as aforesaid) may at their own Expense provide, or make and use, such Appliances as in the Opinion of the Commissioners and the Corporation may be necessary or expedient to enable the Commissioners to deposit the Dredge Stuff on the Site intended to be allocated for that Purpose: Provided that as little Damage as possible be done by the Commissioners to the Park, or to any adjacent Lands or Property of the Corporation, in carrying into effect the Purposes of this Agreement, or in executing any Works incidental thereto, and the Commissioners shall (subject to the Exercise of their Powers as aforesaid) abstain from interfering with any public Passage or Right of Way.

5. A Clause shall be inserted in the intended Bill enabling the Commissioners to borrow or raise on Mortgage of their Revenues the Sum of Three thousand Pounds, forming the Consideration to be paid to the Corporation for the Grant of the Site for depositing Dredge Stuff.

6. For the said Sum of Three thousand Pounds to be paid by the Commissioners to the Corporation under this Agreement the Receipt of the City Treasurer shall be a full Discharge, and the Commissioners shall not be responsible for the Application of the Amount.

7. Nothing in this Agreement contained shall vest or be construed to vest in the Commissioners any Part or Parts of the Park, Navigation Wall, or of the abandoned Portion of the Railway, and the Dredge Stuff which may be deposited by the Commissioners upon the Park shall in any Event be and become the Property of the Corporation immediately upon being so deposited.

8. All

8. All Disputes as to any Matter or Thing in this Agreement contained shall be referred to the Decision and Award of the Engineer or proper Officer of the Corporation and of the Engineer or proper Officer of the Commissioners for the Time being, but in case they do not agree they may call in the Surveyor of the East Riding of the County of Cork, or other Arbitrator to be mutually agreed upon, whose Decision shall be binding and conclusive.

9. This Agreement shall be subject to the Decision of Parliament, and if from any Cause the Bill promoted in the next Session by the Corporation shall fail to be passed into an Act, or becoming Law shall not contain Clauses authorizing the Removal of the abandoned Portion of the Railway, and for enabling this Agreement to be carried into effect, this Agreement shall be null and void.

In witness whereof the Corporation have caused the Common Seal of the said Borough of Cork to be hereunto affixed, and the Harbour Commissioners have duly signed, sealed, and delivered these Presents, the Day and Year first above written.

Present when the Common Seal of the Borough of Cork was affixed hereto,

ROBERT J. BICKFORD, Cork.

Seal of the Corporation.

Signed, sealed, and delivered on behalf of the Harbour Commissioners by the Seven Members of that Body whose Names are hereunto set.

(By Order) WILLIAM DONEGAN, Sec.

THOMAS TOBIN. L.S.

EDWD. SCOTT. L.S.

ISAAC JULIAN. L.S.

WILLIAM HEGARTY. L.S.

A. BREMNER. L.S.

WM. HACKETT, Knt. L.S.

J. EDWIN PIM. L.S.

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