ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 70.

An Act for reviving, amending, and making perpetual, an Act passed in the Parliament of *Ireland*, in the Fortieth Year of the Reign of His present Majesty, for the better Regulation of the Butter Trade of the City of *Cork*, and the Liberties thereof, and for other Purposes therein mentioned.

[21st *May* 1813.]

WHEREAS an Act, passed in the Parliament of *Ireland* in the Fortieth Year of the Reign of His present Majesty, intituled *An Act for the better Regulation of the Butter Trade of the City of* Cork *and the Liberties thereof, and for the better Regulation of the said City in the other Matters therein mentioned; and in respect to Lighters and Vessels plying for Hire; and also respecting Sedan Chairs, Coaches, and Chaises plying for Hire within the City and Liberties of the City of* Cork, has been found to be beneficial: And whereas certain Parts of the said Act expired on the Twenty-ninth Day of *September* One thousand eight hundred and twelve, and the Remainder of the said Act will expire at the End of the present Session 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, and Commons, in this present Parliament assembled, and by the Authority of the same, That such Parts of the said Act as have expired shall be revived; and that the Remainder of the said Act, together with such expired Parts thereof as aforesaid, shall be and the same are hereby declared to be made perpetual, save and except so much of the said Act as in any respect relates to the Appointment and Removal of the Weighmaster or Weighmasters for the said City, which Appointment and Removal it is hereby declared and enacted, shall from and after the passing of this Act be made as herein-after directed and appointed; and save and except also so much of the said recited Act as gives Power to the Weighmaster or Weighmasters to appoint a Deputy or Deputies; and so much thereof as relates to the Removal of such Deputy or Deputies; and also save and except that the Fees by the said recited Act appointed and directed to be paid to and received by the Weighmaster or Weighmasters of

Irish Act 40 G. 3. c. 100.

Part of recited Act revived and made perpetual.

the ſaid City, in all Caſes, ſhall be ſo paid to and received by the Perſons who ſhall be appointed under the Authority of this Act, to and for the Uſes and Purpoſes herein-after directed; and alſo ſave and except ſo much of the ſaid recited Act as directs that the Weighmaſters ſhall provide Weigh-houſes, Beams, Scales, Weights, Branding Irons, and other Neceſſaries, at their own proper Coſts and Charges; and ſave and except ſuch other Parts of the ſaid recited Act as are herein-after altered or amended.

Public Weighmaſters to be appointed;

II. And be it further enacted, That on ſome Day or Days before the End of the preſent Seſſion of Parliament, or as ſoon after as they can conveniently be aſſembled, the Mayor and Common Council of the ſaid City, duly aſſembled after Eight Days Notice at the leaſt, poſted on the Exchange of the ſaid City by the Mayor, ſhall by One or more Order or Orders of Council, under the Hands of the Members of the Common Council ſo to be aſſembled, or under the Hands of the Majority of them, nominate and appoint Three diſcreet and ſkilful Perſons to be public Weighmaſters of the City of *Cork*, from and after the End of the preſent Seſſion of Parliament, with the like Fees payable, and in the ſame Manner recoverable, and with the like Powers and Authorities, ſave only as herein is otherwiſe provided, as the preſent Weighmaſters of the ſaid City of *Cork* are now by Law entitled to receive, have, and exerciſe: Provided always, that the ſaid Fees when ſo received ſhall be paid and applied in Manner herein-after directed.

who may be removed.

III. And be it further enacted, That the Mayor, Sheriffs and Common Council of the ſaid City, ſhall and may, at their Diſcretion, by ſuch Order or Orders as aforeſaid, remove the ſaid Weighmaſters, their Succeſſor or Succeſſors, or any of them, from Time to Time.

How Vacancies are to be ſupplied.

IV. And be it further enacted, That upon the Death, Reſignation or Removal of the Perſon or Perſons ſo to be appointed, or of any other Perſon or Perſons hereafter to be appointed Weighmaſter or Weighmaſters of the ſaid City as aforeſaid, it ſhall and may be lawful to and for the Mayor, Sheriffs, and Common Council of the ſaid City, for the Time being, by ſuch Order or Orders as aforeſaid, to nominate and appoint another or other diſcreet and ſkilful Perſon or Perſons, as the Caſe ſhall require, in the room of ſuch Weighmaſter or Weighmaſters, who ſhall have ſo died, reſigned, or ſhall be removed, and ſo ſucceſſively from Time to Time for ever, as often as there ſhall be Occaſion.

Weighmaſter to perform the Duties in Perſon except in caſe of Illneſs, &c.

V. And whereas it is found expedient that the Weighmaſters ſhould in future perform the Duties of their Office in Perſon; be it therefore enacted, That the Power of appointing a Deputy Weighmaſter or Deputy Weighmaſters ſhall ceaſe: Provided always, that if at any Time it ſhall appear to the Mayor and Common Council that there is ſufficient Cauſe, ariſing from Illneſs or any other unforeſeen and unavoidable Neceſſity, it ſhall and may be lawful to and for them in ſuch Caſe, but not otherwiſe, by ſuch Order or Orders as aforeſaid, to nominate and appoint a Deputy or Deputies, who ſhall act during the Continuance of ſuch Illneſs or during the Exiſtence of ſuch Neceſſity, and no longer: Provided always, that all

Deputies to have the ſame Powers as their Principals.

ſuch Powers as are given by the ſaid recited Act, unto the Deputy Weighmaſter or Weighmaſters, ſhall after the paſſing of this Act be exerciſed by the principal Weighmaſter or Weighmaſters, or ſuch Deputy or Deputies as may be appointed during the Illneſs or Incapacity of the principal Weighmaſter or Weighmaſters.

VI. And

Weighmaſters to pay the Fees of Office to the Chamberlain of the City.

VI. And be it further enacted, That ſuch Weighmaſter or Weighmaſters ſo from Time to Time to be nominated and appointed, ſhall as he or they ſhall receive the Fees by the ſaid recited Act directed to be received by the Weighmaſters for the ſaid City, or their Deputies, at the End of every Month pay the ſame to the Chamberlain of the ſaid City for the Time being, for the Uſes and Purpoſes by this Act provided; and the ſaid Chamberlain ſhall keep a Book of the Entries of all ſuch Receipts, and for ſuch his Trouble he ſhall be allowed to deduct thereout the Sum of Thirty Pounds at the End of each Year after the auditing of his Accounts, in Manner herein-after provided.

Application of Part of the Fees for providing Weigh-houſes, &c. and in remunerating Weighmaſters for their Trouble.

VII. And be it further enacted, That One-third Part of all ſuch Money as ſhall be ſo received by the ſaid Weighmaſters, and paid into the Hands of the ſaid Chamberlain, after ſuch Deduction as aforeſaid, ſhall be applied, in the Firſt Place, for the Purpoſe of providing, continuing and keeping up a ſufficient Weigh-houſe or Weigh-houſes within the ſaid City or the Suburbs thereof, together with Beams, Scales, Weights, Branding Irons and other Neceſſaries; and if there ſhall be any Reſidue of ſuch Third Part after anſwering the Purpoſes aforeſaid, the ſame ſhall be applied in remunerating the Weighmaſters of the ſaid City for their Trouble in exerciſing their ſaid Office, in ſuch Manner, and under ſuch Regulations as the Mayor, Sheriffs and Common Council ſhall think fit and direct.

For improving the City of Cork.

VIII. And be it further enacted, That One other Third Part of the ſaid Money ſhall go to and belong and be paid over by the ſaid Chamberlain to the Commiſſioners for making wide and convenient Streets, Ways and Paſſages in the ſaid City of *Cork* and the Suburbs thereof, to be by them applied in ſuch Manner as they ſhall think moſt advantageous for the Improvement of the ſaid City of *Cork* and the Suburbs thereof.

How Commiſſioners of the Streets are to be deſcribed in Indictments.

IX. And be it further enacted, That in all Actions and Bills of Indictment, and for all other Purpoſes whatſoever, it ſhall be ſufficient to deſcribe the ſaid Commiſſioners as "The Commiſſioners for making wide and convenient Streets, Ways and Paſſages in the City of *Cork* and the Suburbs thereof," without any Enumeration of their individual Names, any Law or Uſage to the contrary notwithſtanding.

Further Part of the Fees to be applied for improving the Harbour of Cork.

X. And be it further enacted, That the remaining Third Part of the ſaid Money ſhall go and be paid to the Mayor and Sheriffs of the City of *Cork* for the Time being, and unto *William Beamiſh*, *John Cotter*, *Daniel Callaghan*, *William Crawford*, *John Leckey*, *Daniel Goold*, *Thomas Harvey*, *Joſhua Carroll*, *Thomas Cuthbert*, *John Cotter* junior, *David Galwey*, *William Maxwell*, *George Waters*, *Henry Bagnell*, *Thomas M'Call*, *Reuben Harvey*, *Gerard Callaghan*, *James Morgan*, *Robert Burke*, *John Beſnard*, and *George Bickerton*, all of the City of *Cork*, Merchants, or any Five of them, to be by them expended in deepening, widening and improving the Harbour and River of *Cork*.

How future Commiſſioners are to be appointed for improving the Harbour.

XI. And be it further enacted, That upon the Death or Reſignation of the ſaid *William Beamiſh*, *John Cotter*, *Daniel Callaghan*, *William Crawford*, *John Leckey*, *Daniel Goold*, *Thomas Harvey*, *Joſhua Carroll*, *Thomas Cuthbert*, *John Cotter* junior, *David Galwey*, *William Maxwell*, *George Waters*, *Henry Bagnell*, *Thomas M'Call*, *Reuben Harvey*, *Gerard Callaghan*, *James Morgan*, *Robert Burke*, *John Beſnard*, and *George Bickerton*, or either of them, his or their Place or Places ſhall be ſupplied by ſuch Perſon or Perſons as ſhall be appointed by the Court of *D'oyer* Hundred of the ſaid City duly aſſembled for that Purpoſe, and ſo on, ſucceſſively, from Time to Time, as often as there ſhall be Occaſion by the

Death or Reſignation of any Perſon or Perſons ſo to be appointed from Time to Time, which ſaid Perſons, ſo appointed or to be appointed, ſhall be called "The Commiſſioners for widening, deepening, and improving the Harbour and River of *Cork*;" and in all Actions and Bills of Indictment, and for all other Purpoſes whatſoever, it ſhall be ſufficient to deſcribe the ſaid Commiſſioners in Manner aforeſaid, without any Enumeration of their individual Names, any Law or Uſage to the contrary notwithſtanding.

How the Expences of the Act are to be defrayed.

XII. And be it further enacted, That all the Coſts, Charges, and Expences of obtaining and paſſing this Act, together with Intereſt, not exceeding Five Pounds *per Centum per Annum*, for all Monies which ſhall have been advanced or lent by any Perſon or Perſons for that Purpoſe, ſhall be paid and defrayed by the Chamberlain of the ſaid City for the Time being, out of the Firſt Monies which ſhall be paid into his Hands by virtue of the Proviſions in this Act contained.

Commiſſioners' Account to be annually audited.

XIII. And be it further enacted, That on the Day of the annual Appointment of Auditors of the Corporation Accounts in the Court of *D'oyer* Hundred of the ſaid City, Auditors ſhall alſo be then choſen to examine and audit the Accounts to be kept by the Chamberlain of the Receipts and Expenditures and Application of the Money to be ſo paid in to him by the Weighmaſters, and alſo to audit the Accounts of the Commiſſioners for making wide and convenient Streets, Ways and Paſſages in the ſaid City of *Cork* and the Suburbs thereof, and to examine into the Application and Expenditure of the Money to be ſo received by them, and alſo to audit the Accounts of the Commiſſioners for deepening, widening and improving the Harbour and River of *Cork*, and to examine into the Application and Expenditure of the Money to be ſo received by them, and that ſuch Accounts when audited, together with the Report of the Auditors, ſhall be annually laid before the Court of *D'oyer* Hundred; and if the ſame be confirmed by the ſaid Court, ſuch Confirmation ſhall be a ſufficient Releaſe and Diſcharge to the Perſons who ſhall ſo receive ſuch Monies for the Purpoſes aforeſaid.

Application of certain Penalties.

XIV. And whereas it is enacted by the ſaid recited Act, "That all Penalties levied under the ſaid Act ſhall be diſpoſed of equally, to the Uſe of the Truſtees of the North Charitable Infirmary and South Charitable Infirmary;" and Doubts have ariſen as to the Application of the ſaid Penalties, in conſequence of a previous ſpecific Application of ſome of the ſaid Penalties to other Purpoſes; be it therefore enacted, That from and after the paſſing of this Act, the ſeveral Penalties and Forfeitures in the ſaid Act mentioned, ſhall be applied according to the ſpecific Application of each in the ſaid Act contained, and where there is no ſpecific Application, that then and in ſuch Caſe the ſame ſhall be applied and diſpoſed of equally, to the Uſe of the Truſtees of the North Charitable Infirmary and South Charitable Infirmary, any Thing in the ſaid Act contained to the contrary notwithſtanding.

Public Act.

XV. And be it further enacted, That this Act ſhall be deemed and taken to be a Public Act, and ſhall be judicially taken Notice of as ſuch by all Judges, Juſtices, and others, without being ſpecially pleaded.

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