ANNO QUINQUAGESIMO TERTIO

GEORGII III. REGIS.

Cap. 111.

An Act for the more equal Aſſeſſment of Money preſented to be raiſed by the Grand Jury of the County of the City of *Cork*; and for a new Valuation of the ſaid City and Survey of the Liberties thereof; and for other Purpoſes relative to Grand Juries.

[3d *June* 1813.]

Preſent Mode of Collection unequal and oppreſſive.

WHEREAS the Mode under which Money, preſented by the Grand Jury of the County of the City of *Cork*, hath been heretofore raiſed and levied, is found to be unequal and oppreſſive; ſeveral Houſes and other Premiſes of great Value, paying only a Proportion of the Sum applotted to be paid by the Plowland or Acre, on which the ſame are built, while others have been obliged to pay according to their yearly Value; and the Town Lands of the County of the ſaid City, of unequal Acreage and Meaſure, paying an equal Proportion of the Money ſo preſented, whereby a great Portion of the ſaid Money is levied upon a few Individuals, while others are almoſt totally exempt, for Remedy thereof, May it 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 from and after the paſſing of this Act, all Houſes, Dwelling-houſes, Out-houſes, Offices, Stores, Cellars, Stables, Yards, and Linneys (except as herein-after excepted), within the City of *Cork* and the Suburbs thereof, as herein-after deſcribed, ſhall be ſubject to, and chargeable and charged with Two-thirds of all ſuch Money as ſhall be preſented to be raiſed by the Grand Jury, at each and every Aſſizes to be held in and for the County of the ſaid City according, rateably and in Proportion to the yearly Value at which each of the ſaid Houſes, Dwelling-houſes, Out-houſes, Offices, Stores, Cellars, Stables, Yards, and Linneys ſhall be, by the Valuation thereof herein-after directed, diſtinctly and ſeparately aſcertained and valued; and the remaining One-third of ſaid Money ſhall be applotted, charged, and raiſed upon and from the ſeveral Town Lands of the Liberties of the ſaid City of *Cork*, by the Acre, rateably and in Proportion to the Number of Acres which each of the ſaid Town Lands ſhall be found to contain by the Survey thereof herein-after directed.

City and Suburbs diſtinguiſhed from Liberties.

II. And whereas it is deemed expedient that the Boundaries and Limits of the ſaid City and Suburbs ſhould be enlarged, be it therefore further enacted, That the Bounds and Limits following ſhall be deemed and taken to be the Bounds and Limits between the Suburbs and Liberties of the County of the ſaid City of *Cork;* that is to ſay, on the North Side of the ſaid City, *Sarsfield* Turret, late *Bonwell's*, on the Banks of the River *Lee;* the Weſt Wall of the New City Gaol (now building); *Blair's* former Dwelling-houſe; the North-weſt Point of the Cattle Market, to the Red Forge between the Lanes or Roads leading to *Dublin* and *Mallow;* *Morrough's* Dwelling-houſe; the Houſe of *Cocker*, the Baker; the Eaſt End of Quarter-Maſter *Stephens's* Houſe to *Flaherty's* Quarry, on the Road leading to *Glanmire*, and from thence, on the South Side of the ſaid City, to the South Infirmary; the Quarry called *Coltſman's Quarry*, on the Top of the Hill on the Road leading to *Paſſage;* the South-weſt End of *Friar's Walk;* the South End of *Gallows Green;* the End of *Lough-lane* now the *Lough*, on the Road to *Kinſale;* the Weſt End of the Gardens formerly in Poſſeſſion of *Stephen Dunroche*, deceaſed, on the *Bandon* Road; the Croſs at the End of the Road leading to *Gillabey* to the River, in a right Line with ſaid *Blair's* Dwelling-houſe; and that all Houſes, Out-houſes, Offices, Stores, Cellars, Stables, Yards, and Linneys, ſituate or lying within any right Line or right Lines to be drawn between any of the aforeſaid Limits or Points of Extent, ſhall be deemed and taken as Part or Parcel of the ſaid City and Suburbs, and not as Part or Parcel of the ſaid Liberties.

A new Valuation neceſſary.

Former Valuations for this Purpoſe void.

III. And whereas for this Purpoſe a new Valuation of the ſaid City and Suburbs has become expedient and neceſſary: And whereas Doubts have ariſen whether, under the Authority of any Act or Acts now in force, ſuch Valuation can be made, be it therefore further enacted, That all Valuations heretofore made ſhall (immediately from and after the Completion and Return of the new Valuation herein directed to be made), for the Purpoſes of this Act only, be annulled and made void; and that it ſhall and may be lawful to and for the Grand Jury, at the Aſſizes which ſhall

ſhall be held for the County of the ſaid City next after the paſſing of this Act, or as ſoon after as may be, and they are hereby required, by One or more Order or Orders, to be ſigned by their Foreman for himſelf, and then to appoint Three or more Inhabitants of each of the Pariſhes into which the ſaid City of *Cork* and the Suburbs thereof have been immemorially divided; to wit, the Pariſh of the *Holy Trinity*, otherwiſe called *Chriſtchurch*, the Pariſh of *Saint Peter*, the Pariſh of *Saint Paul*, the Pariſh of *Saint Mary Shandon*, the Pariſh of *Saint Anne*, the Pariſh of *Saint Finn Barry*, and the Pariſh of *Saint Nicholas*, to be Valuators for the Purpoſes herein mentioned; and that ſuch Valuators, or any Three or more of them, ſhall have full Power, and are hereby required to value and aſcertain, diſtinctly and ſeparately, the yearly Value of each Houſe, Dwelling-houſe, Out-houſe, Office, Store, Cellar, Stable, Yard, and Linney (except as herein-after excepted) within the ſaid City of *Cork* and the Suburbs thereof; and ſhall, after making out ſuch Valuations, reduce the ſame to Writing, diſtinguiſhing the Valuation of each Pariſh by itſelf; and that ſuch Valuators, or any Three or more of them, ſhall in ſuch Valuation, mention the Names of the immediate Tenants or Occupiers of the reſpective Premiſes ſo valued; and that upon the Completion of the Valuation of each of the ſaid Pariſhes, the ſaid Valuators, or any Three or more of them, ſhall return the ſame in Writing, under their Hands and Seals, to the Treaſurer of the County of the ſaid City of *Cork*, to be in his Office depoſited, and there to remain as Public Records, for the Inſpection of the Inhabitants of the ſaid City; and that a Copy of the Valuation of each of the ſaid Pariſhes, atteſted by the ſaid Treaſurer, ſhall, with all convenient Speed, be delivered to the reſpective Churchwardens of the ſaid Pariſhes, or one of them, to be kept among the Veſtry Books of the ſaid Pariſhes, ſo that each Pariſh may be in Poſſeſſion of its own Valuation; and that ſuch Valuation ſo made and returned ſhall be final and concluſive; and that Copies of ſuch Valuation, atteſted by the ſaid Treaſurer, ſhall, in all Courts and upon all Occaſions, be deemed full and ſatisfactory Evidence of ſuch Valuation.

Three or more Inhabitants of each Pariſh appointed Valuators.

Who ſhall aſcertain the ſeparate Value of each Houſe, &c. in each Pariſh; and reduce the Valuation to Writing, mentioning Names of Tenants,

and return ſame to Treaſurer.

An atteſted Copy of the Valuation to be delivered to the Churchwardens of each Pariſh.

Valuation concluſive, and atteſted Copies thereof Evidence.

IV. Provided always, and be it further enacted, That each of ſuch Three or more Valuators ſo appointed ſhall, within One Month after ſuch Appointment, be ſummoned by the Treaſurer of the County of the ſaid City, to appear at the Quarter Seſſions of the Peace, to be held for the County of the ſaid City of *Cork*, or at ſome Adjournment thereof, and then and there, in open Court, take the following Oath, or Affirmation (if a Quaker); *videlicet*,

Valuators to be ſummoned within One Month,

and take the following Oath.

'I *A. B.* do ſwear, [*or, if a Quaker*, do affirm,] That I will to the beſt of my Knowledge, Skill, and Judgment, execute the Office of Valuator, in the Pariſh of in and for the Pariſh of in the County of the City of *Cork*, without Favour or Affection, Malice, or Ill-will, to any Perſon or Perſons whatſoever.'

Which Oath or Affirmation the ſaid Court of Quarter Seſſions is hereby required and authorized to adminiſter, and to cauſe a Note or Memorandum thereof to be entered on the Book containing the Proceedings of the ſaid Court; and the Clerk of the Peace ſhall thereupon

Note of Oath to be entered on Seſſions Book.

grant to each of the ſaid Valuators a Certificate under his Hand, of the ſaid Valuators having taken the ſaid Oath or Affirmation, (as the Caſe may be), which Certificate the ſaid Valuator is required to hand over to the ſaid Treaſurer; and that none of the ſaid Valuators ſhall act as Valuator or Valuators until he or they ſhall have produced to the ſaid Treaſurer the ſaid Certificate, of his or their having taken the ſaid Oath or Affirmation, (as the Caſe may be); and in caſe any of the ſaid Valuators ſhall refuſe or neglect to appear at ſuch Quarter Seſſions of the Peace or Adjournment thereof, purſuant to ſuch Summons, or appearing ſhall refuſe or omit to take the aforeſaid Oath or Affirmation, the ſame being tendered to him; that then it ſhall and may be lawful to and for ſuch Court of Quarter Seſſions of the Peace, due Proof of the Service of ſuch Summons having been firſt made, to impoſe a Fine not exceeding Twenty Pounds and not leſs than Five Pounds on ſuch Valuator or Valuators as ſhall ſo refuſe or neglect to appear, or appearing ſhall refuſe or omit to take the ſaid Oath or Affirmation, the ſame being tendered to him; and that ſuch Court of Quarter Seſſions ſhall cauſe Proceſs in the Nature of an Execution to iſſue againſt the Valuator or Valuators ſo fined as aforeſaid, directed to the Sheriffs of the County of the City of *Cork*, to levy off the Goods and Chattels of ſuch Valuator or Valuators the Amount of the ſaid Fine, which Fine, when levied, the ſaid Sheriffs are hereby required to pay over to the Governors of the Houſe of Induſtry, in ſaid City, to and for the Uſe thereof.

No Valuator to act without producing Certificate of having taken Oath.

Valuators fined for refuſing to act.

Proceſs iſſue for Recovery thereof.

When levied to be paid to the Houſe of Induſtry.

V. And be it further enacted, That ſuch Valuator or Valuators as ſhall be fined as aforeſaid, ſhall be re-ſummoned to appear at ſome future Day, at ſuch Court of Quarter Seſſions of the Peace or at ſome Adjournment thereof; and in caſe he ſhall refuſe or neglect to appear purſuant to ſuch ſecond Summons, or appearing ſhall refuſe or omit to take ſuch Oath or Affirmation, the ſame being tendered to him, that then it ſhall and may be lawful to and for the ſaid Court, or any ſubſequent Court of Quarter Seſſions of the Peace, Proof of ſuch ſecond Summons having been made aforeſaid, as to impoſe another Fine on ſuch Valuator or Valuators not exceeding Thirty Pounds nor leſs than Ten Pounds, to be levied and applied in Manner aforeſaid, and ſo on *toties quoties* until ſuch Valuator ſhall appear and ſubmit to take the ſaid Oath or Affirmation.

Valuators to be re-ſummoned,

and fined.

Toties quoties.

VI. Provided always, and be it further enacted, That if it ſhall appear by good and ſufficient Proof, upon Oath, to the Perſon or Perſons preſiding at the ſaid Court of Quarter Seſſions or Adjournment thereof, that any of the ſaid Valuators by Age, Infirmities, or Failure in Circumſtances, (or other unforeſeen Cauſe), is rendered unfit to execute the ſaid Office of Valuator, or that any of the Perſons appointed have ſince their Appointment died, or removed from the Pariſh for which he or they may have been appointed Valuator or Valuators, that then it ſhall and may be lawful to and for the Perſon or Perſons ſo preſiding at any ſuch Court of Quarter Seſſions of the Peace or Adjournment thereof, to excuſe ſuch Perſon or Perſons as ſhall have been ſo proved unfit, from executing the ſaid Office of Valuator; and that ſuch Perſon or Perſons, ſo preſiding in the ſaid Court of Quarter Seſſions of the Peace or Adjournment thereof, ſhall thereupon by One or more

Power to excuſe,

Order

Order or Orders, under his or their Hands, appoint another Valuator or Valuators in and for the Pariſh and in the Place of the Valuator or Valuators ſo excuſed, or that ſhall have died or removed from the ſaid Pariſh ſince his Appointment to the ſaid Office of Valuator; which Valuator or Valuators ſo appointed, and having lodged with the ſaid Treaſurer a Certificate of his or their having taken the ſaid Oath or Affirmation as aforeſaid, ſhall have like Power and Authority with any of the other Valuators herein-before mentioned, and be ſubject to a like Penalty or Penalties for not appearing after ſuch due Notice, or ſubmitting to take the Oath or Affirmation of ſuch Valuator as herein-before is provided.

and appoint others,

with like Authority.

VII. And be it further enacted, That the Perſon or Perſons ſo preſiding at the Court of Quarter Seſſions of the Peace or Adjournment thereof, ſhall have Power, and is and are required, from Time to Time, and as often as to him or them ſhall ſeem fit on a Requiſition to him or them for that Purpoſe made by the Treaſurer, to ſummon ſuch of the ſaid Valuators as ſhall have been ſo ſworn, or have taken ſuch Affirmation as aforeſaid, to appear before him or them in open Court, and then and there to make Enquiry in a ſummary Way, by Examination of ſuch Valuator or Valuators on Oath, or on ſuch Affirmation if the Valuator be a Quaker, which Oath or Affirmation (as the Caſe may be), the ſaid Court is hereby authorized to adminiſter; or by an Examination of Witneſſes what Progreſs ſuch Valuator or Valuators have made, in making the ſaid Valuations: And that it ſhall and may be lawful to and for the ſaid Court of Quarter Seſſions of the Peace to impoſe a Fine not exceeding Twenty Pounds and not leſs than Five Pounds on any One or more of the ſaid Valuators ſworn to Value; or ſo having taken the ſaid ſolemn Affirmation to value as aforeſaid, who ſhall refuſe or neglect to appear purſuant to ſuch Summons; or who appearing ſhall be found by the ſaid Court of Quarter Seſſions of the Peace, upon ſuch Enquiry, to have been negligent in attending to and making the ſaid Valuation within as convenient Time as ſuch Valuation ought to be or might have been done, in the Judgment of the ſaid Court; the ſaid Fines to be levied and applied in the ſame Manner as the other Fines herein-before mentioned are directed to be levied and applied.

Valuators may be ſummoned;

and Progreſs enquired into.

Fined for Negligence.

Fines to be levied and applied as before.

VIII. Provided nevertheleſs, That the ſaid Valuators ſhall not include in their Valuation, any Houſe, Premiſes, or Buildings, exempted from being charged, by an Act paſſed in *Ireland*, in the Thirteenth and Fourteenth Years of His preſent Majeſty's Reign, intituled *An Act for the better and more certain Valuations of Houſes, in Counties of Cities and Counties of Towns*; nor any Cabbin or Houſe which is or ſhall be under the yearly Value of Five Pounds; any Thing in this Act contained to the contrary in anywiſe notwithſtanding.

Buildings exempted by 13 & 14 Geo. 3. and Cabbins under 5l. not included.

IX. And be it further enacted, That the herein-before mentioned Valuators ſhall have full Power to enter in the Day-time into and upon any Houſe, Dwelling-houſe, Out-houſe, Office, Store, Cellar, Stable, Linney, or Yard, in the ſaid City of *Cork* or the Suburbs thereof, and to inſpect the ſame, in order the better to aſcertain the true yearly Value thereof;

Valuators may enter in the Day-time.

Reſiſtance to them a Miſdemeanor.

thereof; and in caſe any Tenants, Occupiers, or Owners of the ſaid Houſes, Dwelling-houſes, Out-houſes, Offices, Stores, Cellars, Stables, Linneys, or Yards, or any other Perſon or Perſons whatſoever, ſhall obſtruct or prevent the Entry of any of the ſaid Valuators for the Purpoſes aforeſaid, ſuch Perſon or Perſons proved to have ſo obſtructed or prevented the Entry of the ſaid Valuator ſhall be adjudged to be guilty of a Miſdemeanor, and puniſhed accordingly.

X. And, foraſmuch as it is reaſonable that a Compenſation ſhould be made to the ſaid Valuators, for the Trouble and Expence that they may be put to in the Performance of their ſaid Duty, be it therefore enacted, That it ſhall and may be lawful to and for the ſaid Grand Jury of the County of the ſaid City of *Cork*, when ſuch Valuation ſhall have been fully compleated and returned as aforeſaid, but not before, to preſent a Sum not exceeding in the Whole Three hundred and fifty Pounds to be applotted and raiſed on the County of the City of *Cork* in Manner aforeſaid, and paid as and for Compenſation and Reward for their ſaid Trouble and Expence in the Performance of their ſaid Duty; ſaid Sum of Three hundred and fifty Pounds to be apportioned among the Valuators of the ſaid ſeveral Pariſhes, in ſuch Shares as the Grand Jury ſhall deem fit, according to the Size of the ſeveral Pariſhes, and the Trouble in making ſuch Valuation.

Compenſation to Valuators.

XI. And whereas many Houſes, Dwelling-houſes, Out-houſes, Offices, Stores, Cellars, Stables, and Linneys have been built a long Time, and are in a ruinous and decaying State, by means whereof the preſent yearly Value of them may be aſcertained at a very low Rate: And whereas the ſame, in proceſs of Time, may be rebuilt: And whereas many of the Out-houſes, Offices, Stores, Cellars, Stables, and Linneys within the ſaid City and Suburbs may be hereafter converted into Dwelling-houſes, or other Houſes or Offices of more Profit or yearly Value than they may be aſcertained at in the firſt Valuation of them to be made under this Act: And whereas many Plots or Pieces of Ground may be waſte at the Time of the ſaid Valuation, and afterwards Dwelling-houſes, Out-houſes, Offices, Stores, Cellars, Stables, Yards, and Linneys may be built thereon, be it therefore enacted, That it ſhall and may be lawful to and for the Grand Jury of the County of the ſaid City of *Cork*, at any Time or Times hereafter, and as often as it ſhall ſeem fit to them (not oftener however than once in Seven Years), to direct a new Valuation to be made of the ſaid City and Suburbs, or any Pariſh or Pariſhes therein, and to appoint Valuators in Manner as herein-before directed and required, and to preſent as aforeſaid ſuch Sum to be raiſed and paid as Compenſation for making the ſame as to them the ſaid Grand Jury ſhall ſeem fit, with ſuch Power to the Court of Quarter Seſſions relative thereto as aforeſaid; who ſhall, when ſo appointed and ſworn, or having taken ſuch ſolemn Affirmation as aforeſaid, have all ſuch Powers and Authorities in and for the ſaid ſeveral and reſpective Pariſhes, and ſhall act, do, and proceed in the ſame Manner, to all Intents and Purpoſes, in and for their ſaid reſpective Pariſhes, and be ſubject to the like Penalties for Non-performance of their ſaid Duty, with like Method of Recovery thereof as herein-before is enacted and directed; and that ſuch new Valuation, when made and returned

Power to Grand Juries to direct new Valuations, (not oftener than once in Seven Years).

turned as herein required and directed, ſhall be and enure to the ſeveral Purpoſes as the firſt Valuation herein directed to be made, any Thing in this Act contained to the contrary in anywiſe notwithſtanding.

Survey of Liberties neceſſary.

XII. And whereas for the Purpoſes of this Act, it is neceſſary that the Number of *Engliſh* Statute Acres contained in the ſeveral Townlands in the Liberties of the ſaid City of *Cork* ſhould be certainly and accurately aſcertained and determined; be it therefore enacted, That it ſhall and may be lawful to and for the Grand Jury, at the Aſſizes which ſhall be held for the County of the ſaid City next after the paſſing of this Act or as ſoon after as may be, or for any ſubſequent Grand Jury until ſuch Survey ſhall be fully completed, and they are hereby required to appoint, from Time to Time, One or more fit and proper Perſon or Perſons to make a Survey thereof, and ſhall and may, when the ſame ſhall be completed and returned, but not before, preſent a Sum not exceeding Two-pence for every ſuch Acre ſo returned, to be raiſed as aforeſaid and paid as and for his or their Wages for making the ſame; and ſuch Perſon or Perſons ſo appointed ſhall receive from the Foreman of the ſaid Grand Jury a Certificate of his or their Appointment, and ſhall thereupon proceed to ſurvey and aſcertain the Number of Acres contained in each Townland within the Liberties aforeſaid; and ſhall for that Purpoſe have full Power and Authority to enter with his and their Attendants into and upon each and every Townland, or Part or Parcel thereof; and ſhall, on aſcertaining the Number of Acres contained therein, make a Return thereof in Writing under his or their Hands and Seals, to the Treaſurer of the County of the ſaid City of *Cork*, and ſhall verify the ſame on Oath, which Oath the ſaid Treaſurer is hereby authorized and required to adminiſter; and the Return or Returns ſo made and verified ſhall be depoſited in the Office of the ſaid Treaſurer, to be there preſerved as public Records, and ſhall be deemed final and concluſive; and Copies thereof atteſted by the ſaid Treaſurer, ſhall in all Courts and upon all Occaſions be deemed, conſtrued, and taken to be full, ſatisfactory, and concluſive Evidence of ſuch Survey,

Surveyors appointed, and paid.

Surveyors may enter with their Attendants.

Shall make a Return of Survey in Writing to Treaſurer.

Atteſted Copies Evidence.

XIII. And inaſmuch as it may be ſometimes difficult to aſcertain the Boundaries of the ſeveral Townlands ſo to be ſurveyed, be it therefore enacted, That it ſhall and may be lawful to and for the Perſon or Perſons making the ſaid Survey to require any Tenant or Tenants, Owner or Owners, Occupier or Occupiers of ſuch Townland or Townlands, or of the Townland or Townlands adjoining, to point out the Boundaries thereof; and in caſe any Tenant or Tenants, Owner or Owners, Occupier or Occupiers ſo required, ſhall refuſe or neglect ſo to do, he or they ſhall be ſummoned to appear before the Mayor, or any Juſtice of the Peace of the County of the ſaid City, who ſhall, upon Proof of ſuch Refuſal or Neglect being made on Oath, impoſe a Fine not exceeding One hundred Pounds, and not leſs than Fifty Pounds on each of the Tenant or Tenants, Owner or Owners, Occupier or Occupiers ſo proved to have refuſed or neglected to point out the Boundaries of his or their Townland or Townlands as aforeſaid; and ſuch Mayor or Juſtice ſhall iſſue his Warrant under his Hand and Seal for

Under a Penalty of not leſs than 5ol.

for the Recovery thereof, by Diſtreſs and Sale of the Goods and Chattels of the Perſon or Perſons ſo fined, and the Money when recovered ſhall be paid over to the Governors of the ſaid Houſe of Induſtry, to and for the Uſe thereof: Provided further, that if any ſuch Proprietor or Proprietors, Tenant or Tenants, or any other Perſon or Perſons whatſoever, ſhall obſtruct or prevent the Entry of ſuch Surveyor or his Attendants as aforeſaid, or ſhall obſtruct him or them in making ſuch Survey, ſuch Perſon or Perſons proved to have ſo obſtructed or prevented the Entry of ſuch Surveyor or his Attendants, or to have prevented him or them in making ſuch Survey, ſhall be adjudged guilty of a Miſdemeanor and puniſhed accordingly.

Collectors appointed by Grand Jury, and paid.

XIV. And for the Collection of all ſuch Money as ſhall be preſented to be raiſed by the Grand Jury of the ſaid County of the City of *Cork*, at each and every Aſſizes to be held in and for the County of the ſaid City, be it further enacted, That it ſhall and may be lawful for the Grand Jury as aforeſaid, at each Aſſizes, to appoint Two or more fit and proper Perſons to be Collectors of the County of the ſaid City, and to collect the Money preſented to be raiſed thereupon, and ſuch Grand Jury may preſent a Sum not exceeding Nine-pence in the Pound, to be raiſed and paid as and for their Wages for collecting: Provided however, that

Collectors must give Security.

no Perſon ſo appointed ſhall collect or be authorized or empowered to collect any Part of the Money ſo preſented to be raiſed, unleſs he ſhall have firſt given Security by ſufficient Sureties to be named and approved of by the ſaid Grand Jury, who ſhall join with him in executing a Bond, with Warrant of Attorney, to confeſs Judgment, to the Treaſurer of the County of the ſaid City of *Cork*, and his Succeſſor or Succeſſors in Office, conditioned for his duly collecting and paying to ſuch Treaſurer or his Succeſſors, on or before the Second Day of the next Aſſizes, all ſuch Money as he is or ſhall be required by him to collect; and on his producing the Treaſurer's Certificate of his having paid the ſame purſuant to the Recognizance, he ſhall be entitled to receive the Sum to be preſented as Wages for collecting, but not otherwiſe.

Treaſurer ſhall, with all convenient Speed, iſſue Warrants to Collectors;

for which Collectors ſhall give a Receipt;

which ſhall be Evidence of the Amount of Default;

except diſcharged by Treaſurer's Receipt.

Warrants ſhall ſpecify

XV. And be it further enacted, That the Treaſurer of the County of the ſaid City ſhall, with all convenient Speed after the End of every Aſſizes to be held for the County of the ſaid City, iſſue his Warrants under his Hand and Seal, directed to the Collectors reſpectively, for the collecting and levying the Money ſo preſented to be raiſed, at the then next preceding Aſſizes; and that ſuch Collector ſhall immediately, on receiving the ſaid Warrant from the ſaid Treaſurer, ſign a Receipt for the ſame, which ſaid Receipt ſhall ſpecify the entire Sum for which the ſaid Warrant is ſo granted, and ſhall, if the ſaid Collector ſhould abſcond or make Default, be deemed, conſtrued, and taken as full and concluſive Evidence againſt him and his Securities, and each of them the Obligors in the ſaid Bond ſo executed by them to the ſaid Treaſurer, of the Amount of his Default, deducting only ſuch Sum for which he or they ſhall produce the Receipts or Diſcharge of the ſaid Treaſurer; and that in the ſaid reſpective Warrants ſhall be mentioned the Proportion of the ſaid Money that each of the ſaid Tenants, Occupiers, or Owners

shall be liable to, for his Dwelling-house or Dwelling-houses, Out-houses, Offices, Stores, Cellars, Stables, Yards, and Linneys, to be by him, the said Treasurer, applotted according, rateably and in Proportion to the yearly Value at which each of the said Dwelling-houses, Out-houses, Offices, Stores, Cellars, Stables, Yards, and Linneys shall have been distinctly and separately ascertained and valued, and the Proportion of the said Money to be raised and levied upon such Townland, to be applotted according to the Number of Acres contained in such Townland; and the said Collectors and each of them are hereby empowered, authorized, and required to receive from the Tenants, Occupiers, or Owners of each of the said Dwelling-houses, Out-houses, Offices, Stores, Cellars, Stables, Linneys, and Yards, and from the Tenants, Owners, or Occupiers of each of the said Townlands, the several Sums which shall be mentioned in the said Warrants to be paid by them respectively, and shall pass Receipts for the same; and in case of Non-payment for Two Days, after Demand made by the said Collectors or either of them on the respective Tenants, Owners, or Occupiers of the said Dwelling-houses, Out-houses, Offices, Stores, Cellars, Stables, Linneys, and Yards, or on the Tenant or Tenants, Owner or Owners, Occupier or Occupiers of such Townlands, for the Payment of the respective Proportions of said Money, that it shall and may be lawful to and for the said Collectors respectively to enter into and upon the Dwelling-houses, Out-houses, Offices, Stores, Cellars, Stables, Linneys, and Yards respectively, and the several Townlands, or any Part or Parcel thereof, and to distrain any Goods or Chattels that may be found on the same, for the Proportion of the said Money so charged on them respectively; and the Distress and Distresses so taken (if not redeemed in Two Days from the Day of distraining, with the Payment of One Shilling for the Cost and Charges of such distraining), to sell by public Cant, for the Payment of the said Money, for which such Distress or Distresses shall be so taken, together with One Shilling for such distraining, rendering the Overplus (if any shall be) to the Owner or Owners of such Distress or Distresses; and in case no sufficient Distress or Distresses can be so had or found, or in case the Premises liable to be distrained shall be kept locked or fastened, so that the Collector shall be prevented from entering and distraining for the said Money, that then it shall and may be lawful to and for the said Treasurer of the County of the said City to summon the Tenant or Tenants, Occupier or Occupiers, Owner or Owners of the Premises so locked or fastened up, to appear before the Mayor or any of the Justices of said City, for the Payment of the Money so charged on the said Premises so locked or fastened up; and in case of Non-appearance of the Party or Parties so summoned, and Proof made on Oath before the said Mayor or Justice respectively, of such Parties having been summoned (which Oath the said Mayor or Justice is or are hereby respectively authorized to administer); or in any Case of the Appearance of such Party or Parties, and on Refusal to pay the Money due on the Premises so guarded, locked, or fastened up, and to which such Party or Parties shall be Tenant or Tenants, Occupier or Occupiers, Owner or Owners, together with One Shilling for the Cost of such Summons, that then it shall and may be lawful to and for the Mayor or Justice who granted the said Summons to issue a Warrant under his

what each is to pay.

Collectors may levy Sums mentioned in Warrants.

Power to Collectors to distrain;

and sell Distress unless redeemed.

If no Distress, or Premises locked up,

Treasurer to summon Parties.

Mayor or Justice to issue Warrant.

Hand and Seal in the Nature of an Execution, directed to such Collector or some special Constable to be by him appointed for that Purpose; and such Collector or Constable shall thereupon levy off the Goods and Chattels of the Party or Parties so summoned his, her, or their Proportion of the said Money, together with the Sum of Two Shillings and Sixpence of the Cost of said Summons and Warrant, and the further Sum of One Shilling for the Collector or his Constable's Cost and Charge in levying the same, and the said Sum of One Shilling shall be paid immediately on the levying thereof, by the said Collector or his Constable, to the said Mayor or Justice that shall have issued the said Summons and Warrant: Provided however, that no Owner or Owners shall be liable to be summoned, or to pay any Part of the said Money, when there is an actual yearly Tenant in possession of the Premises out of which the said Money is refused or neglected to be paid.

No Owner liable when yearly Tenant in possession.

XVI. And whereas the said Collectors may be often obliged to distrain some one particular Part or Denomination of the said Townland, for the entire acreable Tax or Charge imposed upon such Townland; be it therefore further enacted, That the Person or Persons who shall be distrained for and shall pay the Whole of such Tax or Charge so imposed on the said Townland, shall be entitled to receive from the other Tenants or Occupiers of the said Townland, his, her, or their Dividend of the said Tax or Charge, according to the Number of *English* Statute Acres that he, she, or they shall hold, possess, or enjoy, and shall recover the same from such Person or Persons, in case of Refusal of Payment, by Action in the Tholsel Court of the said City of *Cork*, if above the Sum of Forty Shillings, if under the Sum of Forty Shillings before the Mayor, or One of the Aldermen of the Ward of the said City, according to the summary Jurisdiction established by Act of Parliament in the said City of *Cork*, together with the Costs of Suit.

If Collector distrains one Denomination, Person paying may recover Shares from other Tenants.

XVII. And whereas, in applotting the several Sums to be paid by each, from the Impossibility of making in all Cases an exact Applotment, a fractional Addition is sometimes necessarily made, whereby in the gross Calculation a greater Sum is raised than that presented by the Grand Jury; be it further enacted, That such Applotment or Collection shall not on that Account be deemed irregular or illegal, but that the Overplus so produced shall be accounted for as Part of the Public Money, and brought forward to the Credit of the Public, in Aid of the Money presented to be raised from the County of the said City at the next ensuing Assizes.

Fractional Addition shall not vitiate.

XVIII. And whereas the Power and Authority of the Collector ceases upon the Commencement of the next ensuing Assizes after his Appointment: And whereas Arrears may remain which by the Law now in force the Collector is not authorized to recover; be it therefore further enacted, That it shall and may be lawful to and for the Collector (provided he has paid into the Hands of the Treasurer the full Sum for which his Warrant was issued), and he is hereby authorized and empowered to act, do, and proceed in like Manner for the Recovery thereof, as if his Power and Authority continued in full Force, any Thing herein contained to the contrary in anywise notwithstanding.

Collector may recover Arrears.

XIX. And

If Collector dies.

XIX. And whereas the Collectors, or One of them, may die between one Aſſizes and another, be it therefore enacted, That in ſuch Caſe, and as often as it ſhall ſo happen, the Sheriffs of the County of the City of *Cork* ſhall, upon a Requiſition for that Purpoſe made to the ſaid Sheriffs by the ſaid Treaſurer, forthwith iſſue a Summons to each of the Perſons who compoſed the Grand Jury at the next preceding Aſſizes, or to ſuch of them as ſhall be living and reſiding within the County of the City aforeſaid, requiring them and each of them under the Penalty of One hundred Pounds, to be ſued for and recovered in a ſummary Way before the Mayor, or any Juſtice of the Peace of the ſaid County of the City of *Cork*, by Diſtreſs and Sale of Goods or otherwiſe, to appear at the Court of Quarter Seſſions of the Peace on the next Sitting Day of ſuch Court after ſuch Requiſition; and they, or any Eleven of them, (which for this Purpoſe ſhall be deemed a ſufficient Number with or without the Foreman) ſhall in open Court take the Grand Juror's Oath, (which Oath the ſaid Court is hereby required to adminiſter) and thereupon proceed to appoint One or more fit and proper Perſon or Perſons to be Collector or Collectors in the Room of ſuch Collector or Collectors as ſhall have died, and a Note or Memorandum of ſuch Appointment ſhall be entered on the Book containing the Proceedings of the ſaid Court, and ſuch Perſon or Perſons ſo appointed ſhall immediately on ſuch Appointment enter into like Security as herein-before directed; and the ſaid Treaſurer ſhall thereupon iſſue to ſuch Perſon or Perſons ſo appointed, a Counterpart of the Warrant or Warrants before iſſued by him to the Perſon or Perſons in whoſe Room ſuch Collector or Collectors is or are appointed, who ſhall ſign a Receipt for the ſame as aforeſaid, and thereupon be authorized and empowered to collect the Amount thereof, excepting only ſuch Sum or Sums as the Receipt of the Perſon in whoſe Room ſuch Collector is appointed ſhall be produced in Diſcharge of, a Return of which in Writing the ſaid Collector is hereby required to make to the ſaid Treaſurer; and the ſaid Collector or Collectors ſo appointed ſhall have all ſuch Power and Authority to collect, and ſhall do, act, and proceed in like Manner; and he or they and his and their Securities ſhall be ſubject to the like Conditions to all Intents and Purpoſes, as the Perſon or Perſons in whoſe Room ſuch Collector or Collectors is or are appointed, were or was ſubject; and the Securities of the late Collector or Collectors ſhall in that Caſe be ſubject to and anſwerable for only ſuch Sum or Sums as the late Collector or Collectors ſhall by his or their Receipts ſo produced and returned, appear to have received.

Under a Penalty of 100l.

Perſons ſummoned ſhall take Grand Juror's Oath, and appoint Collector in the Room of the Perſon who died.

Treaſurer ſhall iſſue Counterpart of Warrants.

For which Collector ſhall ſign a Receipt.

New Collector ſhall make a Return of Money paid to the old.

Securities of the late Collector anſwerable only for Money received by him.

Waſte on untenanted Houſes, &c. not charged.

XX. And whereas it is deemed unreaſonable that waſte or untenanted Dwelling-houſes, Out-houſes, Offices, Stores, Cellars, Stables, Linneys, and Yards ſhould, while they remain waſte and untenanted, or that Houſes let in ſeparate Apartments to poor Families ſhould be applotted and charged with a Proportion of the Public Money ſo preſented to be raiſed; be it therefore enacted, That the Treaſurer of the County of the ſaid City, in the Applotment by him to be made at the End of every Aſſizes to be held for the County of the ſaid City, ſhall not applot or charge with any Part or Proportion of the Public Money preſented to be raiſed by the Grand Jury at ſuch Aſſizes any Dwelling-houſe, Out-houſe, Office, Store, Cellar, Stable, Linney, or Yard which ſhall then happen

to be waſte or untenanted, or any Houſe ſo let in ſeparate Apartments to poor Families.

Conſtables ſhall make a Return of waſte and untenanted Houſes, &c.

XXI. And in order that the ſaid Treaſurer may know what Dwelling-houſes, Out-houſes, Offices, Stores, Cellars, Stables, Linneys, and Yards may be waſte or untenanted, or let in ſuch ſeparate Apartments as aforeſaid, be it further enacted, That the Conſtables appointed by the Grand Jury for the ſeveral Diſtricts or Pariſhes of the ſaid City ſhall, with all convenient Speed, after the End of each Aſſizes, return to the ſaid Treaſurer in Writing upon Oath (which Oath the ſaid Treaſurer is hereby empowered to adminiſter), an exact Account of ſuch Dwelling-houſes, Out-houſes, Offices, Stores, Cellars, Stables, Linneys, and Yards in his or their reſpective Diſtricts or Pariſhes, as ſhall be then waſte and untenanted, or let in Manner aforeſaid, under a Penalty of Five Pounds for neglecting to make ſuch Return as aforeſaid; the ſaid Penalty to be ſued for by the ſaid Treaſurer in a ſummary Way before the Mayor, or any of the Juſtices of the ſaid City, who ſhall iſſue a Warrant in the Name of an Execution for the Recovery thereof, and when recovered, the ſaid Penalty to be accounted for as Part of the Public Money by the ſaid Treaſurer, in Aid of the Public Money ſo preſented to be raiſed by the Grand Jury, at the Aſſizes to be held for the County of the ſaid City.

Conſtables' Dwelling-houſe, &c. not charged.

XXII. And inaſmuch as it is reaſonable that Compenſation ſhould be made to ſuch Conſtables for their Labour and Trouble in making ſuch Return, be it therefore enacted, That the Treaſurer ſhall not, in his Applotment as aforeſaid, include the Dwelling-houſe or Offices, or Yard annexed thereto, of any ſuch Conſtable then in his actual Occupation, but that ſuch ſhall be exempt from ſuch Charge and Applotment.

If Houſes, &c. become waſte, &c. after Conſtable's Return.

XXIII. And inaſmuch as Houſes and other Premiſes may, after the Return by the ſaid Conſtables, become waſte or untenanted before the Collectors can have levied the Sum applotted to be paid by the Owner or Tenant of ſuch Houſe: And whereas the Collector, in order to entitle himſelf to his ſaid Wages for collecting, muſt have paid to the Treaſurer the full Sum for which his Warrant was iſſued, whereby an unreaſonable Loſs muſt ariſe to ſuch Collector; be it therefore enacted, That ſuch Collector ſhall make a Return before the ſaid Grand Jury, on Oath, (which Oath the Foreman of the ſaid Grand Jury is hereby authorized to adminiſter), of all ſuch Houſes, Dwelling-houſes, Out-houſes, Offices, Stores, Cellars, Stables, Yards, and Linneys as have become waſte or untenanted ſince the Return made by the Conſtables as aforeſaid; and that when ſuch Return ſo made ſhall have been ſo verified before the Grand Jury, it ſhall and may be lawful for the ſaid Grand Jury to preſent at ſuch Aſſizes as the ſaid Collection ſhall be accounted for, ſuch Sums as have been advanced by the ſaid Collector on account of ſuch waſte or untenanted Houſes, to be raiſed off the County of the ſaid City, and repaid to the ſaid Collector.

Collector ſhall make a Return of ſuch on Oath.

Grand Jury ſhall preſent Amount to be repaid to Collector.

No Money collected until Valuation and Survey returned.

XXIV. And be it further enacted, That no Money ſhall be collected or raiſed upon or from the ſaid City of *Cork* and the Suburbs and Liberties thereof reſpectively under the Authority of this Act for the aforeſaid

aforeſaid Purpoſes, until the entire Valuation and Survey herein directed ſhall have been made and returned; but that until ſuch Valuation and Survey ſhall be ſo made and returned, all Money which may be preſented ſhall be raiſed, collected, and levied upon and from the ſaid City and Suburbs and Liberties thereof reſpectively, in ſuch Manner as it has been heretofore collected and levied, any Thing in this Act contained to the contrary in any wiſe notwithſtanding.

Grand Jury may contract for paving and flagging.

XXV. And it is hereby further enacted, That it ſhall and may be lawful to and for the Grand Jury at each and every Aſſizes to be held for the County of the ſaid City of *Cork*, from Time to Time, and as often as it ſhall ſeem fit to them, to receive Propoſals and contract with any Perſon or Perſons for the paving, flagging, or otherwiſe repairing or keeping in Repair, the whole or any Part or Parts of the Streets, Ways, Lanes, Paſſages and Roads of the ſaid City, or the Suburbs or Liberties thereof, under ſuch Conditions and Reſtrictions and upon ſuch Terms as to them ſhall ſeem fit and proper, and may at each and every Aſſizes preſent ſuch Sum or Sums to be raiſed as aforeſaid and paid as ſhall be neceſſary for that Purpoſe; and that every ſuch Perſon or Perſons ſhall, when his or their ſaid Propoſal or Propoſals ſhall have been approved of and accepted by the ſaid Grand Jury, execute a Bond, to the Treaſurer of the ſaid County of the City, in ſuch Penalty as ſaid Grand Jury ſhall direct, conditioned for his or their duly and faithfully fulfilling and performing the ſaid Contract or Contracts ſo by him or them entered into: Provided, however, that no ſuch Contract ſhall be for any Period greater than for Seven Years.

Salaries of Treaſurer and Secretary inadequate.

XXVI. And whereas the Salaries of the Treaſurer and Secretary of the Grand Jury are inadequate to the great Labour and Trouble which they are put to in the Diſcharge of their ſeveral Duties: Be it therefore further enacted, That it ſhall and may be lawful to and for the Grand Jury, at each and every Aſſizes hereafter, to preſent ſuch further Sum to be raiſed as aforeſaid and paid to the ſaid Treaſurer and Secretary, as and for Compenſation and Reward for ſuch their Labour and Trouble as to them the ſaid Grand Jury ſhall ſeem fit and reaſonable, together with all the Coſts and Charges of applying for, obtaining and paſſing this Act.

If Suit commenced for any Thing done under this Act, Defendants may plead the General Iſſue, and give this Act in Evidence.

XXVII. And be it further enacted, That if any Action or Suit ſhall be commenced, or any Replevin ſhall be brought againſt any Perſon, for taking any Diſtreſs, making any Sale, or doing any other Thing by Authority of this Act, the Defendant or Defendants, Avowant or Avowants, or others making Conuzance in ſuch Action, Suit, or Replevin, may either plead the General Iſſue, or make Avowry, Conuzance, or Juſtification generally, that the ſaid Diſtreſs, Sale, Treſpaſs, or other Thing whereof the Plaintiff or Plaintiffs ſhall complain, was taken, made, or done by the Authority of this Act, and ſhall and may give this Act in Evidence at any Trial thereupon, and that the ſaid Diſtreſs, or any Thing for which ſuch Action, Suit, or Replevin ſhall be ſo brought, was taken or done in purſuance of and under the Authority of this Act; and in caſe the Plaintiff or Plaintiffs in ſuch Action, Suit, or Replevin ſhall diſcontinue

his, her, or their ſaid Suit or Replevin, or be non-ſuited, and the Defendant or Defendants, Avowant or Avowants, or Perſon or Perſons ſo making Conuzance, or juſtifying, ſhall obtain Judgment againſt ſuch Plaintiff or Plaintiffs, on Verdict, Demurrer, or by Default, that ſuch Defendant, Avowant, or Perſon making Conuzance, or juſtifying, ſhall receive Double Coſts of Suit, and ſhall have ſuch Remedy for Recovery of the ſame as any Defendants may have by Law for Coſts in any other Cauſe, and if the ſaid Plaintiffs ſhall have proceeded by way of Replevin, ſhall alſo have Judgment for Recovery of the Diſtreſs taken.

Coſts to Defendant on Judgment.

Allowing an Appeal.

XXVIII. Provided always, and be it further enacted, That if any Perſon or Perſons ſhall think himſelf, herſelf, or themſelves aggrieved by any Adjudication, or other Thing done by the Mayor, or any Juſtice of the Peace, in purſuance of this Act, ſuch Perſon or Perſons may appeal to the Court of Quarter Seſſions of the Peace to be holden for the County of the ſaid City of *Cork*, next after the Expiration of One Calendar Month from the Time ſuch Matter of Appeal ſhall have ariſen, the Perſon or Perſons ſo appealing having given Ten Days' Notice at leaſt of his, her, or their Intention of bringing ſuch Appeal, and of the Matter thereof, to the Mayor or Juſtice from whom ſuch Appeal is made, and to the Treaſurer of the County of the ſaid City of *Cork*, and within Four Days after ſuch Notice entering into a Recognizance before ſome Juſtice of the Peace for the County of the ſaid City, with ſufficient Sureties conditioned to try ſuch Appeal, and abide the Order and Award of the ſaid Court thereon; and the ſaid Court of Quarter Seſſions, upon due Proof of ſuch Notice and Recognizance having been given and entered into, is hereby authorized and required to hear and determine the Matter of ſuch Appeal in a ſummary Way, and to make ſuch Determination therein, and to award ſuch Coſts to either of the Parties or otherwiſe as they ſhall judge proper; and all ſuch Determinations ſhall be final, binding, and concluſive to all Parties, to all Intents and Purpoſes whatſoever.

Boundaries, Valuations, and Survey for Grand Jury Purpoſe only.

XXIX. Provided always, and be it further enacted, That the Boundaries herein marked out, and the Valuations and Survey herein directed to be made, are to be applied, and be deemed and conſtrued to apply to the raiſing of Money on the County of the City of *Cork*, as preſented by the Grand Jury, and nothing elſe.

Public Act.

XXX. 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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