



CHAPTER cclvi.

An Act to amend the Acts relating to the Cork Harbour Commissioners to confer further powers on the Commissioners and for other purposes. [14th August 1903.] A.D. 1903.

WHEREAS by the Cork Harbour Act 1820 certain Commissioners (hereinafter referred to as "the Commissioners") were constituted and appointed for improving and preserving the port harbour and river of Cork and were made the pilotage authority for the said port harbour and river : 1 Geo. 4. c. lii.

And whereas by the Cork Harbour Amendment Act 1866 and the Cork Harbour Order 1871 confirmed by the Pier and Harbour Orders Confirmation Act 1871 (No. 2) the rights and powers of the Commissioners were in various respects amended and enlarged : 29 & 30 Vict. c. cxxxii. 34 & 35 Vict. c. xvii.

And whereas by the Cork Harbour Act 1875 further powers were conferred upon the Commissioners for the improvement of the port harbour and river and it was enacted that the Commissioners should be deemed to be and have all the incidents of a body corporate under the name of "the Cork Harbour Commissioners" : 38 & 39 Vict. c. cxxxviii.

And whereas by the Cork Harbour Act 1877 the Cork Harbour Act 1883 and the Cork Harbour Order 1889 confirmed by the Pier and Harbour Orders Confirmation (No. 2) Act 1889 the powers of the Commissioners were further extended and amended : 40 & 41 Vict. c. clviii. 46 & 47 Vict. c. clxxi. 52 & 53 Vict. c. xlviii.

And whereas by the Cork Harbour (Pilotage) Act 1892 further powers were conferred upon the Commissioners with respect to pilotage : 55 & 56 Vict. c. clvii.

And whereas the present revenue of the Commissioners available for the maintenance improvement and conservancy of the port is insufficient for those purposes and it is expedient that the Commissioners should be authorised to demand and take increased tonnage dues on coasting vessels and colliers :

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And whereas it is expedient that the Commissioners should be empowered to levy tonnage dues on steam vessels (subject to certain exceptions) on a tonnage not being less than fifty per centum of the gross register tonnage of such steam vessels and that they should also be empowered to make further charges for the use of warehouses sheds quays and other accommodation as in this Act provided :

And whereas it is expedient to empower the Commissioners to allocate to the exclusive use of particular trades or vessels quays berths wharves and other accommodation :

And whereas with the view of facilitating the traffic within the port and of expediting and facilitating the loading or unloading of vessels and the transit of goods wares and merchandise to and from warehouses stores and other premises abutting upon or near to the port it is expedient that the Commissioners should be authorised to provide and work overhead and underground communications across over under or along any quays roads streets footways or other places as well as other traffic facilities and electrical and other power in connection therewith :

And whereas it is expedient that the Commissioners should be authorised to erect or provide offices for the better accommodation of the Commissioners and their officers and servants and to dispose of any of their present ballast offices and that additional powers should be conferred upon the Commissioners with regard to the granting of pensions and sick and accident allowances to their officers and servants and to the widows and families of deceased officers or servants :

And whereas for the better regulation and management of the port it is expedient that further provisions should be made and powers granted to the Commissioners with reference to the letting or the use and occupation of warehouses buildings wharves yards cranes machines premises or other conveniences the provision of towage power the control of private quays and works the removal of wrecks and other obstructions the purchase of lands the making of byelaws and other matters :

And whereas public highways exist along certain of the quays in the county borough of Cork and the limits of jurisdiction of the Commissioners as the harbour authority and of the lord mayor aldermen and burgesses of the said county borough as the municipal authority respectively over such quays have never been defined by statute and it is expedient to fix and determine the same :

And whereas the Commissioners have out of their revenues provided a reserve contingency and insurance fund and a depreciation fund and it is expedient that the same should be sanctioned and that the Commissioners should be empowered to continue the same :

And whereas by the Acts hereinbefore recited or referred to and other Acts the Commissioners were authorised to raise or borrow money and particulars of the amounts so authorised to be raised or borrowed and of the amounts raised and paid off and of the amounts now outstanding on the security of the revenues of the port are set out in the First Schedule to this Act :

And whereas it is expedient that the Commissioners should be authorised to purchase for the purpose of extinguishing the same any irredeemable or redeemable stock issued or to be issued by them and to apply for that purpose their sinking fund established under the provisions of section twenty-three of the Cork Harbour Act 1877 and the sinking fund to be established under the provisions of this Act and to borrow money for such purpose and that any purchases of irredeemable stock already made by the Commissioners should be confirmed :

And whereas it is expedient that the sinking fund established under section twenty-three of the Cork Harbour Act 1877 should be applicable for such purchases and for the payment off or redemption of any of the existing or future debts of the Commissioners (other than any debt contracted under the Cork Harbour (Pilotage) Act 1892) without regard to the particular loans in respect of which the payments to such sinking fund may have been or shall be made :

And whereas for the efficient maintenance and development of the port of Cork and of the trade thereof it is expedient that the existing accommodation at the port should be improved and that further facilities should be provided by the Commissioners :

And whereas it is expedient that the Commissioners should be authorised to borrow further money for the improvement and general purposes of the port and for the purposes of this Act and that the other provisions in this Act contained should be made in reference to the Commissioners and the port :

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 King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal

A.D. 1903. — and Commons in this present Parliament assembled and by the authority of the same as follows :—

Short titles.

1. This Act may be cited for all purposes as the Cork Harbour Act 1903 and the Cork Harbour Acts 1820 to 1883 the Cork Harbour Order 1889 the Cork Harbour (Pilotage) Act 1892 and this Act may be cited collectively as the Cork Harbour Acts 1820 to 1903.

Incorporation of general Acts.

2. The following provisions of the Acts hereinafter mentioned are (except where and as expressly varied by or inconsistent with this Act) incorporated with and form part of this Act viz. :—

The provisions of the Commissioners Clauses Act 1847 with respect to mortgages to be executed by the Commissioners (except section eighty-four) :

The Lands Clauses Consolidation Act 1845 (except so much thereof as relates to the purchase and taking of lands otherwise than by agreement) and the Lands Clauses Consolidation Acts Amendment Act 1860 :

The provisions of the Harbours Docks and Piers Clauses Act 1847 :—

With respect to the rates to be taken by the undertakers (except sections twenty-five and twenty-six) ;

With respect to the collection and recovery of rates (except section forty-seven) ;

With respect to the accounts to be kept of rates and of the vessels in respect of which they are payable ;

With respect to the appointment of harbour-masters dock-masters and pier-masters and their duties ;

With respect to the discharging of vessels and the removal of the goods :

Provided that with respect to section twenty-eight of the Harbours Docks and Piers Clauses Act 1847 nothing therein contained shall be deemed to exempt from rates dues or duties any vessels (whether carrying mails or not) now charged with rates or duties by any Act relating to the Commissioners :

And with respect to section fifty of the said Act the time to be allowed for sending a copy of the account therein mentioned shall instead of one month be three months And the said account shall be audited and certified by the auditor appointed under the Cork Harbour Act 1877 instead of by the clerk or secretary of the Commissioners.

3. In this Act unless there be something in the subject or context repugnant to or inconsistent with such construction—

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Terms to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings ;

Interpreta-
tion.

The expression " the Commissioners " means the Cork Harbour Commissioners ;

The expression " the port " means the port harbour and river of Cork within the present limits thereof and the quays piers and landing places therein and includes all places within the jurisdiction of the Commissioners ;

The expression " the harbour master " includes any harbour-master and deputy or assistant harbour-master for the time being appointed by the Commissioners ;

The expression " the Act of 1883 " means the Cork Harbour Act 1883 ;

The expression " the Act of 1892 " means the Cork Harbour (Pilotage) Act 1892 ;

The expression " the former Acts " means and includes the Acts and Orders recited or referred to in the preamble to this Act and any other Act relating to the Commissioners ;

The expression " irredeemable stock " means irredeemable consolidated stock created and issued by the Commissioners under the Cork Harbour Act 1875 ;

The expression " the pilotage revenues " means the pilotage revenues referred to in the Act of 1892 ;

The expression " the pilotage sinking fund " means the sinking fund required to be provided by the Act of 1892 ;

The expression " the corporation " means the lord mayor aldermen and burgesses of the county borough of Cork.

4. On and after the first day of September one thousand nine hundred and three and subject to the provisions of this Act the Act of 1883 and the First Schedule thereto shall be read as if the sum of fourpence halfpenny per register ton were mentioned in paragraph (A) of the said schedule instead of the sum of fourpence per register ton as the tonnage due leviable upon coasting vessels as therein defined and as if the sum of fourpence halfpenny per register ton were mentioned in paragraph (D) of the said schedule instead of the sum of threepence per register ton as the tonnage due leviable upon colliers as therein defined and the Commissioners may demand and take tonnage dues upon coasting vessels and colliers at such increased rates accordingly.

Increased
tonnage dues
on coasting
vessels and
colliers.

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Provisions
as to net
register
tonnage of
steam
vessels.

5. In the case of steam vessels (other than steam tugs) the net register tonnage upon which tonnage dues shall be leviable by the Commissioners shall on and after the passing of this Act in no case be deemed for the purpose of rating to be less than fifty per centum of the gross register tonnage of such steam vessels respectively :

Provided that the provisions of this section shall not apply to steam vessels entering the port from any port or place either in or out of the United Kingdom not being vessels in ballast and not shipping or unshipping in the port any merchandise or cargo other than mails passengers or passengers' luggage or provisions or coals to be used for the purpose of the voyage.

Charges for
sheds &c.

6. The Commissioners may demand and take for the use by any company or person of any warehouse shed or other building or plant belonging to the Commissioners such reasonable charges as shall from time to time be fixed by the Commissioners and such charges shall be paid by the person requiring the use of such warehouse shed building or plant.

Charges for
quay space.

7. If any goods animals or other things remain upon any quay pier wharf or jetty belonging to or under the jurisdiction or control of the Commissioners for a longer period than shall be allowed by the byelaws or regulations of the Commissioners the Commissioners may in respect thereof demand and take from the owner of the goods animals or things so remaining any charge not exceeding sixpence per square yard of space occupied by such goods animals or things for every twenty-four hours the same is occupied after the expiration of the period allowed by such byelaws or regulations and every fresh period of twenty-four hours entered upon although not completed shall be deemed to be twenty-four hours and any sums payable to the Commissioners under this section shall be a debt due to the Commissioners and recoverable in any court of competent jurisdiction or at the option of the Commissioners in the manner hereinafter provided with respect to the recovery of penalties damages costs and expenses.

Power to set
apart and
appropriate
berths &c.

8.—(1) The Commissioners may if they think fit set apart and appropriate to the exclusive use of any particular company or person trade or vessels any quays berths wharves or other accommodation belonging to the Commissioners or under their jurisdiction or control.

(2) The user of any such quay berth wharf or other accommodation shall be subject to the control and direction of the harbour-master and in case any vessel shall use or occupy any

such quay berth wharf or other accommodation contrary to the directions of the harbour-master such vessel may be removed and the harbour-master shall have and may exercise for the purpose of such removal the powers conferred by section fifty-eight of the Harbours Docks and Piers Clauses Act 1847 and all expenses incurred in connection with such removal shall be paid to the Commissioners by the master of the vessel on demand and in case of default shall be recoverable by the Commissioners summarily in the manner hereinafter provided for the recovery of penalties damages costs and expenses.

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(3) Nothing hereinbefore contained shall exempt or relieve any person from any penalty to which he may be liable under any byelaw of the Commissioners.

9. With a view of facilitating traffic within the port and of expediting and facilitating the loading and unloading of vessels and the transit of goods wares and merchandise at to across over under or along any quays roads streets and other places to or from any docks warehouses or premises the Commissioners shall have and in cases which they may deem suitable may exercise the following powers (that is to say) :—

Traffic communications.

- (1) The Commissioners may construct maintain and use across over under or along any quays roads streets footways or other places abutting upon or near to any part of the port such overhead or underground communications (in this Act referred to as "traffic communications") as shall be necessary or convenient for the purposes aforesaid and may from time to time alter repair or discontinue such traffic communications or any of them and substitute others in their stead :
- (2) The traffic communications may include platforms bridges viaducts shafts pillars posts piers rails cranes lifts pipes mains subways passages tubes travellers grain conductors engines machinery appliances and other conveniences :
- (3) All overhead traffic communications shall be constructed so as to leave a clear headway of not less than seventeen feet between the surface of the quay road street footway or place and the underside of the overhead communications :
- (4) The Commissioners may produce provide use and employ such hydraulic steam electric gas or other motive power plant and appliances as may be convenient for or in connection with the user of the traffic communications or any of them :

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- (5) The Commissioners may make any temporary erections necessary or convenient in connection with the construction alteration or maintenance of traffic communications doing as little damage as the circumstances will reasonably permit and making good any damage done to any quay road street footway or place in such construction or maintenance :
- (6) The Commissioners shall so construct the traffic communications as not to impede or interfere with the reasonable use and enjoyment of the quays roads streets footways or places affected thereby and they shall during such construction take all suitable precautions for keeping the quays roads streets footways and places free from obstruction except only such obstruction as is unavoidable :
- (7) The powers hereby conferred shall be in addition to any powers for like purposes vested in the Commissioners under the former Acts Provided always that nothing in this section contained shall authorise the Commissioners to interfere with any property rights powers or privileges now vested in or enjoyed by the Great Southern and Western Railway Company.

For protection of
Postmaster-
General.

10. In the event of any traffic communications being worked by electricity or of electrical power being used for working cranes or other machinery or for any other purpose under this Act the following provisions shall have effect :—

- (1) The Commissioners shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by His Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein Any difference which arises between the Postmaster-General and the Commissioners as to compliance with this subsection shall be determined by arbitration :
- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Commissioners of their electric lines and works or by the working of the undertaking of the Commissioners the Commissioners shall pay the expense of all such alterations in the telegraphic

lines of the Postmaster-General as may be necessary to remedy such injurious affection : A.D. 1903.

- (3) Before any electric line is laid down or any act or work for working the traffic communications or for the use of electricity as aforesaid is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Commissioners or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Commissioners and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work Any difference which arises between the Postmaster-General and the Commissioners as to any requirement so made shall be determined by arbitration :
- (4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Commissioners is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Commissioners' works or to the working of their undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated by the Commissioners enter any of the Commissioners' works for the purpose of inspecting the Commissioners' plant and the working of the same and the Commissioners shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Commissioners pursuant to the Board of Trade regulations :
- (5) In the event of any contravention of or wilful non-compliance with this section by the Commissioners or their agents the Commissioners shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :

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- (6) Provided that nothing in this section shall subject the Commissioners or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the execution thereof stating the reason for doing or executing the same without previous notice :
- (7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work :
- (8) For the purposes of this section and subject as therein provided sections two ten eleven and twelve of the Telegraph Act 1878 shall be deemed to be incorporated with this Act :
- (9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882 :
- (10) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections thirty to thirty-two both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Commissioners or their agents were a company within the meaning of that Act :
- (11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Commissioners by indictment action or otherwise in relation to any of the matters aforesaid.

Power to
cross roads
&c.

11. So far as may be necessary for the purposes of any traffic communications the Commissioners may cross open break up or interfere with quays roads streets footways and other places and may divert raise lower or alter sewers drains culverts gas and water telegraphic telephonic electric and other mains pipes and apparatus (all of which are in this section included under the word "work") the Commissioners providing proper substitutes for any work so interfered with and causing as little detriment and

inconvenience as circumstances admit and making reasonable compensation for any damage caused by them provided as follows (that is to say) :—

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- (A) The Commissioners shall not cross open break up or otherwise interfere with any quay road street footpath or place or any work belonging to or under the jurisdiction of the corporation or the county council of the county of Cork (hereinafter called "the county council") except in accordance with a plan previously submitted to and approved of by the corporation or the county council respectively. Provided that if the corporation or the county council as the case may be fail for a period of thirty days to signify their disapproval of such plan or their requirements in relation thereto the same shall be deemed to have been approved :
- (B) Any reasonable costs and expenses incurred by the corporation or the county council by reason of or in connection with any such traffic communications shall be paid by the Commissioners :
- (C) The Commissioners before opening or breaking up any quay road street footpath or place or any work belonging to or under the jurisdiction of the corporation shall give to the city engineer of the county borough of Cork (hereinafter in this Act called "the city engineer") notice of their intention so to do specifying the time at which they will begin to do so and the portion of the street or road proposed to be opened or broken up such notice except in cases of extreme urgency to be given seven days at least before the commencement of the works :
- (D) The Commissioners shall not open or break up or alter the level of any footway street or road belonging to or under the jurisdiction of the corporation except under the superintendence and to the reasonable satisfaction of the city engineer unless the city engineer refuses or neglects to give such superintendence at the time specified in the Commissioners' notice or discontinues the same during the work and it shall not be lawful for the Commissioners to sink or raise any road without bringing the whole surface to the same level unless the city engineer shall otherwise direct in writing :
- (E) The Commissioners shall not without the consent of the city engineer open or break up at any one time a greater length than thirty yards of any such street or road :

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- (F) The Commissioners shall with all convenient speed and in all cases within four weeks at the most (unless the city engineer otherwise consents in writing) complete the work on account of which they opened or broke up such quay road street footpath or place as aforesaid and fill in the ground level and make good the surface and to the satisfaction of the city engineer restore the portion of the quay road street footpath or place to as good a condition as that in which it was before it was broken or opened up and clear away all surface paving or metalling materials or rubbish occasioned thereby :
- (G) The Commissioners shall in the meantime cause the place where such quay road street footpath or place was broken or opened up to be fenced and watched and to be properly lighted at night and provide and maintain sufficient and proper means of passage and repassage for all passengers vehicular or animal and public traffic along such quay road street or footpath to the satisfaction of the city engineer :
- (H) The Commissioners shall bear all reasonable expenses of the repair of such quay road street or footpath for six calendar months after the same is restored so far as these expenses are increased by opening or breaking up the same to be certified by the city engineer whose certificate shall be conclusive :
- (I) If the Commissioners fail to comply in any respect with the provisions of this section they shall for every such offence (without prejudice to any other remedy against them) be liable to a penalty not exceeding twenty pounds and to a further penalty not exceeding five pounds for each day on which any such failure continues after the first day on which the penalty is incurred and any such penalty shall go and belong to the corporation and shall form part of the funds applicable to the maintenance of the streets or roads :
- (J) The provisions of subsections (C) (D) (E) (F) (G) (H) and (I) of this section shall extend and apply to the county council and to the county surveyor in respect of any quay road street footpath place or work belonging to or under the jurisdiction of the county council as if they had been respectively named in such subsections instead of the corporation and the city engineer :
- (K) Nothing in this Act shall extend to or authorise any interference with any works of any undertakers within the

meaning of the Electric Lighting Acts 1882 and 1888 to which the provisions of section fifteen of the former Act apply except in accordance with and subject to the provisions of that section The Commissioners shall not remove alter or in any way interfere with any telegraphic telephonic or electric cables wires tubes or apparatus of the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878. A.D. 1903.

12. Save as in this Act expressly mentioned nothing herein contained shall alter abridge or take away any of the rights powers or privileges of the corporation. Saving for corporation.

13. During the construction of any works authorised by this Act the Commissioners shall make such arrangements in relation to the execution of such works as may in the opinion of the corporation be proper to prevent the traffic along the street or road from being unnecessarily interfered with. Traffic not to be impeded.

14. In addition to any other provisions of this Act the Commissioners shall maintain and keep the works authorised by this Act so far as affecting any quays roads streets footways places or works belonging to or under the jurisdiction of the corporation in good condition and repair to the reasonable satisfaction of the city engineer and if the Commissioners fail at any time to maintain and keep the same in good condition and repair to such satisfaction as aforesaid they shall for every such default be subject to a penalty not exceeding five pounds for every day on which the default continues after notice shall have been served on them by the city engineer specifying the want of repair complained of and requiring the same to be made good and in case the Commissioners for a space of ten days make default in complying with the requirements of such notice as aforesaid the corporation may if they think fit (without however being under any obligation to do so) cause the necessary repairs to be executed and recover the costs thereof in any court of competent jurisdiction in addition to the penalty hereinbefore provided. Failure to maintain works in good condition.

15. The Commissioners shall be answerable for all accidents damages or injuries happening through their acts or defaults or through the acts or defaults of any person in their employment by reason or in consequence of any of the works authorised by this Act being out of repair or defective so far as the same affect any quays roads streets footways places or works belonging to or under the jurisdiction of the corporation by which loss or damage Commissioners to be responsible for damages.

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Sewers in the city.

16. The corporation shall at all times have free access to and communication with all the existing sewers and drains and power to lay lateral and private drains to communicate therewith without the consent or concurrence of the Commissioners and shall also have power to lay down and construct any new sewers or connecting sewers or drains whether for public or private use in any street or road under or upon or over which any works authorised by this Act have been or are being constructed as they shall think fit and at all times to open any part of the street or road for the purpose of repairing or cleansing such sewers or drains. Provided however that if and whenever in the opinion of the corporation it shall be necessary or expedient for the purpose of constructing or altering any sewer or drain to interfere with any of the works authorised by this Act or the roadway under or upon or over which the same shall be constructed the corporation may without the consent or concurrence on the part of the Commissioners enter into and interfere with such works or roadway after having given (except in cases of emergency) at least one calendar month's previous notice in writing to the Commissioners of their intention so to do and the Commissioners shall during the execution of any such works either suspend the operation or execution of such works authorised by this Act or make provision at their own expense for carrying on the same in a manner satisfactory to the corporation so as not to interfere with any work in connection with such sewer or drain and shall have no claim for compensation against the corporation.

Protecting owners of property.

17. The Commissioners shall not in connection with any traffic communications take use or in any way interfere with any land or premises not being a public quay road street footway or other place without the consent of the owners lessees and occupiers of such land or premises or construct any traffic communications to any land or premises without the like consent or so as to obstruct the access to any adjoining land or premises.

Provisions as to use of electrical power.

18. The following provisions shall apply to the use of electrical power under this Act:—

- (1) The Commissioners shall employ either insulated returns or uninsulated metallic returns of low resistance :

- (2) The Commissioners shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus :
- (3) The electrical power shall be used only in accordance with regulations to be prescribed by the Board of Trade (hereinafter referred to as "the Board of Trade regulations") and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return :
- (4) The Commissioners shall be deemed to take all reasonable and proper precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Commissioners either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking :
- (5) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wires lines or apparatus or the currents therein unless in the construction erection maintaining and working of such wires lines and apparatus all reasonable and proper precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents :
- (6) If any difference arises between the Commissioners and any other party with respect to anything in this section

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contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be :

(7) The Commissioners using electrical power contrary to the provisions of this Act or of the Board of Trade regulations shall for every such offence be subject to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence continues after conviction thereof. Provided that whether any such penalty has been recovered or not the Board of Trade if in their opinion the Commissioners in the use of electrical power under the authority of this Act have made default in complying with the provisions of this Act or the Board of Trade regulations may by order direct the Commissioners to cease to use electrical power and thereupon the Commissioners shall cease to use electrical power and shall not again use the same unless with the authority of the Board of Trade and in every such case the Board of Trade shall make a special report to Parliament notifying the making of such order :

(8) The expression "the Commissioners" in this section shall include any person working or using the traffic communications.

Agreements
as to traffic
communica-
tions.

19.—(A) The Commissioners may enter into agreements upon such terms and conditions as shall be mutually agreed upon with any company or person being owners lessees or occupiers of any warehouse dock or other premises in connection with the making and maintaining the traffic communications or in connection with the user thereof and the supply of motive power thereto when constructed.

(B) Any moneys paid to the Commissioners under any such agreement in respect of the construction of any such communications shall be applied in repayment of moneys expended by the Commissioners in such construction and any other moneys so paid shall be applied as revenue of the Commissioners.

Appliances
for loading
and unload-
ing of
vessels.

20. The Commissioners may provide erect and maintain upon any quay wharf jetty pier or other place belonging to them or under their jurisdiction or control elevators steam hydraulic electric and other cranes tips staithes machinery and appliances and labour for

working the same for the loading unloading transit and removal of cargo to from or into vessels within the port and may charge for the use thereof or may themselves undertake such services in such circumstances and on such terms as they think fit. A.D. 1903.

21. The Commissioners may purchase lease hire build provide and furnish fit and convenient offices for transacting the business of the Commissioners and for the use of their officers and servants and may sell lease or dispose of any offices now belonging to or occupied by them. Offices of Commissioners.

22. Notwithstanding anything contained in the Harbours Docks and Piers Clauses Act 1847 or in the former Acts the Commissioners may from time to time lease or grant or permit the use or occupation of any warehouses buildings wharves yards cranes machines premises or other conveniences belonging to them or under their jurisdiction or control for such period or periods at such rents and on such terms and conditions as shall be agreed between the Commissioners and the company or person taking or using or occupying the same. Power to lease warehouses &c.

23. The Commissioners may lend or let out on hire any dredging and other plant machinery or appliances belonging to them on such terms and for such consideration as they think fit and may employ or use any such plant machinery or appliances for towing vessels and may make charges in respect thereof. Commissioners may let dredging plant &c.

24. Such of the powers and provisions of the Harbours Docks and Piers Clauses Act 1847 with respect to the rates to be taken by the undertakers and with respect to the collection and recovery of rates as are incorporated with this Act and (subject to the provisions of this Act) such of the powers and provisions contained in the former Acts (other than the Act of 1892) with respect to the same matters and with respect to the keeping and auditing accounts of rates as have not been or are not by this Act repealed shall be applicable alike to all dues rates or charges authorised to be taken by the Commissioners whether under any of the former Acts (other than the Act of 1892) or this Act. Provisions of former Acts as to rates &c. to apply to rates under this Act.

25. All moneys received by the Commissioners from dues rates rents and charges leviable or receivable under this Act shall subject to the provisions of this Act be applied in the same manner and to the same purposes as the moneys (other than the pilotage revenues) received by them from dues rates and charges under the former Acts. Application of revenue.

A.D. 1903.

Agreements
with owners
of quays and
other works.

26. The Commissioners may enter into and carry into effect agreements and arrangements with the owners and other persons interested in any quays docks wharves piers or premises within or abutting on or near to the port for the acquisition or taking over on lease or otherwise of such quays docks wharves piers or premises by the Commissioners or for the use thereof for public traffic or for the underpinning strengthening reconstruction improvement or alteration of any such quays docks wharves piers or premises which may be or become necessary in connection with the dredging deepening or improvement of the port.

No works to
be con-
structed in
port without
consent.

27. No person shall make or form any quay pier jetty groin wall embankment reclamation work or other like structure in or upon any tidal lands within the port or erect or use any stage crane apparatus or other machinery in or upon any such lands for the loading or unloading of vessels without the consent in either case of the Commissioners or in the event of the Commissioners refusing their consent without the approval of the Board of Trade Provided that the provisions of this section shall not alter prejudice limit or affect any existing right power or jurisdiction of the corporation or of the county council of the county of Cork The Lords Commissioners of the Admiralty however shall have the right to carry out any of the above works in or upon any tidal lands within the port abutting on Admiralty property without the consent in any case of the Commissioners.

Removal of
worn-out
gangways
&c.

28. If so required by the harbour master the owner of any worn-out gangway planks crab winches or other disused things being or lying on any quay pier jetty or other work belonging to or under the jurisdiction or control of the Commissioners shall forthwith remove the same and if such owner does not remove them the harbour-master shall after giving three days' notice in writing to such owner be entitled to remove sell destroy or otherwise dispose of any such things and the cost and expense of any such removal sale destruction or other disposal by the harbour-master shall be recoverable from such owner by the Commissioners Provided that if the owner of any such things cannot after enquiry be discovered the harbour-master shall be entitled to remove sell destroy or otherwise dispose of any such things without giving any notice.

Dirt and
refuse to
be cleared
away.

29. Every person shipping or unshipping goods within the port shall immediately after completing such shipping or unshipping as the case may be clear away from the quays wharves sheds warehouses or other premises belonging to or under the jurisdiction or control of the Commissioners all dirt and refuse arising from or incidental to such shipping or unshipping And if any such dirt or

refuse is not cleared away within twenty-four hours after such shipping or unshipping is completed then the person who has completed the shipping or unshipping and has not so cleared away or caused to be cleared away such dirt or refuse shall be liable to a penalty not exceeding forty shillings and shall further be liable to any expenses incurred by or on behalf of the Commissioners in the removal of such dirt or refuse.

A.D. 1903.

30.—(1) Section eighteen (Removal of wrecks &c.) of the Act of 1883 shall be read and have effect as if the several provisions in that section contained applied or extended to and included any former owner of the vessels timber matters or things in that section referred to whenever it is shown that such former owner relinquished or transferred his interest in any such vessel timber matter or thing after the date at which such vessel was sunk stranded or abandoned or such timber matter or thing became adrift or submerged and all such provisions may be enforced by the Commissioners accordingly.

Amendment
of s. 18 of
Act of 1883.

(2) The powers of the said section as amended by this Act may be exercised by the Commissioners notwithstanding any steps taken by any owner of the vessel sunk stranded or abandoned or of the timber matter or thing adrift or submerged for the raising removal or destruction thereof.

31. The Commissioners may if they shall think fit so to do pay or secure to any of their officers or servants upon his retirement from service such annual or other sum as they may think reasonable by way of superannuation or otherwise and either during the term of his natural life or for such other period or in gross as the Commissioners shall think fit and they may also if they shall think fit contribute towards the relief of any of their officers or servants who may be disabled or injured or who may become ill whilst in the service of the Commissioners. The Commissioners may also if they think fit grant in the case of the death of any of their officers or servants (whether then in their service or retired) allowances to the widow or children of such deceased officer or servant.

Pensions and
allowances.

32. The Commissioners shall not under any circumstances or in any case whatsoever be answerable or accountable for or be liable to make good any loss or damage which may happen to any goods or to any vessel or property of any description by fire theft storm tempest floods or vermin or from any civil commotion or by the act of the King's enemies or other inevitable accident or from any cause not arising directly from the default or neglect of the Commissioners their officers or servants.

Commis-
sioners not
to be liable
for loss by
fire &c.

A.D. 1903.

Power to
purchase
additional
lands by
agreement.

33. The Commissioners may for all or any of the purposes of this Act or the general purposes of the port by agreement (but not otherwise) purchase take on lease or otherwise acquire and hold (in addition to any lands which by the former Acts they are authorised to purchase and hold) any lands and hereditaments not exceeding in the whole twenty acres. But nothing in this Act shall exempt the Commissioners from any indictment action or other proceeding for nuisance in the event of any nuisance being caused by them upon any land acquired under the powers of this section.

Restriction
on taking
houses of
labouring
class.

34.—(1) The Commissioners shall not under the powers of this Act purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board for Ireland ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

(2) If the Commissioners acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the said Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom. Provided that the Court may if it think fit reduce such penalty.

(3) For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "labouring class" means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Additional
byelaws.

35. In addition to the powers of making byelaws rules orders and regulations contained in the former Acts and Acts incorporated therewith the Commissioners may subject to the provisions of this Act from time to time make revoke and alter such byelaws and regulations as they think fit for all or any of the following purposes (that is to say) :—

For preventing any part of the quays berths wharves or other accommodation specially set apart and appropriated or leased

by the Commissioners to or for any particular company or person trade or vessel or purpose being used by any other company or person or trade or vessel or for any other purpose ;

For regulating the shipping and unshipping landing warehousing stowing depositing and removing of all goods wares and merchandise or material at to or upon the quays piers jetties wharves or other places belonging to or under the jurisdiction or control of the Commissioners ;

For regulating and limiting the deposit of goods wares merchandise or material upon the quays piers jetties wharves or other places belonging to or under the jurisdiction or control of the Commissioners and the height bulk and dimensions of every such deposit and the spaces within which the same may be made and the time or times within which goods wares merchandise or material deposited upon the said quays piers jetties wharves and other places shall be removed ;

For preventing and removing obstructions or impediments to or on the quays piers jetties wharves and works belonging to or under the jurisdiction or control of the Commissioners ;

For regulating the use of traffic communications of the Commissioners ;

For regulating the towing of vessels within the port the size and number of vessels to be towed in one train or by one or more tugboats the speed at which tugboats shall proceed whether towing or not and the order and manner in which the towage shall be given ;

For regulating the times and manner of paying and the places for payment of dues rates and charges payable to the Commissioners.

36.—(1) Notwithstanding anything in the former Acts or in any Act incorporated therewith the following provisions shall apply with respect to all byelaws rules orders or regulations (hereinafter referred to as “byelaws”) at any time hereafter made revoked or altered by the Commissioners in pursuance of the powers of any of such Acts or this Act (that is to say) :—

Provisions
as to bye-
laws.

(A) The Commissioners may from time to time alter or revoke any byelaw and if they think fit make a new or additional byelaw or byelaws in place thereof :

(B) Any byelaw may be made altered or revoked at a meeting of the Commissioners at which not less than seven of the Commissioners shall be present :

A.D. 1903.

- (c) All byelaws shall be reduced into writing and shall have affixed thereto the seal of the Commissioners :
- (D) The Commissioners may by the byelaws so to be made impose such reasonable penalties as they shall think fit not exceeding five pounds for each breach of such byelaws Provided always that such byelaws shall be so framed as to allow the justice or justices before whom the penalty imposed shall be sought to be recovered to order the whole or part only of such penalty to be paid :
- (E) All penalties imposed for breaches of any byelaw shall be in addition to any damages or expenses which may be recoverable by the Commissioners or any person for any loss or injury to them or him or to their or his property consequent on such breach :
- (F) No byelaw except such as relate solely to the Commissioners or their officers or servants shall take effect until such byelaw shall have been allowed by the Board of Trade and the Board of Trade may require such notice to be given of the intention of the Commissioners to apply for such allowance as they may think fit :
- (G) Without prejudice to the power of the Board of Trade to require other notice no byelaw shall be allowed by the Board of Trade until one month's notice of the intention of the Commissioners to apply for such allowance shall have been given in a newspaper published in the county borough of Cork :
- (H) A copy of any proposed byelaw shall be kept at the principal offices of the Commissioners at Cork and Queenstown for one month at least before the application for the allowance of the same and all persons may at all reasonable times inspect such copy without payment and the Commissioners shall furnish every person who shall apply for the same with a copy thereof on payment of sixpence for every one hundred words so to be copied :
- (I) The Commissioners shall keep for public inspection at their principal offices at Cork and Queenstown a printed copy signed by the secretary to the Commissioners of all byelaws for the time being in force and shall furnish a printed copy thereof to every person applying for the same on payment by him of any sum not exceeding one shilling for every such copy :
- (J) A copy of any byelaw made and allowed in pursuance of this Act or the former Acts certified under the hand of the

secretary to the Commissioners to have been duly made and allowed and to be then in force shall be evidence in all proceedings of the due making allowance and existence of such byelaw and in any proceedings under any such byelaw the Commissioners shall only be bound to prove that a copy of the byelaw had been kept for public inspection at the offices of the Commissioners at Cork and Queenstown as aforesaid and no other or further proof of publication of the byelaw shall be necessary.

(2) The provisions of this section shall not apply to any byelaw made by the Commissioners under the Act of 1892.

(3) Nothing in this section shall prejudice or affect any byelaw made by the Commissioners under any of the former Acts and existing at the passing of this Act until the same shall be duly altered or revoked by the Commissioners under and in pursuance of this Act:

Provided that where in any of the former Acts the amount of any penalty recoverable for the breach or non-observance of any byelaw is named the amount of such penalty shall from the passing of this Act be read as referring to the present currency of money in Great Britain and Ireland.

37. All penalties damages costs or expenses recoverable under the provisions of this Act or the former Acts (other than the Act of 1892) or under any byelaw rule order or regulation made by the Commissioners in pursuance of this Act or the former Acts (other than the Act of 1892) may be recovered by the Commissioners before a court of summary jurisdiction and all penalties recovered by the Commissioners shall be paid to the Commissioners Provided that all proceedings for the recovery of penalties damages costs or expenses may be taken by or before any one or more justice or justices of the peace having jurisdiction in the county borough of Cork although the offence complained of may not have been committed within the limits of the ordinary jurisdiction of such justice or justices or before any justice or justices of the peace having jurisdiction in the place where the offence complained of was committed or in any district abutting on or adjoining the sea or any navigable water on which any offence has been committed or where the offender or person complained against shall be found or happen to be Subject as aforesaid all such proceedings may be taken and prosecuted in the manner provided by the Summary Jurisdiction (Ireland) Acts Provided that every appeal from an order or conviction under this Act or the former

Recovery of
penalties
&c.

A.D. 1903.

Acts or any byelaw rule order or regulation shall be made to the court of quarter sessions of the peace held in and for the said county borough of Cork and not otherwise or elsewhere anything in the above-mentioned Acts to the contrary notwithstanding and the said court of quarter sessions shall have full power and authority to hear and determine the same In all other respects the appeal shall be under and subject to the provisions of the said Summary Jurisdiction (Ireland) Acts.

Defining
limits of
jurisdiction
over certain
quays.

38. From and after the passing of this Act the several public quays in the county borough of Cork specified in the Second Schedule to this Act shall for the respective distances and widths specified in such schedule be under and subject to the jurisdiction of the Commissioners and the remaining portions of the said quays shall be under and subject to the jurisdiction of the corporation and the Commissioners and the corporation respectively shall be responsible for the maintenance and repair of the said portions of quays under their respective jurisdictions The portions of quays hereinbefore declared to be under and subject to the jurisdiction of the Commissioners shall for all purposes be deemed to be quays belonging to the Commissioners and included within the port and the provisions of the former Acts and this Act and all powers rights and authority thereby vested in the Commissioners shall extend and apply thereto The portions of quays hereinbefore declared to be under and subject to the jurisdiction of the corporation shall for all purposes be deemed to be parts of the public streets and roads of the county borough of Cork and the corporation shall have and possess over or in respect of the same all and the same powers rights and liabilities which they have or are subject to over or in respect of other public streets and roads within the city Provided always that nothing in this section shall affect the rights or obligations of the Commissioners with respect to the bridge now known as Parnell Bridge under the Cork Improvement Act 1875 or the obligations of the Commissioners under the Cork Harbour Act 1875 to keep a space of at least forty feet on the south side of the South Deep Water Quay as a public carriage road or the rights and privileges of the Great Southern and Western Railway Company under the former Acts or any of them or any Act or Acts relating to the Great Southern and Western Railway Company.

Sanctioning
reserve and
other funds.

39. The existing reserve contingency and insurance fund and the existing depreciation fund of the Commissioners are hereby sanctioned and the Commissioners may annually set apart out of

their revenue towards such funds or either of them or any like fund such sum or sums as they think requisite or desirable in the interests of the port. A.D. 1903.

40. Any sinking fund or funds required to be kept by the Commissioners under any of the former Acts or this Act and any reserve contingency insurance or depreciation or other like fund of the Commissioners may notwithstanding anything in the former Acts or any other Act to the contrary be invested by the Commissioners in any security upon which trust funds are for the time being by law authorised to be invested. Investment of sinking and other funds.

41. Notwithstanding anything in the former Acts the Commissioners may apply to the redemption or payment off of any redeemable stock or mortgages created and issued or granted by them under any of the former Acts (other than the Act of 1892) or this Act any money at the time forming part of any sinking fund or funds of the Commissioners (other than the pilotage sinking fund) without regard to the particular debt in respect of which any such sinking fund may have been formed. Provided that no part of the sinking fund required to be formed by this Act shall be applied for the redemption or payment off of stock or mortgages other than stock or mortgages created and issued or granted under this Act. As to application of sinking funds to redemption or payment off of debts.

42.—(1) The Commissioners may by agreement with the holders thereof at any time and from time to time purchase all or any of the irredeemable stock or any redeemable stock at any time either before or after the passing of this Act created and issued by the Commissioners under any of the former Acts (other than the Act of 1892) or this Act on such terms and at such price as they may consider advantageous in the interests of the port and all purchases by the Commissioners previous to the passing of this Act of irredeemable stock out of their sinking fund or other moneys are hereby sanctioned and confirmed. Purchase of stock for extinction.

(2) All such stock already purchased or to be hereafter purchased by the Commissioners shall be extinguished but the Commissioners may reborrow the money secured by any stock which may be purchased by them as if the stock had been redeemed instead of being purchased provided the purchase be made otherwise than out of borrowed moneys or out of moneys forming part of any sinking fund.

(3) The Commissioners may apply to any such purchase any moneys by this Act authorised to be raised or borrowed for the

A.D. 1903.

purpose and any moneys belonging to them or forming part of any sinking fund of the Commissioners (other than the pilotage sinking fund) and as regards any money forming part of any sinking fund without regard to the particular debt in respect of which such sinking fund may have been formed. Provided that no part of the sinking fund required to be formed by this Act shall be applied in the purchase of any stock other than stock created and issued under this Act.

Power to borrow.

43. In addition to the moneys which the Commissioners are at present empowered to raise by mortgage or by the creation and issue of stock the Commissioners may from time to time or at any time borrow by mortgage or by the creation and issue of consolidated stock upon the security of all or any part of the rates dues and revenues for the time being of the Commissioners (other than the pilotage revenues) but not on any lands or property belonging to them any sum or sums not exceeding the following (that is to say) :—

(A) For the purpose of purchasing irredeemable or redeemable stock such sum or sums as may be required for that purpose :

(B) For the other purposes of this Act and the improvement and general purposes of the port the sum of fifty thousand pounds :

And any moneys borrowed or raised under the authority of this Act and discharged or redeemed otherwise than out of moneys forming part of any sinking fund may be re-borrowed by the Commissioners from time to time if required for the above purposes.

Receiver for mortgagees.

44. The mortgagees under this Act may enforce 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 ten thousand pounds in the whole.

Powers as to issue of stock.

45. The Commissioners may create and issue consolidated stock at such times and to such persons and on such terms and conditions and in such manner as they think advantageous to the interests of the port and they may create and issue stock from time to time to such nominal amounts as in the aggregate will according to the price of issue produce the actual amount of money which

they are entitled to raise or borrow on security of consolidated stock and the powers of borrowing and re-borrowing conferred on the Commissioners by this Act shall be construed accordingly Provided that the Commissioners shall not issue any consolidated stock under this Act at a discount of more than five per centum upon its nominal value. A.D. 1903.

46. The Commissioners shall attach to any stock created and issued by them under the authority of this Act a fixed or fluctuating yearly dividend or interest at a rate not exceeding five pounds for every one hundred pounds thereof and the stock so created and issued shall be distributable transmissible and transferable as and in other respects have the incidents of personal estate Provided that all stock created and issued by the Commissioners under the authority of this Act shall be redeemable by the Commissioners at par at such time not being more than sixty years from the issuing of the stock and in such manner as the Commissioners shall at the time of the creation and issue of the stock determine. Stock to be redeemable.

47. The conditions of redemption applicable to any stock created and issued under this Act shall be stated in or indorsed upon the certificates of proprietorship of such stock and all such stock shall be termed "Cork Harbour Redeemable Consolidated Stock." Description of stock.

48. No holder of any portion of consolidated stock created and issued under this Act shall have any priority or preference by reason of the creation or issue of such stock before the creation and issue of any other portion of the stock. Priority of stock not to be affected by time of creation thereof.

49. The Commissioners shall before otherwise disposing of the same offer all consolidated stock created and issued under this Act for public subscription by means of public advertisements or notices inviting tenders for the stock on terms specified in the advertisements or notices. Stock to be issued by tender.

50. The following provisions of the Companies Clauses Consolidation Act 1845 shall mutatis mutandis apply to the consolidated stock authorised to be created and issued by this Act as if in the said provisions such stock were mentioned instead of shares viz. :— Certain provisions of 8 & 9 Viet. c. 16. incorporated.

- Section 11 Certificates of shares to be issued to shareholders ;
- Section 12 Certificate to be evidence ;
- Section 13 Certificate to be renewed &c. ;
- Section 14 Shareholders may transfer shares ;
- Section 15 Memorials of transfers to be entered &c. ;
- Section 18 Transmission of shares &c. ;

A.D. 1903.

Section 19 Transmission by marriage &c. ;

Section 20 Company not bound to regard trusts ;

Section 63 Register of holders of consolidated stock &c. :

And in applying the said sections to the consolidated stock the expression "the Commissioners" shall be substituted for "the Company."

Power to borrow money at a lower rate of interest.

51. If the Commissioners can at any time or from time to time raise any sum of money at a lower rate of interest than that which their consolidated stock created and issued under this Act or any portion thereof may at such time bear it shall be lawful for the Commissioners to raise by the creation and issue of consolidated stock bearing such lower rate of interest such money as may be necessary for the purpose of and in order to redeem or pay off the stock bearing such higher rate of interest and to pay to the holder thereof such reasonable compensation as the Commissioners may think fit for the redemption or payment off of his security Provided that the moneys so raised shall be applied only in redeeming or paying off the stock bearing such higher rate of interest and payment of such compensation as aforesaid and that the purchasers of the stock bearing such lower rate of interest shall not be bound to see to the application of the money paid for the same and that nothing in this section shall empower the Commissioners to redeem or pay off any stock otherwise than by agreement with the holders thereof or in accordance with the conditions of redemption applicable thereto.

Priority of securities.

52. All stock and mortgages created and issued or granted by the Commissioners under any of the former Acts and in force at the passing of this Act shall during the continuance thereof have priority over all stock and mortgages created and issued or granted by the Commissioners after the passing of this Act either under any of the former Acts or this Act and all such last-mentioned stock and mortgages shall rank *pari passu* without respect to the dates of the securities or of the Acts of Parliament or resolutions by which the same were or shall be authorised.

Application of moneys.

53. All moneys borrowed on mortgage or raised by the creation and issue of consolidated stock under this Act shall be applied only for the purposes of this Act for which the same were authorised to be raised.

Sinking fund.

54. The Commissioners shall set apart and appropriate annually out of their rates dues and revenue (other than the pilotage revenues) a sum by way of a sinking fund to be applied in paying off or redeeming the principal sums borrowed or raised

on mortgage or by the creation and issue of stock under the authority of this Act for the purposes mentioned in paragraph (B) of the section of this Act the marginal note of which is "Power to borrow" or in purchasing any such stock the said annual sum being not less than one per centum of the aggregate sum from time to time so borrowed or raised and such sinking fund shall from time to time until so applied by the Commissioners be invested and accumulated at compound interest and the provisions contained in the twenty-sixth section of the Cork Harbour Act 1875 relating to the annual return to the Board of Trade shall apply to the said sinking fund. Provided that (subject to the next following section) such annual sum shall cease to be set apart in respect of any money borrowed or raised as aforesaid when the necessary payments into the sinking fund for the repayment or redemption of such money or the purchase of such stock shall have been made or such money shall have been discharged or redeemed otherwise than by means of the sinking fund and that if the Commissioners at any time apply all or any part of the sinking fund in payment off or redemption of any principal money borrowed or raised under this Act or in the purchase under the powers of this Act of any stock to which the sinking fund applies the Commissioners shall pay into the sinking fund every year (in addition to the other sums required to be set apart and appropriated) a sum equal to the annual interest which would have accrued to the sinking fund in respect of such part of the sinking fund if such principal money had not been paid off or such stock purchased and that whenever and so long as the yearly income arising from the sinking fund shall be equal to the annual interest of the principal moneys then outstanding the Commissioners may in lieu of investing the said yearly income apply the same in payment of such interest.

The sinking fund by this section required to be formed shall be kept as a separate and distinct fund from any other sinking fund of the Commissioners.

55. In the event of the Commissioners raising by mortgage or by the creation and issue of stock under the powers of this Act any money for the purpose of purchasing irredeemable or redeemable stock of the Commissioners as provided in paragraph (A) of the section of this Act the marginal note of which is "Power to borrow" the debt so created shall to the extent of the nominal amount of the stock purchased with such money and extinguished by this Act be after such purchase substituted for the debt represented by the stock so purchased and extinguished and any balance

Provisions
as to sinking
funds in
respect of
money raised
for purchase
of stock.

A.D. 1903.

of debt arising by reason of the nominal amount of the mortgages or stock granted or created and issued by the Commissioners for the purpose of raising money for any such purchase exceeding the nominal amount of the stock purchased shall be a new debt of the Commissioners and the Commissioners so far as such money is raised and applied for the purchase of stock created and issued under any of the former Acts shall pay or continue to pay into the sinking fund required to be formed by section twenty-three of the Cork Harbour Act 1877 and so far as such money is raised and applied for the purchase of stock created and issued under this Act shall pay or continue to pay into the sinking fund required to be formed by this Act the annual sum or sums of money required by such Acts to be paid into those sinking funds respectively until the whole of the debt in respect of which such sinking funds respectively have been or may be formed (including the money so substituted as debt of the Commissioners as aforesaid) and the amount of any new debt as above mentioned shall have been paid off or discharged by means of such sinking funds respectively or otherwise.

Commis-
sioners may
apply their
other funds
to this Act.

56. The Commissioners may from time to time if and when the occasion so requires apply to and use for the purposes of this Act any moneys belonging to them other than the pilotage revenues or moneys borrowed under the Act of 1892.

Power to
apply for
further
powers.

57.—(1) Where in the judgment of the Commissioners it is expedient for the Commissioners to apply to Parliament for the repeal amendment or extension of any Act for the time being relating to or affecting the Commissioners or for any alteration or extension of their powers (including the grant of new powers) or otherwise in respect of any matter for the benefit of the port they may pay the costs and expenses attending such application out of their revenues as part of the working expenses of the Commissioners.

(2) No expenses in relation to any such application shall be paid as aforesaid unless incurred in pursuance of a resolution passed at a meeting of the Commissioners by a majority of not less than two-thirds in number of the Commissioners present and voting at such meeting after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in a newspaper published in the county borough of Cork.

(3) No further expense shall be incurred or paid as aforesaid after the deposit of the Bill or Provisional Order unless the propriety of the promotion of the Bill or Order shall be confirmed by a resolution of the Commissioners passed by a like majority at a

further meeting of the Commissioners to be held in pursuance of a similar notice not less than one month after the deposit of the Bill or Order and shall have received the approval of the Chief Secretary to the Lord Lieutenant. A.D. 1903.

(4) Nothing in this section shall take away or diminish any rights or powers now possessed or enjoyed by the Commissioners.

58. Nothing herein contained shall authorise the Commissioners to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to the King's most Excellent Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent such Commissioners and such Board are hereby respectively authorised to give) neither shall anything herein contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the King's Majesty.

Saving
rights of
Crown.

59. Nothing herein contained shall authorise the Commissioners to take use or in any manner interfere with any lands hereditaments premises property or rights of any description vested in or under the management of the Commissioners of Public Works in Ireland without the consent in writing of such Commissioners first had and obtained for that purpose or shall in any manner restrict or affect the powers of such Commissioners in respect thereof.

For protec-
tion of Com-
missioners
of Public
Works in
Ireland.

60. Nothing in this Act contained shall take away diminish or alter any rights or powers conferred on the Lords Commissioners of His Majesty's Admiralty by the Dockyard Port Regulation Act 1865 or by any Orders in Council which have been or which may be in future made under the provisions of the said Dockyard Port Regulation Act and the Commissioners shall not without the consent of the said Lords Commissioners exercise whilst so reserved any jurisdiction whatever over such portions of the port as have been or may be in future reserved for the use of His Majesty's Navy and known as man-of-war anchorages except such control over navigation by byelaws as is hereinafter mentioned nor shall they have any power to charge with rates or duties or to regulate or subject to any control—

For pro-
tection of
Admiralty
&c.

(A) Any vessel belonging to His Majesty or any vessel or the master or owner thereof employed under time charter

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on the service of any departments of His Majesty's Government and absolutely under their control :

(B) Any naval or military stores :

(c) His Majesty's officers seamen or troops or any other persons employed in the service of the Admiralty or the War Department or their baggage Provided nevertheless that no such stores or baggage shall be left on any quay pier wharf or jetty belonging to or under the jurisdiction or control of the Commissioners for a longer period than the exigencies of the public service shall reasonably require.

No byelaws made by the Commissioners under the powers contained in this Act or in any other Act relating to the port which relate to the navigation through the said man-of-war anchorages or which affect them in any way whatever shall be valid without the previous consent of the Lords Commissioners of the Admiralty and in any general byelaws made or issued by the Commissioners it is in future to be clearly stated that such byelaws do not affect the man-of-war anchorages except where expressly so provided and that the vessels stores officers persons and baggage hereinbefore exempted shall not be affected by such byelaws.

Costs of
Act.

61. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Commissioners out of any funds or moneys belonging to them.

The SCHEDULES referred to in the foregoing Act. A.D. 1903.

THE FIRST SCHEDULE.

SHOWING EXISTING LOANS OF THE COMMISSIONERS.

Act authorising Loan.	Amount authorised.	Amount raised.	Amount paid off.			Amount now outstanding.
GENERAL PURPOSES.						
	£	£	£	s.	d.	£ s. d.
Cork Improvement Act 1868	3,000	3,000	3,000	0	0	
Cork Harbour Order 1871	110,000	110,000	52,391	13	4	Irredeem- able Con- solidated Stock - 182,808 6 8
Cork Harbour Act 1875	140,000	125,200				Redeem- able do. - 80,500 0 0
Cork Improvement Act 1875	10,000	5,200	5,200	0	0	
Cork Harbour Act 1877	120,000	115,500	20,500	0	0	Mortgages 14,500 0 0
	383,000	358,900	81,091	13	4	277,808 6 8
PILOTAGE PURPOSES.						
Cork Harbour (Pilotage) Act 1892	16,000	8,000	Nil			Redeem- able stock 8,000 0 0

NOTE.—There is also a bank overdraft of 1,817*l.* 9*s.* 4*d.* on the Pilotage Account.

A.D. 1903.

THE SECOND SCHEDULE.

QUAYS IN THE COUNTY BOROUGH OF CORK TO WHICH THE JURISDICTION OF THE COMMISSIONERS EXTEND AND EXTENT OF SUCH JURISDICTION.

Name.	From	To	Width from top edge of quay wall as shown on the ordnance map dated 1895 on the scale of five feet to one mile landward over which the Commissioners have jurisdiction and control.
NORTH OF NORTH CHANNEL.			
Farren's Quay -	North Gate Bridge	Pope's Quay (west end)	Feet. 2
Pope's Quay -	East end of Farren's Quay	West end of Camden Quay	2
Camden Quay -	East end of Pope's Quay	St. Patrick's Bridge	2
St. Patrick's Quay	St. Patrick's Bridge	The centre line of Ship Street	10
Penrose Quay -	Centre line of Ship Street	1,405 feet west of the east side of Water Street	10
North Deep Water Quay	1,405 feet west of the east side of Water Street	The east side of Water Street	40
SOUTH OF NORTH CHANNEL.			
Kyrl's Quay -	North Gate Bridge	West end of Coal Quay	2
Coal Quay -	East end of Kyrl's Quay	West end of Lavitt's Quay	2
Lavitt's Quay -	East end of Coal Quay	St. Patrick's Bridge	2
Merchant's Quay -	St. Patrick's Bridge	The centre line of Warren's Place	8
Anderson's Quay -	Centre line of Warren's Place	The west end of Custom House premises	8
NORTH OF SOUTH CHANNEL.			
Charlotte Quay -	Parliament Bridge -	Morrison's Quay -	8
Morrison's Quay -	Charlotte Quay -	Parnell Bridge -	8
Lapp's Quay -	Parnell Bridge -	The west end of Custom House premises	8

THE SECOND SCHEDULE—*continued.*

A.D. 1903.

Name.	From	To	Width from top edge of quay wall as shown on the ordnance map dated 1895 on the scale of five feet to one mile landward over which the Commissioners have jurisdiction and control.
SOUTH OF SOUTH CHANNEL.			
George's Quay	Parliament Bridge	Cotter's Quay	Feet. 8
Cotter's Quay	George's Quay	Union Quay	8
Union Quay	Cotter's Quay	Parnell Bridge	8
Albert Quay	Parnell Bridge	West end of Victoria Quay	10
Victoria Quay	West end of Victoria Quay	The east end of Victoria Quay	10
South Deep Water Quay	East end of Victoria Quay	660 feet east of the east end of Victoria Quay	100

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