CHAPTER cix.

An Act to enable the Mayor, Aldermen, and Burgesses of the borough of Cork to remove certain Bridges over the River Lee, and to erect new Bridges in lieu thereof; to vest in them the existing Bridges over the said river, situated in said borough; to enable the Cork Harbour Commissioners to contribute; and for other purposes. [2d August 1875.] A.D. 1875.

WHEREAS the bridge in the borough of Cork (herein referred to as the borough) known as Anglesea Bridge, which was erected in or about the year one thousand eight hundred and thirty, has recently exhibited indications of subsiding and becoming insecure, and the same is now also insufficient for traffic, which has greatly increased since the said bridge was erected:

And whereas it is expedient that the mayor, aldermen, and burgesses of the borough (herein-after referred to as "the Corporation") should be authorised to take down the said bridge, and to erect a new opening bridge in lieu thereof over the River Lee in the borough, at or near the site of that bridge, and to raise money for that purpose:

And whereas the trade of the port and harbour of Cork has since the building of the said bridge greatly increased and is increasing, and the said bridge as it now stands impedes the passage of vessels and floating traffic on the River Lee, which forms part of the port of Cork, and is liable to the control or jurisdiction of the Cork Harbour Commissioners (herein referred to as "the Harbour Commissioners"):

And whereas the Harbour Commissioners are willing to contribute towards the taking down of the present Anglesea Bridge and erecting a new opening bridge in its stead, and it is expedient that they should be authorised to do so, and to raise money for that purpose, and that the agreement between the Corporation and the Harbour Commissioners contained in the schedule hereto should be confirmed and made binding on the parties:

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And whereas the said bridge was originally erected by the trustees acting under the Act 3 George IV., chapter seventy-nine, intituled "An Act for the establishment of markets for the sale of "corn and other articles in the city of Cork," by means of public moneys raised and levied under that Act:

3 Geo. 4. c. lxxix.

And whereas the wooden structure for foot passengers over the River Lee in the borough, known as Saint Vincent's Bridge, which is of great convenience to the outlying district called Sunday's Well, has recently become insecure for traffic, and it is expedient that the same should be taken down, and that the Corporation should be authorised to erect a new bridge for foot passengers in lieu thereof, and to raise money for that purpose:

And whereas the said two bridges to be taken down and re-erected are now repaired and maintained by the Corporation, and it is expedient that the said bridges and the roadways thereof should be absolutely vested in the Corporation and maintained by them in manner and to the extent herein-after provided:

And whereas a plan and section of the said bridges to be erected under this Act, and a book of reference to such plans, have been deposited with the clerk of the peace of the county of the city of Cork at his office in Cork, and are herein referred to as the deposited plans and sections and book of reference:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may for all purposes be cited as "The Cork Improvement Act, 1875."

Provisions of certain general Acts incorporated.

2. "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," section 17 of "The Railways Clauses Consolidation Act, 1845," and the sections of the last-mentioned Act with respect to the recovery of damages not specially provided for, and of penalties, and to the determination of any other matter referred to justices, and the provisions of the last-mentioned Act with respect to the temporary occupation of lands near the railway, and sections 13, 18, and 19 of the Railways Clauses Act, 1863, are, except where expressly varied by or inconsistent with the provisions of this Act, incorporated with this Act: Provided, the bridges authorised to be constructed under the powers of this Act shall be taken to be "railways" and "works" within the meaning of the provisions

of the said Railways Clauses Consolidation Act, 1845, and of the Railways Clauses Act, 1863, incorporated with this Act.

Certain provisions of 10 & 11 Vict. c. 16. incorporated.

3. The clauses or provisions of "The Commissioners Clauses Act, 1847," with respect to the following matters, (that is to say,)

With respect to the contracts to be entered into and the deeds to be executed by the Commissioners;

With respect to the appointment and accountability of the officers of the Commissioners (except section 69);

With respect to giving notices or orders;

With respect to the mortgages to be executed by the Commissioners (except sections 86, 87, and 88),

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.

Same meanings to words in incorporated Acts and this Act.

4. The several words and expressions to which by the Acts wholly or partially incorporated with this Act meanings are assigned 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;" and the expressions "work" and "railway" mean the works authorised by this Act, unless there be in the subject or context something repugnant to or inconsistent with such construction.

Interpretation of terms.

5. 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; "the Corporation" means the mayor, aldermen, and burgesses of the borough; "the Harbour Commissioners" means the Cork Harbour Commissioners; "the Market Trustees" means the trustees for markets in the city of Cork and suburbs thereof, acting under the Act of 3 George IV., chapter seventy-nine, intituled "An Act for the establishment of markets for the sale of corn and other articles in the city of Cork;" the expression "streets" shall include the bridges and roadways thereof for the time being vested in the Corporation, including the bridges hereby authorised to be erected by the Corporation.

3 Geo. 4. c. lxxix.

Power to execute works according to

6. Subject to the provisions of this Act, the Corporation may execute and maintain, in the line and according to the levels shown

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deposited plans.

on the deposited plans and sections, the works herein-after described, and may enter upon and take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required.

Works to be executed.

7. The Corporation may remove the bridge in the borough over the River Lee, known as Anglesea Bridge, and instead thereof, and on or near the site thereof, they may construct a new opening bridge, with all proper and convenient approaches thereto and works connected therewith, including in such works a temporary bridge for the accommodation of traffic during the rebuilding of Anglesea Bridge.

They may remove the bridge for foot passengers in the borough over the River Lee, known as Saint Vincent's Bridge, and instead thereof, and on or near the site thereof, they may build a new bridge for foot passengers, with all proper and convenient approaches thereto and works connected therewith.

Errors in plans, &c. may be corrected by two justices, who shall certify the same.

8. If any omission, mis-statement, or erroneous description shall be made of any works or lands, or of the owners, lessees, or occupiers of any lands, delineated on the deposited plans or described or referred to in the deposited book of reference, the Corporation may, after giving ten days notice to the owners, lessees, and occupiers of the lands affected by the proposed correction, apply to two justices for the correction thereof, and if it shall be proved to them that such omission, mis-statement, or erroneous description arose from mistake or inadvertence, they shall certify the same accordingly, and shall in such certificate state the particulars of any such omission, mis-statement, or wrong description; and such certificate shall be lodged with the clerk of the peace of the county of the city of Cork with the other documents to which the same relate, who shall keep the same with the said plans and books of reference, and the same shall be amended or held to be amended in accordance with such certificate.

Provision for tramway over Anglesea Bridge.

9. It shall be lawful for "The Cork Tramway Company (Limited)" to lay down another tramway for the traffic of the said Company on the new bridge to be erected under this Act in lieu of Anglesea Bridge, on which their tramway is at present laid down, in manner and on the conditions provided by the Order of the Lord Lieutenant of Ireland in Council, under which their existing tramways are laid down.

Tramways on temporary bridge.

10. The Cork Tramway Company (Limited) may also lay down on any temporary bridge to be erected for the purposes of traffic during the rebuilding of the bridge to be erected under this Act,

in lieu of Anglesea Bridge, temporary tramways for the purposes of their traffic during such rebuilding.

Powers for compulsory purchases limited.

11. The powers of the Corporation for the compulsory purchase of lands for the purposes of the works by this Act authorised shall not be exercised after the expiration of three years from the passing of this Act.

Period for completion of works.

12. The works by this Act authorised shall be completed within six 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.

Corporation not to deviate from lines without consent of Board of Trade.

13. It shall not be lawful for the Corporation, in constructing the bridges and works by this Act authorised, to deviate from the lines thereof as laid down upon the deposited plans, even within the limits of deviation shown on the said plans, in such manner as to diminish the navigable space, without the previous consent of the Board of Trade, or otherwise than in such manner as may be expressly authorised by the Board of Trade.

Certain sections of the Cork Bridges Act incorporated.

14. Sections 8 to 10 inclusive, and sections 14 to 16 inclusive, of "The Cork Bridges, Waterworks, and Improvement Act, 1856," (herein referred to as the Act of 1856,) are hereby incorporated in this Act, and shall be applicable to the bridges for the time being vested in the Corporation under this Act, including the bridges hereby authorised to be erected, in the same way as if those sections, mutatis mutandis, had been herein re-enacted with respect to the bridges by this Act vested in the Corporation.

Bridges over River Lee vested in the Corporation.

15. The public bridges over the River Lee situated in the borough and the roadways thereof, including the bridges to be erected under this Act, are hereby absolutely vested in the Corporation, and the said bridges and the roadways of the same, except the opening portion of the new Anglesea Bridge, which is hereby vested in the Harbour Commissioners, shall be deemed to be and shall form part of the streets of the borough for all purposes, and shall, subject to the provisions of this Act, be used by the public accordingly, and the Corporation shall be the sole conservators of such bridges and roadways (except as regards the opening portion of the said new Anglesea Bridge and works connected therewith, of which the Harbour Commissioners shall be the sole conservators), and shall maintain and repair the same as streets within the borough out of the funds applicable to the repair and maintenance of streets within the borough.

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Corporation may make byelaws.

16. It shall be lawful for the Corporation from time to time to make byelaws with reference to the proper use of the bridges and roadways for the time being vested in them, and the regulation of passenger and all other traffic over the same, except as regards the times of opening and closing the opening portion of the new Anglesea Bridge, and the opening portion of the said temporary bridge, which times of opening and closing the said opening portions of the said bridges shall be under the exclusive control and management of the Harbour Commissioners; and such byelaws shall be framed so as to interfere as little as may be with the traffic passing to or from trains arriving or departing from any railway station adjacent or near to such opening bridges.

Byelaws how to be made.

17. Any byelaws which the Corporation are authorised 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 fifty-five of the Act of 1856: Provided that the expression "the recorder of the borough" in that section shall be read, with reference to any byelaws to be made by the Corporation under this Act, as if the same was "the Local Government Board for Ireland."

Penalties.

18. Section sixty-seven of the Act of 1856 (provision for recovery of penalties, &c.) is incorporated with this Act with reference to the same matters in this Act.

Proof of byelaws.

19. A printed or written copy of any byelaws or regulations made by the Corporation under this Act, and purporting to be confirmed by the Local Government Board for Ireland, 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 due publication thereof.

Penalty for breach of byelaws.

20. If any person shall commit any breach of the byelaws to be made by the Corporation under this Act he shall forfeit for every such offence a sum not exceeding five pounds, and shall also defray the cost of any injury which he may have occasioned.

Byelaws to be so framed that penalties may be mitigated.

21. All the byelaws to be made by the Corporation under this Act 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.

Byelaws to be made by the Harbour Commissioners.

22. It shall be lawful for the Harbour Commissioners to make byelaws for regulating the proper use of the opening portion of the said new Anglesea Bridge and of the said temporary bridge, and for

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regulating the times of opening and closing the opening portions of the said bridges for the passage of vessels or other floating traffic through the same or otherwise, and the Harbour Commissioners shall have the same powers and duties with reference to the making, publishing, and enforcing such byelaws as they now have with reference to the byelaws authorised to be made by them under the Act of the first year of the reign of George the Fourth, chapter fifty-two (Local), intituled "An Act for erecting a ballast office, and "for regulating pilots within the port or 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," and under "The Cork Harbour Order, 1871": Provided the said bye-laws shall be framed so as to interfere as little as may be with the traffic passing to or from trains arriving or departing from any railway station adjacent to or near such bridges.

1 Geo. 4. c. lii.

Borrowing powers by Corporation.

23. The Corporation may, for the purpose of taking down and rebuilding the said bridges by this Act authorised (including the cost of any temporary bridges), from time to time borrow at interest, for a term of years or otherwise, on mortgage of the improvement rate, or of the borough fund and revenues of the Corporation, and in addition to any moneys which they have before the passing of this Act borrowed, or which they are for the time being independently of this Act authorised to borrow, such sums as they think requisite, not exceeding in the whole the sum of twenty-five thousand pounds; and any sum borrowed by the Corporation under the authority of this Act, and discharged otherwise than by means of the sinking fund in this Act mentioned, or by payments in discharge of capital equivalent to a sinking fund, may be re-borrowed by the Corporation from time to time, if required for the purposes of this Act; provided only so much of that sum of twenty-five thousand pounds shall be raised as may be necessary for the purposes of this Act.

Restriction as to borrowing power.

24. The said sum of twenty-five thousand pounds which the Corporation are by this Act authorised to borrow shall be reducible by the sum which they may receive as the contribution by the Harbour Commissioners towards the new Anglesea Bridge as authorised by this Act, if the said contribution shall be made before the full amount is actually borrowed by the Corporation, but if the Corporation shall in the first place have borrowed the full amount of twenty-five thousand pounds they shall pay off and redeem an amount equal to the sum received by them as the contribution from the Harbour Commissioners so soon as conveniently may be after the receipt of the said contribution; and until the contri-

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bution shall be so applied the Corporation shall place the same on deposit with the bankers of the Corporation for the time being until the same is actually required.

Priority of mortgages.

25. All mortgages and bonds made by the Corporation before the passing of this Act affecting any rate, fund, or revenue by this Act authorised to be mortgaged shall, during their respective continuance, have priority over any mortgage granted under and for the purposes of this Act.

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

26. The clauses of "The Commissioners Clauses Act, 1847," with respect to mortgages, 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.

27. The Corporation shall, in respect of all sums of money borrowed by them under the provisions of this Act (except as regards the money which they may temporarily borrow until they receive the contribution of the Harbour Commissioners hereby authorised), set apart annually out of the revenues respectively applicable to the repayment of such moneys an amount equal in every case to one-sixtieth part of any moneys so borrowed to be applied as a sinking fund in paying off the moneys so borrowed; and until the moneys for the sinking fund shall be applied in paying off the moneys borrowed, or such part thereof as the Corporation may think ought to be paid off, the Corporation may place them with the bankers of the Corporation for the time being, or may invest them in British or Colonial Government securities, to be increased by accumulation in the way of compound interest or otherwise, but so that the Corporation shall not allow any sum exceeding five hundred pounds to remain so deposited or invested for a longer period than six calendar months without applying the same in payment as aforesaid: Provided it shall be lawful for the Corporation, instead of bringing any moneys into the sinking fund, to pay off a portion of the money borrowed to an amount equivalent to the amount which ought to be brought into the sinking fund, or in case a part only of such moneys shall be so applied to bring the residue thereof into the sinking fund: Provided further, that it shall not be obligatory upon the Corporation to commence any such sinking fund until five years after the passing of this Act.

Receiver for mortgages by Corporation.

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

Agreement between Corporation and Harbour Commissioners confirmed.

29. The agreement made between the Corporation and the Harbour Commissioners contained in the schedule hereto is hereby confirmed and made binding on the Corporation and the Harbour Commissioners, and shall be carried into effect accordingly.

Opening portion of bridges to be maintained by Harbour Commissioners.

30. The Harbour Commissioners shall, when the same is built, maintain the opening portion of the new Anglesea Bridge, and also the opening portion of the said temporary bridge, and shall also defray the expenses of and incidental to the opening and closing of the said bridges, and the Harbour Commissioners may apply any of their revenues or income towards the said purposes.

Power to Cork Harbour Commissioners to contribute towards rebuilding of Anglesea Bridge.

31. The Harbour Commissioners may and are hereby required to contribute towards the costs of taking down and of rebuilding the said Anglesea Bridge, including the cost of any temporary bridge necessary for the public traffic during the erection of the new bridge, and towards their portion of the costs of this Act, as provided in the agreement in the schedule hereto, any sum not exceeding one half of the actual cost thereof, and for the purpose of such contribution they may apply any of the funds which they are now authorised to borrow which may not be required for the purposes to which they may be made specially applicable: Provided always, that such contribution by the Harbour Commissioners shall not under any circumstance exceed the sum of ten thousand pounds.

Power to borrow money on mortgage.

32. For the purposes of their contribution, as herein provided, the Harbour Commissioners may from time to time, or at any time, borrow on mortgage, on the security of all or any part of the rates, tolls, and charges which they are authorised to take, or of any of such rates, tolls, or charges, and in addition to any moneys which they have before the passing of this Act borrowed, or which they are for the time being independently of this Act authorised to borrow, any sum or sums not exceeding in the whole the sum of ten thousand pounds, and any sum borrowed by the Harbour Commissioners under the authority of this Act, and discharged otherwise than by means of the sinking fund in this Act mentioned, or by payments in discharge of capital equivalent to a sinking fund, may be re-borrowed from time to time, if required for the purposes of this Act.

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Existing mortgages to retain priority.

33. Every bond, mortgage, or security granted by the Harbour Commissioners which shall be in force prior to the passing of this Act shall have priority over all mortgages made by them under this Act.

Manner in which mortgages by Harbour Commissioners are to be executed.

34. The mortgages to be executed by the Harbour Commissioners under this Act may be executed in the manner authorised by "The Cork Harbour Order, 1871," confirmed by the Pier and Harbour Orders Confirmation Act, 1871, with respect to mortgages thereby authorised to be executed.

Receiver for mortgages by Harbour Commissioners.

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

Sinking fund by Harbour Commissioners.

36. For the purposes of paying off the sums borrowed by the Harbour Commissioners under this Act, they shall in every year set apart as a sinking fund out of their revenues a sum equal to one-sixtieth part of the moneys borrowed by them under this Act, and until the moneys for the sinking fund shall be applied in paying off the moneys borrowed, or such part thereof as the Harbour Commissioners may think ought to be paid off, the Harbour Commissioners shall place them with the bankers of the Harbour Commissioners for the time being, or may invest them in British or Colonial Government securities, to be increased by accumulation in the way of compound interest or otherwise, but so that the Harbour Commissioners shall not allow any sum exceeding five hundred pounds to remain so deposited for a longer period than six calendar months without applying the same in payment as aforesaid: Provided it shall be lawful for the Harbour Commissioners, instead of bringing any moneys into the sinking fund, to pay off a portion of the money borrowed to an amount equivalent to the amount which ought to have been brought into the sinking fund, or in case a part only of such moneys shall be so applied to bring the residue thereof into the sinking fund: Provided it shall not be obligatory on the Harbour Commissioners to commence any such sinking fund until the expiration of five years from the passing of this Act.

Moneys to be applied for purposes of Act.

37. Every part of the money borrowed under this Act by the Corporation and by the Harbour Commissioners respectively shall be applied only for the purposes for which the same are specially authorised by this Act to be borrowed, and to no other purpose whatsoever.

Annual returns to Local Government Board for Ireland, and to Board of Trade, with respect to sinking funds.

38. The town clerk of the Corporation and the secretary of the Harbour Commissioners respectively shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart by them respectively for a sinking fund under this Act, transmit, the former to the Local Government Board for Ireland, and the latter to the Board of Trade, a return in such form as may be required by those Boards respectively, and verified by statutory declarations, if so required by them, showing the amount which has been invested or otherwise paid for the purpose of such sinking funds during the year preceding the making of such returns, and the description of the securities upon which the same have been invested, and also showing the purposes to which any portion of the moneys invested for the sinking funds have been applied during the same period, and the total amount remaining invested at the end of the year, and in the event of any wilful default in making such returns such town clerk and secretary respectively making such default shall be liable to a penalty of not exceeding twenty pounds. If it appear to the Local Government Board for Ireland and to the Board of Trade, by such returns or otherwise, that the Corporation or the Harbour Commissioners have failed to set apart the sum required by this Act for the sinking funds, or have applied any portion of the moneys set apart for those funds to any purposes other than those authorised by this Act, the Local Government Board for Ireland, or the Board of Trade, as the case may be, may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund, and such order shall be enforceable by writ of Mandamus, to be obtained by the Local Government Board for Ireland, or by the Board of Trade, out of the Court of Queen's Bench in Ireland.

Saving rights of Harbour Commissioners, Market Trustees, and Corporation.

39. Nothing in this Act contained, except as otherwise expressly provided, shall alter, limit, prejudice, lessen, or affect any of the existing rights, privileges, powers, or authorities vested in or enjoyed by the Harbour Commissioners, or by the Market Trustees, or by the Corporation.

Saving rights of the Crown in the foreshore.

40. Nothing contained in this Act shall authorise the Corporation to take, use, or in any manner interfere with any portion of the shore or bed of the River Lee, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of Her Crown, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in this Act contained extend to take away, prejudice, diminish, or alter any of the estates, rights,

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privileges, powers, or authorities vested in or enjoyed or exercise-able by the Queen's Majesty, her heirs or successors.

Saving rights of Crown under Crown Lands Act.

41. 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.

Expenses of Act.

42. All the costs, charges, and expenses of and incidental to the obtaining and passing this Act shall be paid by the Corporation out of any of their funds, but the same shall, if paid out of any other fund, be recouped out of the money borrowed by them under the authority of this Act (such costs being charged to and considered as part of the cost of taking down and re-erecting the bridges as by this Act authorised), and out of the moneys to be contributed by the Harbour Commissioners towards the costs, charges, and expenses of this Act, as provided by this Act and the agreement in the schedule hereto.

SCHEDULE.

AGREEMENT under seal entered into this twenty-first day of April eighteen hundred and seventy-five between the Mayor, Aldermen, and Burgesses of the Borough of Cork (herein-after called "the Corporation") of the one part, and the Cork Harbour Commissioners (herein-after called "the Harbour Commissioners") of the other part.

WHEREAS a Bill is now pending in Parliament, promoted by the Corporation, intituled "The Cork Improvement Bill," (herein referred to as "the Bill,") to enable the Corporation, amongst other things, to remove the bridge over the southern branch or channel of the River Lee, in the borough of Cork, known as Anglesea Bridge, and instead thereof, and at or near the site thereof, to construct a new bridge, herein-after called the new Anglesea Bridge, with a suitable opening for the passage through the same of all ships and vessels which shall use the said southern channel, and with convenient approaches thereto and works connected therewith, and to build a temporary bridge for the accommodation of the traffic while the new Anglesea Bridge is being constructed, such temporary bridge also to contain a suitable opening for the passage of all such ships through the same:

And whereas the Harbour Commissioners have agreed upon the conditions in this agreement set forth, and if the intended Act will so permit, to contribute towards the expenses of and incidental to the said intended works a sum not exceeding the amount herein-after mentioned to or towards half the actual cost of removing the said existing Anglesea Bridge, and of erecting such new Anglesea Bridge in its place, and of building and removing said temporary bridge, and towards the costs of and incidental to the passing of the Bill into an Act of Parliament (which Act when passed is above referred to as the intended Act, and is herein-after referred to as "the Act"):

Now these presents witness, that it is agreed between the parties hereto as follows:

1. Subject to the approval of Parliament, the Corporation may, with all convenient despatch within the time to be limited by the Act, remove the existing Anglesea Bridge, and replace it by a new opening bridge, which will be the new Anglesea Bridge, the plans and specification of such new bridge to be submitted for the approval of the Harbour Commissioners, and in the event of any difference arising between the Harbour Commissioners and Corporation touching such plans and specifications, or any matter or thing arising out thereof or touching the design of such bridge, or any other matter or thing connected therewith, same shall be submitted to an engineer to be appointed by the Board of Trade, on the application of either party, whose decision shall be final, binding, and conclusive on both parties, and the costs of such submission shall be paid by the Harbour Commissioners and Corporation in equal portions.

2. The new Anglesea Bridge shall be an opening bridge with a suitable opening passage or passages for all ships using said south channel.

3. The new Anglesea Bridge shall be so constructed that there shall be a depth of at least ten feet water in every part of the said opening passage or passages therein at low water spring tide.

4. Pending the removal and construction of the new Anglesea Bridge, the Corporation shall at all times have and maintain a passage to the satisfaction of the Harbour Commissioners through the site of the present Anglesea Bridge for the use of the ships and vessels using the said south channel.

5. The contract or contracts in connexion with such works of Anglesea Bridge, new and old, and the temporary bridge, shall relate to those works alone, and shall be distinct and separate from all other works.

6. The entire contribution of the Harbour Commissioners to works and costs under the Act shall not exceed in the whole ten thousand pounds, and not exceeding that amount shall, so far as it shall extend, be applied as to works towards payment of not exceeding one half the expenses of removing the old and building the new Anglesea Bridge, and building and removing the temporary bridge, and in taking the account for such payment for works, credit shall be given to the Harbour Commissioners as against their contribution, and as part of it, for one half the value of the materials of the existing Anglesea Bridge, and for one half the value of the materials of the temporary bridge.

7. The Harbour Commissioners are not to contribute to St. Vincent's Bridge or to any works under the Act, except those specified in the preceding section, No. 6, and it is understood that any works in connexion with the Cork Tramways Company, Limited, which may be made on or in connexion with the new or old Anglesea Bridge, or the temporary bridge, are not to be taken as portions of said bridges for the purposes of contribution by the Harbour Commissioners, or works to which the Harbour Commissioners are to contribute.

8. In computing the sum which the Harbour Commissioners are to contribute to the costs of the Act a fair deduction shall first be made from the general costs of the Act in respect of such portion of the Act as may relate to subjects other than the old and new Anglesea Bridge and the temporary bridge, and the Harbour Commissioners shall contribute not exceeding as herein-after mentioned towards half of such balance of such costs as shall remain after such deduction.

9. When the designs, plans, and specifications for the removal of the existing Anglesea Bridge, and the erection of the new Anglesea Bridge, and the erection and removal of the temporary bridge, have been finally settled and agreed on by both parties, and contracts for the same have been approved of by them and duly entered into, the Harbour Commissioners shall, upon the certificate of their engineer that an equivalent amount of the works of same has been executed to his satisfaction, pay to the Corporation the proportion for the time being payable by the Harbour Commissioners against such works under the Act, and on the contracts being signed, the Harbour Com-

missioners proportion of the costs of the Act shall be paid by them to the Corporation.

10. Before the Harbour Commissioners shall make any such payment as aforesaid on account of works or costs, the contracts for the building and removal of the temporary bridge, and for the removal of the present and the construction of the new Anglesea Bridge, shall be all taken and accepted by contractors, and the proportion of the costs of the Act which the Harbour Commissioners shall have to contribute shall be also ascertained, and if it shall thereby appear that the expenses of all such works and the proportion of the costs of the Act to which the Harbour Commissioners are to contribute as aforesaid will, taken together, amount to more than twenty thousand pounds, then the payments to be made by the Harbour Commissioners for work shall be apportioned and made so that each payment shall bear the same proportion to the amount certified by their engineer that ten thousand pounds minus their proportion of the costs shall bear to the gross amount of said expenses of works and costs, and the balance of the amount on every such certificate shall be paid by the Corporation.

11. In case any dispute or difference shall arise between the Harbour Commissioners and the Corporation as to the proportion in which the Harbour Commissioners shall contribute to such costs of the Act, or otherwise in respect of said costs, same may be settled by such referee as may be agreed on by the Harbour Commissioners and the Corporation, the decision of such referee to be final and conclusive, and the costs of such submission shall be paid by the Harbour Commissioners and Corporation in equal portions.

12. The sum to be contributed by the Harbour Commissioners for works and costs under the Act shall not exceed a moiety of each respectively upon an account of each to be so taken as aforesaid, and shall not, in respect both of works and costs together, exceed in the whole ten thousand pounds.

13. For the amount to be paid by the Harbour Commissioners under the Act, the receipt of the treasurer of the borough of Cork shall be a sufficient discharge, and the Harbour Commissioners shall not be responsible for the application of the amount.

14. Any differences, other than differences referred to in Articles 1 and 11 of this agreement (which shall be settled as therein provided), arising between the Harbour Commissioners and the Corporation 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 Harbour Commissioners were two railway companies, and this agreement shall be deemed an agreement for reference thereof, and a reference thereof in accordance with that Act.

15. The Corporation shall introduce into the Bill and carry in the Act such clauses as may be necessary for carrying out this agreement.

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16. This agreement shall be subject to the decision of Parliament, and to such modifications, if any, as Parliament may require, but so that such modifications do not, without the consent of the Harbour Commissioners, 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 with such modifications therein as Parliament shall have required.

17. This agreement shall be annexed as a schedule to the Act.

In witness whereof the Corporation and the Harbour Commissioners have hereunto set their seals the day and year first above mentioned.

Present when the seal of the Corporation was hereto affixed,

Alex. M'Carthy;
Town Clerk of the Borough
of Cork.

Seal of the Corporation of Cork.

Signed, sealed, and delivered by the Cork Harbour Commissioners in presence of William Donegan, Secretary of the Commissioners.

The Cork Harbour Commissioners, by David A. Nagle, Mayor, A. Bremner, N. D. Murphy, } Commissioners.

Seal of the Cork Harbour Commissioners.

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