ANNO DECIMO SEXTO

VICTORIÆ REGINÆ.

****

Cap. x.

An Act for the more equal Division of the Borough of *Cork* into Wards, and to provide for the better Constitution and Regulation of the Municipal Corporation of the said Borough; and for other Purposes. [9th *May* 1853.]

WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act for the Improvement of the Borough of* Cork: And whereas by that Act the Mayor, Aldermen, and Burgesses of the Borough of *Cork* are required, in the Session of Parliament to be holden in the Year One thousand eight hundred and fifty-three, to apply for, and consent to, and use their best Exertions to obtain an Act for the more equal Division of the said Borough into Wards, and the Reduction of the Number of Town Councillors of the said Borough: And whereas by the same Act it is provided that the said Act shall not commence nor come into operation until an Act shall have been obtained for the Purposes aforesaid, and until after an Election of Town Councillors shall have taken place by virtue thereof: And whereas it is expedient that the said Borough should be divided as herein-after mentioned into Seven Wards, and that the Number of the Town Councillors of the said Borough should be reduced as provided by this Act: And whereas it is expedient to provide as herein-after mentioned for the Liquidation of the Costs of "The *Cork* Improvement Act, 1852," and of this Act; but for the Purposes aforesaid the Authority of Parliament is necessary: 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

15 & 16 Vict. c. cxliii.

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,)

Interpretation of Terms.

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

The Words "the Borough" shall mean the Borough of *Cork* as defined by the Acts now in force regulating Municipal Corporations in *Ireland:*

The Word "Burgess" shall mean a Burgess of the Borough of *Cork:*

The Words "the Lord Lieutenant" shall include any Chief or other Governor of *Ireland:*

The Words "the Mayor" shall mean the Mayor of the said Borough, and shall include the Locum tenens of such Mayor:

The Words "Town Clerk" shall mean the Town Clerk of the said Borough:

The Words "the Treasurer" shall mean the Treasurer of the said Borough:

The Expression "the Commissioners" shall mean the Persons appointed by the Lord Lieutenant for the Purpose of dividing anew the Borough into Wards:

The Expression "the Municipal Corporation Acts" shall mean the Third and Fourth *Victoria*, Chapter One hundred and eight, and the Sixth and Seventh *Victoria*, Chapter Ninety-three, or either of those Acts:

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

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

The Word "Alderman" shall mean an Alderman of the Borough of *Cork:*

The Word "Councillor" shall mean a Councillor of the Borough of *Cork.*

After 1st Aug. 1853 the present Division of Cork into Wards to cease.

II. That from and after the First Day of *August* One thousand eight hundred and fifty-three the present Division of the Borough into Wards shall cease and determine.

Borough of Cork to be re-divided into Wards, and Procedure for that Purpose provided.

III. That within Fourteen Days after the passing of this Act the Lord Lieutenant shall appoint Two Persons, one being of Her Majesty's Counsel, and the other an Officer of the Corps of Royal Engineers, to be Commissioners for the Purpose of dividing anew the Borough into Wards; and it shall be lawful for the Lord Lieutenant, in case of the Death, Incapacity, Resignation, or Refusal to act of either or both of the Persons so appointed, to supply the Vacancy thereby occasioned; and the Persons so appointed (if they shall accept

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the Appointment) shall and they are hereby required, on or before the First Day of *August* One thousand eight hundred and fifty-three, to divide the said Borough into Seven Wards, and to determine and set out the Extent, Limits, and Boundary Lines and Description of such Wards: Provided always, that the said Commissioners, in order to secure to Property a due and adequate Representation in the Council, shall have regard to the natural Boundaries formed by the North and South Branches of the River *Lee* in the said Borough, and shall set out Two Wards on the North Side of the said River, One Ward on the South Side of the said River, and Four Wards in the Centre of the said Borough, between the Two Branches of the said River; and the Commissioners in the Discharge of the Duties so imposed upon them as aforesaid shall also have regard to the aggregate Amount of Rating, and shall set out the said Wards accordingly.

Particulars of Re-division to be transmitted to Lord Lieutenant.

IV. That when such new Division shall have been completed a Copy of the Particulars thereof shall be forthwith transmitted to the said Lord Lieutenant, and shall be considered by him within Fourteen Days after the Receipt thereof, and another Copy shall be delivered to the Town Clerk, to be kept by him among the Archives of the Borough.

Powers of the Lord Lieutenant with respect to Re-division of Wards prescribed by this Act.

V. That in case the Lord Lieutenant, by and with the Advice of the Privy Council of *Ireland*, shall approve such Division and Determination with respect to the Division of the Borough, Notice of such Approval, and also the Particulars of such Division, and the Description of the new Wards, shall be published by the Chief or Under Secretary for *Ireland* once in the *Dublin Gazette* and once in each Newspaper published in the Borough; and the Borough, after such Publication in the said Gazette and Newspapers, shall be divided into such Seven Wards as shall be so determined and set out as aforesaid; and the Description or Designation of each of such Wards shall be the Description or Designation given to them by the Commissioners; and such Division shall continue and be in force until the same shall be altered by Authority of Parliament: Provided always, that if the Lord Lieutenant, by the Advice aforesaid, shall not within Fourteen Days after the Receipt of the said Copy of Particulars approve of such Determination and Division, Publication of the Particulars of the Division and Determination of the said Commissioners shall nevertheless be made by the Town Clerk, and that Division shall be in force for the Purposes of the First Election under the Provisions of the Municipal Corporation Acts and of this Act, and thenceforth until such Time as the Lord Lieutenant shall, by the Advice aforesaid, upon further Information and Report from the said Commissioners, approve a Scheme for the Division of the Borough; and when and so soon as the Lord Lieutenant, by and with the Advice aforesaid, shall approve such Scheme, Notice of such Approval, and the Particulars of the Division of the Borough so approved, shall be published in manner aforesaid by the said Chief or Under Secretary; and thence-

forth,

forth, after such First Election, the Borough shall be divided into Wards in the Manner so approved, and such Wards shall be deemed to be Wards within the Meaning of the Municipal Corporation Acts, and for all Purposes whatsoever: Provided always, that, notwithstanding anything herein contained, the Lists of Parliamentary Voters for the Borough existing at the Time of the passing of this Act shall remain in force as long as they would have remained in force if this Act had not been passed, and as if the Re-division of the Borough into Wards hereby authorized had not taken place; and so long as the said Lists shall remain in force the Division of the Borough into Wards shall for the Purpose of any Election of a Member to serve in Parliament for the Borough be the same as it would have been if this Act had not been passed.

Provision for filling up certain Vacancies in Council.

VI. That in case any Vacancy shall occur or shall have occurred, before the Day by this Act appointed for the First Election of Aldermen and Councillors, in the Office of any Alderman or Councillor of any Ward, or before the Day appointed by the Municipal Corporation Acts for the Election of Assessors in the Office of Assessor of any Ward, by Death or Resignation, or by reason of any of the Causes of Disqualification mentioned in the Eighty-eighth Section of the Act Third and Fourth *Victoria*, Chapter One hundred and eight, such Vacancy shall be filled up and such new Election respectively had for such Ward under the Provisions of the last-mentioned Act, as if this Act had not been passed, and as if the Division of the Borough thereby directed had not taken place.

Number of Aldermen, &c.

VII. That for each Ward of the Borough there shall be Two Aldermen and Six Councillors.

Clerk of Poor Law Union to furnish, upon Request, the Town Clerk with Copy of Rates, &c.

VIII. That in order to enable the Town Clerk to perform the Duties imposed upon him by the Municipal Corporation Acts, the Clerk of the Poor Law Union comprising the whole or any Part of the Borough shall, within Twenty-one Days after the Receipt of a written Request to that Effect, furnish the Town Clerk with a Copy, certified under his Hand, of all such Rates within his Custody as the said Town Clerk shall require, and for which Copy the said Clerk of the Union shall be entitled to charge at a Rate not exceeding Threepence for every Seventy-two Words therein; and in case the said Clerk of the Union shall refuse or neglect to furnish such Copy within the Time aforesaid, he shall for every such Offence forfeit a Sum not exceeding Twenty Pounds; and such Penalty, or any other Penalty or Fine imposed under the Authority of this Act, may be recovered in the Manner prescribed by Section One hundred and thirty-one of "The *Cork* Improvement Act, 1852," and shall be applied in the Manner prescribed by Section One hundred and twenty-five of the same Act.

IX. That

Constitution and Powers of Court of Revision.

IX. That the Court for the Revision of the Lists under the Municipal Corporation Acts of Persons entitled to be Burgesses shall be a Court of Record; and it shall be lawful for the Mayor, by Summons under his Hand, to require the Attendance before the said Court of all Persons whom he may consider capable of affording Information touching the Matters to be dealt with by the said Court, and to require such Persons to produce before the Court all Rates, Documents, Books, and Writings in their Custody or within their Procurement, and to examine on Oath all Persons who shall voluntarily, or in compliance with any Summons, attend at such Court; and it shall be lawful for the Court to administer such Oath; and every Person so summoned, who, without reasonable Cause, shall fail to comply with the Terms of such Summons, or shall refuse to be sworn, or shall not make answer to such Questions as may be lawfully put to him, shall be liable to a Penalty not exceeding Ten Pounds; and it shall be lawful for the Mayor from Time to Time to fine any Person who shall be guilty of any Breach of Duty by Law imposed upon him with respect to the Proceedings of the said Court, or with respect to any Election of Alderman, Councillor, or Assessor to be holden after the passing of this Act, any Sum not exceeding Five Pounds, and, at his Discretion, to fine in any Sum not exceeding Two Pounds, or to commit to Prison for any Term not exceeding Fourteen Days, any Person who shall disturb the said Court, or shall be guilty of any other Contempt of the said Court.

All the Aldermen, except One, and Councillors of the Borough of Cork, to go out of Office on Nov. 25, 1853 for the Purpose of having an entire new Election.

X. That for the Purpose of having an entire new Election of Aldermen and Councillors of the Borough, on the Twenty-fifth Day of *November* One thousand eight hundred and fifty-three all the Councillors of the said Borough then in Office shall go out of Office; and on the same Day all the Aldermen of the Borough then in Office, except the Aldermen appointed by the Mayor for the Purpose of presiding at the Election of Aldermen and Councillors of the said Borough, as herein-after provided, shall likewise go out of Office.

Power to Mayor to select Aldermen and Assessors to preside at First Elections under Act.

XI. That on or before the Nineteenth Day of *November* next after the passing of this Act the Mayor shall select from the existing Aldermen of the Borough, and also from the existing Ward Assessors of the Borough, some One Alderman and some Two Assessors for each Ward of the Borough, who shall hold the First Election by this Act provided to be holden in each Ward for Aldermen and Councillors of the Borough; and it shall be lawful for the Mayor, at any Time previous to such Election, in case of the Inability to act from any Cause of the Alderman or Assessor so appointed, to appoint some other Alderman or Assessor to supply his Place.

Defining Period during which Aldermen

XII. That the Aldermen so named as aforesaid shall continue in Office during the said Twenty-fifth Day of *November*, for the Purpose of

named by Mayor are to continue in Office.

of holding and presiding at the Election of Aldermen and Councillors of the several Wards of the said Borough as then existing, to be held on the said Day, as herein-after mentioned, and thenceforth until the Names of the Persons so elected shall be published as directed by the Third and Fourth *Victoria*, Chapter One hundred and eight, and thereupon such Aldermen shall cease to hold Office in respect of any Title acquired previously to the First Election under this Act: Provided always, that nothing herein contained shall disentitle any Alderman so holding such Election to be elected as Alderman or Councillor, if then qualified, at such First Election.

First Election of Aldermen and Councillors under this Act.

XIII. That on the said Twenty-fifth Day of *November* in the Year One thousand eight hundred and fifty-three the Burgesses in every Ward of the Borough shall elect from among the Persons qualified to be Councillors of such Borough Eight Persons, being the entire Number of Aldermen and Councillors to be elected in each such Ward, and such Two of the Persons so elected in each such Ward who shall have the greatest Number of Votes shall be the Aldermen of the said Ward, and the remaining Six Persons so elected shall be the Councillors of such Ward; and in case an equal Number of Votes shall be given for any Two or more Persons, any of whom but for such Equality would be an Alderman, or where there shall be no Contest, the Majority of the Council (to whom such Matter shall be submitted) shall determine which of the said Persons having an equal Number of Votes, or which of the Eight Persons elected as aforesaid (in the event of there being no Contest), shall be the Aldermen.

Rotation to be observed with respect to Retirement by Councillors.

XIV. That on the Twenty-fifth Day of *November* in every Year after the Year One thousand eight hundred and fifty-three Two Councillors of each Ward of the said Borough shall go out of Office, and the Burgesses then enrolled in the Burgess Roll for such Ward shall elect the Number of Councillors needed to supply the Vacancies thereupon existing in the Number of Councillors, and those who shall first go out of Office shall be the Councillors who shall have been elected under the Provisions of this Act by the smallest Number of Votes at the First Election, and in the next Year those who shall go out of Office shall be the Councillors who shall have been elected under the Provisions of this Act by the next smallest Number of Votes at the First Election, the Majority of the Council, as in reference to Aldermen, always determining when the Votes for any such Persons shall have been equal, or when there shall not have been a Contest, who shall be the Persons so to go out of Office, and thereafter those who shall go out of Office shall always be the Councillors who have been for the longest Time in Office without Re-election: Provided always, that any Councillor so going out of Office shall be capable of being forthwith re-elected, if then qualified, as in the Act Third and Fourth *Victoria*, Chapter One hundred and eight, provided.

XV. That

Rotation to be observed with respect to Retirement of Aldermen.

XV. That on the Twenty-fifth Day of *November* in each Third Year after the Year One thousand eight hundred and fifty-three One of the Aldermen of every Ward in the Borough shall go out of Office, and the Burgesses then enrolled for that Ward shall elect an Alderman to supply the Vacancy, and the Alderman who shall first go out of Office shall be the Alderman who was elected in that Ward by the smallest Number of Votes at the First Election holden under this Act, the Majority of the Council determining, in case there shall have been an Equality of Votes, or in case there shall not have been a Contest, who shall be the Alderman first to go out of Office; and thereafter the Alderman in the Ward who shall first go out of Office shall always be the Alderman who has been Alderman for the longest Time without Re-election: Provided always, that any Alderman going out of Office may be forthwith re-elected, if then qualified, according to the Act Third and Fourth *Victoria*, Chapter One hundred and eight.

Mayor in Office in November 1853 to continue in Office to January 1854.

XVI. That the Mayor who may be in Office in the Month of *November* One thousand eight hundred and fifty-three shall continue in such Office until the Second Day of *January* One thousand eight hundred and fifty-four, and on the same Day the Person who shall have been elected to succeed him as Mayor shall come into Office.

Officers appointed previous to passing of Act to remain in Office.

XVII. That the several Officers appointed by the Council at any Time before the passing of this Act shall continue to hold their respective Offices, notwithstanding the Alteration in the said Body created under the Provisions of this Act, in the like Manner, with the like Tenure of Office, and subject to the like Conditions, as if this Act had not been passed.

Persons liable to contribute to Borough Fund not to be exempted or disqualified from acting as Jurors, Sheriffs, or Justices of the Peace.

XVIII. That no Person, by reason of being liable to contribute to the Borough Fund of the Borough, shall be deemed exempt or disqualified from acting as a Juror or Grand Juror, or as a Sheriff for the returning or empannelling of a Jury or Grand Jury, in or for the Trial of any Person for any Offence against any Law or Statute, by reason of any Penalty or Forfeiture for or in consequence of such Offence being applicable to the Use of the Borough Fund, or in or for the Trial of any Case relating to any Matter or Thing that may be applicable to the Use of such Borough Fund, or relating to any Matter or Thing whereby or by means whereof any Property may be or become applicable to the Use of such Borough Fund; and no Justice of the Peace shall be disabled from acting in the Execution of this Act, or in the Execution of any other Act, by reason of his being liable to contribute to the Borough Fund of the said Borough.

Sect. 30. of 3 & 4 Vict. c. 108. to extend to

XIX. That Section Thirty of the Act Third and Fourth *Victoria*, Chapter One hundred and eight, shall, so far as affects the Borough of

Rates, &c. authorizedby 15 & 16 Vict. c. cxliii.

of *Cork*, extend to the Rates, Cesses, and Taxes authorized to be levied by the "*Cork* Improvement Act, 1852."

Borough or Corporation not exempted from Provisions of Municipal Corporations Acts.

XX. That, except as by this Act expressly enacted, nothing herein contained shall exempt the Corporation or Borough of *Cork* from the Provisions of any Act now in force relating to Municipal Corporation Acts in *Ireland*, but such Acts, except so far as the same are expressly varied by this Act, shall be applicable to the said Corporation and Borough as fully and effectually as if this Act had not been passed.

Provision as to Commencement of Cork Improvement Act, 1852, (15 & 16 Vict. c. cxliii.)

XXI. That "The *Cork* Improvement Act, 1852," shall commence and come into operation on the Thirty-first Day of *December* One thousand eight hundred and fifty-three: Provided always, that the Twenty-second Section of the said Act shall be read and construed as if the Words "in the Month of *January* next after the Commencement of this Act" were replaced by the Words "in the Month of *January* One thousand eight hundred and fifty-five," and as if the Word "ensuing" (in the same Section) were replaced by the Words "One thousand eight hundred and fifty-five;" and the Twenty-fourth Section of the said Act shall be read and construed as if the Words "the First Day of *February* in every Year after the Commencement of this Act" were replaced by the Words "the First Day of *February* "One thousand eight hundred and fifty-five, and the same Day in "each Year thereafter."

Short Title.

XXII. That in citing or referring to this Act for any Purpose whatsoever it shall be sufficient to use the Expression "The *Cork* Municipal Corporation Act, 1853."

Expenses of Acts.

XXIII. That the Costs, Charges, and Expenses of or incidental to the applying for or obtaining "The *Cork* Improvement Act, 1852," and this Act, and also the Costs and Expenses incidental to the Re-division of the Borough as provided by this Act, shall be defrayed out of the Improvement Rate by the said "*Cork* Improvement Act, 1852," authorized, and it shall be lawful for the Mayor, Aldermen, and Burgesses to recoup the Borough Fund any Monies or Advances at any Time paid or made on account of these Purposes.

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