



CHAPTER xcv.

An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of Cork to make better Regulations with reference to Street Traffic and Streets, to confer further powers on the Corporation with reference to Water Supply, to fund the Corporate Debt; and for other purposes. A.D. 1880.
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[2nd August 1880.]

WHEREAS the borough of Cork, in the county of the city of Cork, is a municipal borough under the government of the mayor, aldermen, and burgesses of the borough (in this Act referred to as the Corporation):

And whereas the following Acts (together with the Acts mentioned in the preamble of the Act of 1852) herein-after mentioned have been passed with reference to the Corporation; (that is to say,)

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| The Cork Improvement Act, 1852 (herein called the Act of 1852); | 15 & 16 Vict.
c. cxliii. |
| The Cork Municipal Corporation Act, 1853; | 16 & 17 Vict.
c. x. |
| The Cork Bridges, Waterworks, and Improvement Act, 1856 (herein called the Act of 1856); | 19 & 20 Vict.
c. xlviii. |
| The Cork Improvement Act, 1868 (herein called the Act of 1868); | 31 & 32 Vict.
c. xxxiii. |
| The Cork Improvement Act, 1872; and | 35 & 36 Vict.
c. viii. |
| The Cork Improvement Act, 1875; | 38 & 39 Vict.
c. cix. |
- which Acts are herein referred to as the recited Acts :

And whereas by the recited Acts divers powers have been conferred upon the Corporation for the improvement and good government of the borough, but it is expedient that further powers be conferred on the Corporation with reference to the regulation of traffic and with reference to streets within the borough :

And whereas by the Acts of 1852 and 1856 the Corporation were empowered to acquire and have acquired the waterworks by means of which the borough and its vicinity are now supplied with water, and the Corporation have expended a large sum of money on the said waterworks :

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And whereas the Corporation provide a constant supply of water at high pressure within the borough, but great waste and misuse of water takes place, which the Corporation have not sufficient powers to prevent under the provisions of their Acts relating to water, and it is expedient that further powers should be conferred upon the Corporation to prevent such waste and misuse, and that further powers should also be conferred on the Corporation with reference to the supply of water and matters relating thereto :

And whereas it is expedient that the Corporation should be empowered to borrow a further sum for the purpose of improving their waterworks and in relation to the supply of water :

And whereas it would tend to considerable saving if the Corporation were authorised to create a continuing stock instead of renewable mortgages in the ordinary form, and it is expedient that such power be granted to the Corporation :

And whereas the objects aforesaid 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 be cited for all purposes as the *Cork Improvement Act 1880.*

Recited Acts and this Act to be read as one Act.

2. Subject to the provisions of this Act, the recited Acts, as each is amended by any subsequent Act and by this Act, and this Act shall be read and construed together as one Act.

Incorporation of certain provisions of 10 & 11 Vict. c. 16.

3. The clauses or provisions of the *Commissioners Clauses Act, 1847*—

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 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.

Interpretation of terms.

4. Words and expressions in this Act have the same meanings as those assigned to them in the recited Acts, unless there be something in the subject or the context repugnant to such construction. In

this Act the following words and expressions shall have the several meanings hereby assigned to them : A.D. 1880.

The words "the borough" shall mean the borough of Cork as defined by the Act 3 and 4 Victoria, Chapter 108, or any Act amending the same :

The expression "the mayor, aldermen, and burgesses," or the expression "the Corporation," shall mean the mayor, aldermen, and burgesses of the borough of Cork acting by the council of the borough :

The word "mayor" shall mean the mayor of the borough :

The words "the council" shall mean the council of the borough :

The words "the town clerk" shall mean the town clerk of the borough :

The word "treasurer" shall mean the treasurer of the borough :

The word "street" shall extend to and include any road, square, court, alley, and thoroughfare or public passage within the borough, and shall also include the carriageway and footways of the bridges within the borough open to and used by the public :

The word "footway" shall mean the pavement or path between the carriageway and the houses or buildings or areas in front of houses or buildings or side of the street, and shall, except where referred to as separate from such street, be included therein :

The word "justice" shall mean a justice of the peace of the borough acting in petty or quarter sessions :

The expression "the Local Government Board" shall mean the Local Government Board for Ireland.

5. The mayor, aldermen, and burgesses acting by the council shall be and they are hereby empowered to carry this Act into execution. Council to carry Act into execution.

I. STREET TRAFFIC. REGULATIONS.

6. The Corporation may from time to time make byelaws for regulating the traffic of every kind in all or any of the streets within the borough, and may thereby direct that carts and other heavy vehicles shall travel along such streets in separate lines from carriages, hackney carriages, and other light vehicles, and every person guilty of any wilful breach of any such byelaws shall be liable to a penalty not exceeding forty shillings. Power to regulate traffic within the borough.

7. The provisions of section 147 of the Act of 1868 shall extend and apply to every person who shall commit any of the following offences in any street in the borough, in addition to the offences mentioned in such section : Penalty on persons committing certain offences.

(1.) Every person who allows any bull or dangerous animal to be at large and not sufficiently secured :

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- (2.) Every person who, to the obstruction, annoyance, or damage of any resident or passenger in any street or court, commits the following offences; (that is to say,)
- (a.) Every driver of any unsprunged loaded cart who rides upon the same; and
 - (b.) Every person who erects any signboard so that the same projects into or over any footway so as to impede the light of any public lamp:
- (3.) Every person who carries any board or implement, or who carries any carcase of meat or any part thereof exceeding twenty pounds in weight, so as to obstruct or incommode any passenger on the footway, except for the purpose of crossing the same to or from any house or building:
- (4.) Every person who wilfully and unlawfully extinguishes the light of any public lamp, or breaks or injures any lamp:
- (5.) Every person who, for the purpose of building or for the repair of any building, erects any scaffolding so as to overhang or project over any street or footway without having the previous consent of the surveyor of the borough to the erection of such scaffolding.

Preservation of uniformity of streets.

8. In order to preserve the line and uniformity of the buildings in the streets in the borough, whether such buildings abut upon or have areas or gardens or other vacant spaces (such areas or gardens or other vacant spaces not exceeding in depth six feet) between them and the street or footway, it shall not be lawful for any person to erect any shop, porch, shed, projecting window, step, or other building (any of which are herein referred to as a projection) upon or over such street or footway, or upon or over such areas, gardens, or vacant spaces, not exceeding in depth six feet, and if any person shall do to the contrary the Corporation may order the removal of such projection, and their order shall specify a reasonable time within which such removal must be effected, and every person failing to comply with such order shall be liable to a penalty not exceeding forty shillings for each day during which such projection has been continued beyond the period fixed in such notice.

II. WATER SUPPLY.

Power to borrow on mortgage.

9. For the purpose of improving their waterworks, and in relation to the supply of water, the Corporation may from time to time borrow at interest, on mortgage of the rates and revenue arising from water supply, and in addition to any moneys which they have before the passing of this Act borrowed on account of waterworks

purposes or otherwise, 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 thirty thousand pounds, or they may raise such sum or any part thereof by means of debenture stock as herein-after provided.

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10. In lieu of raising the whole or any part of the said sum of thirty thousand pounds by issuing mortgages as by this Act provided, the Corporation may from time to time raise the same, or such part thereof as they may think fit, by the issue of debentures charged on the rates and revenues arising from water supply, and that in manner prescribed by the Local Loans Act, 1875, section 5 of which Act, with reference to debentures, is hereby incorporated and made applicable for such purpose, and such debentures may be for any amount not less than one hundred pounds.

Corporation may issue debentures.

38 & 39 Vict. c. 83.

11. If after having borrowed the said sum of thirty thousand pounds or any part thereof under this Act the Corporation pay off the same otherwise than by means of the sinking fund provided by this Act, it shall be lawful for them again to borrow, on the same security, the amount so paid off, and so from time to time.

Corporation may re-borrow to amount paid off.

12. Subject to the provisions of this Act, section 153 of the Act of 1868 (application of water revenues) shall be applicable, in the case of any sums borrowed or raised under this Act for waterworks purposes, as if the same had been borrowed under the powers of the Act of 1868, and any revenue arising from water under this Act shall be applied in the same way as the revenues received in respect of water supply are directed to be applied by the Act of 1868, as varied by this Act.

Section 153 of 31 & 32 Vict. c. xxxiii. to apply to moneys, &c. borrowed, &c. for water purposes under this Act.

13. The mortgagees and debenture holders of the Corporation under this Act may enforce the payment of interest or principal, or principal and interest, due on their mortgages and debentures 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 and debenture holders by whom the application for a receiver shall be made shall not be less than three thousand pounds in the whole.

Appointment of receiver.

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

Priority of mortgages.

15. The Corporation shall, in respect of the money borrowed or raised by them under the provisions of this Act for waterworks purposes, and in relation thereto, set apart annually, out of the

Sinking fund.

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revenues arising from water applicable to the repayment of such moneys, or in the event of any deficiency in such revenue out of the borough fund and borough rate and improvement rate, an amount equal to one-sixtieth part of the moneys so borrowed to be applied as a sinking fund in paying off the moneys so borrowed and until the moneys forming 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 the purchase of Exchequer bills or other 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 with the bankers of the Corporation for a longer period than six calendar months without investing the same 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, and in case a part only of such moneys shall be so applied the Corporation shall 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 for the aforesaid purpose until five years after the passing of this Act.

Annual
return to
Local
Government
Board with
respect to
sinking
fund.

16. The Treasurer shall, within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund under this Act, transmit to the Local Government Board a return, in such form as may be required by the said Board, 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 fund during the year preceding the making of such returns, and the description of the securities upon which the same has been invested, and also showing the purposes to which any portion of the moneys set apart for the sinking fund and all interest thereof have been applied during the same period, and the total amounts remaining invested at the end of the year; and in the event of any wilful default in making such returns such treasurer making such default shall be liable to a penalty of not exceeding twenty pounds. If it appear to the Local Government Board by such return or otherwise that the Corporation have failed to set apart the sum required by this Act for the sinking fund or any interest thereof, or have applied any portion of the moneys set apart for that fund to any purposes other than that authorised by this Act, the Local Government Board 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. A.D. 1880.

17. For preventing waste, misuse, or undue consumption of the water of the Corporation the following provisions, in addition to all other powers vested in the Corporation for that purpose, shall have effect; (namely,)

Provisions
for prevent-
ing waste,
&c. of water.

(1.) The Corporation may from time to time make byelaws for the objects aforesaid to be observed by persons supplied with water :

(2.) The Corporation may, if they think fit, upon the report by their duly authorised officer of the failure of any person to observe such byelaws, without notice enter and by or under the direction of such authorised officer repair, replace, or alter any pipe, meter, fittings, valve, cock, cistern, bath, soil-pan, watercloset, or other apparatus or receptacle belonging to or used by any such person supplied by them with water, and the power of entry given by section 15 of the Waterworks Clauses Act, 1863, incorporated in the Act of 1868, and the provisions of that section relative thereto, shall extend and apply to entry for the purpose of such repair, replacement, or alteration, and the expenses of every such repair, replacement, or alteration shall be repaid to the Corporation by the person to whom or on whose credit the water is supplied, and may be recovered by them as damages for recovery whereof no special provision is made : 26 & 27 Vict.
c. 93.

(3.) The Corporation, by their duly authorised officer, may from time to time enter between the hours of ten in the forenoon and four in the afternoon, or at any other time with the order of a justice, and inspect the water fittings belonging to or used by any person supplied by them with water, and if satisfied that such water fittings are properly constructed the said officer may brand the same, and in case the said officer shall not be satisfied with the water fittings he shall report the same to the Corporation, who may direct that the supply of water shall be cut off until proper and sufficient water fittings are substituted to the satisfaction of the said officer and the same branded by him accordingly :

(4.) When an owner or occupier shall require a supply of water from the main the junction of the service pipes necessary for such supply with the main shall be made by an officer of the Corporation, and in all cases the whole of the work

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necessary for the supply of water or for the laying or repairing of such service pipes between such point of junction and the house, building, or tenement to be supplied shall be executed by an officer of the Corporation, and before such water fittings are made the owner or occupier requiring a supply of water from the Corporation shall deposit such amount of money in the hands of the Treasurer as the Corporation shall deem sufficient to meet the expense of such water fittings, and any surplus of such deposited money over the expense of the said water fittings shall be repaid to such owner or occupier by the treasurer, or if there be a deficiency to meet the expense of such water fittings such deficiency shall be paid to the Corporation by the owner or occupier requiring such supply of water on whose behalf the expense is incurred, and if not paid may be recovered by proceedings before a justice in a summary manner.

Each water-closet to have its own cistern.

18. Every watercloset supplied with water by the Corporation within the borough shall have a separate cistern for the supply to such watercloset.

III. FUNDING CORPORATE DEBT.

Power to issue debenture stock.

19. It shall be lawful for the Corporation to resolve that any outstanding mortgages or bonds or debentures of the Corporation issued within their borrowing powers, and not exceeding an amount to be defined in and by such resolution, may be converted into debenture stock of the Corporation of like amount, either by agreement with the holders of such mortgages or bonds or debentures or by paying off the same when due and issuing stock of a corresponding amount instead of re-borrowing the sums so paid off, and also from time to time to resolve that the whole or any part, to be defined in and by such resolution, of the moneys which the Corporation shall have authority to raise by borrowing under the powers of any of their Acts, including this Act, and which shall not then have been raised, shall or may be raised by the creation and issue of debenture stock of a corresponding amount, instead of borrowing, such debenture stock to have a fixed and continuing interest, payable half yearly at the periods hereafter fixed, and redeemable at the option of the Corporation at par, at such time and on such conditions as the Corporation declare on the creation thereof (which conditions shall be severally stated on the certificates of such stock to be issued as herein-after provided), and the stock so created and issued shall be a charge upon the borough fund, borough rate, the rates and revenues arising from water supply, and the improvement rate, but such stock shall be distributable, transmissible, and transferable

as, and in other respects have the incidents of, personal estate, and the stock when so created shall be termed "Cork Corporation Debenture Stock": Provided no debenture stock shall be originally issued for a less sum than one hundred pounds, or after being issued shall be transferable for a less sum than twenty pounds or for a fractional part of a pound: Provided further, such stock, although issued as debenture stock, shall, as regards the amount thereof raised in lieu of any mortgages or bonds or debentures or borrowing powers for any particular fund of the Corporation, be debited to that particular fund, and be considered, as regards that fund, as if that amount had been raised for the purpose of that fund.

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20. The holders of debenture stock, in addition to all other remedies, may from time to time enforce the payment of any interest in arrear payable upon such debenture stock by the appointment of a receiver, and the amount of interest in arrear to authorise the appointment of a receiver by or on behalf of the holders of debenture stock shall not be less than two hundred pounds.

Interest on debenture stock.

21. Nothing herein contained shall in anywise prejudice or affect the rights of the holders of mortgages or bonds of the Corporation issued before the passing of this Act, and all the said debenture stock to be created as aforesaid shall be subject to the mortgages and bonds at present existing, or any renewals thereof, until the same are finally extinguished by being converted into debenture stock or paid off by means of the sinking fund applicable to such mortgages or bonds.

Saving rights.

22. After the conversion of any mortgages or bonds or debentures into debenture stock, or after any money shall have been raised by the Corporation by the issue of debenture stock, it shall not be lawful for the Corporation to issue mortgages or bonds or debentures, or any other securities, for the amount so converted or raised, or again to borrow the same, but the powers of borrowing by the Corporation shall to that extent be extinguished.

Restriction of borrowing powers.

23. Nothing herein contained shall operate to diminish or vary any obligation of the Corporation to provide a sinking fund, or otherwise to pay off the moneys borrowed by them under this or any other of their Acts.

Reservation of provisions to sinking fund.

24. No holder of any portion of the said debenture stock shall have any priority or preference by reason of the creation or issue of such portion of stock before the creation or issue of any other portion of stock.

Priority of stock not to be affected by time of creation thereof.

25. The Corporation shall cause entries of the said debenture stock from time to time created, and of all transfers thereof, to be made in a register to be kept for that purpose, wherein they shall

Register of stock to be kept.

A.D. 1880. — enter the names and addresses of the several persons and corporations from time to time entitled to the said debenture stock, with the respective amounts of the stock to which they are respectively entitled.

Certificate of stock.

26. The Corporation shall deliver on demand to every holder of debenture stock a certificate stating the amount of such stock held by him, and such certificate shall have the common seal of the Corporation attached thereto, which seal shall be affixed at a meeting of the Council or a Committee of the Council duly authorised in that behalf by the Council, and shall be signed by the mayor, or by the chairman for the time being of the Council, or by the chairman of such committee, and by the town clerk and by the treasurer, and the same may be according to the form in the First Schedule to this Act annexed, or to the like effect, and the conditions on which such stock is issued shall be shortly stated on such certificate, and for such certificate the Corporation may demand any sum not exceeding one shilling where the amount of stock transferred does not exceed one hundred pounds, and two shillings and sixpence where the amount of stock transferred exceeds the sum of one hundred pounds.

Certificate to be primâ facie evidence.

27. The said certificate shall be admitted in all courts of justice as primâ facie evidence of the title of such stockholder, his executors, administrators, successors, or assigns, to the sum therein specified.

Certificate to be renewed when destroyed.

28. If any such certificate be worn out or damaged, then the same may upon the production thereof be cancelled and another similar certificate may be given to the holder of the stock therein specified, or if such certificate be lost or destroyed, then upon proof thereof to the satisfaction of the Corporation a similar certificate may be given to the holder of the stock specified in the certificate so lost or destroyed, and in either case a due entry of the substituted certificate shall be made in the said register, and for every such certificate given in pursuance of this section a fee not exceeding one shilling where such certificate relates to an amount of stock not exceeding one hundred pounds, and two shillings and sixpence where such certificate relates to an amount of stock exceeding one hundred pounds, may be demanded.

Transfer of stock.

29. The said debenture stock shall be transferable by deed, which may be in the form contained in the Second Schedule to this Act, or to the like effect, but such deed shall exclusively relate to such transfer, and shall not contain any recital, trust, power, or proviso whatsoever, and such deed shall be effectual in law to pass

to the transferee all the right and interest of the transferor in the debenture stock expressed to be transferred, and the interest thereon.

A person becoming entitled to any debenture stock in consequence of the death, bankruptcy, or marriage of the owner, or by any lawful means other than by such deed as aforesaid, shall produce such evidence of his title as may be reasonably required by the Corporation, and the same shall be entered in the said register as a transfer.

The Corporation shall not be bound to register any transfer except upon production of the certificate relating to the debenture stock to be transferred.

Upon any sub-division of debenture stock by transfer the Corporation may, upon the delivery up to them of the original certificate, grant to the transferees new certificates for the sums of stock so transferred, provided any such sub-division shall not be for less sums than twenty pounds each.

30. The register so kept under the provisions of this Act shall be evidence of all matters therein entered under the provisions of this Act, and of the title of persons or bodies corporate entered therein as owners of any debenture stock who are mentioned therein as such owners.

Register to be evidence.

31. The Corporation shall pay the interest on all debenture stock half yearly, upon the first day of May and first day of November, or such other days as they may determine on issuing the same, excepting when such days shall fall on a Saturday, Sunday, or day observed as a public holiday at the Bank of Ireland, and then upon the day next following such excepted day or days.

Payment of interest.

32. When any debenture stock has been created and issued under this Act in order to raise or pay off any portion of a loan authorised by any existing Act or by this Act, the money raised thereby shall be deemed to have been borrowed under and for the purposes of such Act, and shall be applied accordingly.

Application of money raised.

33. If the certificate of any of the debenture stock shall be endorsed with a certificate under the hand of the treasurer for the time being in the form set forth in the Third Schedule to this Act, or to the like effect, it shall not be necessary for any person or body to inquire whether the moneys mentioned in the certificate are within the borrowing powers of the Corporation.

Further provisions as to stock certificate.

34. When any land, rents, or property is or are sold, demised, or otherwise disposed of by the Corporation, the same shall, in the hands of any person to whom the same shall have been sold, and

Land sold to be free from consolidated stock.

A.D. 1880. — his or their heirs, executors, administrators, successors, and assigns, be absolutely free from all claims, charges, or obligations in respect of any debenture stock granted or issued under this Act, and such person shall not be bound to see to or inquire into the application by the Corporation of the money arising from such sale, or be in any way responsible for the non-application thereof.

Consent of trustees of incapacitated persons, &c. to conversion.
8 & 9 Vict. c. 18.

35. Any person who holds any security granted by the Corporation before the passing of this Act, and who is one of the persons enabled by the Lands Clauses Consolidation Act, 1845, section 7, to sell land under that Act, may, in the manner and to the extent in the said section provided, consent to any arrangement authorised by this Act for the conversion of such security or annuity into debenture stock, and to the payment of such security before the time limited for the payment thereof.

IV. MISCELLANEOUS.

Application of money borrowed.

36. All moneys borrowed or raised by the Corporation under this Act shall be applied for the purposes exclusively for which the same are authorised by this Act to be borrowed or raised, and to no other purpose whatever.

Protection of lender from inquiry.

37. A lender of money to the Corporation under this Act, either on mortgage, debenture, or debenture stock, shall not be bound or entitled to inquire respecting the observance by them of any provision of this Act, or be bound to see to the application or be answerable for any loss or misapplication of the money lent, or of any part thereof.

Corporation not to regard trusts.

38. The Corporation shall not be bound to see to the execution of any trust, whether express or implied or constructive, to which any loan or security for loan may be subject, but the receipt of the person in whose name any loan or security for loan stands in the register book of the Corporation shall from time to time be a sufficient discharge to the Corporation in respect thereof, notwithstanding any trusts to which such loan or security may be subject, and whether or not the Corporation have had express or implied notice of any trust or of any charge or incumbrance upon or transfer of such loan or security, or any part thereof, or interest therein not entered on their register, and the Corporation shall not be bound to see to the application of the money paid on any such receipt, or be answerable or accountable for any loss, misapplication, or nonapplication of any of such money.

Byelaws how to be made.
10 & 11 Vict. c. 34.

39. Any byelaws which the Corporation are by this Act authorised 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: 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 were "the Local Government Board for Ireland."

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40. Sections 180 (jurisdiction of justices), 181 (persons contracting with corporation, 182 (justices, &c. not disqualified from acting) of the Act of 1868 shall be incorporated with this Act, and shall apply to the purposes of this Act in the same manner as if these sections had been re-enacted herein.

Certain sections of 31 & 32 Vict. c. xxxiii. incorporated.

41. Section 4 of the Act of 1868 is hereby repealed in so far as it incorporates the sections 43, 51, 70, 71, 72, 74, 75, and 76 of the Towns Improvement, Ireland, Act, 1854.

Part of section 4 of 31 & 32 Vict. c. xxxiii. repealed. 17 & 18 Vict. c. 103.

42. All penalties imposed by this Act or by any byelaw made in pursuance thereof, and all expenses and other sums due to the Corporation in pursuance of this Act in respect of which no mode of recovery is prescribed, may be recovered summarily in manner provided by the Act of 1852, and when so recovered shall be paid to the treasurer, and all penalties recovered under this Act shall be applied if recovered in connexion with matters relating to streets to the improvement fund, and if recovered in connexion with matters relating to water to the waterworks fund of the Corporation.

Penalties.

43. A printed or written copy of any byelaws made by the Corporation under this Act, and purporting to be confirmed by the Local Government Board, 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.

Proof of byelaws.

44. It shall be lawful for the Corporation on the making of any byelaws for the purposes of this Act to fix a pecuniary penalty for the breach thereof, not exceeding for every offence the sum specially fixed as the maximum penalty by this Act for such offence, and not exceeding in cases where no maximum penalty is fixed by this Act the sum of five pounds.

Fines may be imposed.

45. 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 so framed that penalties may be mitigated.

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Expenses of
Act.

46. 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 and charged one fourth to the improvement fund of the Corporation and three fourths to the waterworks fund of the Corporation.

SCHEDULES.

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THE FIRST SCHEDULE.

FORM OF CERTIFICATE.

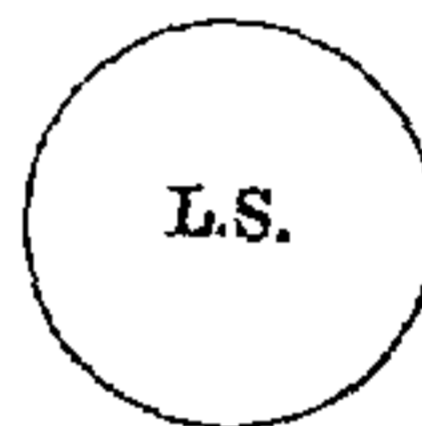
Cork Corporation Debenture Stock.
Borough of Cork.

N.

This is to certify that _____ of
is, (or are, as the case may be) the proprietor (or proprietors, as the case may be) of
_____ pounds of the Cork Corporation Debenture Stock
issued by the mayor, aldermen, and burgesses of the borough of Cork, in the
county of the city of Cork, pursuant to Act of Parliament.

Given under the common seal of the said mayor, aldermen, and burgesses this
_____ day of _____ one thousand eight hundred and _____.

Present when the corporate seal affixed hereto
at a meeting of the Council or of a Committee of
the Council duly authorised in that behalf by the
Council (as the case may be).



Mayor or chairman of Council
or chairman of a Committee of
the Council duly authorised in
that behalf by the Council (as
the case may be.)

Town clerk,
Cork.

Borough treasurer,
Cork.

[Note.—The conditions on which the stock is issued to be shortly stated on
the certificate.]

THE SECOND SCHEDULE.

FORM OF TRANSFER.

I (or we, as the case may be) _____ of
_____ in consideration of the sum of _____ pounds
paid to me (or us, as the case may be) by _____ of
_____ do hereby transfer to the said
_____ his (or their, as the case may be) executors, administrators, and
assigns, the sum of _____ Cork Corporation Debenture Stock
standing in my name (or our names, as the case may be) in the books kept of

A.D. 1880. such stock, and all my (*or our, as the case may be*) property, right, and interest
— in and to the same, and the interest thereon.

In witness whereof I (*or we, as the case may be*) have hereunto set my
hand and seal (*or our hands and seals, as the case may be*) this

day of 18 .

Witness

THE THIRD SCHEDULE.

I the treasurer of the borough of Cork do
hereby certify that the sum secured by the within-written stock certificate is
within the borrowing powers of the Corporation of Cork as fixed by Act of
Parliament.

Witness my hand this day of 18 .

Borough treasurer,
Cork.

Witness