ANNO TERTIO

GEORGII IV. REGIS.

Cap. lxxxv.

An Act for amending the several Acts in force for making wide and convenient Streets, Ways, and Passages in the City of *Cork* and the Suburbs thereof; and for paving, cleansing, lighting, and otherwise improving the said City; and for regulating the Court of Conscience established therein.

[24th *June* 1822.]

WHEREAS by an Act passed in the Parliament of *Ireland*, in the Fifth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for altering and amending several Statutes heretofore made for the better Regulation of the City of* Cork, *and for regulating Trials by Juries in the Court of Record of the said City; and for establishing Market Juries in the said City; and for making wide and convenient Ways, Streets, and Passages in the said City and Suburbs thereof, and for preventing Frauds committed by the Bakers and Meal Makers of the said City;* the several Persons therein named, and their Successors, were appointed Commissioners for making wide and convenient Streets, Ways, and Passages in the City of *Cork* and the Suburbs thereof, and certain Provisions were made for lighting the said City: And whereas by an Act passed in the Parliament of *Ireland*, in the Eleventh and Twelfth Years of His said late Majesty's Reign, intituled *An Act for the Regulation of the City of* Cork, *and for other Purposes therein mentioned, relative to the said*

5 G. 3. c. 24. (I.)

11 & 12 G. 3. c. 18. (I.)

said City, further Provisions were made for lighting the said City: And whereas by an Act passed in the Parliament of *Ireland*, in the Twenty-
26 G. 3. c. 28. (I.) sixth Year of His said late Majesty's Reign, intituled *An Act for building a Bridge over the Northern Channel of the River* Lee, *in the City of* Cork *and Suburbs thereof, and for other Purposes relative to the said City*, the Powers and Authority of the said Commissioners for making wide and convenient Streets, Ways, and Passages in the said City and the Suburbs thereof, were enlarged: And whereas considerable Progress has been made in the Execution of the said Acts, but the Powers thereby given are found insufficient in several Particulars for answering the Purposes for which the said Acts were made: And whereas the Streets, Lanes, Alleys, Public Ways and Passages within the said City of *Cork* and the Suburbs thereof, are not properly paved, lighted, or cleansed, and are subject to various Encroachments, Obstructions, Nuisances, and Annoyances, and it would tend greatly to the Benefit of the Inhabitants of the said City of *Cork*, and all Persons resorting to and travelling through the same, that the said Streets, Lanes, Alleys, Public Ways, and Passages, should be properly paved, lighted, and cleansed, and that Encroachments and Nuisances therein should be prevented or removed: And whereas under and by virtue of an Act made in the Parliament of *Ireland*, in the Third Year
3 G. 3. c. 17. (I.) of the Reign of His late Majesty King *George* the Third, intituled *An Act for continuing and amending certain temporary Statutes heretofore made, for the better Regulation of the City of* Cork, *and for enlarging the Salary of the Treasurer, and for the better regulating the Sale of Coals in the said City, and for erecting and continuing Lamps in the same, and for the better preserving the Streets and Highways therein, and for confirming and establishing a Court of Conscience in the said City, and for regulating the Assize of Bread therein, and for securing the Quays by Parapet Walls;* a Court of Conscience was established and confirmed within the City and County of the said City of *Cork*; but the Course of proceeding therein has not been sufficiently defined, and the Fees thereof are not regulated by Law: And whereas it will be highly beneficial to the Inhabitants of the said City, and the Suburbs and Liberties thereof, if the said Court shall be held, and the Fees thereof be regulated in Manner herein-after mentioned: And whereas it would greatly contribute to the Peace and good Order of the City and County of the City of *Cork*, if a Public Office were established therein, at which One or more of the Justices of the Peace for the said City and County of the said City should constantly attend; and if the Fees to be received thereat were to be regulated by Law; but inasmuch as the said several beneficial Purposes cannot be effected without the Aid and 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, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much and such Parts of the said recited Acts as relate to the Manner of purchasing Ground by the said Commissioners for making wide and convenient Streets, Ways, and Passages in the City of *Cork* and the Suburbs thereof; and also so much and such Parts thereof respectively, as relate to the erecting and supplying Public Lights in the said City and Suburbs thereof, or to entering into Contracts therefor, or levying Money for the Payment thereof, shall be and the same are hereby from henceforth repealed.

Recited Acts repealed in certain Particulars.

Not to make void Contracts already entered into.

II. Provided always, and be it further enacted, That nothing herein contained shall extend to annul or make void any thing heretofore done by the said Commissioners under the said recited Acts or any of them, or any Contract or Contracts which may already have been entered into by the Mayor, Sheriffs, and Common Council of the said City of *Cork*, or to prevent the levying or collecting of such Sum and Sums as would or might be lawfully collected thereunder if this Act had not been made.

Commissioners may purchase or rent Premises.

III. And be it further enacted, That it shall and may be lawful to and for the said Commissioners and their Successors, and they are hereby authorized and empowered, for all or any of the Purposes in the said recited Acts or any of them, or in this Act mentioned, to rent or to purchase, pursuant to the Provisions herein-after contained, any Messuages, Lands, Tenements, Grounds, Hereditaments, and Premises, which the said Commissioners or their Successors would under the same recited Acts, or any of them, be authorized to purchase, and which they shall deem it expedient to rent, purchase, or make use of for any of the Purposes in the said recited Acts, or any of them, or in this Act mentioned.

Bodies Politic empowered to convey Lands.

IV. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate or Collegiate, Ecclesiastical or Civil, Corporations whether Aggregate or Sole, Tenants for Life or in Fee Tail General or Special, or for any Term or Terms, for Lives or Years, or for Years determinable upon any Life or Lives, and all Husbands, Guardians, Trustees, Feoffees in Trust for charitable and other Purposes, Committees of Lunatics or Idiots, Executors, and Administrators, and all other Trustees and Persons whomsoever, though under any legal Disability or Incapacity, not only on Behalf of themselves, their Heirs, Executors, Administrators, and Successors, but also for and on Behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interests therein, and for every other Person or Persons whomsoever, who is or shall be seised, possessed of, or interested in, or entitled unto any Estate or Interest whatsoever, in any such Messuages, Lands, Tenements, Grounds, Hereditaments, and Premises as aforesaid, or having or claiming to have any Charge, Lien, or Incumbrance thereon, to contract for and agree with the said Commissioners or their Successors for a Lease or Leases, or for the Sale thereof, or any Part thereof, and for the Purchase of all or any Estates, Rights, Titles, Terms, and Interest whatsoever, of and in the same, to the said Commissioners or their Successors, and to demise, convey, or assign the same respectively unto the said Commissioners or their Successors; and that all Contracts, Agreements, Leases, Bargains, Sales, and Conveyances, which shall be so made by virtue and in pursuance of this Act, shall without any Fine or Fines, Recovery or Recoveries, or other Conveyances or Assurances in the Law whatsoever, be good, valid, and effectual, to all Intents and Purposes, not only to convey the Estate and Interest of the Person conveying, but also to convey all Right, Title, Estate, Interest, Use, Property, Claim, and Demand whatsoever, of their several Cestuique Trusts, and all Persons claiming or to claim by, from, or under

under them, or any of them; any Law, Statute, Usage, or other Matter or Thing whatsoever to the contrary thereof in anywise notwithstanding.

If Parties cannot agree Price to be settled by a Jury.

V. And be it further enacted, That if any such Body Politic, Corporate or Collegiate, Ecclesiastical or Civil, Trustees, Feoffees, Guardians, Committees, Executors, Administrators, or any Owners, Proprietors, or Occupiers, or any other Person or Persons having or claiming to have any Estate, Title, Term or Interest in or to such Messuages, Lands, Tenements, Grounds, Hereditaments, or Premises as aforesaid, or having or claiming to have any Charge, Lien, or Incumbrance thereon, shall not agree with the said Commissioners, or their Successors, for the Sale and Conveyance of their respective Rights, Term, and Interests therein, or shall not produce or evince a clear Title to such Estate, Right, Title, Term, or Interests as they shall or may claim, or if the said Commissioners or their Successors shall be ignorant who are entitled to the same, then and in every or any of such Cases it shall and may be lawful to and for the said Commissioners, or their Successors, and they are hereby empowered and authorized from Time to Time to issue a Warrant or Warrants, Precept or Precepts to the Sheriffs of the County of the City of *Cork*, who are hereby authorized, directed, and required accordingly to impannel, summon, and return a competent Number of substantial Persons qualified to serve on Juries, not less than Forty nor more than Sixty, out of which Persons so to be impannelled, summoned, and returned, a Jury of Twelve Persons shall be drawn by some Person to be by the said Commissioners, or their Successors, appointed in such Manner as Juries for the Trial of Issues joined in His Majesty's Four Courts at *Dublin*, by an Act made in *Ireland* in the Twenty-ninth Year of His late Majesty King *George* the Second, intituled *An Act for the better regulating Juries*, are directed to be drawn, which Persons so to be impannelled, summoned, and returned as aforesaid, are hereby required to come and appear before the said Commissioners, or any Three or more of them, at such Time and Place as in such Warrant or Warrants, Precept or Precepts shall be directed and appointed, and to attend the said Commissioners, or any Three or more of them, until discharged by them; and all Persons concerned shall and may have their lawful Challenges against any of the said Jurymen, but shall not be at Liberty to challenge the Array.

29 G. 2. c. 6. (I.)

When Deficiency of Jurors others to be impannelled.

VI. And be it further enacted, That in all Cases of Trials by Juries before the said Commissioners, or any Three or more of them, where a full Jury shall not appear before them, or where after the Appearance of a full Jury it shall so happen, either by Means of Challenges or otherwise, that there shall be a Default of Twelve Jurors for such Trial, it shall and may be lawful to and for the said Commissioners, or any Three or more of them, to command the Sheriffs of the County of the City of *Cork*, to impannel so many other Persons as shall make up a full Jury of Twelve, which Persons so to be impannelled shall be added to the former Pannel, and all Parties interested in such Trials, shall have their Challenges to the Jurors so added to the former Pannel, as if they had been originally summoned, and the said Commissioners or any Three or more of them are hereby authorized and empowered by Precept or Precepts from Time to Time, as Occasion shall require, to call before them all and every Person and Persons whatsoever who shall be thought proper or necessary to be examined

examined as a Witness or Witnesses before them, on their Oath or Oaths touching or concerning the Premises, and the said Commissioners, or any Three or more of them, if they shall think fit, shall and may authorize and require the said Jury, or any Six or more of them, to view the said Messuages, Lands, Tenements, Grounds, Hereditaments, or Premises intended to be valued; and the said Commissioners and their Successors, or any Three of them, shall have Power to adjourn such Meeting from Day to Day, and Place to Place, as Occasion shall require, and to command such Juries, Witnesses, and Parties to attend, until the Business for which they shall be so summoned by virtue of this Act shall be concluded, and the said Jury shall, upon their Oaths, (which Oaths, as also the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Commissioners, or any Three or more of them, are hereby required and empowered to administer), fairly, truly, and impartially inquire of the Value of such Messuages, Lands, Tenements, Grounds, Hereditaments, or Premises, and of the respective Estate, Right, Title, Term, and Interest of every Person or Persons seised or possessed thereof, or interested therein, or of or in any Part thereof, and shall assess or award the Sum or Sums to be paid to every such Person or Persons for the Purchase of such their respective Estates, Rights, Titles, Terms, and Interests therein; and if it shall not be made appear to the said Jurors who is or are entitled to the respective Estates, Rights, Titles, or Interests which may be subsisting therein respectively, then it shall and may be lawful to and for the said Jury to inquire, ascertain, and find the Value of such Messuages, Lands, Tenements, Grounds, Hereditaments, or Premises, or any of them, as of an Estate in Fee Simple, without specifying the Person or Persons entitled to the same, or to ascertain and find the Value of any other Estate or Interest therein, which shall be claimed or appear to the said Commissioners without specifying the Person or Persons entitled to the same respectively; and the said Commissioners, or any Three or more of them, shall and may give Judgment for such Sum and Sums so to be assessed, awarded, ascertained, or found as and for the Value of the said several Estates, Rights, Titles, Terms, and Interests in the said Messuages, Lands, Tenements, Grounds, Hereditaments, or Premises, or any of them, and for the Payments thereof respectively, in Manner herein-after mentioned, which said Verdict or Verdicts, and the said Judgments thereupon respectively, (Notice in Writing being first given to the Person or Persons interested, at least Fourteen Days before the Time of the First Meeting of the said Jury, declaring the Time and Place of such Meeting of the Commissioners and Jury, by leaving such Notice at the Dwelling House of such Person or Persons, or at his, her, or their usual Place or Places of Abode, or with some Tenant or Occupier of the said Messuages, Lands, Tenements, Grounds, Hereditaments, or Premises intended to be valued or assessed, if the same be occupied, and if the same be not occupied, and that the Person or Persons having or claiming to have any Estate or Interest therein, or any Right or Title thereto, shall not be known or cannot be found by the said Commissioners, then such Notice being published in the *Dublin Gazette*), shall be binding and conclusive to all Intents and Purposes whatsoever, against all Bodies Politic or Corporate, Infants, Lunatics, Idiots, Feme Coverts, and Persons under any legal Disability, and against all and every Person or Persons whatsoever, his, her, or their Heirs, Successors, Executors, and Administrators, having or claiming to have any Estate, Right, Trust, Use, or Interest in, to, or out of the said

Messuages, Lands, Tenements, Grounds, Hereditaments, or Premises, either in Possession or Reversion, Remainder or Expectancy, or any Manner whatsoever, or any Charge, Lien, or Incumbrance thereon; which said Judgments respectively of the said Commissioners, or their Successors, being fairly written on Parchment, and signed by Five of the said Commissioners, and sealed with their respective Seals, and being entered in the Rolls of His Majesty's High Court of Chancery in *Ireland*, or true Copies thereof, shall be deemed and taken to be good Evidence of the several Matters therein set forth in any Court of Law or Equity whatsoever.

Judgments to be enrolled in the Court of Chancery.

VII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Three or more of them, from Time to Time to impose any reasonable Fine not exceeding Ten Pounds, on the Sheriffs, their Deputy or Deputies, Bailiffs or Agents respectively, who shall make Default in the Premises, and on any Person or Persons summoned and returned upon such Jury as aforesaid, who shall not appear, or appearing, who shall refuse to be sworn, or to give his or their Verdict, or in any other Manner wilfully neglect his or their Duty, contrary to the true Intent of this Act, having no reasonable Excuse to be allowed by the said Commissioners; and also on any Witness or Witnesses who shall not attend, being summoned to give Evidence as aforesaid, or who shall appear and refuse to be sworn, or being sworn shall refuse to give Evidence, and from Time to Time to levy such Fine or Fines by virtue of any Warrant under the Hands and Seals of the said Commissioners, or any Three or more of them, by Distress and Sale of the Goods and Chattels of the Person or Persons so offending, rendering to him or them the Overplus, after such Penalty and the Charges of such Distress and Sale shall be deducted, and all such Fines so recovered shall be applied towards the Purposes of this Act.

Fines may be imposed on Sheriffs, Jurors, and Witnesses.

VIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Three or more of them, from Time to Time to discharge such Juries as shall be returned to try any Matters before them as aforesaid, and from Time to Time to issue a new Warrant or Precept for the Return of another Jury or Juries in manner herein-before directed, and all and singular the Clauses herein-before mentioned, shall be applicable to the Proceedings under such further or other Warrant or Precept, as fully and effectually as the same shall be applicable to the Warrant or Precept first issued by the said Commissioners.

Commissioners may discharge Juries.

IX. And be it further enacted, That all Persons who shall in any Examination to be taken upon Oath by virtue of this Act, wilfully and corruptly give false Evidence, or otherwise foreswear themselves before such Jury, or any Justice of the Peace acting as such in the Execution of this Act, shall upon Conviction thereof, be subject to the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable to.

Persons swearing falsely may be indicted for Perjury.

X. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money as a Recompence for the Right, Interest, or Property of any Person or Persons in any Mes-

How Expences of Jury shall be paid.

suages, Lands, Tenements, Grounds, Hereditaments, and Premises, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Commissioners, or their Treasurer, Clerk, Surveyor, or other known Agent, before the summoning and returning of the Jury, as a Recompence and Satisfaction for any such Right, Interest, Property, Loss, or Damage as aforesaid, that then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses, shall be borne and paid by the Treasurer to the said Commissioners out of the Money to arise by virtue of this Act; and in case such Costs and Expences shall not be paid to the Party or Person entitled to receive the same, within Fourteen Days after the same shall be demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels vested in the said Commissioners, or of any Goods or Chattels of the Treasurer to the said Commissioners, under a Warrant to be issued for that Purpose by any Justice of the Peace for the said County of the City of *Cork*, which Warrant any such Justice is hereby authorized and empowered to issue under his Hand and Seal, on Application made to him for that Purpose by the Party or Persons entitled to receive such Costs and Expences; but if such Jury shall give in and deliver a Verdict or Assessment for no more, or for less Money than shall have been agreed to and offered by the said Commissioners before the summoning and returning the said Jury, as a Recompence or Satisfaction for any such Right, Interest, Property, Loss, or Damage as aforesaid, that then the full Costs and Expences of summoning and maintaining the said Jury and Witnesses, and all other Expences attending the Hearing and determining of such Difference, shall be borne and paid by the Person or Persons with whom the said Commissioners shall have such Controversy or Dispute; which said Costs and Expences having been ascertained and settled by some Justice of the Peace for the County of the City of *Cork*, not personally interested in the Matter in question (who is hereby required to examine and settle the same at a Time and Place to be by him appointed after summoning the Parties interested therein to attend him for that Purpose), shall and may be deducted out of the Money so assessed and adjudged as so much Money advanced to and for the Use of such Person or Persons, and the Payment or Tender of the Remainder of such Money shall be deemed and taken to all Intents and Purposes to be a Payment and Tender of the whole Sum or Sums so assessed and adjudged, or otherwise such Costs and Expences, in case the same be not paid upon Demand, after being so ascertained and settled as aforesaid, shall and may be recovered by the Clerk to the said Commissioners, by such Ways and Means as are herein-after provided for Recovery of Penalties and Forfeitures; Provided always, that in all Cases where any Person shall by reason of Absence have been prevented from treating, such Costs and Expences shall be borne and paid by the said Commissioners out of the Money to be raised or received under or by virtue of this Act.

Application of Compensation when amounting to or exceeding 200*l.*

XI. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Messuages, Lands, Tenements, Grounds, Hereditaments or Premises, or for any other Matter, Right, or Interest, of what Nature or Kind soever, purchased, taken, or used by virtue of the Powers of the said recited Acts, or any of them, or of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert,

Covert, Infant, Lunatic, or other Person or Persons under any Disability or Incapacity as herein-before mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, *ex-parte* the Commissioners for making wide and convenient Streets, Ways, and Passages in the City of *Cork*, and the Suburbs thereof, to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way, if the Person or Persons who would have been entitled to the Rents and Profits of the said Messuages, Lands, Tenements, Grounds, Hereditaments and Premises shall so desire, towards the Discharge of any Debt or Debts, or such other Incumbrance or Part thereof, as the said Court shall authorize to be paid, affecting the same Messuages, Lands, Tenements, Grounds, Hereditaments, or Premises, or affecting other Messuages, Lands, Tenements, Grounds, Hereditaments, or Premises standing settled to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, Grounds, Hereditaments, or Premises, which shall be conveyed to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Messuages, Lands, Tenements, Grounds, Hereditaments, or Premises which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking Effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of Government Stock; and in the meantime, and until the said Stock shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce thereof shall from Time to Time be paid by Order of the said Court to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Messuages, Lands, Tenements, Grounds, Hereditaments, or Premises so hereby directed to be purchased, in case such Purchase or Settlement were made.

Where Compensation is less than 200*l.* and exceeds 20*l.*

XII. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Messuages, Lands, Tenements, Grounds, Hereditaments, or Premises purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any other Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Messuages, Lands, Tenements, Grounds, Hereditaments, or Premises so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *Ireland*, in the Name and with the Privity of the said Accountant General of the Court of Chancery, and be placed to his Account

count as aforesaid, in order to be applied in manner herein-before directed, or otherwise the same shall be paid at the like Option to Three Trustees to be nominated by the Person or Persons making such Option, and approved of by Seven or more of the Commissioners appointed under this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money, and the Dividends arising thereon may be applied in manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

Where less than 20*l.*

XIII. Provided always, and be it further enacted, That where such Money so agreed or awarded to be paid as herein-before mentioned, shall be less than Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Messuages, Lands, Tenements, Grounds, Hereditaments, or Premises so purchased, taken, or used for the Purposes of this Act, in such Manner as the said Commissioners or any Seven or more of them shall think fit, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

In case of not making out good Titles.

XIV. And be it further enacted, That in case the Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid, shall not be able to make a good Title to the Premises, to the Satisfaction of the said Commissioners, or shall refuse to execute such Conveyance or Conveyances, or in case such Person or Persons to whom such Sum or Sums of Money shall be so ordered to be paid as aforesaid, cannot be found, or if the Person or Persons entitled to such Messuages, Lands, Tenements, Grounds, Hereditaments, or Premises be not known or discovered, or if by reason of Disputes or Differences, or for Defect of Evidence, it shall not appear to the said Commissioners or Jury, what Person or Persons is or are entitled to the Premises in question, then and in every such Case it shall be lawful for the said Commissioners to order the said Sum or Sums so awarded to be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Messuages, Lands, Tenements, Grounds, Hereditaments, or Premises [describing them], subject to the Order, Controul, and Disposition of the said Court; which said Court, upon the Application of any Person or Persons making claim to such Sum or Sums of Money, or any Part thereof, by Motion or Petition, shall be, and is hereby empowered in a summary Way of Proceeding or otherwise, as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate or Estates, Titles or Interest of the Person or Persons making claim thereunto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable.

In case of disputed Titles, Per-

XV. Provided always, and be it further enacted, That when any Question shall arise touching the Title of any Person or Persons to any Money to

sons in Possession to be deemed lawfully entitled.

to be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the Court of Chancery, in pursuance of this Act, for the Purchase of any Messuages, Lands, Tenements, Grounds, Hereditaments, or Premises, or of any Estate, Right, Title, or Interest in any Messuages, Lands, Tenements, Grounds, Hereditaments, or Premises to be purchased in pursuance of this Act, or to any Government Stock to be purchased with any such Money, or to the Dividends or Interests of any such Stock, the Person or Persons who shall have been in Possession of such Messuages, Lands, Tenements, Grounds, Hereditaments, or Premises, at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Messuages, Lands, Tenements, Grounds, Hereditaments, or Premises according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery, and the Dividends or Interest of the Stock to be purchased with such Money, and also the Capital of such Stock shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Messuages, Lands, Tenements, Grounds, Hereditaments or Premises, or to some Estate or Interest therein.

Court may order reasonable Expences to be paid by Commissioners.

XVI. Provided also, and be it further enacted, That where by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Messuages, Lands, Tenements, Grounds, Hereditaments, or Premises to be purchased under the Authority of the said recited Acts or of this Act, the Purchase Money for the same shall be required to be paid into the said Court of Chancery, and to be applied in the Purchase of other Messuages, Lands, Tenements, Grounds, Hereditaments, or Premises, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners, who shall from Time to Time pay such Sum or Sums of Money for such Purposes as the said Court shall direct.

Form of Conveyance.

XVII. And be it further enacted, That all Sales, Conveyances, and Assurances of all Messuages, Lands, Tenements, Grounds, Hereditaments, and Premises, to be made to the said Commissioners and their Successors, shall be made in the Form and to the Effect following; (that is to say),

'I [*or* we, *as the Case may be*] of in consideration of the Sum of to me [*or* us,] paid by the Commissioners for making wide and convenient Streets, Ways, and Passages in the City of *Cork* and the Suburbs thereof, do hereby grant and release [*or* assign, *as the Case may be*], to the said Commissioners and their Successors, all [*here describe the Premises to be conveyed*], and all my [*or* our] Right, Title, and Interest in and to the same and every Part thereof, to hold to the said Commissioners and their Successors for ever [*or as the Case may be*], during all the Remainder of my [*or* our] Term, Estate, and Interest in the said Premises. In witness whereof, I [*or* we] have hereunto set my Hand and Seal [*or*, our Hands and Seals] this Day of in the Year of our Lord

And every such Sale, Conveyance, and Assurance so made, shall be good, valid, and effectual to all Intents and Purposes whatsoever, as to and against the Person and Persons making the same, and his, her, or their Cestuique Trusts, and all other Persons claiming or to claim by, from, under, or in Trust for him, her, or them respectively, or in Remainder, Reversion, or Expectancy as aforesaid; and the same shall be deemed and construed to bar the Dower and Dowers of the Wife and Wives of such Person and Persons, and all Estates Tail and other Estates in Possession, Reversion, Remainder, or Expectancy, and the Issue and Issues of such Person and Persons claiming under them, as effectually as Fines or Common Recoveries would do if levied or suffered by the proper Parties in due Form of Law; any Law, Statute, Usage, or Custom to the contrary thereof notwithstanding.

On Payment or Tender of Money Commissioners may enter.

XVIII. And be it further enacted, That upon Payment or Tender of such Sum or Sums of Money as shall have been contracted or agreed for between the Parties, or assessed by any Jury or Juries in manner aforesaid, for the Purchase of any such Messuages, Lands, Tenements, Grounds, Hereditaments, or Premises, to the Proprietor or Proprietors of such Lands and Premises, or such other Person or Persons as shall be interested therein, or entitled to receive such Compensation; or if the Person or Persons so entitled or interested, or any of them, cannot be found, or shall refuse to receive the same, or shall not be able to make a good Title to, or shall refuse to execute a Conveyance or Conveyances of the Premises which shall be required for the Purposes of this Act, then upon Payment of the said Sum or Sums of Money into the Bank of *Ireland*, as herein-before directed and required, for the Use of such Person or Persons so interested or entitled as aforesaid, or paying the same as otherwise hereby directed, it shall be lawful for the said Commissioners and their Agents, Servants, or Workmen, immediately to enter upon such Messuages, Lands, Tenements, Grounds, or other Premises respectively, and then and thereupon the Messuages, Lands, Tenements, Grounds, Hereditaments, and Premises, and the Fee Simple and Inheritance thereof, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Person or Persons therein, shall from thenceforth become vested in and become the sole Property of the said Commissioners to and for the Purposes of this Act for ever; and such Tender, Payment, or Investiture shall not only bar all Right, Title, Interest, Claim, and Demand of the Person or Persons to whom the same shall or ought to have been made, but also shall extend to and shall be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion and Remainder of his, her, and their Issue, and of every other Person whomsoever therein.

Lands to vest in Commissioners.

XIX. And be it further enacted, That the Houses, Buildings, Grounds, Messuages, Lands, Tenements, Hereditaments, and Premises to be purchased by virtue of this Act, on Payment of the Money agreed or awarded to be paid for the Purchase thereof, to the Person or Persons, Body or Bodies Politic, Corporate or Collegiate entitled thereto, or on depositing the same in the Bank of *Ireland*, in manner by this Act directed, or paying the same as otherwise hereby directed, and all Buildings and Erections, and other Matters and Things thereon or belonging thereto, which shall

shall be made, built, provided, or erected by virtue of and in pursuance of the said recited Acts or of this Act, shall be and the same are hereby vested in the said Commissioners and their Successors; and the said Commissioners shall and may from Time to Time dispose thereof in the Manner authorized and approved by the said recited Acts or by this Act, for the Disposal of Premises to be purchased by the said Commissioners.

Commissioners may themselves cause Streets to be lighted.

XX. And for the better lighting the said City of *Cork*, and Suburbs thereof, be it further enacted, That it shall and may be lawful to and for the said Commissioners and their Successors, from Time to Time and at all Times hereafter, to light or cause to be lighted with Gas or with Oil, or by any other Means which to them shall seem proper, or partly with Gas and partly in such other Manner as they shall think fit, the several Streets, Squares, Lanes, Courts, Quays, Bridges, Ways, and Passages within the said City and Suburbs thereof, and to direct what Part or Parts of the said City and Suburbs shall be lighted with Oil, and what Part or Parts by Means of Gas or Inflammable Air, or in any other Manner, and for this Purpose from Time to Time, and at all Times hereafter, to purchase and provide such and so many Lamps of such Sorts and Sizes, and Constructions, and such and so many Lamp Irons and Lamp Posts, and all such other Matters and Things for lighting such Lamps either by Oil or Gas as aforesaid, or in any other Way that the said Commissioners shall consider to be beneficial or shall deem necessary, and to direct the same to be affixed and set up on or against the Walls or Palisadoes of all or any of the Houses, Tenements, or Buildings, or against any other Walls, or in any other Manner, and in such Places and at such Distances throughout the said City and Suburbs thereof, as to the said Commissioners shall seem fit and proper, and from Time to Time to order and direct the same, or any of them, to be taken down, altered, or renewed, when and so often as they shall see fit, and to cause such Lamps, or any of them, to be lighted at such Seasons of the Year, on such Evenings, in such Manner, and at such Hours of the Evening, and to be kept burning for so many Hours as to them the said Commissioners shall seem necessary or proper, for the well and sufficient lighting of all or any of the Streets, Squares, Lanes, Courts, Quays, Bridges, Ways, Passages, or Places within the said City and Suburbs thereof.

Commissioners themselves may erect Apparatus to make Gas.

XXI. And be it further enacted, That it shall and may be lawful for the said Commissioners and their Successors, in case they shall deem it expedient, to light the said Streets, Highways, Quays, Lanes, Passages, and public Places within the Limits of this Act, with Gas or Inflammable Air, without contracting for the same; and they are hereby fully authorized and empowered, by their Engineer, Servants, Agents, Workmen, and others, from Time to Time to make and erect such Buildings, Retorts, Gasometers, Receivers, Cisterns, Engines, Machines, and other Works and Apparatus, upon any Part not exceeding Three Acres Statute Measure, of any Lands, Tenements, or Hereditaments which may be rented or purchased by the said Commissioners, as the said Commissioners shall from Time to Time deem expedient or proper; and also to erect, set up, place, and affix any Posts, Pillars, Pilasters, Lamp Irons, Lamps, and other Apparatus in any of the said Streets, Highways, Quays, Lanes, Passages, and public Places, or upon or against the Walls of any Dwelling Houses or other Buildings therein, either public or private; and also to break

break up the Soil and Pavement of any Streets, Highways, Quays, Lanes, Ways, Passages, and other public Places, or any Part of them, and to dig and sink Trenches and Drains; and lay Mains or Pipes, and put Stop Cocks, Syphons, Plugs, or Branches from such Pipes, and to form, lay, and make any Cuts, Drains, Sewers, Watercourses, Reservoirs, and other Works and Devices, in, under, across, along, and upon such Place or Places as aforesaid, in such Manner as shall be necessary for the Purpose of carrying this Act into Execution, or supplying any such Light as aforesaid, and from Time to Time to alter the Position of, and to repair, relay, remake, and maintain such Pipes, Stop Cocks, Syphons, and Plugs or Branches, Cuts, Drains, Sewers, Watercourses, Reservoirs, and other Works and Devices, and to carry, fit up, and furnish any Pipe or Pipes, Cocks or Branches, or other necessary Apparatus, from any Main or Pipe laid in any Street, Highway, Quay, Lane, Passage, or other Place by the said Commissioners, by virtue of this Act, into or through any Dwelling House or Houses, Manufactories, public or private Buildings, for the Purposes of lighting the same, or any public or private Lamp, from any of such Mains or Pipes, and to erect and set up any other Apparatus necessary or requisite for securing to any Dwelling House or Houses, Manufactories, public or private Buildings, a proper and competent Supply of Gas, or for measuring or ascertaining the Extent of such Supply, and also to alter or amend any bad or imperfect Work which shall have been placed or which shall be injured or damaged, and to do all such Acts, Matters, and Things as the said Commissioners, or their Successors, shall from Time to Time think necessary and convenient for completing and amending, repairing, improving, supplying, and sustaining the same; but nothing herein contained shall authorize and empower the said Commissioners to carry or lay any Pipe or Pipes through or against any Dwelling House or Houses, Manufactory, public or private Buildings, Hereditaments and Premises, or continue the same, when so carried or laid down, for the Purpose of lighting the same, or any other Dwelling House or Houses, Manufactory, or public or private Buildings, Hereditaments and Premises, without the Consent in Writing of the Owner and Occupier of every such Dwelling House or Houses, Manufactory, public or private Buildings, Hereditaments, and Premises through or against which any Pipe or Pipes may be carried or laid for the Purposes aforesaid, nor to authorize or empower the said Commissioners to carry or lay any Pipe or Pipes through, in, or upon any private Lands or Grounds, without the Consent in Writing of the Owner or Occupier thereof.

Commissioners empowered to let out Gas Lights in case they light the Streets themselves.

XXII. And be it further enacted, That in case the said Commissioners shall deem it expedient to light the said Streets, Lanes, and other public Passages and Places within the Limits of this Act, with Gas or Inflammable Air, without contracting for the same, it shall and may be lawful to and for the said Commissioners (after sufficiently lighting the said Streets, Lanes, public Passages, and Places as aforesaid), to let out or grant to any Person or Persons whomsoever who shall be willing to take the same, any Light or Lights, or Argand, Cockspur, Batwing, or any other Kind of Burner or Burners, and to supply the same with Gas or Inflammable Air, upon such Terms and Conditions, and at such Rents for the same, and in such Manner as they the said Commissioners shall from Time to Time think proper: Provided nevertheless, that all Money to proceed therefrom or arise thereby be, in the first Instance, applied to

defray the Expences of the Gas Apparatus and other Things connected therewith; and if there shall be any Overplus, then the same shall be applied generally for the Purposes of this Act.

Penalty on interrupting Workmen.

XXIII. And be it further enacted, That if any Person shall wantonly or maliciously hinder or interrupt the said Commissioners or their Successors, or their Officers, Agents, Workmen, or Servants, or any of them, in doing and performing any of the Works, or in the Exercise of any of the Powers and Authorities by this Act granted, or shall in any wise cause or procure the same to be done, every Person so offending shall, for every such Offence, forfeit and pay to the said Commissioners or their Successors any Sum not exceeding Five Pounds, and also the full Amount of the Damage which shall be sustained by such Hindrance or Interruption.

Penalty on Persons taking Gas if they supply others.

XXIV. Provided always, and be it enacted, That if any Inhabitant of the said City or Suburbs, or any other Person or Persons whomsoever, supplied with Gas by virtue of this Act, shall supply any other Inhabitant thereof, or any other Person whatsoever, with any Part of such Gas, then and in every such Case any Person or Persons so offending shall, for every such Offence, forfeit and pay to the said Commissioners or their Successors any Sum not exceeding Forty Shillings, and it shall be lawful for the said Commissioners or their Successors to take off the Gas from the House or Premises of any Person so offending, notwithstanding any Contracts or Agreements which may have been previously entered into.

Mode of recovering Sums to be paid for Gas.

XXV. And be it further enacted, That in case any Person or Persons who shall contract with the said Commissioners or their Successors, or agree to take, or shall use or enjoy the Benefit of the said Gas in, upon, or about their Dwellings, Shops, Inns, Taverns, or other Buildings or Manufactories, shall refuse or neglect, for the Space of Ten Days after Demand, to pay the Sum or Sums of Money then due for the same to the said Commissioners, according to the Terms and Stipulations made with the said Commissioners, it shall be lawful for the said Commissioners and their Successors, their Officer or Officers, Clerk, or other Person or Persons acting by or under their Authority, by Warrant under the Hands and Seals of any Two of the Justices of the Peace for the County of the City of *Cork*, which Warrant such Justices are hereby required and empowered to grant, to levy the said Sum or Sums, in respect whereof such Refusal or Neglect shall happen, by Distress and Sale of the Goods and Chattels of the Person or Persons so refusing or neglecting to pay the same, rendering the Overplus, if any, to such Person or Persons so neglecting, after the necessary Charges of making such Distress and Sale shall be first deducted; or in case sufficient Goods and Chattels shall not be found, the same, with Costs of Suit, may be recovered in any of His Majesty's Courts of Record in *Dublin* by Action of Debt or on the Case, or by Bill, Plaint, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed.

No Pipes of Communication to be laid without Consent of Commissioners.

XXVI. And be it further enacted, That it shall not be lawful for any Person or Persons to lay or cause to be laid any Iron, Leaden, or other Pipe to communicate with any Pipe belonging to the said Commissioners or their Successors, without Licence of the said Commissioners or their

Successors first had and obtained; and if any Persons shall lay or cause to be laid any such Pipe to communicate as aforesaid without such Licence, or shall use Burners of larger Dimensions than he, she, or they respectively shall contract or pay for, every Person so offending shall forfeit and pay to the said Commissioners the Sum of Forty Shillings for every Day such Pipe shall so remain, or such Excess be so committed, to be recovered by Distress and Sale of the Offender's Goods and Chattels, by Warrant under the Hand and Seal of any Justice or Justices of the Peace for the County of the City of *Cork*, and which Warrant such Justice or Justices is and are hereby required and empowered to grant; and the Surplus, after such Penalty or Forfeiture, and the Charges of such Distress and Sale shall be deducted, shall be returned on Demand to the Owner or Owners of such Goods and Chattels; and in case sufficient Distress cannot be found, or such Forfeiture shall not be forthwith paid, it shall be lawful for such Justice or Justices to cause such Offender or Offenders to be committed to the House of Correction or Gaol of the County of the City of *Cork*, there to remain without Bail or Mainprize for such Time as such Justice or Justices shall direct, not exceeding Three Calendar Months, unless such Forfeiture and all reasonable Charges shall be sooner paid and satisfied; and it shall be lawful for the said Commissioners or their Successors to take off the Gas from the House or Houses or Premises of the Person or Persons so offending, notwithstanding any Contracts or Agreements which may have been previously entered into.

Penalty on Persons intentionally injuring or extinguishing Lamps or damaging Pipes.

XXVII. And be it further enacted, That if any Person or Persons shall wilfully or maliciously destroy or injure any of the Buildings, Erections, or Works belonging to or which shall be made or erected by the said Commissioners under the Authority of this Act, or shall break, throw down, or otherwise destroy or damage, or shall extinguish any Globe or any Lamp or Lamps which is or shall be erected or placed in any of the Streets, Squares, Lanes, Courts, Alleys, or Yards, or any of the Quays, Bridges, or other Passages within the Limits of this Act, or shall wilfully and maliciously damage the Posts, Irons, or other Furniture thereof, or shall wilfully or maliciously remove, take away, destroy, disturb, alter, derange, damage, or injure any or any Part of any Pipe, Post, Plug, or other Apparatus, Matter, or Thing belonging to the said Commissioners, or shall wilfully or maliciously waste or improperly use any of the Inflammable Gas supplied by the said Commissioners, it shall and may be lawful to and for any Person whatsoever who shall see such Offence committed, to seize, as also for any other Person or Persons, to assist in seizing the Offender or Offenders, and by Authority of this Act, and without any other Warrant, to convey him, her, or them, or to deliver him, her, or them, to the Custody of a Peace Officer, in order to be secured and conveyed before some Justice of the Peace for the County of the said City; and every Person so offending, and being thereof lawfully convicted before One or more Justice or Justices of the Peace for the County of the City of *Cork*, shall forfeit and pay any Sum not exceeding Five Pounds, and Three Times the Amount of the Damage to be ascertained by such Justice or Justices to be done, such Penalty and Damage together with the reasonable Costs, to be levied by Distress and Sale of the Goods and Chattels of such Offender, returning the Overplus (if any) on Demand to the Owner of such Goods and Chattels; and if such Fine or Fines, Penalty and

Penalties,

Penalties, and such Damages and Costs shall not be paid, then it shall and may be lawful to and for the Justice or Justices of the Peace before whom such Offender or Offenders shall be convicted, or any other Justice or Justices of the Peace for the County of the said City, to commit him, her, or them to the House of Correction, or to the Gaol of the City of *Cork*, for any Space of Time not exceeding Three Calendar Months.

Persons accidentally breaking Lamps or injuring Pipes to make Compensation.

XXVIII. And be it further enacted, That if any Person or Persons shall carelessly, negligently, or accidentally break, throw down, or otherwise destroy or damage any such Lamp or Lamps so being hung out or set up as aforesaid, or any Post, Iron, Cover, or Furniture thereof, or any Pipe, Post, Plug, or other Apparatus, Matter, or Thing belonging to the said Commissioners, and shall not on Demand make Satisfaction for the Damage so done, then and in every such Case it shall and may be lawful for any Justice of the Peace for the County of the said City of *Cork*, and he is hereby required, upon Complaint thereof made by One or more credible Witness or Witnesses, to summon before him the Party or Parties complained of for doing such Damages, and upon his, her, or their appearing or making Default to appear (Oath being made that the Party complained against had been served with such Summons, or that the same had been left at his, her, or their usual Dwelling or Place of Abode, if known, or that he, she, or they could not be found), such Justice shall proceed to examine the Cause of such Complaint, and upon Proof thereof, either upon Confession of the Parties, or the Oath of One or more Witness or Witnesses, shall award and order such Satisfaction to be made by the Party or Parties complained against for the Damage so done to the said Commissioners as to such Justice shall appear just and reasonable; and in case the Sum so awarded shall not be paid forthwith, it shall and may be lawful to and for such Justice and he is hereby required to cause the same to be levied and recovered as any Fine or Penalty can or may be levied by virtue of this Act.

Commissioners may remove and sell Lamps and sell Coke.

XXIX. And be it further enacted, That the said Commissioners shall have full Power and Authority from Time to Time to remove or take away all or any of the public Globes or Lamps which now are, or which may hereafter be erected within the Limits aforesaid, and also to sell and dispose of such old Globes, Lamps, Irons, Posts, or other Furniture, as they shall think fit, also to sell and dispose of all such Coke, Oil, Tar, Pitch, Asphaltum, Ammoniacal Liquor, Essential Oil, and other Matter, as may be procured in making Gas for the Purposes aforesaid, and the Sum or Sums procured by the Sale thereof shall form a Part of the Fund for the Purposes of this Act.

Commissioners may contract for the Execution of Works;

or after the Works are executed may contract for having City

XXX. And be it further enacted, That in case the said Commissioners or their Successors shall think fit to contract and agree with any Company or Companies, or other Person or Persons, for the Execution, Erection, establishing or providing, laying or placing of all or any of the several Buildings, Erections, Pipes, Apparatus, Works, Matters, or Things aforesaid; or if after such Buildings, Erections, Pipes, Apparatus, Works, Matters, and Things aforesaid, shall be executed, built, erected, established, laid, or provided, the said Commissioners or their Successors shall think it expedient to contract with any Company or Companies, or other

other Person or Persons whatsoever, for lighting the said City and Suburbs, or the Places adjacent thereto, by Means of such Buildings, Erections, Pipes, Apparatus, Works, Matters, and Things aforesaid, it shall and may be lawful to and for the said Commissioners and their Successors from Time to Time so to do, under any Terms, Conditions, Stipulations, and Agreements, which to the said Commissioners or their Successors shall appear fit and proper; and the said Commissioners and their Successors shall and may authorize and empower the Company or Companies, Person or Persons with whom respectively they shall contract as aforesaid, their and his Workmen and Servants, to make, erect, do, and execute such Works, and to put, place, and lay, or cause to be put placed, and laid, such Pipes and other Matters and Things, as in and by this Act the said Commissioners are authorized and empowered to make, erect, do, place, and lay respectively, and from Time to Time to light or cause to be lighted in such Manner as shall be so contracted for, the several Streets, Squares, Lanes, Courts, Quays, Bridges, Ways, and Passages within the said City and Suburbs thereof, or the Places adjacent thereto, or any of them, or any Part thereof respectively, in such Manner as the said Commissioners or their Successors shall determine upon.

and Suburbs lighted by Means of Works;

and may empower Contractors to execute Works, and to light the City and Suburbs.

XXXI. And be it further enacted, That if any Person shall wantonly or maliciously hinder or interrupt the Person or Persons with whom the said Commissioners shall contract as aforesaid, or any of them, or their or his Workmen or Servants, or any of them, in doing and performing any of the Works, Matters, and Things contracted for as aforesaid, or shall in anywise cause the same to be done, or shall wilfully or maliciously break, throw down, or otherwise destroy or damage such Works, Matters, or Things, or any of them, every Person so offending shall for every such Offence forfeit and pay to the said Commissioners or their Successors, any Sum not exceeding Five Pounds, and shall pay to the said Contractor or Contractors the full Amount of the Damage which shall be sustained by such Hindrance or Interruption, or by such breaking, throwing down, Destruction or Damage, as the Case may be.

Penalty on any Person preventing Contractors from executing Works, or damaging Works done by Contractors.

XXXII. And be it further enacted, That it shall and may be lawful to and for the Body or Bodies Politic, Company or Companies of Proprietors, or other Person or Persons with whom the said Commissioners or their Successors shall so contract, if the said Commissioners or their Successors shall so order and appoint, to enter into Agreements with any Person or Persons, Bodies Politic, Corporate or Collegiate, Corporations Aggregate or Sole, for the lighting of any public Markets or Buildings, or any Manufactories, private Houses, Places of public Exhibition, Shops, Counting Houses, or Warehouses, or other Places within the said City or Suburbs thereof, or within any Portion or Portions thereof, which shall from Time to Time be so ordered and appointed by the said Commissioners, or their Successors, for the Payment yearly, quarterly, or monthly of such Sum or Sums of Money as shall be mutually agreed upon between them; and the Body or Bodies Politic, Company or Companies of Proprietors, or other Person or Persons for whose Benefit such Order or Appointment shall be so made, and shall continue in force, shall have the same Power and Authority to sue for, recover, and receive

Persons contracting with Commissioners to light the City, may sell Gas to other Persons.

the Sum and Sums which shall be due to them under such Agreements respectively as is herein-before given to the said Commissioners in case they should themselves enter into such Agreements.

For preventing Escape of Gas.

XXXIII. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up by the said Commissioners, or by any Person or Persons under their Authority, in pursuance of this Act, the said Commissioners, or the Person or Persons acting under the Authority of the said Commissioners, or any Person or Persons contracting with the said Commissioners for the Supply of Gas, and any Person or Persons acting by or under his or their Authority, who shall cause such Gas to be produced, shall immediately after receiving Notice by Parole or in Writing of any such Escape of Gas from any Inhabitant or Inhabitants of the said City or Suburbs, cause the most speedy and effectual Measures to be taken to stop and prevent such Gas from escaping; and in case the said Commissioners, or such Person or Persons as shall under their Authority cause such Gas to be produced, shall not within Twenty-four Hours next after such Notice by Parole or in Writing being given of any such Escape of Gas, effectually stop up and prevent the Gas from escaping, and wholly and satisfactorily remove the Cause of Complaint, that then and in every such Case the said Commissioners, or such Person or Persons as aforesaid, shall for every such Offence forfeit and pay the Sum of Five Pounds for each and every Day after the Expiration of Twenty-four Hours from the Time of giving any such Notice during which the Gas shall be suffered to escape as aforesaid, which Penalty shall from Time to Time be recoverable in a summary Way, on the Oath of One or more credible Witness or Witnesses, by Information to be laid and exhibited before some One or more Justice or Justices of the Peace for the said County of the said City, and shall and may be recovered and levied with all reasonable Charges by Distress and Sale of the Goods and Chattels of the said Commissioners, or such other Person or Persons, by Warrant of any such Justice or Justices of the Peace as aforesaid in manner herein-after mentioned.

Penalty for conveying Washings into any River, Stream, &c.

XXXIV. Provided always, and be it further enacted, That if the said Commissioners, or any Contractor or Contractors, or other Person or Persons whomsoever, shall at any Time drain or convey, or cause or suffer to be drained or conveyed, or to run or flow any Washings or other waste Liquids, Substances, or Things whatsoever, which shall arise or be produced in the Prosecution of the said Gas Works, or in the Process of making the said Gas, into any River, Brook, or running Stream, Reservoir, Aqueduct, Feeder, Pond, Spring Head, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or do or cause to be done any Annoyance, Act, or Thing to the Water contained in any such River, Brook, or running Stream, Reservoir, Aqueduct, Water Way, Feeder, Pond, Spring Head or Well, or into any Drain, Sewer, or Ditch whereby the said Water, or any Part thereof, shall or may be soiled, fouled, or corrupted, then and in every such Case the said Commissioners, or such Contractor or Contractors, Person or Persons, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds, and such Penalty or Forfeiture shall and may be sued for and recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Dublin*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information,

wherein

wherein no Essoign, Protection, Privilege, Wager of Law, nor more than one Imparlance shall be allowed, and one Moiety thereof shall be paid to the Person or Persons who shall inform or sue for the same, and the other Moiety shall be paid to the Person or Persons against whom any such Annoyance, Act, or Thing shall have been done or committed, or who shall have sustained any Injury thereby: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within Twelve Calendar Months from the Time that such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased and determined: Provided also, that over and above and in addition to the said Penalty of Two hundred Pounds (whether such Penalty shall have been sued for or recovered or not), in case any of the said Washings, or other waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, into any River, Brook, or running Stream, or any Reservoir, Aqueduct, Water Way, Feeder, Pond, Spring Head, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or any such Annoyance, Act, or Thing shall be done or caused to be done as aforesaid, and Notice thereof in Writing shall have been given to the said Commissioners, Contractor or Contractors, or other Person or Persons, and the said Commissioners, Contractor or Contractors, or other Person or Persons, shall not within Twenty-four Hours after such Notice shall have been given to them or him as aforesaid, stop, hinder, or prevent all and every such Washings, waste Liquids, or noisome or offensive Liquid, Substances, or Thing from being drained, conducted, or conveyed, or from running or flowing in Manner aforesaid, and every such other Annoyance, Nuisance, Injury, Damage, Act, or Thing from being done as aforesaid, then and in every such Case the said Commissioners, or Contractor or Contractors, or Person or Persons as aforesaid, shall forfeit and pay the Sum of Twenty Pounds for each and every Day such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things shall be so drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, or such other Annoyance, Act, or Thing shall be so done or caused to be done as aforesaid, and such last-mentioned Penalty shall and may be recovered, levied, and applied in such and the like Manner as any other Penalty or Forfeiture is in and by this Act directed to be recovered, levied, and applied.

Act not to prevent Commissioners being proceeded against for a Nuisance, &c.

XXXV. Provided always, and be it further enacted, That nothing herein contained shall extend, or be construed to extend to prevent any Person or Persons from proceeding by Indictment or otherwise against the said Commissioners or against any of their Officers, Servants, or Workmen, or against any Contractor or Contractors, or other Person, in respect of any Works of the said Commissioners, or of such Contractor or Contractors or other Person, or the Means which shall be by them used in obtaining, making, or preparing the said Gas or Inflammable Air, or in using the same as a public or private Nuisance.

Pavements, Street Dirt, Lamps and Pipes vested in Commissioners.

XXXVI. And be it further enacted, That all present and future Pavements and Flags in the several Streets, Squares, Ways, Lanes, Courts, Alleys, Quays, Passages, Bridges, and other public Places within the said City and Suburbs thereof, and the Stones, Gravel, Flags, and other Materials, of which as well the Footways as the Carriageways thereof respectively

respectively do and shall consist, and all the Dirt, Dust, Dung, Manure, Ashes, and Filth to be accumulated, laid down, swept, gathered, or collected in or from those Places or any of them, and also all Lamps, Lamp Irons, and Lamp Posts, used or hereafter to be used within the said City or Suburbs thereof, and all Pipes, Stop Cocks, Plugs, Syphons, Water Traps, Branch Pipes, and other Pipes, and all Retorts, Gasometers, Receivers, Cisterns, Engines, Machines, or other Apparatus, and all Materials, Implements, and other Things which shall hereafter be used, erected, or fixed up by virtue of this Act, and all Materials, Implements, and other Things which shall be purchased or provided by the said Commissioners for the Purpose of this Act, shall belong to and be the Property of, and are hereby vested in the said Commissioners and their Successors, which Commissioners shall be known by the Name of "The Commissioners for making wide and convenient Streets, Ways, and Passages in the City of *Cork* and the Suburbs thereof;" and the said Commissioners shall and may cause to be brought any Action or Actions, or any Suit or Suits, or direct the preferring of any Bill or Bills of Indictment, as the Case may require, touching or concerning any Matter or Thing relative to the said recited Acts, or any of them, or to this Act, or to any Matter or Thing vested in the said Commissioners thereby; and in all Actions and Bills of Indictment respectively, it shall be deemed and taken to be sufficient to state generally, that the Article or Articles, Thing or Things, for or on account of which such Action or Actions shall be brought, or Bill or Bills of Indictment preferred, is or are the Property of "The Commissioners for making wide and convenient Streets, Ways, and Passages in the City of *Cork* and the Suburbs thereof," without particularly stating or specifying the Name or Names of all or any of the said Commissioners; and the said Commissioners shall have full Power and Authority from Time to Time to sell and dispose of all or any of the said Articles and Things, or any Part or Parts of the same respectively, to such Person or Persons, and in such Manner as the said Commissioners shall think proper, and the Money arising from such Sale and Sales shall by the said Commissioners be appropriated to the Purposes of this Act.

Commissioners may sell Articles not wanted.

Street Dirt not to be removed without Licence from Commissioners.

XXXVII. And be it further enacted, That if any Person or Persons not licensed or authorized by the said Commissioners shall take away, remove, load, or carry away any Part of the Dirt, Dung, Manure, Ashes, or Filth which shall be accumulated, laid down, swept, gathered, or collected as aforesaid, every such Person shall for every such Offence forfeit a Sum of Twenty Shillings; and if such Dirt, Dung, Manure, or Filth, shall be taken away, removed, or laden, on any Cart, Car, or other Carriage, it shall and may be lawful for any Person or Persons employed by the said Commissioners to seize and take for the said Commissioners such Dirt, Dust, Dung, Manure, or Filth, and to seize such Cart, Car, or other Carriage, and also such Horse or Horses, Mule or Mules, Ass or Asses, Ox or Cow, as shall be found harnessed to such Cart, Car, or other Carriage, or employed in carrying and conveying such Dirt, Dust, Dung, Manure, or Filth, and to detain such Cart, Car, or other Carriage, and such Horse or Horses, Mule or Mules, Ass or Asses, Ox or Oxen, Cow or Cows so found, until Payment of the aforesaid Penalty; and in case of Nonpayment of such Penalty, the same may be levied by the Sale, under the Warrant of the said Commissioners, of such Cart, Car, or Carriage, and of such Horse or Horses, Mule or Mules, Ass or Asses,

Ox or Oxen, Cow or Cows, or of a sufficient Number or Quantity of the same; and if any such Car or Cart, or other Carriage, or such Horse or Horses, Mule or Mules, Ass or Asses, Ox or Oxen, Cow or Cows, being so seized for the Cause aforesaid, shall be rescued, taken, or carried, or driven off by force, every Person or Persons so rescuing the same, or being present, aiding, assisting, encouraging, or abetting in such Rescue, and being convicted thereof before any One or more Justice or Justices of the Peace for the County of the said City, shall forfeit for every such Offence any Sum not exceeding Five Pounds; and in case of Nonpayment thereof upon Conviction, the same shall be levied under the Warrant of a Justice of the Peace for the County of the City of *Cork*, by Distress and Sale of the Offender's Goods wheresoever found; and if no such Distress can be found, then such Offender or Offenders shall and may be committed, by Warrant under the Hand and Seal of such Justice of the Peace, to His Majesty's Gaol in and for the County of the City of *Cork*, there to remain for any Time not exceeding One Month, or until he or she shall pay the said Penalties, and all Costs and Charges attending the Nonpayment thereof.

Commissioners to cause Streets to be repaired and paved.

XXXVIII. And for the better paving and keeping in Repair the several Streets, Squares, Ways, Lanes, Courts, Alleys, Quays, Passages, and Bridges within the said City and Suburbs thereof, and keeping the same free from Obstructions, Nuisances, and Annoyances; be it further enacted, That from and after the passing of this Act the said Commissioners shall have full Power and Authority, and they are hereby authorized and empowered from Time to Time to order and direct any of such Streets, Lanes, Courts, Alleys, Quays, Passages, and Bridges, now in being, or hereafter to be made within the said City and Suburbs, or any Part thereof, as well those used by Foot Passengers as those used by Carriages, to be pitched, paved, flagged, repaired, amended, raised, lowered, or altered, and to be from Time to Time amended and kept in good Repair, upon such Levels, and in such Manner, and with such Sorts and Kinds of Materials as they shall judge necessary and proper; and for such Purpose to be stopped in any Manner or Way that they shall think proper, and to stop and prevent all Carriages, Carts, Cars, Horses, Cows, Sheep, and other Cattle or Beasts from passing through or over the same, for such Time as they shall think proper; and also shall have full Power and Authority to cause to be dug, carted, or carried out of or brought unto any of the said public Passages, such Gravel, Stones, Flags, or other Materials, as they shall judge necessary; and to employ such Artificers, Workmen, Labourers, Carters, and others, and do all and every such other Acts and Things touching the Premises, as the said Commissioners shall judge necessary; any Law, Usage, or Custom, as to any of the said Matters to the contrary in anywise notwithstanding.

Commissioners may prevent Carriages from passing whilst Streets are undergoing Repair.

Contracts already entered into by Grand Jury not to be void.

XXXIX. Provided always, and be it further enacted, That nothing herein contained shall be deemed, taken, or construed to make void any Contract or Contracts which has or have been heretofore made by the Grand Jury of the County of the City of *Cork* with any Person or Persons for repairing, or keeping in Repair, all or any of the said Streets, Ways, or Passages in the said City of *Cork*, or the Suburbs thereof, but that all such Contracts shall continue to be valid for the Terms for which they have respectively been made, (under the Conditions therein respectively specified),

specified), as fully as if this Act had never been passed; and provided that the said Commissioners shall not be authorized or empowered to pave, repair, or amend any of such Streets, Ways, and Passages, respecting which such Contracts shall have been made, until the Time for which such Contracts have been respectively made shall have expired, or the said Contracts respectively shall have otherwise become void.

Mardyke Walk to be within Suburbs.

XL. And be it further enacted, That the *Mardyke Walk* near the City of *Cork*, and the Ground lying between the same and the new Western Road leading into the said City, shall be and the same are hereby declared to be for the Purposes of this Act within the Suburbs of the City of *Cork*.

Power to contract for Purchase of, or to rent Stone Quarries.

XLI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners or their Successors from Time to Time and at all Times hereafter to contract and agree, or to employ any Person or Persons to contract and agree with the Owner or Owners of any Stone Quarries or of any Lands containing Stone Quarries, for the Purchase or renting of the same respectively, for the Purpose of getting Stone from and out of the same, to be used for the Purposes authorized by this Act or any of them; and shall and may pay the Purchase or Consideration Money or Rents for such Quarries, or Lands containing Quarries, so to be purchased or rented as aforesaid, with and out of the Monies to be raised by virtue of this Act.

Commissioners to make Cesspools and Sewers.

XLII. And be it further enacted, That it shall be lawful for the said Commissioners to make or cause to be made proper Cesspools, Sinks, Sewers, Gutters, Drains, and Watercourses for carrying Water off and from the several Streets, Squares, Ways, Lanes, Passages, and Places within the said City and Suburbs, of such Dimensions and to such Extent as to them shall appear expedient and necessary.

Power to cleanse Drains, &c.

XLIII. And be it further enacted, That whenever it shall appear to the said Commissioners that any private Drain, Sewer, Cesspool, Gutter, or Watercourse running beneath or above, or communicating with any other Drain or Sewer beneath any of the Pavements, doth require to be repaired, amended, altered, emptied, or cleansed, it shall be lawful for the said Commissioners to cause a Notice in Writing to be given, signed by any Three or more of them, to or for the Owner or Owners, or for the Occupier or Occupiers of all Messuages, Lands, or Hereditaments, to whom such Drain, Sewer, Cesspool, Gutter, or Watercourse shall belong, or by whom the same shall be used or enjoyed, or from whose Hereditaments any such Drains, Sewers, Gutter, or Watercourse shall proceed or flow, or wherewith the same or any such Cesspool shall communicate, well and sufficiently to repair, amend, alter, empty, or cleanse the same; and in case any such Owner or Occupier, within Six Days after such Notice given, shall not so do pursuant to such Notice, then it shall be lawful for the said Commissioners to direct such Drain, Sewer, Cesspool, or Watercourse to be repaired, amended, altered, emptied, or cleansed with such Materials, and in such Manner as they may direct, and by such Person as they may appoint, and the Amount of the Charges and Expences incurred thereabouts, and also of taking up, relaying, or repairing any Pavements, shall be paid by such Owner or Owners, Occupier

pier or Occupiers to the said Commissioners; and in case of Nonpayment thereof, the same shall be recovered in like Manner as Fines and Penalties imposed by this Act are appointed to be recovered.

Occupiers of Houses to sweep Footways daily.

XLIV. And be it further enacted, That the respective Occupier of every House or other Building, the Persons liable to the Payment of the Rates and Assessments upon all public Buildings, and the Churchwardens of every Parish within the Limits of this Act, and the Dissenting Minister or Deacons of every Meeting House, and the Priest or Priests of every Chapel, or other such Person or Persons who usually officiate in such Meeting Houses, Chapels, or other Places of public Worship, and the Owner or Owners, Proprietor or Proprietors of all dead Walls and void Spaces respectively, shall Once in every Day from the First Day of *May* to the First Day of *October* in every Year, before the Hour of Eight o'Clock in the Morning, and Once every Day from the First Day of *October* to the First Day of *May* in every Year, before the Hour of Nine o'Clock in the Morning, scrape, cleanse, sweep, or wash, or cause to be scraped, cleansed, swept, or washed the Footway, and sweep and cleanse, or cause to be swept or cleansed, the Gutter or Water Channel all along the Front of his or their respective House or Tenement, Warehouse or other Building, or along the Front or Side of the several Churches and other Places of public Worship, Churchyards, and public Buildings, dead Walls, and void Spaces respectively, which are situated or lying in any Street or public Passage as aforesaid, and shall also cause the Dirt and Soil to arise from such sweeping and cleansing, to be collected and put together so as not to obstruct either the Carriage or Footway, or Channel or Watercourse, in order that the same may be removed by the Person or Persons to be employed for that Purpose, or in default thereof, such Person or Persons shall forfeit and pay for every such Offence the Sum of Two Shillings and Sixpence; and if any such Owner or Occupier, Person or Persons aforesaid, shall not upon Demand made at their House or Place of Abode, pay to the Inspector or Supervisor, or other Officer of the said Commissioners, the Penalties for neglecting to scrape, sweep, or wash such Footway, or for neglecting to collect such Dirt in manner herein-before enacted, it shall be lawful for such Inspector, Supervisor, or other Officer of the said Commissioners, by or under the Authority of a Warrant signed by One or more Justice or Justices of the Peace for the County of the City of *Cork*, to levy the same by Distress and Sale of the Goods and Chattels of such Person or Persons as aforesaid respectively, who shall neglect or refuse as aforesaid.

Pavements not to be altered but by Direction of Commissioners.

XLV. And be it further enacted, That no Person shall make or cause to be made any Alteration in the Form or Level of any Part of the Flagging or Pavement of any of the Squares, Streets, Lanes, Courts, Alleys, Quays, Bridges, or Passages, which are now or at any Time hereafter shall be within the said City or Suburbs thereof, or shall break up, or cause to be broken or taken up any Part of the same, except in Cases of accidental Fire, or the bursting of any Main, or shall dig up any Part of the Earth in such Street or Passage for any Purpose whatsoever, without the Consent of the said Commissioners first had and obtained, on pain of forfeiting for every such Offence any Sum not exceeding Five Pounds, over and above all Expences incurred or to be incurred in reinstating the same.

XLVI. And

Arrangement with Pipe-water Companies for repairing Pavements broke up by them.

XLVI. And whereas the frequent breaking up of the Streets, Courts, Lanes, Alleys, Quays, Bridges, Passages, or Places, for the Purpose of new laying or repairing Pipes, is very detrimental to the Pavement; be it therefore further enacted, That from and after the passing of this Act, whenever the Pipe Water Company shall find it necessary to take up or repair any of the Main or Service Pipes, or to lay new Mains or Service Pipes in any Street, Lane, Court, Alley, Quay, Bridge, Passage, or Place within the said City or Suburbs thereof, they shall, before they break up the same, save only in case of accidental Fire or the bursting of any Main, give Notice thereof to the said Commissioners hereby appointed, and shall finish the said Work with all possible Expedition, and shall cause the Earth where such Breach or Breaches shall be made, to be fairly trodden or rammed down, and shall pay or cause to be paid to the said Commissioners, to defray the Expence of repaving such Part of such Street, Lane, Court, Alley, Quay, Bridge, Passage, or Place as shall be so broken up, such Sum as the said Commissioners shall order and direct, not exceeding Four-pence for every Square Yard.

Dirt Carts to be sent through Streets daily.

XLVII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered to purchase or hire, or to contract with any Person or Persons for the supplying of any Cart or Carts, or other Carriage or Carriages, and also any Horse or Horses, for the Purpose of cleansing the several Streets, Squares, Ways, Lanes, Passages, Courts, Alleys, Bridges, Quays, and other Places within the said City or Suburbs thereof, and of carrying away the Dust, Dung, Manure, Dirt, and Soil thereof, and may and shall cause One or more Cart or Carts, with a Bell to each Cart, to be sent Once or oftener in every Day throughout such Squares, Streets, Lanes, and other Places within the said City and Suburbs thereof, as shall from Time to Time have need thereof for the Purpose of removing and carrying away all and all Manner of Ashes, Dung, Filth, Dirt, or Offal from the Houses of any of the Inhabitants therein who may wish or have occasion for such Accommodation, or may not have the Means of otherwise disposing thereof without Nuisance to the Public, for which Removal and carrying away no Charge whatsoever shall be made on any of the Inhabitants.

Penalty on Persons laying Dirt in Streets.

XLVIII. And be it further enacted, That from and after the passing of this Act, if any Person or Persons shall lay or throw, or cause to be laid or thrown, any Coal Ashes, Soot, Dust, broken Glass, Earthenware, Dirt, Dung, Rubbish, Oyster or other Shells, Filth, or Offal, or any other Nuisance or Annoyances whatsoever, in any of the Streets, Lanes, Squares, Quays, Courts, Alleys, or any other public Places whatsoever within the said City or Suburbs thereof, every Person so offending shall forfeit and pay for each and every such Offence any Sum not exceeding Twenty Shillings; and it shall and may be lawful to and for any Person or Persons whomsoever who shall see such Offence or Offences committed to seize, and also for any other Person or Persons to assist in seizing the Offender or Offenders, and without any Warrant to convey and deliver him, her, or them into the Custody of any Peace Officer, in order to be secured and conveyed before a Justice of the Peace for the County of the said City, to be dealt with according to Law; and the Owner or Owners, Occupier or Occupiers of the House or Houses or other

other Buildings before which such Coal Ashes, Dust, broken Glass, Earthenware, Dirt, Dung, Rubbish, Oyster or other Shells, Filth, or Offal shall be laid, shall immediately upon discovering the same, cause the same to be removed; and if such Owner or Owners, Occupier or Occupiers, shall not, upon such Discovery, or upon Notice verbal or written being given to such Owner or Owners, Occupier or Occupiers, or to any Inhabitant of such House or Houses or other Buildings, by any of the said Commissioners, or by any Person or Persons employed by the said Commissioners, forthwith remove or cause to be removed, such Coal Ashes, Dust, broken Glass, Earthenware, Dirt, Dung, Rubbish, Oyster or other Shells, Filth, or Offal, such Owner or Owners, Occupier or Occupiers, shall for every such Neglect or Omission, forfeit and pay any Sum not exceeding Five Shillings, the same to be levied under the Warrant of the said Commissioners, by Distress of the Goods and Chattels of the Owner or Occupier of the House or other Building before which such Annoyance or Nuisance shall be made.

Commissioners shall cause Streets to be watered.

XLIX. And be it further enacted, That the said Commissioners shall have full Power and Authority from Time to Time to Time to cause all or any of the Highways, Streets, Squares, Lanes, or other public Passages and Places within the said City and Suburbs thereof, to be watered when and where, and as often and in such Manner as they shall appoint, and for such Purpose to cause such Number of Wells and Pumps to be dug, sunk, and made in any of the said Highways, Streets, Squares, Lanes, or other public Passages or Places, and to provide and maintain Engines, Water Carts, or any other Matters or Things necessary or proper for the Purpose, and from Time to Time to alter the same as to the said Commissioners shall seem fit.

Present Projections in Streets may be removed by Commissioners.

L. And whereas various Obstructions and Encroachments have from Time to Time been placed and erected, built, and made within the said City of *Cork* and Suburbs thereof, and it would be advantageous to the Inhabitants that the same should be removed; be it therefore further enacted, That it shall and may be lawful to and for the said Commissioners and their Successors to take down, remove, alter, or regulate in such Manner as they shall judge proper, all Signs or other Emblems used to denote the Trade, Occupation, or Calling of any Person or Persons, and all Sign Irons, Sign Posts, and other Posts, Sheds, Penthouses, Spouts, Gutters, Steps, Stairs, Cellar Doors, Cellar Lids, Bow and other projecting Windows, Window Shutters, Window Flaps, Stumps, Trees, Rails, Pales, Palisadoes, Porches, Bulks, Show Glasses, Show Boards, and other Encroachments, Projections, and Annoyances belonging or affixed to any House or Houses or other Buildings, and which shall in the Judgment of the said Commissioners obstruct the free and commodious Passage along the Carriage and Footways of any of the said Streets, Squares, Ways, Lanes, public Passages or Places within the said City or Suburbs thereof, or which shall in any ways interrupt the free Circulation of Air therein, or be otherwise in the Judgment of the said Commissioners injurious to the Street, Square, Way, Lane, Passage, or Place in which the same shall be, and also all Pools, Cesspools, Cisterns, Reservoirs for or Obstructions of Water, and all Building or Buildings, Erection or Erections, occasioning an Overflow thereof, within the said City or Suburbs thereof, and which shall in the Judgment of the said

Commissioners require to be taken down, lowered, altered, removed, or regulated, and that the Costs, Charges, and Expences attending the taking down, removing, altering, lowering, or regulating the said several Matters and Things or any of them, shall be borne and defrayed out of the Money to be raised by virtue of this Act: Provided always, that the said Commissioners shall, One Month at the least before they shall take down, remove, alter, lower, or regulate all or any of the Buildings, Erections, Matters, or Things aforesaid, give Notice in Writing to the Owner or Owners, Occupier or Occupiers thereof, specifying the Removal or other Alteration designed to be made by the said Commissioners, and also specifying the Sum and Sums (if any) which the said Commissioners shall be willing to pay to such Person or Persons, as for Damages or Recompence for such Removal or other Alteration; and in case any Person or Persons shall think that he, she, or they shall be injured or damaged by the taking down, lowering, altering, removing, or regulating all or any of the several Matters and Things aforesaid, to a greater Amount than the Sum specified in the Notice of the said Commissioners, it shall and may be lawful to and for such Person and Persons, at any Time before such taking down, removing, altering, lowering, or regulating the said several Matters and Things or any of them, to cause a Notice in Writing to be served upon the said Commissioners, or their Clerk, setting forth the Nature of the Damage and Injury which he, she, or they shall allege will be suffered, and the Amount claimed by such Person or Persons for the same, and purporting that the Amount thereof shall be adjusted and settled by the Justices of the Peace at the General Quarter Sessions of the Peace to be holden for the County of the City of *Cork*, or at any Adjournment of such Sessions, and the Justices of the said Sessions or Adjournment, or the Recorder or Deputy Recorder if presiding thereat, upon due Proof of such Notice having been given, shall cause the Sheriffs of the County of the said City to return a Jury; and it shall be lawful for the said Justices at such Sessions, or the Recorder or Deputy Recorder, and they or he, as the Case may be, are and is hereby required to charge such Jury well and truly upon their Oaths, to try and inquire whether any Damages or Recompence ought to be awarded or given to the Person or Persons so claiming the same, and upon their Oaths to assess the Amount (if any) of such Damages or Recompence; and such Verdict of the said Jury, and the Judgment of the said Justices, Recorder, or Deputy Recorder upon the same, shall be final, binding, and conclusive to the said Commissioners, and to all Person and Persons interested.

Commissioners to give One Month's Notice of Intention to remove Projections.

If Proprietors of Projection claim Damage, Compensation ascertained.

LI. And be it further enacted, That the said Justices, Recorder, or Deputy Recorder, are and is hereby authorized and empowered from Time to Time, as Occasion shall require, to call before them or him all and every Person or Persons whatsoever who shall be thought proper or necessary to be examined as a Witness or Witnesses before them or him, on their Oath or Oaths, touching or concerning the Premises, and from Time to Time to impose any reasonable Fine, not exceeding Five Pounds, on the Sheriffs, their Deputy or Deputies, Bailiffs or Agents respectively, who shall make Default in the Premises, and on any Person or Persons summoned and returned upon such Jury as aforesaid, who shall not appear, or appearing, who shall refuse to be sworn, or to give his or their Verdict, or in any other Manner wilfully neglect his or their Duty, contrary

Attendance of Witnesses may be compelled.

trary to the true Intent of this Act, having no reasonable Excuse to be allowed by the said Justices, Recorder, or Deputy Recorder, and also on any Witness or Witnesses, who after having been paid or tendered a reasonable Sum for his, her, or their Costs and Expences, shall not attend, being summoned to give Evidence as aforesaid, or who shall appear and refuse to be sworn, or being sworn, shall refuse to give Evidence, and from Time to Time to levy such Fine or Fines by virtue of any Warrant under the Hands and Seals, or Hand and Seal of the said Justices, Recorder, or Deputy Recorder, by Distress and Sale of the Goods and Chattels of the Person or Persons so offending, rendering to him or them the Overplus, after such Penalty, and the Charges of such Distress and Sale, shall be deducted, and all such Fines so recovered shall be applied towards the Purposes of this Act.

On Payment or Tender of Sum awarded Projections may be removed.

LII. And be it further enacted, That upon Payment or Tender to the Person or Persons so claiming, or their, his, or her known Agent or Agents, of the Sum or Sums so to be assessed for Recompence or Damage, or in case no Sum or Sums shall be so assessed or awarded, it shall and may be lawful to and for the said Commissioners, or any Person or Persons by them authorized so to do, to take down, remove, alter, lower, or regulate, in such Manner as the said Commissioners shall judge proper, all such Signs, Sign Irons, Sign Posts, Sheds, Penthouses, Spouts, Gutters, Steps, Stairs, Cellar Doors, Cellar Lids, Bow and other projecting Windows, Window Shutters, Window Flaps, Stumps, Trees, Rails, Pales, Palisadoes, Porches, Bulks, Show Glasses, Show Boards, and all such Pools, Cesspools, Cisterns, Reservoirs, Building or Buildings, Erection or Erections, as shall be specified in the Notice or Notices given by or on the Part of the Commissioners as herein-before provided.

Future Projections may be removed by Commissioners, and Parties fined.

LIII. And be it further enacted, That if any House or other Building, in or near any Street, Square, Lane, Court, Quay, Bridge, Way, or Passage, within the said City or Suburbs thereof, shall after the passing of this Act, be made, erected, or built, in such Manner or Form, as in the Front, or any of the Gable Sides thereof, to project into or over such Street, Square, Lane, Court, Quay, Bridge, Way, or public Passage, or in any other Manner and Form than in a perpendicular Line or Direction upwards from the Foundation of such House or Building; or if any Spout, Pipe, or Trunk, for conveying Water from the Roof, Eaves, or Cornices, of any House or other Building, in any Street, Square, Lane, Court, Quay, Way, or public Passage or Place in the said City or Suburbs thereof, shall be affixed otherwise than from the Roofs, Eaves, or Cornices thereof, by such Spouts, Pipes, or Trunks, on the Fronts or Sides of such Houses or Buildings respectively, and brought down to the Ground; or if any Sign, Sign Iron, Sign Post, or other Post, Shed, Penthouse, Step, Stair, Cellar Door, Cellar Lid, Bow-window, or other projecting Window, Window Shutter, Window Flap, Stump, Rail, Palisadoe, Porch, Bulk, Show Glass, Show Board, or any other Encroachment or Projection against or in any Front, or Outside of any House or other Building, within or adjoining to any Street, Square, Lane, Court, Quay, Bridge, Way, public Passage or Place within the said City or Suburbs thereof, shall be hereafter made, erected, or built, so as in the Judgment of the said Commissioners to obstruct the free and commodious Passage along the Carriage or Footways of the same, then and in every such Case the

Owner

Owner or Owners of every such House or other Building, Sign, Sign Iron, Sign Post, or other Post, Shed, Penthouse, Step, Stair, Cellar Door, Cellar Lid, Bow or other projecting Window, Window Shutter, Window Flap, Stump, Rail, Pale, Palisadoe, Porch, Bulk, Show Glass, Show Board, or other Encroachment or Projection which shall be so built, erected, and made as aforesaid, or of every such Spout, Pipe, or Trunk, which shall be so made or affixed otherwise than as aforesaid contrary to this Act, shall forfeit and pay any Sum not exceeding Ten Shillings, for each and every Day such House or other Building, Sign, Sign Iron, Sign Post, or other Post, Shed, Penthouse, Steps, Cellar Doors, Cellar Lid, Bow or other projecting Window, Window Shutter, Window Flap, Stump, Rail, Porch, Bulk, Show Glass, Show Board, or other Encroachment or Projection, or such Spout, Pipe, or Trunk, shall continue in such State as is herein provided against, after Notice in Writing, signed by any Three or more of the said Commissioners, given to or left for such Owner or Owners, requiring the Removal or Alteration of such House or other Building, Sign Iron, Sign Post, or other Post, Shed, Penthouse, Step, Stair, Cellar Door, Cellar Lid, Bow or other projecting Window, Window Shutter, Window Flap, Stump, Rail, Pale, Palisadoe, Porch, Bulk, Show Glass, Show Board, or other Encroachment or Projection, or of such Spout, Pipe, or Trunk as aforesaid; and it shall and may be lawful to and for the said Commissioners (whether such Penalties or Forfeitures shall be levied or not), to cause all such Houses and other Buildings, Signs, Sign Irons, Sign Posts, Sheds, Penthouses, Steps, Stairs, Cellar Doors, Cellar Lids, Bow-windows, or other projecting Windows, Window Shutters, Window Flaps, Stumps, Trees, Rails, Pales, Palisadoes, Porches, Bulks, Show Glasses, Show Boards, or other Encroachments or Projections, Spouts, Pipes, or Trunks, or any of them, to be taken down, removed, and taken away.

Boundary Wall of Street not to be taken down without Notice to Commissioners.

LIV. And whereas Encroachments have frequently been made on the public Streets and Passages by Builders and other Persons extending their Buildings beyond their Boundaries; for Remedy whereof, be it further enacted, That if any Person or Persons, after the passing of this Act, shall pull down, deface, or erect any Wall, Rail, or other Fence, or any Part of any Wall, Rail, or other Fence, which forms a Boundary to any public Street or Passage within the said City of *Cork*, or Suburbs thereof, without giving Two Days previous Notice in Writing to the said Commissioners of his Intention so to do, in order that the said Commissioners may take care to prevent any Encroachment on the said public Ways, or any of them, every Person or Persons so offending shall forfeit and pay any Sum not exceeding Twenty Pounds, together with all Expences which the said Commissioners shall be put to in removing the Encroachment, if any shall be made.

No House to be built further out than former House.

LV. And be it further enacted, That if any Person or Persons shall erect the Wall of any House or other Building situate as aforesaid, or any other Encroachment, further into any of the said Streets, Ways, or Passages, than where the Walls of the old House or Building stood, it shall and may be lawful to and for the said Commissioners to order the same to be pulled down, and the Person or Persons so offending shall forfeit any Sum not exceeding Twenty Pounds, together with all Costs and Charges which the said Commissioners shall be put to in removing or pulling

pulling down the same, provided that where any House or Building is situated in a Recess, further back than the general Line of the Houses or Buildings in the same Street or Passage, that in such Case it shall and may be lawful to and for the said Commissioners, if it shall seem expedient to them, to permit the Front of such House or Building to be brought out or built, or if built to remain nearer to such Street or Passage, so as the same shall not project beyond the general Line of the Houses adjoining, and being in the said Street or Passage.

When House projecting is about to be rebuilt, Commissioners may require it to be set back.

LVI. And be it further enacted, That whenever any House or Houses, or other Building or Buildings, standing in any Street, Lane, Way, or Passage, within the said City, or the Suburbs thereof, and projecting beyond the regular Line of such Street, Lane, Way, or Passage, or of the Range of Buildings adjoining thereto, shall be taken down for the Purpose of being rebuilt, it shall be lawful for the said Commissioners, if they shall think proper so to do, to require and compel the Owner or Owners thereof, when the same shall be rebuilt, to cause such House or Houses, or other Building or Buildings, to be set back in and according to such regular Line as aforesaid, and to give such Directions and make such Orders in Writing under their Hands for that Purpose, as the said Commissioners shall think proper; and to cause the same to be delivered or left at the House or last or usual Place of Abode of such Owner or Owners, some or one of them, or to be delivered to his or their known Agent or Agents; and if any House or other Building shall be built or erected contrary to such Directions or Orders, the same shall be and be deemed to be an Encroachment, Nuisance, and Annoyance within the Intent and Meaning of the said last recited Act, and be removed or removable as such: Provided always, that full Recompence and Satisfaction shall be made to the Owner or Owners of and all Persons interested in the Premises for any Loss or Damage, he, she, or they may sustain by such House or Houses, or other Building or Buildings being so set back, and all the Powers, Provisions, and Clauses contained in this Act, with respect to Projections now belonging or affixed to any House or Houses, or other Buildings, shall extend and apply and be applicable to any House or other Building so to be set back as aforesaid, and to making Compensation and Satisfaction to the Owner or Owners thereof, and Persons interested therein, as fully and effectually as if the same were here repeated.

When new House about to be built, or old House to be rebuilt, Commissioners may require Sewer to be made.

LVII. And be it further enacted, That whenever any House shall be about to be built or to be rebuilt in any Street, public Way or Passage within the said City or Suburbs thereof, it shall and may be lawful to and for the said Commissioners to cause a Notice in Writing signed by any Three or more of the said Commissioners to be delivered to the Owner or Owners of the Ground whereupon such House is intended to be built or rebuilt, or to be left at his, her, or their House or Houses, or last Place or Places of Residence, or to be delivered to his, her, or their known Agent or Agents, requiring him, her, or them to make or cause to be made and built, at the proper Costs and Charges of such Owner or Owners of such Ground, a Sewer leading from the back Part of such House to the main Sewer of the Street, in which such House shall be about to be built, or to the main Sewer of some adjacent Street, at the Option of the Owner of such Ground, and the said Owner or Owners of

such Ground shall, before he shall proceed to build such House, cause such Sewer to be made accordingly, and the same shall be in Width not less than Eighteen Inches, and in Depth not less than Two Feet, and shall be well paved in the Bottom thereof; and in case it shall be needful for the Purpose of making such Sewer to break open any Part of the public Pavement or Flag-ways of the said City or Suburbs, the Owner or Owners of such Ground shall cause to be paid to the said Commissioners such Sum not exceeding Eight-pence for every Square Yard of such Flagging or Footway so broken up, as the said Commissioners shall require, and the said Commissioners shall thereupon cause such Pavement or Flagging to be repaired or new laid; and in case the Owner or Owners of such Ground shall refuse or neglect to build and make such Sewer as aforesaid, then it shall be lawful for the said Commissioners to cause such Sewer to be made and built by such Person or Persons as they shall appoint, and the Amount of the Charges, and the Expences to be incurred thereby, and also in relaying and repairing any such public Pavement or Flagging as aforesaid, shall be paid by such Owner or Owners to the said Commissioners, and in case of Non-payment thereof the same shall be recovered in like Manner as any Fines and Penalties imposed by this Act are appointed to be recovered.

Commissioners may cause Houses to be numbered.

LVIII. And be it further enacted, That the said Commissioners may order and direct the Inhabitants or Owners of the several Houses, Shops, Warehouses, or other Buildings in the said Streets, Squares, Lanes, Courts, Alleys, and Quays, to number their respective Houses in such Manner as they the said Commissioners shall think proper, and may also order and direct to be engraved, painted, or otherwise described on Stone or Wood, to be affixed on some conspicuous Part of some House or Building, at each End or Corner of every of the said Streets, Lanes, Courts, Alleys, Passages, Quays, and Bridges, the Name by which the same is usually called or known, or by which they shall think proper to denominate the same; and if any such Person or Persons shall neglect to number his, her, or their House or Houses as aforesaid, or if any Person or Persons shall wilfully or maliciously destroy, pull down, obliterate, or deface any such Name, Number, or Description, or any Part thereof, or cause or procure, or knowingly suffer the same to be done, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Numbers when defaced to be restored.

LIX. And be it further enacted, That when any such Number or Numbers, Figure or Figures painted or put on any House, Shop, Warehouse, or other Building, or on the Door or Doors thereof, within the said City or the Suburbs thereof, shall be defaced or rubbed out, the Owner or Owners, Occupier or Occupiers of such House, Shop, Warehouse, or Building where the Number or Numbers, Figure or Figures shall have been so defaced or rubbed out, shall, upon personal Notice given to him, her, or them, or upon Notice in Writing left at such House, Shop, Warehouse, or other Building, signed by the said Commissioners, or any Three or more of them, cause the same Number or Numbers, Figure or Figures, to be in the same Manner painted or put on such House, Shop, Warehouse, or other Building, or on the Door thereof respectively, within Three Days after such Notice; and in case of Neglect or Refusal to comply with such Order, every such Owner or

Occupier

Occupier shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

If old Passages become unnecessary in consequence of new Streets, they may be shut up.

LX. And whereas it may happen that in consequence of the making of new Streets, Ways, and Passages by the said Commissioners, other Streets, Ways, and Passages may become unnecessary; be it therefore further enacted, That in case it shall from Time to Time appear to the said Commissioners that any Streets, Ways, or Passages in the said City or Suburbs thereof shall become and be unnecessary as public Streets, Ways, or Passages, then and in such Case it shall and may be lawful for the said Commissioners to cause the same to be shut up and to take Possession thereof, and the Commissioners shall thereupon become seised of the Ground and of such Streets in such and the like Manner as if the same had been purchased under the Provisions herein-before contained; and it shall and may be lawful to and for the said Commissioners to sell and dispose of the same in like Manner as if the same had been so purchased; and the Money arising from such Sale shall be applied to the Purposes of this Act: Provided always, that the said Commissioners shall, One Month at the least before they shut up and take Possession thereof, give public Notice in One or more Newspaper or Newspapers of the said City, of the Alteration designed to be made by the said Commissioners; and in case any Person or Persons shall think that he, she, or they shall be injured or damaged by the shutting up of any such Street, Way, or Passage as aforesaid, it shall and may be lawful to and for such Person or Persons at any Time before such shutting up and taking Possession thereof, to cause a Notice in Writing to be served upon the said Commissioners or their Clerk, setting forth the Nature of the Damage and Injury which he, she, or they shall allege will be suffered, and the Amount claimed by such Person or Persons for the same, and purporting that the Amount thereof shall be adjusted and settled by the Justices of the Peace, Recorder, or Deputy Recorder at the General Quarter Sessions of the Peace to be holden for the County of the City of *Cork*, or at an Adjournment of such Sessions; and the Justices, Recorder, or Deputy Recorder at the said Sessions or Adjournment, upon due Proof of such Notice having been given, shall cause the Sheriffs of the County of the said City to return a Jury, and it shall be lawful for the said Justices, Recorder, or Deputy Recorder at such Sessions or Adjournment thereof, and they are hereby required to charge such Jury well and truly upon their Oaths to try and inquire whether any Damage or Recompence ought to be awarded or given to the Person or Persons so claiming the same, and upon their Oaths to assess the Amount (if any) of such Damages or Recompence; and such Verdict of the said Jury, and the Judgment of the said Justices, Recorder, or Deputy Recorder upon the same, shall be final, binding, and conclusive to the said Commissioners and to all Person and Persons interested.

Notice of Intention to do so to be given.

Compensation to be made to Persons injured thereby.

Attendance of Witnesses and Jurors may be required.

LXI. And be it further enacted, That the said Justices, Recorder, or Deputy Recorder are and is hereby authorized and empowered, from Time to Time as occasion shall require, to call before them or him all and every Person or Persons whatsoever who shall be thought proper or necessary to be examined as a Witness or Witnesses before them or him, on their Oath or Oaths, touching or concerning the Premises, and from Time to Time to impose any reasonable Fine not exceeding Five Pounds on

on the Sheriffs, their Deputy or Deputies, Bailiffs or Agents respectively, who shall make Default in the Premises; and on any Person or Persons summoned and returned upon such Jury as aforesaid, who shall not appear, or appearing who shall refuse to be sworn, or to give his or their Verdict, or in any other Manner wilfully neglect his or their Duty, contrary to the true Intent of this Act, having no reasonable Excuse to be allowed by the said Justices, Recorder, or Deputy Recorder, and also on any Witness or Witnesses, who after having been paid or tendered a reasonable Sum for his, her, or their Costs and Expences, shall not attend, being summoned to give Evidence as aforesaid, or who shall appear and refuse to be sworn, or being sworn shall refuse to give Evidence; and from Time to Time to levy such Fine or Fines by virtue of any Warrant under the Hands and Seals or Hand and Seal of the said Justices, Recorder, or Deputy Recorder, by Distress and Sale of the Goods and Chattels of the Person or Persons so offending, rendering to him or them the Overplus, after such Penalty, and the Charges of such Distress and Sale shall be deducted; and all such Fines so recovered shall be applied towards the Purposes of this Act.

On Payment or Tender of Sum awarded Commissioners may take Ground.

LXII. And be it further enacted, That upon Payment or Tender to the Person or Persons so claiming, or their, his, or her known Agent or Agents, of the Sum or Sums so to be assessed for Recompence or Damage, or in case no Sum or Sums shall be so assessed or awarded, it shall and may be lawful to and for the said Commissioners, or any Person or Persons by them authorized so to do, to shut up and take Possession of such Ground, and thereupon the said Commissioners shall become seised of the same and every Part thereof, and shall and may sell and dispose thereof in like Manner as if the same had been purchased under the Provisions of this Act.

Fountains may be erected.

LXIII. And whereas the Erection of public Fountains or Conduits would contribute greatly to the Health, Convenience, and Benefit of the Public, and in particular of the Poor of the said City, and the Cleanliness thereof; be it therefore enacted, That the said Commissioners under this Act may make and erect in the Streets, or in any other Place or Places within the said City or Suburbs, as to them shall seem proper, such Number of Pumps, Fountains, or Conduits for the Supply of Water, as they shall think necessary, and pay for the same and for the Water to be supplied thereto, out of the Funds arising by this Act.

Punishment for fouling Water.

LXIV. And be it further enacted, That if any Person or Persons shall dip or wash their Hands or themselves, or any Linen or Clothes, or shall water any Horse or other Beast at any such Fountain or Conduit, or shall throw any foul Water, Filth, or Dirt therein or about the same, and shall be convicted thereof, such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, and it shall be lawful for any Inspector of Nuisances, or Supervisor or other Officer of the said Commissioners, or any Person employed by them, to seize such Horse or other Beast as aforesaid, and lodge the same in any Place of Security till the Fine hereby imposed shall be paid; and in case of Non-payment the same shall be levied by the Sale, under the Warrant of the said Commissioners, of such Horse or other Beast.

LXV. And

Penalty for injuring Fountains.

LXV. And be it further enacted, That if any Person or Persons whatsoever shall destroy, injure, or damage any Fountain or Conduit, and shall be thereof convicted, on Confession, or by the Oath of One or more credible Witness or Witnesses before any Justice of the Peace for the County of the City of *Cork*, such Person or Persons shall forfeit any Sum not exceeding Five Pounds, to be levied by Distress, or in case of Non-payment the Offender may be committed in manner herein prescribed in case of other Offences against this Act.

Materials for Buildings or other Matters not to be laid in the Streets.

LXVI. And be it further enacted, That if any Person shall at any Time or Times hereafter lay, set, cast, or place, or cause to be laid, set, cast, or placed in any of the Footways or Carriageways within the said City or Liberties, without the Licence of the said Commissioners for that Purpose, any Stones, Bricks, Timber, Lime, Rubbish, Mortar, or any other Material or Thing whatsoever, unless the same shall be inclosed as by this Act is directed, or shall sift, screen, or slack Lime, or cause to be sifted, screened, or slacked, any Lime or Rubbish, unless the same shall be inclosed as by this Act is directed, then and in every such Case every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds, and it shall be lawful to and for any Person or Persons employed by the said Commissioners, to remove or cause to be removed, such Stones, Bricks, Timber, Lime, Rubbish, Mortar, or other Material or Thing whatsoever, the Expence of removing and keeping which shall be paid by the Owner or Owners thereof respectively; and in case such Owner or Owners shall refuse to pay the same, or if no such Owner or Owners shall appear within Seven Days, then and in such Case the said Commissioners are hereby empowered to issue their Warrant, empowering such Person or Persons as they shall appoint, to sell by public Cant such Stones, Brick, Timber, Lime, Rubbish, Mortar, or other Material or Thing whatsoever, or so much thereof as shall be sufficient to pay the Expence of removing and keeping the same as aforesaid, and after paying and defraying of such Expence, the Person or Persons so appointed by the said Commissioners shall return the Overplus of the Money arising by such Sale (if any) to such Person or Persons as shall appear to be the Owner or Owners of such Stones, Brick, Timber, Lime, Rubbish, Mortar, or other Material or Thing whatsoever.

Inclosures for such Materials to be erected under Authority of Commissioners.

LXVII. And be it further enacted, That no Person shall erect or build, or cause to be erected or built or continued, any Hoard, or erect any Posts, Bars, Rails, Boards, or other Things by way of Inclosure, for the Purpose of making Mortar, and depositing Bricks, Stone, Lime, Sand, or other Materials for building or repairing any House, Shop, Warehouse, Coach-house, or other Tenement, or for any other Purpose, without Leave or Licence in Writing first had and obtained from the said Commissioners, who are hereby authorized to grant the same, under such Regulations and Restrictions, to be expressed in such Licence, as the said Commissioners shall direct and appoint; and if any such Hoard or Inclosure shall be erected or built without the Leave of such Commissioners so had and obtained as aforesaid, or shall be set up in any other Manner, or continued for any longer Time than shall be expressed and allowed in such Licence, or in any Renewal thereof, then and in every of the said Cases it shall and may be lawful to and for the said Commissioners, their Officer or Officers, or other Person or Persons employed by them, to

to cause such Hoard, and also all Posts, Bars, Rails, Hoards, or other Things to be made use of by way of Inclosure as aforesaid, to be taken down and removed, and deposited in such Place as the said Commissioners shall think proper, giving Notice to the Person or Persons who erected such Hoard or other Inclosure, (if he or she can be found) of the Place where said Materials shall be deposited, and the same shall be there kept and detained until the Owner or Owners thereof shall pay to the said Commissioners such Sum not exceeding Twenty Shillings as the said Commissioners shall require, together with the Charges of taking down and removing the same; and in case the same shall not be claimed, and the said Penalty and Charges paid within the Space of Five Days next after such Removal thereof, then it shall be lawful for the said Commissioners to order and cause the same to be appraised and sold, returning the Overplus, if any, to the Owner or Owners of such Materials, after deducting the said Penalty, and the Charges of taking down, removing, keeping, appraising, and selling the same.

Annoyances not to be committed in the Streets.

LXVIII. And be it further enacted, That if any Person or Persons shall upon any of the Footways or Foot Pavements within the said City or Suburbs thereof, run, draw, or carry thereon any Truck, Wheel, Sledge, Wheelbarrow, Bier, or Carriage whatsoever, or carry any Sedan Chair, (no Person being therein) or roll any Cask or Tub, other than for the necessary loading or unloading thereof, unto, upon, from, or out of any Carriage, or for any longer Space than the Extent of the Premises in the Occupation of the Person from or to whose House or Building such Cask or Tub shall be rolled, (such Premises adjoining to or having immediate Communication with such House or Building from or to which such Cask or Tub shall be rolled); or if any Person shall wilfully drive any Cart or Carriage whatsoever, or shall ride, lead, or drive any Horse or other Beast, or any Cattle whatever on any of the said Footways or Foot Pavements, or upon, along, or through any such Street, Way, Passage, or Place as the said Commissioners shall from Time to Time set apart exclusively for Foot Passengers; or shall wilfully permit or suffer any Horse or other Beast or Cattle which such Person may be riding, driving, or leading, to go thereon, or shall tie or fasten any Horse or other Cattle to any House, Wall, Fence, or other Thing whatsoever, across any of the said Footways or Foot Pavements, or set any Cask, Tub, Pail, Bucket, Stool, Bench, Stall, or any other Matter or Thing, so as in any Manner to cause any Obstruction or Impediment on the Footway, or on the Foot Pavement; or shall in any Street, Square, Lane, or other public Passage or Place within the said City or Suburbs thereof, fire, cleanse, wash, or scald any Cask or Tub, or hew, saw, or cut any Stone, Wood, or Timber, or make or repair any Coach, Chaise, Waggon, Sledge, or other Carriage, except such as may want immediate Repair from any sudden Accident on the Spot, or which cannot be conveniently removed for that Purpose, such unavoidable Repair to be done and completed with all convenient Speed; or if any Person shall hang out or cause to be hung out, any Carpet, Linen, or Cloth, or any Article of Wearing Apparel, or other Article for the Purpose of Sale, or of airing the same upon or from any Door, Window, or Railing within any Street, Square, Way, Lane, public Passage or Place within the said City or Suburbs thereof, or fix or tie any Line, Rope, or Cord for any such Purpose, or shall beat any Carpet or Matting after the Hours prescribed for cleansing the Footways; or if any Person shall in or upon

any Street, Square, Way, Lane, public Passage or Place within the said City or Suburbs thereof, shoe, bleed, farry, or kill any Horse, or other Beast or Cattle (except in case of Accident); or if any Person shall within any Street, Square, Way, Lane, or other public Passage or Place within the said City or Suburbs thereof (except only in such Places as the said Commissioners shall direct), show or expose any Stone Horse or Stallion, or ride or lead any Horse, Mule, or Ass, for the Purpose of exercising the same, or drive any Carriage or Carriages for the Purpose of breaking Horses otherwise than by passing through such Street, Square, Way, Lane, or other public Passage or Place within the said City or Suburbs thereof, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings; and if any Person shall make or assist in making any Bonfire, or shall wantonly let off or fire any Gun, Pistol, Blunderbuss, or other Firearms, or any Serpent or Rocket, or throw any Cracker, Squib, or other Fire Works, or any Stone, or play at Ball or any other Game or Games; or if any Person shall kill or slaughter, or shall scald, singe, dress, or cut up any Animal either wholly or in part in any of the Streets, Lanes, public Passages, or Places within the said City of *Cork*, or the Suburbs thereof; or if any Person shall on any public Road, Way, or Passage within the said City or the Suburbs or Liberties thereof, play at Bowls, or throw any Bowl, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds; and it shall and may be lawful to and for any Person or Persons whomsoever, who shall see such Offence or Offences committed, to seize, and also for any other Person or Persons to assist in seizing the Offender or Offenders, and without any Warrant to convey and deliver him, her, or them into the Custody of any Peace Officer, in order to be secured and conveyed before a Justice of the Peace for the County of the said City, to be dealt with according to Law.

Dangerous Animals not to be permitted to go at large.

LXIX. And be it further enacted, That if any Person or Persons shall, within the Limits of this Act, for the Purpose of obtaining or collecting Manure or for any other Purpose, stop up or impede the Passage of any common Sewer, Ditch, or Watercourse; or if any Person or Persons shall permit or suffer his, her, or their Mastiff, Bull-dog, or any other dangerous Animal, to go at large without being muzzled, or shall commit or permit any other Kind of Obstruction or Annoyance in or upon any Street, Way, Lane, public Passage, or Place within the said City or Suburbs thereof, then and in every such Case every Person so offending shall, for every such Offence, forfeit and pay any Sum not exceeding Forty Shillings.

To remove Doubts relative to Power of Grand Jury to make Presentments relative to Bridge built under 26 G. 3. c. 28. (I.)

LXX. And whereas under and in pursuance of a certain Act of Parliament made in *Ireland* in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for building a Bridge over the Northern Channel of the River* Lee, *in the City of* Cork *and Suburbs thereof, and for other Purposes relative to the said City*, a Bridge was built over the Northern Branch of the said River, under the Direction of certain Commissioners appointed by the said Act: And whereas, at the Time when the said Bridge was built, the Custom House of the said City was above the said Bridge, and it was therefore deemed necessary that the said Bridge should at such Time contain a Portcullis or Lifting

Lifting Part for the Admission of Ships or Vessels through the same: And whereas it was provided by the said Act that it should be lawful for the said Commissioners thereunder appointed, to remove such Portcullis and otherwise to complete and perfect the said Bridge: And whereas the Custom House of the said City of *Cork* has been since the Time of the passing of the said Act removed, and is now below the said Bridge, but under the Terms of the said Act the Authority of the Commissioners appointed thereby has ceased: And whereas it is considered doubtful whether the Grand Jury of the County of the City of *Cork* have Power to make a Presentment for the Removal of such Portcullis or Lifting Part of the said Bridge, and for otherwise completing the said Bridge, and it is necessary that such Doubts should be removed; be it therefore further enacted, That it shall and may be lawful to and for the Grand Jury of the County of the City of *Cork* for the Time being, assembled at any Assizes to be from Time to Time holden in and for the County of the City of *Cork*, to present, if they shall think it expedient so to do, that the said Portcullis or Lifting Part of the said Bridge shall be removed, and to present in what Manner the said Bridge shall be completed and made solid; and also to present such Sum or Sums as may be necessary for the Removal of the said Portcullis or Lifting Part of the said Bridge, and for the Completion of the said Bridge, and such Sum and Sums shall be raised and levied in like Manner as all other Sums presented by the said Grand Jury are to be raised and levied.

Notice of Intention to apply for Presentment to be given. Presentment may be traversed.

LXXI. Provided always, and be it enacted, That Notice of the Intention to apply for such Presentment shall be given by Advertisement in One or more Newspaper or Newspapers published in the City of *Cork*, One Month at least before the Assizes at which it shall be intended to apply for such Presentment; and provided also, that it shall be lawful for any Person or Persons whatsoever to traverse such Presentment or Presentments at the Assizes at which the same shall respectively be made, either generally or for special Damage; and such Traverse or Traverses shall be tried in like Manner as Traverses to Presentments for public Roads would be tried.

If Jury shall find against Presentment, Grand Jury shall present for Repairs of Portcullis, and for Payment of Persons attending to same.

LXXII. And be it further enacted, That in case the Jury to be impannelled for the Trial of such General Traverse shall find against such Presentment, the said Grand Jury shall thereupon present such Sum or Sums as may be necessary for the Repair of such Portcullis, or for the Substitution of another Opening Bridge in lieu thereof, and shall also present a sufficient Sum or sufficient Sums for the Payment of One or more Person or Persons for attending to and opening the same when requisite; and the Grand Jury of the City of *Cork* from Time to Time, so long as the said Portcullis or any other Opening Bridge in lieu thereof shall remain, shall present such Sum or Sums as shall be needful for the keeping such Portcullis, (or such other Opening Bridge as shall be substituted for the same), in sufficient Repair, and for Payment to the Person or Persons who shall be required to attend to and open the same.

If Presentment traversed for Damages, Work not to

LXXIII. And be it further enacted, That in case any Person or Persons shall traverse such Presentment for special Damage, it shall not be lawful for the Overseers named in such Presentment to proceed in such Work, until the Amount of such Damages shall be ascertained and presented for

or

or until such Person or Persons so traversing such Presentment for special Damage shall have given his, her, or their Consent in Writing to the Execution of such Work.

be proceeded in until Traverse disposed of.

LXXIV. And be it further enacted, That in case the Grand Jury of the County of the City of *Cork* shall think that the Amount of such Sum or Sums (if any) as shall be awarded for special Damage under such Traverse or Traverses shall be greater than ought at such Time to be levied on the City and County of the City of *Cork*, it shall be lawful for the said Grand Jury to rescind the said Presentment made for the Removal of the said Portcullis, and thereupon the said Grand Jury shall present for the Repair of such Portcullis or for the Substitution of another Opening Bridge in lieu thereof, and for the Payment of a Person or Persons for attending to and opening the same in like Manner as if the Jury impannelled for the Trial of such general Traverse had found against such Presentment: Provided however, that any future Grand Jury or Grand Juries may, notwithstanding the finding of any Jury or Juries against such Presentment or the rescinding thereof as aforesaid, make a Presentment for the Removal of such Portcullis, subject however to the like Traverse or Traverses as are hereby allowed to the Presentment to be first made for such Purpose.

If Grand Jury shall think Sum awarded for Damages more than ought to be levied, Presentment may be rescinded, and in such Case Presentment shall be made for Repair of Portcullis.

Future Grand Juries may present again for Removal of Portcullis.

LXXV. And be it further enacted, That from and after Three Months from the passing of this Act, all Coal to be sold in the said City or Suburbs of *Cork* shall be sold by Weight, and not by Measure or in any other manner whatsoever than by Weight; and if any Person or Persons shall after the Time aforesaid sell or expose to Sale, buy, or barter, exchange, or deliver any Coal within the said City or the Suburbs thereof any other Way than by Weight, or make or enter into any Contract, Bargain, or Agreement for buying, selling, delivering, or receiving any Coal any other Way than by Weight, every Person so offending shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Coals to be sold by Weight and not by Measure.

LXXVI. And be it further enacted, That if any Person or Persons shall, within the said City or Suburbs thereof, sell or offer to Sale any Coal which shall in the Whole or in Part be wetted, in order to increase the Weight thereof, or to make the same appear heavier than it would otherwise have been, or which shall be adulterated by having Sand, Gravel, Stones, or Dirt, or any other Matter or Thing mixed therewith, or which shall not be in Quality of equal Goodness with that produced to the View of the Buyer or Buyers thereof, or if any Person or Persons shall use any other Fraud or Deceit in order to make such Coal appear heavier than it really shall be, every Person guilty of any such Offence, shall for each and every of such Offences forfeit and pay any Sum not exceeding Five Pounds.

Coal not to be wetted in order to increase its Weight, and not to be adulterated, under Penalty.

LXXVII. And be it further enacted, That from and after the First Day of *November* next after the passing of this Act, no Person or Persons shall make or cause to be made, sell or expose to Sale any Cask or Casks for the packing of Butter, or rendered Hogs Lard for Sale, within the said City or Liberties thereof, or for Export from the said City, or shall make up or pack, or cause to be made up or packed for Sale within the said

Dimensions of Firkins and Kegs for Butter ascertained.

City or Liberties, or for Export from the said City, or sell or expose to Sale within the said City or Liberties, any Butter in any Cask or Casks, other than Firkins or Kegs which shall respectively be of the Description and Dimensions herein-after mentioned; (that is to say), each Firkin shall be in Length not less than Seventeen and a Half nor more than Eighteen Inches, the Diameter of the Head of each Firkin shall be not less than Eleven and a Half nor more than Twelve Inches, and the Diameter of the Bilge of each Firkin not less than Thirteen and a Half nor more than Fourteen Inches; and each Keg shall be in Length not less than Thirteen and a Half nor more than Fourteen Inches, the Diameter of the Head of each Keg shall be not less than Nine and a Half nor more than Ten Inches, and the Diameter of the Bilge of each Keg shall not be less than Eleven nor more than Eleven and a Half Inches; and each Firkin and Keg respectively shall be made of good, sound, and sufficiently well seasoned Oak, Ash, Sycamore, or Beech, whereof no Part shall be Bog Timber, and shall be made tight, so that they shall be fit to hold and capable of retaining Pickle with Head and Bottom, equally dooled and set to the Cross with Twelve good and sufficient Hoops on each Cask, all well twigged with good fresh Ozier Twigs, and shall in every respect be executed in a Workmanlike and Merchantable Manner; and if any Person or Persons shall from and after the Time aforesaid, make or cause to be made, sell or expose to Sale, any Cask or Casks for the packing of Butter or rendered Hogs Lard for Sale, within the said City or the Liberties thereof, or for Exportation from the said City other than a Firkin or Firkins, Keg or Kegs, which shall respectively in all Particulars be of the Description and Dimensions aforesaid, every Person so offending shall for every such Cask forfeit and pay the Sum of Ten Shillings; and if any Person or Persons shall, from and after the Time aforesaid, make up or pack, or cause to be made up or packed with Butter or rendered Hogs Lard for Sale, within the said City or Liberties, or for Export from the said City, or shall sell within the said City or Liberties any Cask or Casks packed with Butter or rendered Hogs Lard other than a Firkin or Firkins, Keg or Kegs, which shall respectively be in all respects of the Description and Dimensions aforesaid, every Person so offending shall forfeit and pay for every Fifty-six Pounds Weight of Butter, any Sum not exceeding Ten Shillings, and so in proportion for every lesser Quantity which shall be in such Casks.

Casks for rendered Lard and Tallow how to be marked.

LXXVIII. And be it further enacted, That it shall be lawful for the said Weigh Master or Weigh Masters of the said City, their or his Deputy or Deputies, when weighing every Cask intended to be used for the packing of rendered Hogs Lard or rendered Tallow, to make an Allowance thereupon of One Pound only on each Firkin or Keg for Soakage; and such Weigh Master or Weigh Masters, their or his Deputy or Deputies, shall brand or cause to be branded upon every such Cask the Word "Lard" or "Tallow," as the Case may be, at full Length, in addition to such other Marks as shall be put upon such Cask.

Penalty on selling Butter in Casks marked Tallow, &c.

LXXIX. And be it further enacted, That if any Person or Persons shall make up or pack, or cause to be made up or packed with Butter for Sale within the said City or Liberties, or for Export from the said City, or shall sell within the said City or Liberties, any Butter packed in any Cask

which shall have been marked as herein directed for Lard or Tallow, every Person so offending shall for every such Offence forfeit the Sum of Ten Shillings.

Penalty on selling for packing Butter any Cask over-burned.

LXXX. And be it further enacted, That no Firkin or Keg intended for the packing of Butter or rendered Hogs Lard for Sale within the said City or Liberties, or for Exportation from the said City, shall be over-burned so as to be likely to injure any Butter to be contained therein; and if any such Firkin or Keg shall be so overburned, the Owner or Owners of such Firkin or Keg shall for each Firkin or Keg so overburned forfeit and pay the Sum of Sixpence.

Butter not to be packed in Casks outwardly soaked.

LXXXI. And be it further enacted, That no Person or Persons shall make up or pack or cause to be made up or packed for Sale within the said City or the Liberties thereof, or for Export from the said City, or shall sell or expose to Sale any Butter or rendered Hogs Lard within the said City or Liberties, in any Cask or Casks which shall be outwardly soaked.

Weigh Master may take before Justice of the Peace any Casks brought to Weigh-house if not properly made, or if over-burned or outwardly soaked.

LXXXII. And be it further enacted, That if it shall appear to the Weigh Master or Weigh Masters of the said City, or one of them, his or their Deputy or Deputies, on Examination, that any Cask or Casks for the packing of Butter which shall be brought to be weighed or branded, is or are not made conformable to the Directions of this Act, or that any Firkin or Keg so brought shall be overburned, or if it shall appear that any Firkin or Keg containing Butter brought to be tried, weighed, or proved, shall be outwardly soaked, then and in any of such Cases it shall and may be lawful to and for the said Weigh Master or Weigh Masters, his or their Deputy or Deputies, to seize such Cask or Casks, Firkin or Keg, and to carry the same before any Justice or Justices of the Peace for the County of the City of *Cork*, who is and are hereby required, and empowered to inquire concerning the same, and if upon Examination, Inspection, or due Proof it shall appear to him or them that such Cask or Casks is or are not made conformable to the Directions of this Act, or that such Firkin or Keg has been outwardly soaked, then and in either of such Cases such Justice or Justices may order such Cask or Casks to be sawed in two across; and if such Justice or Justices shall be doubtful of the Quality of such Cask or Casks, or shall be doubtful whether such Firkin or Keg shall have been outwardly soaked, or if any of the Parties concerned shall require the same, such Justice or Justices is and are hereby required and empowered to summon, examine, and hear upon Oath or Affirmation, which said Oath or Affirmation such Justice or Justices is and are hereby empowered to administer, Two Master Coopers not interested in the Matter in question, in relation to the Nature and Quality of the same, that he may be better able to determine concerning the same; and in case such Justice or Justices shall find that any such Firkin or Keg containing Butter has been outwardly soaked, the Owner or Owners thereof shall thereupon provide another Firkin or Keg, and shall forfeit and pay the Sum of One Shilling, to go and be paid to such Weigh Master or Weigh Masters, his or their Deputy or Deputies.

LXXXIII. And

Penalty on Weigh Master branding Cask outwardly soaked.

LXXXIII. And be it further enacted, That if any Weigh Master or Weigh Masters of the said City, his or their Deputy or Deputies, shall try, weigh, and brand any Butter contained in any Firkin or Keg which shall have been outwardly soaked, such Weigh Master or Weigh Masters, his or their Deputy or Deputies, shall for every such Firkin or Keg forfeit and pay any Sum not exceeding Five Shillings.

Butter taken out by boring to be replaced.

LXXXIV. And be it further enacted, That if any Person shall sell, expose to Sale, or deliver or cause to be delivered any Firkin or Keg which shall have been bored, and the Butter taken out of which by such boring shall not have been returned into its own proper Cavity, and shall not be therein at the Time of such Sale, Exposure to Sale, or Delivery, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Shillings.

Butter shipped for Exportation not to be marked greater Weight than gross Weight of Weigh Master thereon.

LXXXV. And be it further enacted, That in case any Person or Persons shall ship or cause to be shipped for Exportation any Firkin or Keg which shall be marked as containing any greater Weight than the gross Weight marked thereupon by the Weigh Master or Weigh Masters of the said City, or shall be marked with any lesser Tare than the Tare marked as the Tare thereof, by such Weigh Master or Weigh Masters, his or their Deputy or Deputies, every Person so offending shall for every such Cask so marked forfeit and pay the Sum of Ten Shillings.

LXXXVI. And whereas under and by virtue of an Act passed in the Parliament of *Ireland*, in the First Year of the Reign of His late
1 G. 3. c. 18. (I.) Majesty King *George* the Third, intituled *An Act for the more easy and equal assessing and applotting all Money presented by the Grand Jury of each Assizes to be held for the City and County of the City of* Cork; *and for putting the Coaches, Chaises, Chairs, and Sedans that ply for Hire in the said City under the like Regulations, for the Benefit of the Workhouse of* Cork, *as they are in* Dublin; *and also for the better regulating the Harbour of* Cork; and also under and by virtue of another Act passed in the Third Year of the Reign of His said late Majesty King *George* the
3 G. 3. c. 17. (I.) Third, intituled *An Act for continuing and amending certain temporary Statutes heretofore made for the better Regulation of the City of* Cork, *and for enlarging the Salary of the Treasurer, and for the better regulating the Sale of Coals in the said City, and for erecting and continuing Lamps in the same, and for the better preserving the Streets and Highways therein, and for confirming and establishing a Court of Conscience in the said City, and for regulating the Assize of Bread therein, and for securing the Quays by Parapet Walls;* and also by another Act passed in the Parliament of *Ireland*, in the Fortieth Year of the Reign of His
40 G. 3. c. 100. (I.) said late 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, the Regulation of Coaches and Sedan Chairs plying for Hire within the said City of *Cork* and Suburbs thereof, was placed under the Controul of the Governors of the Workhouse of

of the City of *Cork*: And whereas it is expedient that the Power of regulating the same should be placed under the Care of the Commissioners hereby appointed in manner herein-after set forth; be it therefore enacted, That so much and such Parts of the said recited Acts, and each of them, as relate to the licensing, regulating, or controlling the Carriers, Owners, Drivers, or Keepers of Coaches, Post Chaises, and other Carriages and Sedan Chairs, shall be and the same are hereby from henceforth repealed.

Repealed so far as relates to Hackney Coaches and Sedan Chairs.

LXXXVII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to make, constitute, ordain, and provide from Time to Time such Bye Laws, Rules, and Orders as they shall think fit, for licensing and authorising a sufficient Number of Sedan Chairs, and also a sufficient Number of Coaches, Chaises, Jaunting Cars, Horse Chairs, or other Vehicles for the Conveyance of Passengers, to be drawn by One or more Horse or Horses or other Beast or Beasts, to ply for Hire within the said City of *Cork* and the Liberties thereof, and also to all Places within the Harbour of *Cork* adjacent to the River thereof, or to the said Harbour, and for regulating and ordering such Coaches, Chaises, Jaunting Cars, Horse Chairs, or other Vehicles for the Conveyance of Passengers, and the Owners, Drivers, and Carriers thereof respectively; and also in what Manner such Coaches, Chaises, Jaunting Cars, Horse Chairs, or other Vehicles shall be furnished, provided, and kept, and how the same respectively shall be numbered and marked, and what Number of Persons may be carried in or on the same; and for ascertaining and fixing, altering and removing the Stands thereof respectively from Time to Time; and for determining in what Manner the Coachmen, Drivers, or Carriers thereof shall conduct and behave themselves in their several Employments; and within what Hours and Times they shall exercise their respective Callings; and to what Distances from the said City, and in what Directions they shall be obliged to drive, go, or come; and for punishing the Misconduct and Misbehaviour of Chairmen or Carriers of such Sedans, and of Coachmen or Drivers of such Coaches, Chaises, Jaunting Cars, Horse Chairs, or other Vechicles as aforesaid respectively; and for ascertaining what Fares and Prices, as well for Time as Distance, shall be allowed to be taken by such Chairmen, Coachmen, or Drivers; and the said Commissioners may from Time to Time, as they shall think fit, repeal, alter, or amend such Bye Laws, Rules, and Orders, or any of them, and ascertain and set down what pecuniary Penalties or Forfeitures shall be incurred by Persons breaking or evading the same, or any of them; provided no such Penalty or Forfeiture shall exceed the Sum of Five Pounds for any one Offence; and provided also, that none of the Bye Laws, Rules, or Orders to be made by virtue of this Act shall be repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*, or to any thing in this Act contained.

Commissioners may make Bye Laws for granting Licences for Sedan Chairs, and for Coaches and other Vehicles plying for Hire, intended for the Conveyance of Passengers.

LXXXVIII. And be it further enacted, That every Licence so to be granted as aforesaid shall be signed by Five or more of the said Commissioners, and every Licence so granted and signed shall continue and be in force for One Year from the Day of the Date of such Licence, or until the next General Annual Licensing for the Purposes aforesaid, and no longer; and no One Licence shall include more than One Sedan Chair,

Manner of granting Licences and Sums to be paid thereon.

Chair, or One Coach, Chaise, Jaunting Car, Horse Chair, or other Vehicle; and every such Licence shall be made out by the Clerk of the said Commissioners, and shall be duly entered in a Book to be provided and kept for that Purpose, with the Name of the Person licensed, and his or her Number and Place of Residence; and there shall be paid to the said Commissioners the following Sums:

For each Licence for a Sedan Chair, any Sum not exceeding Two Shillings and Sixpence:

For each Licence for every Coach, Chaise, or other Vehicle for Passengers as aforesaid, drawn by Two or more Horses or other Beasts of Draft, any Sum not exceeding Ten Shillings:

For every Chaise, Jaunting Car, Horse Chair, or other Vehicle for Passengers, drawn by One Horse or other Beast of Draft, if a covered Carriage, any Sum not exceeding Five Shillings:

For every Chaise, Jaunting Car, Horse Chair, or other Vehicle for Passengers, drawn by One Horse or other Beast of Draft, if a Carriage not covered, any Sum not exceeding Two Shillings and Sixpence.

And every Person so licensed to keep such Sedan Chair, Coach, Chaise, Jaunting Car, Horse Chair, or other Vehicle as aforesaid, shall affix and keep such Figure or Number as shall be specified in such Licence on some conspicuous Part of such Sedan Chair, Coach, Chaise, Jaunting Car, Horse Chair, or other Vehicles as aforesaid, and shall for every Refusal or Neglect so to do forfeit and pay any Sum not exceeding Forty Shillings.

Persons plying without Licence or contrary to Licence, subject to Penalty.

LXXXIX. And be it further enacted, That if the Carrier or Carriers of any Sedan Chair, or the Coachman or Coachmen, Driver or Drivers of any Coach, Chaise, Jaunting Car, Horse Chair, or other Vehicle as aforesaid, shall be found standing or plying for Hire, or using such Sedan Chair, Coach, Chaise, Jaunting Car, Horse Chair, or other Vehicle as aforesaid within the Limits aforesaid, without such Licence as aforesaid, or having such Licence, shall be found standing and plying for Hire at a different Place or Standing than the Place or Standing for which such Licence shall be granted, or shall be found using any Sedan Chair, Coach, Chaise, Jaunting Car, Horse Chair, or Vehicle as aforesaid, contrary to the Rules or Regulations of the said Commissioners in respect thereof, the Owner or Owners, Carrier or Carriers of such Sedan Chair, and Owner or Owners, Driver or Drivers, or other the Person or Persons driving or offering to drive such Coach, Chaise, Jaunting Car, Horse Chair, or other Vehicle as aforesaid, without or contrary to such Licence, shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings; and it shall and may be lawful to and for any Officer or Officers of the said Commissioners to seize such Coach, Chaise, Jaunting Car, Horse Chair, or other Vehicle, together with the Beast or Beasts drawing the same, with the Harness and Accoutrements thereunto belonging, and to deliver the same to any Constable or Peace Officer, who is required to keep and detain the same until the Matter complained of shall be inquired into by One or more Justice or Justices of the Peace for the County of the said City, who is and are hereby authorized and empowered, from Time to Time, to inquire into the said Matter, and to examine thereunto on Oath or Affirmation, all such Person or Persons as he or they shall think proper; and if it shall appear to him or them

Coach or other Vehicle so used may be seized.

upon such Inquiry that the Carrier or Carriers of any such Sedan Chair, or the Owner or Owners, Driver or Drivers of such Coach, Chaise, Jaunting Car, Horse Chair, or other Vehicle, has or have incurred any of such Penalties or Forfeitures, then unless the Penalty or Penalties which shall be so incurred shall be duly paid, such Justice or Justices shall, by Warrant under his or their Hand or Hands, Seal or Seals, direct such Constable or Peace Officer to sell such Sedan Chair, Coach, Chaise, Jaunting Car, Horse Chair, or other Vehicle, and the Beast or Beasts drawing the same, and the Harness and Accoutrements thereunto belonging, or a sufficient Part thereof; and by such Sale to raise the Sum necessary for the Payment of such Penalty or Penalties, together with the Costs and Charges attending the Seizure and Detention of the same, unless such Penalty or Penalties shall be paid within Three Days from the Date of such Warrant.

Penalty on Persons obstructing Seizure.

XC. And be it further enacted, That if any Person or Persons shall hinder or obstruct the seizing or conveying to or detaining any such Coach, Chaise, Jaunting Car, Horse Chair, or other Vehicle, or the Beast or Beasts drawing the same; or the Harness or Accoutrements thereunto belonging, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Persons not paying Coachmen or Chairmen how punished.

XCI. And be it further enacted, That if any Person or Persons shall refuse or neglect to pay on Demand to the Chairman or Carrier of any licensed Sedan Chair, or to the Coachman or Driver of any licensed Coach, Chaise, Jaunting Car, Horse Chair, or other Vehicle as aforesaid, the Money justly due for the Fare thereof under or in pursuance of any Bye Law or Licence made or granted in pursuance of this Act, or shall wilfully cut, deface, break, or injure any such licensed Sedan Chair, or any licensed Coach, Chaise, Jaunting Car, Horse Chair, or other Vehicle as aforesaid, or the Harness thereof, or the Horse or Horses, or other Beast or Beasts drawing the same, it shall be lawful for any One or more Justice or Justices of the Peace of and for the County of the City of *Cork*, upon any Complaint thereof made to him or them, to grant his or their Summons against the Person or Persons complained of, to appear before him or them at such Time and Place to be mentioned in such Summons, to answer the Matter of the said Complaint, and on Proof on Oath or Affirmation of the Service thereof, to proceed and to hear the Matter of the said Complaint on Oath or Affirmation, whether the Person summoned appears or not, and to make such Order therein as to such Justice or Justices shall appear fit; and if the Person or Persons against whom such Order shall be made do not immediately pay or cause to be paid the Money, if any, that shall be ordered as a Satisfaction to the Person or Persons to whom the same shall be so awarded for the Service or Injury done, it shall and may be lawful for such Justice or Justices, and he and they is and are hereby required and directed to grant his or their Warrant of Distress against the Goods and Chattels of the Person or Persons so refusing or declining to pay, to be taken in any Place wheresoever found, and the same to sell and dispose of, and out of the Monies arising by or from such Sale to pay the Money or Monies so awarded to the Person or Persons to whom awarded, together with such Costs as such Justice or Justices shall think reasonable, returning the Overplus (if any), on Demand, to the Owner of the Goods and Chattels so distrained;

and

and if no Distress can be found, then to commit the Person or Persons against whom such Orders shall be made to the Common Gaol of the said City, for any Time not exceeding One Calendar Month, there to remain without Bail or Mainprize, unless the Money shall be sooner paid.

Bye Laws to be provided, distributed, and posted.

XCII. And be it further enacted, That the said Commissioners shall cause the Rules, Orders, and Bye Laws by this Act authorized to be made respecting Sedan Chairs, Coaches, Chaises, Jaunting Cars, Horse Chairs, and other Vehicles as aforesaid, to be from Time to Time printed and distributed, and a Copy thereof, signed by the Clerk to the said Commissioners, to be affixed up in the Office of the said Commissioners, for the free and open Inspection of all Persons at convenient Hours, without Fee or Reward, and to be renewed as often as the same shall be obliterated or defaced.

Penalty for defacing or destroying Copy of Bye Laws.

XCIII. And be it further enacted, That if any Person or Persons shall at any Time hereafter wilfully pull down, destroy, obliterate, or deface any Copy or Copies of such Bye Laws, Rules, or Orders as shall be so affixed as aforesaid, or any of them, such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Application of Sums paid for Licences, and of Fines and Penalties.

XCIV. And be it further enacted, That the Amount of all such Sums as shall be paid for such Licences, and of all such Sums as shall be paid as Penalties from Time to Time imposed under any of the Clauses in this Act contained, relating to the licensing, regulating, or controlling of Sedan Chairs, Coaches, Chaises, Jaunting Cars, Horse Chairs, or other Vehicles for Passengers as aforesaid, or the Owners, Carriers, Coachmen, or Drivers thereof, shall in the first Instance be paid to the said Commissioners, and the Amount thereof shall, after deducting the Expences which shall from Time to Time attend the keeping the Registry of such Sedan Chairs, Coaches, Chaises, Jaunting Cars, Horse Chairs, or other Vehicles, and the providing Licences for the same, shall be yearly handed over by the said Commissioners to the Governors of the Workhouse of the City of *Cork*, to be by them applied towards the Support of such Establishment.

Cattle wandering in the Street may be seized.

XCV. And be it further enacted, That if any Sort of Cattle, Swine, or Pig shall at any Time be found wandering about any of the Streets, Squares, Ways, Lanes, or other public Passages or Places within the said City or Suburbs thereof, the Owner or Owners thereof shall, for every such Head of Cattle, Swine, or Pig, forfeit and pay any Sum not exceeding Five Shillings; and moreover it shall and may be lawful to and for any Officer or Officers of the said Commissioners, or any other Person or Persons employed by them, if he or they shall think proper so to do, to seize, impound, and detain such Cattle or Swine in such Place as the said Commissioners shall appoint, the same there to remain until the Owner or Owners thereof shall, for every such Head of Cattle, Swine, or Pig so impounded, pay the Sum of Five Shillings, together with the reasonable Charges and Expences of impounding and keeping the same; and in case the said Sums, Charges, and Expences shall not be paid within Four Days after such impounding, it shall and may be lawful to and for the said

said Commissioners to sell or cause to be sold the same, and the Money arising from such Sale, after deducting the said Sum of Five Shillings, and the Charges and Expences of impounding, keeping, and selling such Cattle, Swine, or Pig, shall be paid to the Person or Persons whose Property the Cattle, Swine, or Pig so sold shall appear to have been.

Carriages not to be left standing in the Street nor Goods left there for Sale.

XCVI. And be it further enacted, That if after the passing of this Act, any Waggon, Cart, Dray, Sledge, or other Carriage, with or without Horses, or any Chair (except such Carriages or Chairs as have been or shall be duly and lawfully licensed so to do), or if any Horse, Mule, or Ass carrying, or after having carried, or being about to carry any Goods, Wares, or Merchandize, shall be left to stand or remain on, in, or upon any Street, Square, Way, Lane, public Passage or Place within the said City or Suburbs thereof, for any Time longer than shall be necessary for loading or unloading thereof, or if any Stage Coach, Diligence, Post Chaise, or other Carriage, let or offered to hire, shall be left to stand or remain in any of the said Streets, Squares, Ways, Lanes, Passages, and Places aforesaid, with or without Horses, for any longer Time than shall be necessary for the taking up or setting down the Passengers thereof, and for loading or unloading their Baggage, or if any Sacks of Grain, Potatoes, Fruit, or any Timber, Bricks, Lime, Stones, Slates, Hay, Straw, Wood, Faggots, Boards, Tubs, Goods, Wares, or Merchandize, or other Materials or Things whatsoever, shall be laid or placed, or left to remain in or upon any of the Streets, Squares, Lanes, Ways, public Passages or Places, either in the Carriageway or Footway, for any longer Time than shall be necessary for moving or housing the same, then and in every such Case, the Driver or the Person so leaving to stand or remain every such Waggon, Cart, Dray, Coach, Diligence, Post Chaise, or other Carriage, or any Chair, or any Horse, Mule, or Ass, and the Person or Persons who shall have so laid, placed, or left such Sacks of Grain, Potatoes, Fruit, or any Timber, Bricks, Lime, Goods, Wares, and Merchandize, Materials, and other Things, in or upon any of the said Streets, Squares, Ways, Lanes, public Passages or Places, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings; and it shall and may be lawful to and for the said Commissioners, their Officer or Officers, or other Person or Persons employed by them, to seize and detain any such Waggon, Cart, Dray, Stage Coach, Diligence, Post Chaise, or other Carriage, Chair, Horse, Mule, Ass, Grain, Potatoes, Fruit, Timber, Bricks, Lime, Stones, Slates, Hay, Straw, Wood, Faggots, Boards, Tubs, Goods, Wares, Merchandize, or other Materials or Things whatsoever, and to cause the same to be removed and disposed of in such Place as the said Commissioners shall think proper, giving Notice to the Owner or Owners thereof, (if he, she, or they can be found), of the Place where the same shall be deposited, and the same shall be there kept and detained, until the Owner or Owners thereof shall pay to the said Commissioners such Sum, not exceeding Twenty Shillings as the said Commissioners shall require, together with the Charges of removing the same; and in case the same shall not be claimed, and the said Penalty and Charges be paid within the Space of Five Days next after any such Removal thereof, then it shall be lawful to and for the said Commissioners to order and cause the same to be appraised and sold, returning the Overplus (if any) to the Owner or Owners of the same, deducting the said

Penalty and the Charges of taking down, removing, keeping, appraising, and selling the same.

Carriages to be drawn up close to the Footways.

XCVII. And be it further enacted, That all Carts, Cars, Sledges, Drays, Waggons, and Carriages, shall be drawn up and stand close to the Curb Stone of the Footway, with the Heads of the Horses or other Beasts up or down such Street, Passage, or Place, and if any Horse or Horses, or other Beasts, with any Cart, Car, Sledge, Dray, Waggon, or Carriage, shall be found loading or unloading, or remaining with the Horses or other Beast or Beasts standing athwart or across any of the said Streets, public Passages, or Places, the same shall be deemed an Obstruction, Annoyance, and Nuisance, and may be seized and detained by any Officer of the said Commissioners or other Persons employed by them; and the Person or Persons making or causing such Obstruction or Nuisance, or if such Persons cannot be found, then the Owner or Owners of such Car, Sledge, Dray, Waggon, or Carriage, shall forfeit any Sum not exceeding Five Shillings; and in case the said Sum shall not be paid, it shall and may be lawful for the said Commissioners to sell or cause to be sold, such Horse or Horses, Cart, Sledge, Dray, Waggon, or Carriage, and the Money arising from such Sale, after deducting the said Sum of Five Shillings; and the Charges and Expences of impounding, keeping, and selling the same shall be paid to the Person or Persons whose Property the same shall appear to have been.

Drivers not to ride upon their Carts.

XCVIII. And be it further enacted, That if the Driver of any Waggon, Cart, Car, Dray, or other Carriage shall ride upon any such Carriage in any Highway, Market, Street, Square, Way, Lane, public Passage or Place within the City or Suburbs thereof, not having some other Person on Foot or on Horseback to guide the same (such Carriages as are usually conducted by some Person holding the Reins of the Horse or Horses drawing the same excepted), or if any Driver of any Carriage whatsoever shall, in any such Highway, Market, Street, Square, Way, Lane, public Passage, or Place, furiously drive the same, or shall, by Negligence or wilful Misbehaviour, cause any Hurt or Damage to any Person or Carriage, or shall wilfully be at such Distance from such Carriage, whilst it shall be passing in any such Highway, Market, Street, Square, Way, Lane, public Passage or Place, that he cannot have the Direction and Government of the Horse or other Cattle drawing the same, or shall by furious or over-driving the same, or by Negligence or wilful Misbehaviour, prevent, hinder, or interrupt the free Passage of any other Carriage, or of any of His Majesty's Subjects, in any such Highway, Market, Square, Street, Way, Lane, public Passage or Place; or if the Driver of any empty or unloaded Waggon, Cart, or other Carriage, shall refuse to turn aside and make way for any Coach, Chariot, Chaise, loaded Waggon, Cart, or other loaded Carriage; then and in every such Case every such Driver so offending, and being convicted of any such Offence either by his own Confession, the View of a Justice of the Peace, or by the Oath of One or more credible Witness or Witnesses before any Justice of the Peace for the said County of the City of *Cork*, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings; and in case the Driver be the Owner of such Carriage, then any Sum not exceeding Forty Shillings; and it shall and may be lawful for any Person or Persons who shall see such Offence committed, to seize, and

for any Person or Persons to assist in seizing such Offender or Offenders, and by the Authority of this Act, without any other Warrant, to cause him to be conveyed or delivered to a Constable or other Peace Officer, in order to be conveyed before some Justice of the Peace for the County of said City, to be dealt with according to Law.

Night Soil to be removed within regulated Hours.

XCIX. And be it further enacted, That no Person shall begin to empty any Boghouse, or take away Night Soil from any House within the Limits of this Act, before the Hour of Twelve o'Clock in the Night, or shall continue to take away the same after the Hour of Five in the Morning between *Michaelmas Day* and *Lady Day*, or after the Hour of Four o'Clock in the Morning between *Lady Day* and *Michaelmas Day*; and if any Person shall offend herein, it shall be lawful for any Constable or Watchman, knowing of such Offence being committed, or any other Person or Persons, to apprehend the Offender or Offenders, and as soon as conveniently may be, to convey him or them before some Justice of the Peace for the said County of the City of *Cork*, who, upon Oath being made of such Offence as aforesaid, shall and may commit the Offender to the Gaol of the County of the City of *Cork*, there to remain for any Time not exceeding One Month.

Waste Ground if dangerous to be enclosed.

C. And whereas, in several of the Streets, Squares, Lanes, Courts, Alleys, Quays, and other Passages within the said City and Suburbs thereof, waste or vacant Ground is often left without a Wall or Fence, and large Holes are frequently made for the Purpose of laying Foundations of Buildings or other Purposes, or are often left open without any Rail or Fence placed to prevent Passengers from being annoyed or falling down into the same; be it therefore enacted, That if any such waste or vacant Piece of Ground shall not be inclosed with a Wall or sufficient Fence, or if any Person or Persons shall dig or cause to be dug any Earth, or leave any Hole, Area, or void Space in any of such Passages without the Leave of the said Commissioners, and without being inclosed with a Wall or sufficient Rail or Fence, to be approved of by the said Commissioners, that in every such Case the Owner, Proprietor, or Tenant of such waste or vacant Piece of Ground, or Person guilty of any of the Offences aforesaid, shall forfeit and pay any Sum not exceeding Five Pounds, and also shall pay the Sum of One Pound for every Day such Nuisance shall be continued after Notice shall be given to such Landlord, Owner, Proprietor, Tenant, or other Person, to be affixed to any Part of the Premises; and if such waste Ground, Hole, Area, or void Space shall not be inclosed within Twelve Hours after such Notice, it shall and may be lawful for the said Commissioners to order and cause the same to be done, and the Landlord, Owner, Proprietor, Tenant, or such other Person guilty as aforesaid shall pay, over and above the Fine or Penalty herein-before mentioned, the Expences thereof, or in Default of such Payment, the same shall and may be recovered under the Warrant of a Justice of the Peace, by Distress and Sale of the Goods and Chattels of such Offender.

Carts to be numbered.

CI. And be it further enacted, That no Person whatsoever shall drive within the said City or Suburbs thereof, any Cart, Car, or Dray, or other Carriage intended for the Conveyance of Goods, Wares, or Merchandize belonging to any Person or Persons residing or carrying on Business within

within the City of *Cork*, or the Suburbs or Liberties thereof, except the Owner of such Cart, Car, Dray, or other Carriage shall have entered his Name and Place of Abode with the Commissioners, and shall upon some conspicuous Part of such Cart, Car, Dray, or other Carriage, have the Name of the Owner and Number of such Cart as entered in the Book or Books of the said Commissioners, in order that the Driver may be the more easily convicted for any Disorder or Misbehaviour committed by him; and in case of Neglect or Refusal to enter such Name, or to affix such Name or such Number as aforesaid, the Owner or Driver of such Cart, Car, Dray, or other Carriage shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Bye Laws may be made respecting Carts plying for Hire.

CII. And be it further enacted, That the said Commissioners shall and they are hereby vested with full Power and Authority to make and ordain such Orders, Rules, and Bye Laws for the better governing and regulating of all Carters and Carmen plying for Hire, and being within the said City, or the Suburbs and Liberties thereof, and the Manner of loading and unloading of all Carts, Waggons, Sledges, Drays, or other Carriages used for Hire within the same, and for ascertaining and fixing, altering and removing the Stands from Time to Time of such Carts, Waggons, Sledges, Drays, or other Carriages as shall appear fit and proper in the Judgment of such Commissioners, and to fix and appoint such Penalties for the Non-performance or other Breach of all or any of such Rules, Orders, or Bye Laws, or any Part thereof, as they shall think proper, such Penalties to be levied and recovered by such Ways and Means as are herein-after mentioned; and all such Orders, Rules, and Bye-Laws shall from Time to Time be final and binding to all Intents and Purposes whatsoever, provided that no Penalty or Forfeiture shall exceed the Sum of Five Pounds for any one Offence, and provided also, that all such Bye Laws, Rules, Orders, and Regulations to be made by virtue of this Act, be not repugnant to the Laws of that Part of the United Kingdom called *Ireland*, or to any of the Provisions and Directions in this Act contained, or any of them.

Bye Laws to be provided, distributed, and posted.

CIII. And be it further enacted, That the said Commissioners shall cause the Rules, Orders, and Bye Laws by this Act authorized to be made, respecting Waggons, Carts, Sledges, Drays, or other Carriages as aforesaid, to be from Time to Time printed and distributed, and a Copy thereof to be painted on a Board or Boards, in White Letters on a Black Ground, or in Black Letters on a White Ground, and to be affixed up in the Office of the said Commissioners, for the free and open Inspection of all Persons at convenient Hours, without Fee or Reward.

Penalty for defacing or destroying Copy of Bye Laws.

CIV. And be it further enacted, That if any Person or Persons shall at any Time hereafter wilfully pull down, destroy, obliterate, or deface any Copy or Copies of such Bye Laws, Rules, or Orders as shall be so affixed as aforesaid, or any of them, such Person or Persons shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

Meetings of Commissioners.

CV. And be it further enacted, That the said Commissioners, and their Successors, shall have full Power and Authority, at all Time and Times hereafter, to meet and assemble themselves together whensoever and wheresoever they may think proper, for any of the Purposes in the said recited

recited Acts or any of them, or of this Act, and that all Powers and Authorities by the said recited Acts respectively, or by this Act, granted to the said Commissioners, shall and may be exercised from Time to Time by the major Part of them who shall attend at any Meetings to be holden in pursuance of this Act (the Commissioners present at such Meeting not being less than Five, except where otherwise directed), and all the Acts, Orders, and Proceedings of the major Part of such Commissioners present at such their several Meetings shall have the same Force and Effect as if the same were made or done by all such Commissioners for the Time being (save and except as herein excepted), and at every Meeting of the said Commissioners a Chairman shall and may be appointed; and when and as often as it shall so happen that there shall be an Equality of Votes at any such Meeting upon any Question (including the Vote of the Chairman) then and in every such Case the Chairman shall have and he is hereby empowered to give the decisive or casting Vote: Provided nevertheless, that if such Chairman so appointed shall leave or quit such Meeting before the Adjournment of the same, then and in such Case the remaining Commissioners present at such Meeting, not being less than the Number required by this Act, shall and may nominate and appoint another Chairman, being a Commissioner present at such Meeting by virtue of this Act, to replace the said former Chairman, and preside at such Meeting as aforesaid, during the Remainder of the Time of such Meeting, until the same shall be adjourned.

Books to be kept.

CVI. And be it further enacted, That the said Commissioners shall cause to be provided and kept a proper Book or Books, and fair and regular Entries to be made therein of all their Acts, Orders, and Proceedings relative to the Execution of the said recited Acts or of this Act, and of the Names of all such Commissioners as shall be present at their several Meetings; and all Entries in such Books being signed by the Chairman then present, shall be deemed Originals, and shall be allowed to be read as Evidence in all Causes, Prosecutions, Suits, and Actions touching or concerning any thing done in pursuance of the said recited Acts or of this Act; and that such Books shall at the said Meetings of the said Commissioners, and at all other reasonable Times, be kept open and liable to the Inspection of all and every of the said Commissioners, and that any of the said Commissioners shall and may have and take Copies thereof.

Qualification of Commissioners.

CVII. Provided nevertheless, and be it further enacted, That no Person to be elected a Commissioner under the said recited Acts or this Act, shall be capable of acting as such Commissioner, unless he shall then be seised and possessed in his own Right, or in the Right of his Wife, and in the actual Enjoyment or Receipt of the Rents and Profits of a Real Estate in Law or Equity of the clear yearly Value of Thirty Pounds, or possessed of a Personal Estate to the Amount or Value of One thousand Pounds over and above what shall be sufficient to satisfy his Debts; and if any Person to be so elected not being so qualified, or not having taken and subscribed the Oath herein-after mentioned, or being a Quaker not having made or subscribed the Affirmation herein-after mentioned, shall presume to act as a Commissioner, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any

of His Majesty's Courts of Record in *Dublin*, by Action of Debt or on the Case, or by Bill, Suit, or Information, together with Costs of Suit, wherein no Essoign, Protection, or Wager of Law, nor more than one Imparlance shall be allowed, and wherein the Proof of Qualification shall be on the Person prosecuted, and it shall be sufficient on the Part of the Prosecutor to prove that the Person so prosecuted had acted as a Commissioner in the Execution of this Act, but nevertheless the Acts and Proceedings which shall have been done by any such Person touching the Execution of the said recited Acts or this Act, previous to his being convicted of acting without such Qualification, shall notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

Oaths to be taken by Commissioners.

CVIII. Provided always, and be it enacted, That no Person to be so elected shall take upon himself to act as a Commissioner in the Execution of this Act, until he shall make and subscribe before One of His Majesty's Justices of Assize for the said City, or before the Recorder or Deputy Recorder, or before Two Justices of the Peace of the said City, the Oath or Affirmation following:

'I *A. B.* do swear [*or, being one of the People called Quakers*, do solemnly affirm] That I am in my own Right, or in the Right of my Wife, (*if the Party shall be married, if not, the Words*, or in Right of my Wife, *to be omitted*), in the actual Possession and Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Thirty Pounds, or possessed of or entitled to a Personal Estate of the Value of One thousand Pounds, over and above what shall be sufficient to discharge my Debts; and that I will discharge the Duty of a Commissioner without Favour or Affection, Prejudice, or Malice, to any Person or Persons whomsoever. So help me GOD.'

Powers of Commissioners to appoint Officers.

CIX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners from Time to Time, when and as often as they shall think necessary or find it expedient, at such respective Meeting or Meetings, to give and sign Orders for the Payment of all Expenditures which they shall find and judge to be necessary for carrying into Execution the Purposes of the said recited Acts repectively, or of this Act, and to elect and appoint such Officer and Officers, Servant and Servants, as they shall think fit and proper for the Execution of the several Matters comprized therein respectively, and to establish such Salaries and Allowances to be paid to such Officer and Officers, and every of them respectively, as to the said Commissioners shall seem fit and reasonable, and the same to increase and diminish from Time to Time as to them shall seem reasonable; and also from Time to Time, as often as it shall appear fit to the said Commissioners so to do, to remove such Officers or any of them, and to elect such others in their Stead as they shall think fit, and to do any Act or Acts hereby authorized to be done by the said Commissioners.

Commissioner absenting himself for Three Months to be removed.

CX. And be it further enacted, That if any of the Persons heretofore elected, or who shall hereafter be elected a Commissioner pursuant to the Powers of the said recited Acts or of this Act, shall continue to absent himself from the Meetings of the said Commissioners, for the Space of

Three Calendar Months, unless some satisfactory Excuse for the Absence of such Member who shall not have attended as aforesaid, shall be given in, admitted, and entered on the Minutes of the said Commissioners within One Month after the Expiration of the said Three Calendar Months, then and in every such Case the Person or Persons so absenting himself or themselves, without satisfactory Excuse given, admitted, and entered as aforesaid, shall thereupon cease to be a Commissioner or Commissioners, and in such Case One other Commissioner or Commissioners shall be elected in the Place or Places of such Person or Persons, in like Manner as if such Person or Persons had died or resigned.

Commissioner not to hold Office or Employment under the Board.

CXI. And be it further enacted, That no Person elected or to be elected a Commissioner under the said recited Acts or this Act, shall hold any Place or Office of Profit or Emolument thereunder, nor enter into any Contract with the said Commissioners, or be Security for any Person contracting with the said Commissioners; and if any Person being elected such Commissioner, shall accept any Place or Office under this Act, or shall enter into, or be concerned or interested in any Contract with the said Commissioners, he shall cease to be a Commissioner from the Time of his Appointment to and Acceptance of such Place or Office, or of his entering into or being concerned or interested in such Contract, or becoming Security for any Person contracting with the said Commissioners, as the Case may be, and another Person shall be elected a Commissioner in the Room and Place of the Person so ceasing to be a Commissioner; and if any Person being a Commissioner, otherwise than by Election, shall accept any Place or Office under this Act, or shall enter into or be concerned or interested in any Contract with the said Commissioners, or shall be Security for any Person contracting with the said Commissioners, he shall become and be, and shall remain incapable of acting as a Commissioner under the said Acts or this Act, for and during such Time as he shall continue to hold such Place or Office, or during the Continuance of such Contract, as the Case may be.

Commissioners not to be concerned in Contracts.

Security to be taken from Treasurer.

CXII. And be it further enacted, That the said Commissioners or any Five or more of them shall, and they are hereby required to take such sufficient Security from their Treasurer or Treasurers, Receiver or Receivers, or other Officers to be appointed for the Purposes of this Act, for the due and faithful Execution of their respective Offices, as they the said Commissioners shall think proper; and that no such Treasurer, Receiver, or other Officer, shall be permitted to enter upon such their Offices respectively, until they shall have given such Security.

Treasurer not to be Clerk and vice versâ.

CXIII. Provided always, and be it further enacted, That it shall not be lawful for the said Commissioners to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Commissioners; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit

forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered together with full Cost of Suit in any of His Majesty's Courts of Record in *Dublin*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance shall be allowed.

Accounts to be kept.

CXIV. And be it further enacted, That each and every Treasurer to be appointed by the said Commissioners, is and are hereby directed and required to keep distinct Accounts of the Monies by him received and paid for and on account of the said Commissioners, and from Time to Time by and out of the Monies in his Hands, to pay and discharge all such Sum and Sums of Money as the said Commissioners at any of their Meetings shall from Time to Time order and direct.

Treasurer to account with Commissioners.

CXV. And be it further enacted, That each and every such Treasurer, Clerk, Collector, or other Officer so to be appointed, shall as often as they shall be thereunto required by the said Commissioners, or any Five or more of them, render and deliver unto the said Commissioners, or any Five or more of them, or to such Persons as they shall appoint, distinct, true, and perfect Accounts in Writing, signed with their own Hands respectively, of all Matters and Things committed to their Charge by virtue of this Act, and also of all the Monies which shall have been by such Officers or Persons respectively received by virtue of such Appointment, or for or on account of the said Commissioners, and how much thereof hath been paid and applied, and for what Purposes, together with the proper and legal Receipts or Vouchers for such Payments, and shall pay all such Monies as shall remain due from them respectively to the said Commissioners, or any Five or more of them, or to such Person or Persons as they the said Commissioners shall from Time to Time direct; and if any such Officer or Person so appointed as aforesaid, shall not render and deliver, signed with his own Hand, all and every such Statements and Accounts when thereunto required as aforesaid, or shall not produce and deliver up the Receipts or Vouchers relating to all Monies received and paid by him or them, or shall not pay the Monies in his Hands to such Commissioners, or any Five or more of them, or to such Person as the said Commissioners shall direct, or shall not deliver to such Commissioners, or to any other Person or Persons whom they shall direct, all Books, Papers, and Writings in his or their Custody or Power, relating to the Execution of this Act, within Twenty-four Hours next after he or they shall be required so to do, by a Notice in Writing signed by any Five of the said Commissioners, or delivered to or left at the last or usual Place of Abode of such Officers, then and in either of the said Cases the said Commissioners may and they are hereby authorized and empowered to bring or cause to be brought any Action or Actions against such Officer or Officers so neglecting or refusing as aforesaid, for the Recovery of the Money that shall be in the Hands of such Officer or Officers, or against the Person or Persons having become Securities for him or them; or such Commissioners, or any Five or more of them, or any other Person whom they shall direct for that Purpose, may complain of any such Refusal or Neglect as aforesaid, to any Justice of the Peace for the County, City, Borough, or Place wherein such Officer so neglecting or refusing shall be or reside, and such Justice may

and

and he is hereby authorized and required, by a Warrant under his Hand and Seal, to cause such Officer so refusing or neglecting, and against whom such Complaint shall be made, to be brought before him, and upon his appearing or not being to be found, to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath, or upon the Testimony of any credible Witness or Witnesses being of the People called *Quakers*, upon Affirmation (which Oath or Affirmation such Justice is hereby empowered to administer), it shall appear to such Justice that any of the Monies that shall have been received by any such Officer or Person shall remain due from any such Officer or Person, then such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Money and all Costs, Charges, and Expences incurred and to be incurred thereabouts, to be levied by Distress and Sale of the Goods, Chattels, and other Effects of such Officer or Person respectively; and if no Goods or Chattels of such Officer or Person can be found sufficient to answer and satisfy the said Money, and the said Costs, Charges, and Expences of distraining, removing, and selling the said Goods, Chattels, and other Effects, and all such Costs and Expences as aforesaid; or if it shall in manner aforesaid appear to such Justice that such Officer or Person shall not have rendered such true and perfect Accounts signed as aforesaid, or shall have detained any Receipts or Vouchers, Rates, Books, Papers, and Writings as aforesaid, then and in each and every of such Cases such Justice shall commit every such Offender to the Common Gaol or House of Correction of the County, City, or Place where such Offender shall be or reside, there to remain without Bail or Mainprize until he shall have rendered and delivered, signed as aforesaid, such true and perfect Account as aforesaid, and shall have delivered as aforesaid all Receipts and Vouchers relating thereto, and shall have paid all Monies remaining in his Hands, or shall have compounded with the said Commissioners, or any Five or more of them, for all such Money to their Satisfaction, and shall have paid the Amount of such Composition in such Manner as they shall approve (and which Composition the said Commissioners are hereby empowered to make and accept), or until he shall have delivered up all such Books, Papers, and Writings aforesaid, in his Custody or Power, or shall have given Satisfaction in respect thereof to the said Commissioners: Provided always, that no such Officer or Person so committed as aforesaid, shall be detained and kept in Prison by virtue of any such Warrant for any longer Space of Time than Twelve Calendar Months.

Proceedings against Principals not to release Securities.

CXVI. Provided always, and be it further enacted, That no Prosecution or Commitment, Action or other Proceeding of or against any Treasurer or other Officer by the said Commissioners appointed, shall in any Manner acquit, release, or discharge any Surety or Security that shall or may have been taken by or given to or for the said Commissioners for the due and faithful Execution of the Duties of any such Appointment, or for the due and punctual Payment and Application of the Monies received by him or them in pursuance or by virtue of such Appointment, or for the proper Observance and Performance by him of the Duties enjoined on any such Treasurer or other Officer by virtue of this Act, nor shall acquit, release, or discharge in any Manner any Person or Persons who

who shall have become bound for him or on his Behalf to the said Commissioners.

Accounts to be kept.

CXVII. And be it further enacted, That the said Commissioners shall and they are hereby required, from Time to Time and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended under this Act, and of the several Articles, Matters, and Things for which any Sums of Money disbursed, laid out, and paid; which Book or Books shall at all seasonable Times be open to the Inspection of the said Commissioners without Fee or Reward, and the said Commissioners shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk shall refuse to permit or shall not permit the said Commissioners, or any of them, to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in manner by this Act directed.

Copy of Order to be Evidence.

CXVIII. And be it further enacted, That in all Proceedings whatsoever, and in all Courts of Law or Equity, and before all Magistrates, a Copy of any Bye Law, Order, Proceeding, or Regulation of the said Commissioners, certified under the Hand of the Clerk of the said Commissioners to be a true Copy of such Bye Law, Order, Proceeding, or Regulation respectively, shall be deemed and taken to be sufficient Evidence that the Bye Law, Order, Proceeding, or Regulation so certified was or is the Bye Law, Order, Proceeding, or Regulation of the said Commissioners, as in the said Certificate set forth.

Actions may be brought in Name of Clerk or Treasurer.

CXIX. And be it further enacted, That all Actions which shall or may be brought by or against the said Commissioners, or any of them, for any thing done touching or relating to the Execution of or for the Purposes of the said recited Acts, or either of them, or of this Act, shall and may be brought or instituted in any of His Majesty's Courts of Record, in the Name of any One of the said Commissioners, or of the Clerk or Treasurer to the said Commissioners; and that no such Action shall abate or be discontinued by the Death or Removal of such Commissioner, or of such Clerk or Treasurer, but any of the said Commissioners, or the Clerk or Treasurer for the Time being to the said Commissioners, shall be deemed the Plaintiff or Defendant in every such Action, as the Case may be; and in all and every such Action and Actions, and in all Bills of Indictment in which it shall be deemed necessary to mention the said Commissioners, it shall be deemed and taken to be sufficient to mention them generally as "The Commissioners for making wide and convenient Streets, Ways, and Passages in the City of *Cork*, and the Suburbs thereof," without particularly stating or specifying the Name or Names of all or any of the said Commissioners: Provided always, that every such Commissioner, Clerk, and Treasurer in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid out of the Monies to

arise by virtue of this Act all such Expences, Damages, Costs, and Charges as by the Event of any such Proceeding he shall be put to or become chargeable with by reason of his being so made Plaintiff or Defendant therein.

Commissioners may contract for the Execution of Works.

CXX. And be it further enacted, That the said Commissioners may and they are hereby authorized and empowered from Time to Time to contract with any Person or Persons for doing or performing all or any of the Works hereby authorized or directed to be done or performed, in such Manner and under such Penalties for the due Performance of such Contracts as the said Commissioners shall think fit; and every such Contract shall be good, valid, and binding as well upon the said Commissioners as upon the other Party or Parties thereto; and in case any Person or Persons who shall enter into any Contract or Contracts with the said Commissioners shall at any Time be guilty of any Breach or Non-performance thereof, or of any Stipulation or Agreement therein, it shall and may be lawful to and for the said Commissioners, in case they shall deem it proper and expedient, to declare such Contract or Contracts to be null and void accordingly; or it shall and may be lawful to and for the said Commissioners to compound for such Sum or Sums of Money with the Person or Persons who shall have so entered into such Contract or Contracts, and for all Costs, Charges, and Expences which shall be occasioned thereby, as to them the said Commissioners shall appear proper and expedient; or it shall and may be lawful to and for the said Commissioners to sue for and recover the full Penalty and Penalties contained and expressed in any such Contract or Contracts, or in any Bond or Bonds given and executed for the due Performance of such Contract or Contracts, by Action of Debt or on the Case, in any of His Majesty's Courts of Record in *Dublin*, in which Action or Actions no Essoign, Protection, or Wager of Law, nor more than one Imparlance shall be allowed.

Mode of levying Money in future.

CXXI. And be it further enacted, That the Treasurer of the County of the City of *Cork* shall, after each Assizes to be held for the County of the said City, add to the Sum which shall be presented to be raised upon the said City, and the Suburbs thereof, such Sum as the said Commissioners shall order and direct to be raised on the said City and Suburbs, not exceeding the Sum of One thousand seven hundred and fifty Pounds, and the said Treasurer shall take the same into Account when making the Calculations for the Purpose of striking the Poundage for the said City and Suburbs; and the Sum so ordered and directed to be raised shall be raised and levied upon the said City and Suburbs in like Manner as the public Money presented at each Assizes for the County of the City of *Cork*, and chargeable upon the said City and Suburbs, shall be raised and levied; and the same shall on the Eighth Day after each succeeding Assizes be paid over to the said Commissioners, or their Successors, their proper Officer or Officers, and be applied to the Purposes of this Act.

Grand Juries not to present Money for paving.

CXXII. And be it further enacted, That from henceforth it shall not be lawful to or for the Grand Jury of the County of the City of *Cork* to present at any Assizes to be holden for the County of the said City any Sum or Sums of Money for paving or otherwise repairing or keeping in repair any Street, Square, Lane, Court, Quay, Bridge, Way, or public Passage

Passage within the said City, or the Suburbs thereof, other than such Sum or Sums as it shall be necessary to present under and in pursuance of such Contract or Contracts as have been heretofore entered into by the Grand Jury of the County of the said City of *Cork*.

Return to be made by Commissioners to Grand Jury of Number of Square Yards in Streets within City and Suburbs.

CXXIII. And be it further enacted, That at the Assizes to be holden for the County of the said City, next after the passing of this Act, the said Commissioners shall cause a Return to be made to the Grand Jury of the said City, on the Oath of some competent Person or Persons, of the Number of Square Yards comprized in the several Streets, Squares, Lanes, Courts, Quays, Bridges, Ways, and Passages within the said City, and the Suburbs thereof, and the Treasurer of the said City shall at the said Assizes, and at every succeeding Assizes to be holden for the County of the said City, add to the Sum which shall be presented to be raised upon the said City, and the Suburbs and Liberties thereof, such Sum as the said Commissioners shall order and direct to be raised on the said City, Suburbs, and Liberties, not exceeding One Penny Farthing for every Square Yard which shall be contained within such Streets, Squares, Lanes, Courts, Quays, Bridges, Ways, and Passages as specified in such Return, and the said Treasurer shall take the same into Account when making the Calculations for the Purpose of striking the Poundage for the said City, Suburbs, and Liberties; and the Sum so ordered and directed to be raised shall be raised and levied upon the said City, Suburbs, and Liberties in like Manner as the other public Money presented at each Assizes for the County of the City of *Cork*, and chargeable upon the said City, Suburbs, and Liberties, shall be raised and levied; and the same shall on the Eighth Day after each succeeding Assizes be paid over to the said Commissioners, or their Successors, their proper Officer or Officers, and be applied to the Purposes of this Act.

Mode of raising Money for paving Streets.

Not to levy Money for Streets already contracted for until Contracts shall expire.

CXXIV. Provided always, and be it further enacted, That the said Commissioners shall not include in any Order to be made by them as aforesaid, any Sum for or in respect of any Street, Square, Lane, Court, Quay, Bridge, Way, or Passage for which there shall be a Contract in force with the Grand Jury of the County of the said City, so long as such Contract shall continue in force; but that the said Commissioners shall and may, when and as the Contracts for such several Streets, Squares, Lanes, Courts, Quays, Bridges, Ways, and Passages shall expire, become void, or otherwise cease to be in force, include in the Orders to be made by the said Commissioners, the Streets, Squares, Lanes, Courts, Quays, Bridges, Ways, and Passages, the Contracts for which shall so cease.

Additional Streets to be included in Calculation.

CXXV. And be it further enacted, That when and so often as any additional or other Streets, Squares, Lanes, Courts, Quays, Bridges, Ways, or public Passages, shall or may be made within the said City of *Cork* or the Suburbs thereof, the said Commissioners shall from Time to Time cause a Return to be made on the Oath of some competent Person or Persons of the Number of Square Yards comprized in such additional Streets, Squares, Lanes, Courts, Bridges, Ways, and public Passages, and it shall and may be lawful for the said Commissioners thenceforward to include the same in the Calculation to be made by them, and in the Order to be by them given to the Treasurer of the County of the said City herein-before appointed.

CXXVI. And

Collectors may be appointed.

CXXVI. And be it further enacted, That it shall be lawful for the Grand Jury of the County of the City of *Cork* from Time to Time, at the several Assizes to be holden for the County of the City of *Cork*, to appoint such and so many Persons as the Grand Jury shall think fit to be Collectors of the Money to be raised upon the City, Suburbs, and Liberties of *Cork* respectively, as well under the Presentments to be made at such Assizes as under the Orders of the said Commissioners to be given at the said Assizes, and also to present the Portions or Parts of the said City, Suburbs, and Liberties respectively within which such several and respective Persons shall be Collectors; and all and every the Person and Persons so to be appointed a Collector or Collectors shall have the same Power and Authority to collect and recover the several Sums to be raised and levied within the particular Portion or Portions, Part or Parts of the said City, Suburbs, or Liberties (as the Case may be), for which he or they shall be so appointed, as is now by Law given to the Collectors appointed by the Grand Jury of the County of the said City for the Collection of public Money; provided that every Person so to be appointed shall give Security in the Manner now required by Law with respect to Collectors of the public Money within the County of the said City.

Commissioners to account annually.

CXXVII. And be it further enacted, That on the Day of the annual Appointment of the Auditors of the Accounts of the Mayor, Sheriffs, and Commonalty of the City of *Cork* in the Court of D'Oyer Hundred of the said City, Auditors shall be also then chosen to examine and audit the Accounts to be kept by the said Commissioners and their Successors, and to examine into the Application and Expenditure of the Money to be received by them; and that such Accounts when audited, together with the Report of the Auditors, shall be annually laid before the said Court of D'Oyer Hundred, and a general Abstract of such Accounts shall be printed, and shall also be published in some One or more Newspaper or Newspapers circulated in the said City.

Commissioners may borrow Money at Interest.

CXXVIII. And in order to enable the said Commissioners to carry this Act into immediate Execution; be it further enacted, That it shall and may be lawful to and for the said Commissioners or their Successors, from Time to Time to borrow and take up at Interest such Sum or Sums of Money, not exceeding in the whole the Sum of Fifty thousand Pounds, for the Purposes of this Act, upon the Credit of the Duty and Duties to be levied, collected, and raised, and to be payable to the said Commissioners, by virtue of this Act or of any former Act, and by Writing under the Hands of Five of the said Commissioners, to assign all or any Part of the said Duties to such Person or Persons as shall lend and advance any Money thereon, or to his or their Trustee or Trustees, as a Security for the Principal Money to be advanced, with Interest for the same; and the Costs and Expences of such Assignment thereof, to be made as hereinafter mentioned, shall from Time to Time be defrayed by the said Commissioners out of the Monies to be so borrowed; and every such Assignment shall be in the Words or to the Effect following:

Form of Assignment.

'WE, the Commissioners appointed by or in pursuance of an Act made in the Third Year of the Reign of King *George* the Fourth, intituled '*An Act* [*here set forth the Title of this Act*], in Consideration of the Sum

'of advanced and lent by
'of upon the
'Credit and for the Purposes of the said Act, do hereby grant and assign
'unto the said [or to his Trustee or Trustees,
'*as the Case may be*], his Executors, Administrators, and Assigns, such
'Proportion of the Duties payable to us by virtue of the said Act as the
'said Sum of doth or shall bear to
'the whole Sum which may at any Time be borrowed or become due and
'owing, or be charged upon the Credit of the said Act, to be holden
'from this Day of until the said Sum
'of with Interest at the Rate of *per*
'*Centum per Annum* for the same, shall be repaid and satisfied. In witness
'whereof, we the said Commissioners have hereunto set our Hands and
'Seals the Day of in the Year
'.'

And every such Security shall be good, valid, and effectual, and shall entitle the Person or Persons to whom the same shall be made, his, her, or their Executors, Administrators, and Assigns, to the Payments thereof, and to all Profit and Advantage thereon, according to the true Intent and Meaning of this Act.

Money may be raised on Interest.

CXXIX. And be it further enacted, That in case the said Commissioners shall think it advisable or advantageous to raise all or any Part of the Money to be borrowed under this Act, by granting Annuities for Lives, instead of Assignment as aforesaid, it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, by Writing under the Hands of Five of the said Commissioners, to grant an Annuity or Annuities to any Person or Persons who shall contribute, advance, and pay into the Hands of the said Commissioners, any Sum or Sums of Money which to the said Commissioners shall seem right and proper for the absolute Purchase of any Annuity or Annuities, to be paid and payable during the natural Life of every such Contributor, or the natural Life of such Person as shall be nominated by or on the Behalf of such Contributor, at the Time of Payment of his or her Contribution or Purchase Money, and the Expence of every such Grant shall be defrayed by the said Commissioners; and the Grant of every such Annuity shall be in the Words or to the Effect following:

'WE, the Commissioners appointed by or in pursuance of an Act of
'Parliament made in the Third Year of the Reign of King *George*
'the Fourth, intituled [*here set forth the Title of this Act*] in Consideration
'of the Sum of paid by
'of for the Purposes of the said Act, do
'hereby grant unto the said an Annuity or yearly
'Sum of out of the Duties payable to the said
'Commissioners by virtue of the said Act, which Annuity or yearly
'Sum of shall be paid to the said
'or his Assigns, during the Term of his natural Life [or to
'the said his Executors, Administrators, or
'Assigns, during the natural Life of *as the Case*
'*may be*] by equal Half-yearly Payments upon the
'Day of in every Year, during
'the

‘ the natural Life of him the said ; the
‘ First Payment thereof to be made on the Day of
‘ next ensuing the Date hereof. In witness whereof we
‘ the said Commissioners have hereunto set our Hands and Seals, the
‘ Day of in the Year
‘

Scale of Annuities.

CXXX. And for preventing any improvident Grant of Annuities under this Act, be it further enacted, That no Annuities shall be granted by virtue of this Act, for any Single Life, at any higher Rate than the following; (that is to say), where the Age of the Annuitant or Person for whose Life the Annuity shall be granted, shall not exceed Thirty-five Years, the Annuity granted shall not exceed Nine Pounds Three Shillings for each One hundred Pounds of the Consideration Money paid for the Purchase thereof; where the Age of such Person shall not exceed Forty Years, the Annuity shall not exceed the Rate of Nine Pounds Ten Shillings for each One hundred Pounds of the Consideration Money; where the Age of such Person shall not exceed Forty-five Years, the Annuity shall not exceed the Rate of Ten Pounds for each One hundred Pounds of the Consideration Money; where the Age of such Person shall not exceed Fifty Years, the Annuity shall not exceed the Rate of Ten Pounds Twelve Shillings for each One hundred Pounds of the Consideration Money; where the Age of such Person shall not exceed Fifty-five Years, the Annuity shall not exceed the Rate of Eleven Pounds Eight Shillings for each One hundred Pounds of the Consideration Money; where the Age of such Person shall not exceed Sixty Years, the Annuity shall not exceed the Rate of Twelve Pounds Eight Shillings for each One hundred Pounds of the Consideration Money; where the Age of such Person shall not exceed Seventy Years, the Annuity shall not exceed the Rate of Sixteen Pounds One Shilling for each One hundred Pounds of the Consideration Money; and where the Age of such Person shall not exceed Seventy-five Years, the Annuity shall not exceed the Rate of Nineteen Pounds Ten Shillings for each One hundred Pounds of the Consideration Money.

Form of Grant.

CXXXI. And be it further enacted, That it shall and may be lawful to and for the Person or Persons entitled to any of the Securities for the Money to be borrowed at Interest as aforesaid, and their respective Executors, Administrators, and Assigns, (as the Case may be), at any Time, by Writing under their Hands and Seals, to transfer such Securities to any Person or Persons whomsoever, which Transfer may be in the Words or to the Effect following:

‘ I being entitled to the Sum of
‘ or an Annuity of
‘ secured to and his Assigns [or his Executors,
‘ Administrators, or Assigns, *as the Case may be*], by virtue of an Assign-
‘ ment, or Grant of an Annuity, bearing Date the Day of
‘ under the Hands of the Commissioners acting in the
‘ Execution of an Act of Parliament made in the Third Year of the Reign
‘ of King *George* the Fourth, intituled [*here set forth the Title of this Act*]
‘ upon the Credit of the Duties payable to the said Commissioners, *as the*
‘ *Case*

'*Case may be*, under the said Act, do hereby transfer all my Right and 'Title in and to the said Sum or Annuity, and all Interest and other 'Money now due and owing thereon, unto his 'Executors, Administrators, and Assigns. Dated this 'Day of .'

And every such Assignment shall be good, valid and effectual in the Law, to all Intents and Purposes.

Commissioners empowered to borrow on other Securities than as before directed.

CXXXII. Provided nevertheless, and be it further enacted, That in case the said Commissioners or their Successors shall be minded or desirous to borrow or take up at Interest all or any Part of the Money hereby authorized to be borrowed from any Person or Persons empowered by the Authority of Parliament or otherwise, to lend the same upon a Security or Securities of a different Form or Description from the Securities herein-before set forth, it shall and may be lawful to and for the said Commissioners to seal, execute, and deliver such other Security or Securities, and they and each of them shall be good, valid, and effectual in the Law.

For securing transient Offenders.

CXXXIII. And whereas Offences may be committed against this Act by Persons unknown to the Officers appointed to put the same in Execution; be it therefore enacted, That it shall be lawful for any of the said Commissioners, their Officer or Officers respectively, and such other Person or Persons as he or they shall call to his or their Assistance, without any other Warrant or Authority than this Act, to seize and detain any unknown Person or Persons who shall commit any such Offence or Offences, to take him, her, or them before any Justice of the Peace of the County or Place near where the Offence or Offences shall have been committed, to be dealt with according to Law, and such Justice is hereby empowered and directed to proceed immediately to the hearing and determining of the Complaint.

Fines and Forfeitures.

CXXXIV. And be it further enacted, That all Complaints and Informations of Offences against this Act, or any Rule, Order, or Bye-Law to be made in pursuance thereof (except in Cases where the Manner of hearing and determining thereof is herein-before otherwise directed), shall and may be made before One or more Justice or Justices of the Peace for the County or Place wherein the Offence shall be committed; and such Justice or Justices is and are hereby authorized and empowered to take Cognizance thereof, and to summon the Person or Persons complained of to appear before him or them, or upon Complaint upon Oath or Affirmation, to issue his, her, or their Warrant or Warrants for the Apprehension of any such Person or Persons, and upon the appearing or not appearing of such Person or Persons pursuant to such Summons, and upon such Person or Persons being apprehended with such Warrant, to hear the Matter of every such Complaint and Information by Examination of any Witness or Witnesses upon Oath or Affirmation, and to make such Determination thereon as such Justice or Justices shall think proper; and upon Conviction of any Person or Persons such Justice or Justices shall and may issue a Warrant under his or their Hand and Seal or Hands and Seals for levying the Fine, Penalty, or Forfeiture by virtue

of this Act, or of any Bye Law made in pursuance thereof imposed for such Offence by Distress and Sale of the Goods and Chattels of the Person so convicted; and it shall and may be lawful to and for any such Justice or Justices to order any Person so convicted to be detained and kept in Custody of any Constable or other Peace Officer, until it can be ascertained whether such Person hath any Goods and Chattels whereon such Fine, Penalty, or Forfeiture can be levied; and in case sufficient Goods or Chattels of any Person liable to pay any such Fine, Penalty, or Forfeiture cannot be found whereon to make such Distress, or if such Fine, Penalty, or Forfeiture shall not be forthwith paid, it shall be lawful for such Justice or Justices, and he and they is and are hereby authorized and required by Warrant, under his and their Hand and Seal or Hands and Seals, to commit such Offender to the Common Gaol or House of Correction for any Term not exceeding Three Months, unless such Penalty or Forfeiture and all reasonable Charges attending the Recovery thereof shall be sooner paid and satisfied; and all such Fines, Penalties, and Forfeitures when recovered, shall when the Application is not otherwise directed by this Act, be paid into the Hands of the Treasurer of the said Commissioners, and shall be applied and disposed of for the Purposes of this Act; and the Overplus (if any) arising from such Distress and Sale, after Payment of the Penalty and the Costs and Charges attending the same, shall be returned upon Demand to the Owners of the Goods and Chattels so distrained.

Justices may compel Attendance of Witnesses.

CXXXV. And be it further enacted, That if any Person or Persons who shall be summoned as a Witness or Witnesses to attend and give Evidence before any Justice of the Peace touching any Matter of Fact contained in any Information or Complaint for any Offence committed against this Act, either on the Part of the Prosecutor or the Person or Persons accused, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, having been paid or tendered a reasonable Sum for his, her, or their Charges, without a reasonable Excuse for his, her, or their Refusal or Neglect, or appearing shall refuse to be examined upon Oath (or in case of a Quaker or Quakers, on solemn Affirmation), and to give Evidence before such Justice of the Peace, then and in either of the said Cases every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, to be recovered in like Manner as any Penalty imposed by this Act may be recovered.

Appeal.

CXXXVI. Provided always, and be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law, or Order of the said Commissioners, or by the Order or Determination of any Justice or Justices of the Peace in pursuance of this Act, may, within Three Calendar Months after such Order shall be made or given, complain to the Justices of the Peace at the General Quarter Sessions of the Peace to be held in and for the County wherein the Offence shall be alleged to be committed, the Person or Persons appealing having first given at least Ten Days clear Notice of such Appeal, of the Nature and Matter thereof, to the Person or Persons appealed against, or to the Clerk of the said

Commissioners, and forthwith after such Notice entering into a Recognizance before some Justice of the said County, with Two sufficient Sureties conditioned to try such Appeal, and to abide the Order and Award of the said Court thereupon; and the said Justices, upon due Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Complaint at such General Quarter Sessions of the Peace to be held for the said County, or, if they think proper, adjourn the hearing thereof until the next General Quarter Sessions of the Peace to be held for the said County; and, if they see Cause, may mitigate any Forfeitures or Fines, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, or Determination, and shall and may also award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties as they shall adjudge reasonable and proper, and all such Determinations of the said Justices shall be final, binding, and conclusive upon all Parties, to all Intents and Purposes.

CXXXVII. And be it further enacted, That the said Justice of the Peace before whom any Offender shall be convicted of any Offence under this Act, shall cause the said Conviction to be made out in Manner and Form following, or in any other Form of Words to the like Effect, *mutatis mutandis*, which Conviction shall be good and effectual to all Intents and Purposes, without setting forth the Evidence or stating the Case in any more particular Manner; (that is to say),

Form of Conviction.

'County of } BE it remembered, That on the Day
'to wit. } in the Year of our Lord
'is [*or* are] convicted before me [*or* us, *as the Case may be*]
'of His Majesty's Justices of the Peace for the said County of
'by virtue of an Act passed in the Third Year of the
'Reign of King *George* the Fourth, intituled [*here insert the Title of*
'*this Act*] of having [*specifying the Offence, and the Time and Place when*
'*and where the same was committed, as the Case may be*], contrary to
'the said Act, and for which Offence I [*or* we, *as the Case shall be*]
'do adjudge the said to have forfeited the
'Sum of . Given under my Hand and
'Seal [*or* our Hands and Seals, *as the Case shall be*], the Day and Year
'first above written.'

Which Conviction or Convictions shall, if required, be written fairly upon Parchment, and returned to the Clerk of the Peace for the County wherein the said Offence shall have been committed, to be filed by him, and to remain and be kept among the Records of the said County or County of the said City (as the Case may be).

Form of Warrant for levying Penalties.

CXXXVIII. And be it further enacted, That any Warrant to be issued by such Justice of the Peace for levying any Penalty under such Conviction from the Goods of such Offender, shall be in the Form following, or in some other Form of Words to that or the like Effect, which Form shall be good and valid to all Intents and Purposes; that is to say,

To

'County of } To
'to wit. } and each of them, and their and each of their Assistants.

'WHEREAS on the Day of now last past
'of was duly convicted before me [*or* us, *as*
'*the Case may be*] of His Majesty's Justices of the Peace for
'the County of by virtue of an Act passed in the Third Year
'of the Reign of King *George* the Fourth, intituled [*here insert the Title*
'*of this Act*] of having [*specifying the Offence, and the Time and Place*
'*when and where the same was committed, as the Case may be*], contrary to
'the said Act; and thereupon the said hath become
'liable to a Fine or Penalty of : I [*or* we, *as the Case*
'*may be*], do therefore by these Presents authorize and command you,
'and each of you, to take into your Possession the Goods of the said
' or a Sufficiency thereof, for the levying the said
'Sum thereout, wherever you shall find the said Goods in the County
'aforesaid; and if the Goods shall not be redeemed by the Payment of
'the said Sum within Days from the Day of taking the same,
'you are, by public Sale thereof to levy the said Sum, rendering the
'said the Overplus, if any; and the said Sum so levied you
'shall bring to me [*or* us, *as the Case may be*] without Delay, to be dis-
'posed of according to Law. Given under my Hand and Seal, [*or* our
'Hands and Seals, *as the Case may be*] this Day of :'

And if Goods sufficient cannot be found to answer the Penalty, a Warrant shall be thereupon issued for committing such Offender or Offenders, and the same shall be in the same Form as the said Warrant last-mentioned to the Words 'I [*or* we, *as the Case shall be*], do therefore, by these Pre-' sents,' which Words, and all from thence to the Words 'disposed of 'according to Law' inclusive, shall be omitted, and this Form following, or some other Form of Words to that or the like Effect, shall be inserted in their Places; to wit,

'And whereas, on the Day of a Warrant
'was issued to levy the said Sum from the Goods of the said Offender,
'and such Goods could not be found sufficient to answer the said Sum,
'I [*or* we, *as the Case shall be*], do therefore hereby authorize and com-
'mand you, and each of you, to take the Body of the said
', wheresoever you shall find him in the County of
', and bring him before me, [*or* us, *as the Case shall be*],
'or any other Magistrate of the said County :"

And the Form of Committal for committing any such Offender to Prison, shall follow the Form of such Warrant, save only, that the Directions thereof shall be to the proper Gaoler, and that from and after the Words 'I [*or* we, *as the Case shall be*], do therefore hereby authorize and 'command you,' there shall follow these Word, 'to receive into your 'Custody the Body of the said and him or her safely 'keep for from the Date hereof, unless the said Sum 'shall be sooner paid. Given under my Hand and Seal, [*or* our Hands 'and Seals, *as the Case shall be*,] this of :'

And each and every of the said Forms, or any Form of Words to the like Effect respectively, shall be good and valid in the Law to all Intents and Purposes.

CXXXIX. And

Distresses not to be unlawful for Want of Form.

CXXXIX. And be it further enacted, That where any Distress shall be made for any Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party or Parties making the same be deemed a Trespasser or Trespassers on account of any Defect or Want of Form in the Notice, Information, Summons, Conviction, Warrant of Distress, or other Proceedings relating thereto; nor shall the Party or Parties distraining be deemed a Trespasser or Trespassers *ab initio*, on account of any Irregularity which shall be afterwards done by the Party or Parties so distraining, but the Person or Persons aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damage in an Action upon the Case.

Proceedings not to be quashed for Want of Form.

CXL. And be it further enacted, That no Order, Verdict, Assessment, Judgment, or other Proceeding made, touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form only, or be removed or removable by Certiorari, or by any other Writ or Process whatsoever into any of His Majesty's Courts of Record in *Dublin*; any Law or Statute to the contrary thereof in anywise notwithstanding.

Notice of Action to be given and Plaintiff not to recover after Tender of Amends.

CXLI. And be it further enacted, That no Plaintiff or Plaintiffs shall recover in any Action to be commenced against any Person or Persons for any thing done in pursuance of this Act, unless Notice in Writing shall have been given to the Defendant or Defendants Fourteen Days before such Action shall be commenced of such intended Action, signed by the Attorney for the Plaintiff or Plaintiffs, specifying the Cause of such Action; nor shall the Plaintiff or Plaintiffs recover in any such Action if Tender of sufficient Amends shall have been made to him or them, or to his, her, or their Attorney, by or on Behalf of the Defendant or Defendants, before such Action brought; and in case no such Tender shall have been made, it shall and may be lawful for the Defendant or Defendants in any such Action, by Leave of the Court wherein such Action shall have been brought, at any Time before Issue joined, to pay into Court such Sum of Money as he, she, or they shall think fit, whereupon such Proceedings, Order, and Judgment shall be made and given in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

CXLII. And be it further enacted, That no Action or Suit shall be brought against any Person or Persons for any thing done in pursuance of this Act, or in relation to the Matters therein contained, after Six Calendar Months from the Fact committed, and every such Action or Suit shall be brought and tried in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant and Defendants in every such Action or Suit shall or may at his and their Election plead specially or the General Issue, and give this Act and the special Matter in Evidence at any Trial, and that the same was done in pursuance and under the Authority of this Act; and if the same shall appear to have been done, or if such Action or Suit shall have been brought before the Expiration of Fourteen Days next after such Notice shall have been given

as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then and in every of the said Cases the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or upon any Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Double Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have in other Cases by Law.

Informers of Offences against the Act to be rewarded.

CXLIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners or their Successors, to reward any Person or Persons who shall give Information of Offences committed against this Act, so as such Reward shall not exceed the Amount of the Penalty or Forfeiture which the Person or Persons so informed against shall have incurred; any thing herein contained to the contrary notwithstanding.

Penalty for Perjury.

CXLIV. And be it further enacted, That in all Cases where Cognizance is given to any Justice or Justices of the Peace by this Act, it shall and may be lawful to and for such Justice or Justices of the Peace to administer an Oath to any Person for his or their more certain Information in the Matter then depending; and if any Person shall upon his, her, or their Examination on Oath before any Justice or Justices wilfully and corruptly give false Evidence, such Person or Persons so offending and being thereof convicted, shall be and is and are hereby declared to be subject and liable to such Pains and Penalties as by any Law in force and effect Persons convicted of wilful and corrupt Perjury are liable to.

Expences of Act.

CXLV. And be it further enacted, That all Charges and Expences incident to and attending the obtaining and passing this Act, and of carrying the same into Effect and Execution, shall be paid out of the Monies received or to be received by "The Commissioners for making wide and convenient Streets, Ways, and Passages in the City of *Cork* and the Suburbs thereof," aforesaid, under the Provision of the said recited Acts and this Act.

Former Powers of Court of Conscience to cease.

CXLVI. And for the better Regulation of the Court of Conscience within the City and County of the City of *Cork*, be it further enacted, That all Authority, such as has been heretofore exercised by the Mayor of the said City of *Cork*, and by each of the Aldermen of the Ward of the said City, as Judges of the said Court of Conscience, shall, from and after Three Months next after the passing of this Act, cease, determine, and be no longer exercised.

Constitution of a new Court of Conscience

CXLVII. And be it further enacted, That it shall be lawful for the Mayor and Aldermen of the Ward of the City of *Cork* for the Time being, elected and to be elected according to the Usage of the City of

in lieu of the present one.

Cork, or for any Three or more of them, from Time to Time to hold a Court to be called "The Court of Conscience for the City and County of the City of *Cork*," in some convenient Place within the Jurisdiction of the said Court; and the said Mayor and Aldermen, or the said Aldermen, or the major Part of them who shall be present, such Number present not being less than Three, at their Meetings to be holden in pursuance of this Act, are hereby authorized and empowered to hear and determine all such Actions and Causes as are herein-after mentioned, and to give Judgments and to award Execution thereupon, with the Costs, against the Body or Bodies, or against the Goods or Chattels of all and every the Person and Persons against whom they shall give any such Judgment; and in case of an Equality of Votes in any Action, Cause, Complaint, Matter, or Thing that shall come before the said Mayor and Aldermen, or the said Aldermen, the said Mayor, or in his Absence the Person who shall be senior Alderman of the Ward, shall have the decisive or casting Vote, although such Mayor or Alderman shall have voted before.

To regulate the Sitting of the Court.

CXLVIII. And for better regulating the Sittings of the said Court, be it further enacted, That the said Mayor and Aldermen shall not hold the said Court, or hear or determine any Case or Cases, Cause or Causes, by virtue of this Act, but between the Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon, and nothing in this Act contained shall extend or be construed to extend so as to require or compel the Attendance of any Plaintiff or Plaintiffs, Defendant or Defendants, Witness or Witnesses in the said Court, in pursuance of any Order or Summons issued out of the said Court, or by any Person or Persons whomsoever acting as an Officer or Officers of the said Court, save and except between the said Hours of Ten of the Clock in the Forenoon and Four of the Clock in the Afternoon.

Appointment of Officers, &c.

CXLIX. And be it further enacted, That it shall and may be lawful to and for the said Mayor and Aldermen, or the Majority of them, and they are hereby required to nominate and appoint fit and proper Person or Persons for the Office of Clerk, and for the other necessary Offices of and in the said Court of Conscience; and it shall and may be lawful to and for the Person or Persons appointed to execute the Office of Clerk, immediately after his Appointment, and from Time to Time, with the Approbation of the said Mayor and Aldermen, or the Majority of them, to nominate and appoint a Deputy to act in his room or stead, in case of Sickness, or for other sufficient Cause to be allowed by the said Mayor and Aldermen, or any Three of them, but not otherwise, and every such Clerk, or his Deputy, is and are hereby empowered and required to issue all Summonses, Warrants, and Precepts, and to register all Orders, Decrees, and Judgments of the said Court, and to do all such Acts, Matters, and Things as are directed or required to be done by the said Clerk by virtue of this Act.

Appointment of new Officers in case of Death or Resignation.

CL. And be it further enacted, That it shall and may be lawful to and for the said Mayor and Aldermen, or any Three of them, immediately after the Death, Resignation, or Removal of any Clerk or other Officer nominated

nominated or appointed by virtue of this Act, or as soon after as the same shall be known, to cause the said Mayor and Aldermen to be summoned to meet at some convenient Place to be appointed for that Purpose within Twenty Days next after their being summoned as aforesaid; and the said Mayor and Aldermen, or the Aldermen present at such Meeting, or the major Part of them, are hereby authorized and required to elect another Person or Persons in the room or stead of every such Clerk or other Officer so dying, resigning, or being removed as aforesaid, for the Uses and Purposes in this Act contained, and so from Time to Time when and as often as any Clerk or other Officer shall die, resign, or be removed from their respective Offices.

Proceedings to be entered in a Book.

CLI. And be it further enacted, That the said Mayor and Aldermen shall and they are hereby required to make or cause to be made fair and regular Entries in a Book or Books to be provided by them for that Purpose of all Judgments, Acts, Orders, Directions, Regulations, and Proceedings of them the said Mayor and Aldermen, relative to the Execution of the several Powers and Authorities vested in them by this Act; and also the Names of such of them, the said Mayor and Aldermen, who shall be present at their respective Meetings, and such Entries shall be signed by the Chairman of each respective Meeting, and such Entries when so signed, and such Book and Books, shall be allowed to be read in Evidence in Proof of the Proceedings of such Court in all Courts whatsoever.

What Debt may be decided by the Mayor and Aldermen.

CLII. And be it further enacted, That it shall and may be lawful to and for the said Mayor and Aldermen, or any Three of them, and they are hereby empowered and enabled to decide and determine all Disputes and Differences between Party and Party, for any Sum not exceeding Forty Shillings, in all Actions or Causes of Debt.

Mayor and Aldermen not to determine any Cause where the Title to Land is to be brought in question.

CLIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend, or be construed to extend, so as to enable the said Mayor and Aldermen to determine the Right or Title to any Lands, Tenements, or Hereditaments, or Real Estates whatsoever, or to judge, determine, or decide on any Debt where the Title of the Freehold, or Lease for Years of any Lands, Tenements, or Hereditaments, or of any Chattels Real whatsoever, shall be brought or come in question, or to judge, determine, or decide, on any Debt that shall arise by reason of the Occupation of Lands, Tenements, or Hereditaments, situate elsewhere than within the Jurisdiction of the said Court of Conscience, or any of them, or by reason of any Cause concerning Testament or Matrimony, or any thing concerning or properly belonging to the Ecclesiastical Court, or for or concerning any Agreement by way of Composition, for or by way of Retainer of Tithes.

Mayor or Aldermen not to act where interested.

CLIV. And be it further enacted, That if the Mayor or any of the said Aldermen, shall be Party or Parties to, or concerned or interested in any Cause, Action, or Matter, depending in the said Court, no such Mayor or Aldermen shall be capable of acting on the hearing or determining of such Cause, Action, or Matter, or in making any Order, Decree,

Decree, or Judgment therein; but such Mayor or Alderman, after being heard in such Cause, Action, or Matter, shall withdraw until the same is finally determined; and if the Clerk or his Deputy, or other Officer of the said Court for the Time being, shall be a Party to or interested in any Cause, Action, or Matter depending in the said Court; such Clerk, Deputy, or other Officer, shall not exercise his said Office in such Cause, Action, or Matter, or in any thing relating thereto; but the said Mayor and Aldermen, or the said Aldermen forming the said Court, shall and may appoint another Person to exercise the Office of such Clerk or Deputy, or other Officer respectively, in all things relating to such Cause, Action, or Matter.

Mayor and Aldermen may make such Order between the Parties as they shall think fit.

CLV. And be it further enacted, That from and after the First Meeting of the said Mayor and Aldermen, or any Three of them, it shall and may be lawful to and for any Person or Persons, (whether such Person or Persons shall reside within the Jurisdiction of the said Court or not), having any Debt or Debts (save and except as herein excepted), not exceeding the Value of Forty Shillings, or owing or belonging to him, her, or them, in his, her, or their own Right, or in the Right of any other Person or Persons, or as Executor, Administrator, Guardian, Assignee, or Trustee to any Person or Persons, or due and owing to him as Mayor, Chamberlain, Town Clerk, or other Officer, to any Body Corporate, or to any Club or Friendly Society, duly associated and constituted by the Statutes in that Case made and provided, or in any other Manner whatsoever, which the said Mayor and Aldermen are by this Act enabled to judge and determine, and not expressly prohibited by this Act, by or from any Person or Persons whomsoever, inhabiting, residing, or being within the Jurisdiction of the said Court of Conscience, or keeping, or using any House, Warehouse, Wharf, Quay, Lodging, Shop, Shed, Stall, or Stand, or generally using and frequenting the Markets there as a Dealer, or seeking a Livelihood, to apply to the Clerk of the said Court for the Time being, or his Deputy, who shall immediately make out and deliver to the Officer of the said Court for the Time being, a Summons in Writing, under the Hand of the said Clerk, directed to such Debtor or Debtors, expressing the Sum demanded of him, her, or them, and stating the Particulars of such Demand or Cause of Action, together with the Name of the Party demanding the same; and requiring him, her, or them to appear at a certain Time and Place, to be mentioned in such Summons (such Time not being earlier than Two Days after the serving of such Summons), before the said Mayor and Aldermen, to answer such Demand; and such Officer or such Plaintiff shall forthwith serve, or cause such Summons to be served on such Debtor or Debtors, either personally or by leaving the same with his, her, or their Servant, or other Person belonging to him, her, or them, or at the Dwelling-house, Warehouse, Wharf, Quay, Lodging, Place of Abode, Shop, Shed, Stall, Stand, or other Place of Dealing of such Debtor or Debtors, being within the Jurisdiction of the said Court; and upon due Proof made of such Summons having been duly served in manner aforesaid, the said Mayor and Aldermen, or the Aldermen present in Court (such Number not being less than by this Act directed), are hereby empowered and required to make due Inquiry concerning such Demands or Plaints, and make such

such Orders therein, and pass such Sentence or Judgment thereupon, and award such reasonable Costs of Suit as to them shall seem right and proper, consistent with the Rules and Regulations in this Act contained; and for the better Discovery of the Truth, and more solemn Determination of the Matters and Causes which shall be depending in the said Court, it shall and may be lawful to and for the said Mayor and Aldermen, or any Three of them present in the said Court, to administer an Oath or Oaths, or Affirmation or Affirmations, to any Officer of the said Court, or to either of the said Parties whom they the said Mayor and Aldermen, or any Three of them, shall think proper to examine touching the Matters then in question; and also to such Witness or Witnesses as shall be produced by each Party, and also to any other Person or Persons whose Evidence shall seem necessary towards hearing and determining any of the said Causes or Actions, or making an Order or Decree therein, or for any other Purpose requisite to the Execution of this Act.

No Evidence to be given by the Plaintiff of any Matter not stated in his Summons, &c.

CLVI. And be it further enacted, That no Evidence shall be permitted to be given by the Plaintiff on the Trial of any such Cause or Action as aforesaid, of any Demand or Cause of Action, except such as is stated in the said Summons hereby directed to be given; nor shall any Evidence be admitted on Behalf of the Defendant or Defendants on the Trial of such Cause or Action of any Demand he, she, or they may have on the Plaintiff or Plaintiffs in the Nature of a Set-off, or lessen or discharge himself, herself, or themselves from such Demand or Cause of Action, unless Notice thereof in Writing shall have been given to the said Plaintiff or Plaintiffs by personal Service, or by leaving it at his, her, or their Dwelling House, Warehouse, Wharf, Quay, Lodging, Place of Abode, Shop, Shed, Stall, Stand, or other Place of dealing, trading, or working, One Day previous to the Day when such Matter or Cause shall be heard or tried.

If Debtor does not appear Court may proceed.

CLVII. And be it further enacted, That if any Debtor or Debtors who shall have been duly summoned as aforesaid shall not appear either in Person, or by his, her, or their Agent, or some other Person on his, her, or their Behalf, before the said Court, at the Time and Place mentioned in the said Summons (such Time not being earlier than Two Days after the serving of such Summons), then and in every such Case it shall and may be lawful to and for the said Mayor and Aldermen, or any Three of them assembled in the said Court, after Proof made upon Oath of the Service of the said Summons in manner aforesaid, to hear the Cause on the Part of the Plaintiff or Plaintiffs only, and to make such Order, Decree, or Judgment therein as to them shall seem just and equitable, and to appoint some certain Time and Place, according to their Direction, for such Debtor or Debtors, to show Cause before the said Mayor and Aldermen against such Order, Decree, or Judgment so pronounced *ex parte* as aforesaid; at which Time and Place, or at any subsequent Court or Courts, it shall and may be lawful to and for the said Mayor and Aldermen, or any Three of them, whether such Debtor or Debtors shall then appear and show Cause or not, upon Proof upon Oath made that a Copy of such Order, Decree, or Judgment had been given to such Debtor

Debtor or Debtors, or left with his, her, or their Servant or other Person belonging to him, her, or them, or at the Dwelling House, Warehouse, Wharf, Quay, Lodging, Place of Abode, Shop, Shed, Stall, Stand, or other Place of dealing, trading, or working of such Debtor or Debtors, being within the Jurisdiction of the said Court (Seven Days at the least before the final Order, Decree, or Judgment shall be made or pronounced), to make and pronounce such final Order, Judgment, or Decree therein, and to award such reasonable Costs of Suit as to them shall seem most agreeable to Equity and good Conscience.

Clerk of the Court not to issue out Summons until the Plaintiff shall deposit a certain Sum of Money to prosecute the Suit.

CLVIII. And be it further enacted, That the Clerk of the said Court shall not issue any Summons unless the Plaintiff shall, at the Time of issuing out such Summons, deposit with the Clerk of the said Court for every Debt not exceeding Twenty Shillings the Sum of Three Shillings; and for every Debt exceeding Twenty Shillings the Sum of Five Shillings; and if upon the Day of the Return of any such Summons, or at any Continuation or Adjournment of the said Court, or of the Cause for or on account of which the said Summons shall have been issued, the Plaintiff or Plaintiffs shall not appear either in Person or by his, her, or their Agent, or some other Person on his, her, or their Behalf, or appearing shall not make Proof of his, her, or their Demand to the Satisfaction of the said Court, but shall become nonsuited, or Judgment shall be pronounced against him, her, or them by the said Court, then and in every such Case it shall and may be lawful to and for the said Mayor and Aldermen, or any Three or more of them present in Court, and they are hereby required to award to the Defendant or Defendants a Part or the Whole of such Deposit Money by way of Costs and Satisfaction for his, her, or their Trouble and Attendance, together with such further Sum as they the said Mayor and Aldermen, or any Three or more of them, in their Discretion shall think fit, and to order and compel the Plaintiff or Plaintiffs to pay such further Sum by such Ways and Means as any Debt or Debts ordered or decreed by the said Court can or may be recovered; and if there shall be any Overplus remaining in the Hands of the said Clerk after the Sum or Sums awarded to the Defendant or Defendants shall have been paid, or if the Plaintiff or Plaintiffs shall on the Return Day of any such Summons appear and make Proof of his, her, or their Demands to the Satisfaction of the said Court, then and in every such Case such Overplus or Sum or Sums of Money so deposited with the said Clerk as aforesaid, shall be by the said Clerk returned and repaid into the Hand of such Plaintiff or Plaintiffs accordingly.

Punishing Witnesses not attending if summoned.

CLIX. And be it further enacted, That in case any Person or Persons residing or being within the Jurisdiction of the said Court, after having been duly served with a Summons to be issued by the Clerk or Clerks of the said Court of Conscience, or his or their Deputy, and paid or tendered his, her, or their reasonable Expences, to attend and give his, her, or their Evidence at a Time and Place in such Summons mentioned on Behalf of any Plaintiff or Defendant, shall neglect or refuse to appear pursuant to such Summons, due Proof being made of the Service of such Summons, and no sufficient Cause for his, her, or their Absence or

Non-appearance being shown to the Satisfaction of the said Court on Oath, or in case of being a Quaker or Quakers, solemn Affirmation being made (which Oath or Affirmation the said Mayor and Aldermen, or any Three or more of them, are hereby authorized and required to administer), before the said Mayor and Aldermen, or any Three or more of them, by the Party or Parties at whose Instance and on whose Behalf such Summons issued, that the Person or Persons served therewith was or were a Witness or Witnesses by such Party or Parties judged necessary for the Proof of his, her, or their Cause or Causes, Action or Actions, Complaint or Complaints, Defence or Defences, or if the Person or Persons so served with such Summons shall appear and refuse to be sworn, or being a Quaker or Quakers, to make Affirmation (which Oath or Affirmation the said Mayor and Aldermen, or any Three or more of them, are hereby authorized and required to administer), or to give Evidence touching the Matter in question, then and in every such Case it shall and may be lawful to and for the said Mayor and Aldermen, or any Three of them, to impose any Fine not exceeding Five Pounds on every such Person or Persons; and in case such Fine shall not be paid forthwith, such Fine shall and may be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hands and Seals of the said Mayor and Aldermen, or any Three of them, rendering the Overplus (if any) after deducting such Fine and the Costs and Charges of such Distress and Sale, to the Owner or Owners of such Goods and Chattels, and such Fine, when so paid, levied, or recovered, shall be paid over to the Party or Parties at whose Instance or on whose Behalf such Summons shall have been issued; and in case sufficient Distress shall not be found, it shall and may be lawful to and for the said Mayor and Aldermen, or any Three or more of them, by Warrant under their Hands and Seals, to commit such Offender to the Common Gaol of the County of the City of *Cork*, there to remain for any Time not exceeding the Space of Two Calendar Months.

Debts due to Persons under Age may be recovered.

CLX. And be it further enacted, That in every Case where any Wages or any other Sum or Sums of Money whatsoever not exceeding the Sum of Forty Shillings, shall be due and owing to any menial Servant, Clerk, Book Keeper, Journeyman, Shopman, Shopwoman, Assistant, Labourer, or any other Person whomsoever under the Age of Twenty-one Years, it shall and may be lawful to and for such Servant, Clerk, Book Keeper, Journeyman, Shopman, Shopwoman, Assistant, Labourer, or other Person to sue for and recover such Debt in the said Court in the same Manner as if he or she were of full Age; and the said Mayor and Aldermen, or any Three or more of them present in the said Court, are hereby authorized and required to take Cognizance of and proceed in all Causes concerning such Debts in the same Manner, and shall have such and the same Powers in regard thereto, as if the Plaintiff or Plaintiffs were all of full Age.

Execution may be awarded

CLXI. And be it further enacted, That in any Cause, Action, or Case where the said Mayor and Aldermen, or the said Aldermen shall have made

against Body or Goods, &c.

made an Order for the Payment of Money, it shall and may be lawful to and for the said Mayor and Aldermen, or any Three of them, present in Court, to award Execution either against the Body or Goods of the Party against whom such Order shall be made, and thereupon it shall and may be lawful to and for the Clerk of the said Court, at the Prayer of the Party prosecuting such Order or Decree for the Payment of Money, to issue a Precept under his Hand and Seal, by way of *Capias ad Satisfaciendum* or *Fieri Facias*, to One of the Officers of the said Court, who by virtue of such Precept issued upon Execution awarded against the Body of such Party, shall and may, and is hereby empowered to take such Party, being within the Jurisdiction of the said Court, and carry him, her, or them, to the Common Gaol or Bridewell of the County of the City of *Cork*, there to remain for the Space of Time herein in that Behalf particularly directed, save and except he, she, or they, shall perform and obey such Order, Decree, or Judgment, before the Expiration of such Order; and in case any such Precept shall be issued upon Execution against the Goods and Chattels of such Party, such Officer shall and may, and he is hereby empowered to levy by Distress and Sale of the Goods and Chattels of such Party, being within the Jurisdiction of the said Court, such Sum or Sums of Money and Costs as shall be so ordered or adjudged; and if the Party against whose Body or Goods any such Execution shall be awarded, and Process thereupon issue, shall, by absconding, or by secreting or removing his, her, or their Goods or Chattels, or by any other Means prevent or evade the Service or Effect of any such Execution, then and in every such Case it shall and may be lawful to and for the said Mayor and Aldermen, or any Three of them present in the said Court, upon due Proof thereof made before them by the Oath or Oaths of One or more credible Witness or Witnesses, at their Discretion to award further Execution, either against the Body or Goods and Chattels of such Party, and Process shall issue thereupon, and be served by One of the Officers of the said Court in manner aforesaid, until the Plaintiff or Plaintiffs shall be fully paid and satisfied, and it shall and may be lawful to and for the said Mayor and Aldermen, or any Three of them, from Time to Time, (in case they shall think fit for the Ease and Convenience of the Defendant or Defendants), and they are hereby authorized and empowered to order, decree, or adjudge any Debt or Debts due to the Plaintiff or Plaintiffs, to be paid by several Payments or Instalments, and under such Terms and Conditions, as may appear reasonable and just to them the said Mayor and Aldermen, or any Three of them, for the Ease of the Defendant or Defendants, and the Security of the Plaintiff or Plaintiffs; and it shall and may be lawful to and for the said Mayor and Aldermen, or any Three of them present in Court, in case any Default or Failure of any such Payments or Instalments so ordered, decreed, adjudged, or directed, shall afterwards be made, and they are hereby authorized and empowered, at the Instance of the Plaintiff or Plaintiffs, and upon due Proof of the said Default or Failure, to award Execution against the said Defendant or Defendants, or against any other Person or Persons who may have given Security to the said Plaintiff or Plaintiffs under the Directions of the said Mayor and Aldermen, or any Three of them, for the Payment of such Instalments, in manner aforesaid, for the whole Debt, or such Part thereof

thereof as shall then remain unpaid, together with such further Costs as to them shall seem just and reasonable; and such Debt, or such Part thereof, and such further Costs, shall be recovered by the same Ways and Means as are herein provided for the Recovery of the Debt and Costs first decreed.

Clerk to indorse Debts and Costs on the Precepts, and if paid to him before Sale, Execution to be superseded.

CLXII. And be it further enacted, That upon each and every Precept to be issued upon Execution awarded against the Body or Goods and Chattels of any Person or Persons whomsoever, the Clerk of the said Court for the Time being shall indorse, or cause to be indorsed, the Sum or Sums of Money and the Costs so ordered, decreed, and adjudged; and if the Party or Parties against whom such Execution shall be awarded respectively, shall, before any actual Sale of the Goods and Chattels, or before he, she, or they is or are apprehended, or before the Expiration of the Term of his, her, or their Imprisonment, as herein mentioned, pay or cause to be paid or tendered unto the Clerk for the Time being of the said Court, such Sum or Sums of Money and Costs, then and in every such Case the Execution shall be superseded, and the Body or Goods and Chattels of the said Party or Parties shall be discharged and set at Liberty.

Penalty on Keeper of Prison neglecting his Duty.

CLXIII. And be it further enacted, That the Keeper or Keepers for the Time being of the Common Gaol, and of the Bridewell of the said City (as the Case may be), shall, and he and they is and are hereby required to receive and take into his or their Custody respectively all and every Person or Persons who shall be committed or ordered to stand committed under or by virtue of this Act; and in case the Keeper or Keepers of such Gaol or Bridewell shall neglect or refuse to receive and take into his or their Custody any Person or Persons so committed, or shall, before the Expiration of the Time for which any Person or Persons shall be committed to his or their Custody, discharge such Person or Persons out of his or their Custody, and wilfully suffer such Person or Persons to go at large, without a Warrant or Order for that Purpose in Writing, signed by the said Mayor and Aldermen, or any Three or more of them, such Keeper or Keepers respectively so offending in either of the said Cases, and being thereof convicted before any One or more of His Majesty's Justices of the Peace for the County of the City of *Cork*, upon the Oath of One or more credible Witness or Witnesses, (which Oath such Justice or Justices is and are hereby authorized and required to administer), or upon his or their own Confession, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds, at the Discretion of the said Justice or Justices; and in case such Sum shall not be immediately paid by the Person or Persons so offending into the Hands of the said Justice or Justices before whom such Offender or Offenders shall be convicted, then and in every such Case such Sum shall be levied by Distress and Sale of the Goods and Chattels of the Offender or Offenders, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, rendering the Overplus (if any) upon Demand, to such Offender or Offenders, after deducting the Costs and Charges of such Distress and Sale; and such Forfeiture, when so paid, levied, or recovered, shall be paid to the Trea-

surer of the House of Industry in the City of *Cork*, to be applied towards the Support of such Establishment; and in case sufficient Distress shall not be found, it shall and may be lawful to and for such Justice or Justices to commit such Offender or Offenders to the Common Gaol or House of Correction for the County of the said City, for any Time not exceeding Six Calendar Months, unless such Penalty and Forfeiture and all Costs and Charges attending such Conviction be sooner paid and discharged.

No Privilege to be allowed Attornies.

CLXIV. And be it further enacted, That no Privilege shall be allowed to exempt any Person liable to be summoned by virtue of this Act from the Jurisdiction of the said Court of Conscience, on account of his being a Sworn Attorney or Solicitor, or other Officer of any of His Majesty's Courts of Record at *Dublin*, or of any other Court whatsoever; but that all such Attornies, Solicitors, and other Officers shall be subject to the several Processes, Orders, Judgments, and Executions of the said Court of Conscience in the same Manner as any other Person or Persons is and are subject to the same.

No Attorney, Solicitor, or Scrivener, or Practiser of the Law to be an Advocate in this Court.

CLXV. And be it further enacted, That no such Attorney, Solicitor, Scrivener, or any Person practising the Law, shall be permitted to appear in the said Court of Conscience as an Attorney, Solicitor, or Advocate for or on Behalf of any Plaintiff or Defendant, or any other Person, to speak before the said Court in any Cause, Action, or Matter in which such Attorney, Solicitor, or Scrivener is not himself a Party or Witness; and in case any Attorney, Solicitor, or Scrivener shall appear in the said Court of Conscience as an Attorney, Solicitor, or Advocate for or on Behalf of any Plaintiff or Defendant, or speak before the said Court in any Cause, Action, or Matter in which such Attorney, Solicitor, or Scrivener is not himself a Party or Witness, then and in every such Case such Attorney, Solicitor, or Scrivener so offending shall for every such Offence forfeit and pay any Sum not exceeding Fifty Pounds on being convicted thereof before any One or more of His Majesty's Justices of the Peace for the County of the City of *Cork*, upon the Oath of One or more credible Witness or Witnesses (which Oath such Justice or Justices is and are hereby authorized and required to administer), or on his own Confession; and in case such Sum of Money shall not be paid forthwith by the Person or Persons so offending into the Hands of the said Justice or Justices before whom such Offender shall be convicted, then and in every such Case such Sum of Money shall be levied by Distress and Sale of the Goods and Chattels of the Offender, by Warrant under the Hand and Seal or Hands and Seals of such Justice or Justices, rendering the Overplus (if any) to such Offender, after deducting such Fine or Forfeiture and the Costs and Charges of such Distress and Sale; and such Fine or Forfeiture when so paid and levied or recovered shall be paid to the Treasurer of the House of Industry in the City of *Cork*, to be applied towards the Support of such Establishment.

Limiting the Time of imprisoning Debtors, &c.

CLXVI. And be it further enacted, That no Person or Persons whomsoever shall be committed to Prison by Order of the said Court for

any Debt or Debts, or kept or continued in Custody on any Pretence whatsoever, except in the Cases herein provided for, for any longer Space or Spaces of Time from the Time of his, her, or their Commitment to Prison than is or are hereafter limited; that is to say, where the Debt (exclusive of Costs) does not exceed the Sum of Twenty Shillings, then he, she, or they shall not be kept or continued in Custody for more than Twenty Days; and where the Debt (exclusive of Costs) is above Twenty Shillings, then not more than Forty Days from the Time of his, her, or their Commitment; and the said Keeper and Keepers of the said Gaol or Bridewell is and are directed to discharge such Persons accordingly.

Any Debtor concealing Money or Goods, the Time of Imprisonment to be enlarged.

CLXVII. And in order more effectually to prevent Persons summoned for Debt to the said Court from fraudulently concealing their Money, Goods, or Effects; be it further enacted, That in case, upon the Summons of any Person for any Debt or Debts before the said Court, Information of any such fraudulent Concealment shall be given, such Court shall have Power to hear Evidence as to the Fact; and in case it shall be proved to their Satisfaction upon the Oath of One or more credible Witness or Witnesses, which Oath the said Court is hereby empowered to administer, then and in every such Case it shall and may be lawful to and for the said Court to enlarge the aforesaid Time of Imprisonment of such Debtor to any Period in Addition thereto, not exceeding Three Calendar Months.

The Time of Imprisonment shall be separately and successively for each Execution.

CLXVIII. And be it further enacted, That all and every Person and Persons who shall be taken in Execution under or by virtue of any Process issuing from or out of the said Court of Conscience, and who, at the Time of his, her, or their being taken into Custody, or during his, her, or their Imprisonment, shall have more than One Execution against him, her, or them in the said Court, shall be imprisoned the Time by this Act limited for and in respect of such Execution; and after the Time so limited in the First Execution is expired, the Imprisonment on the Second Execution shall commence; and after the Time so limited in the Second Execution is expired, the Imprisonment on the Third Execution shall commence; and so on, until he, she, or they shall have been imprisoned the Time by this Act limited for and in respect of each separate Execution to be issued against him, her, or them in the said Court, previous to his, her, or their being taken into Custody, or during his, her, or their Imprisonment; any Law, Statute, or Usage to the contrary thereof in anywise notwithstanding.

Debtor not liable to pay Gaol Fees, &c.

CLXIX. And be it further enacted, That each and every Person imprisoned by virtue of this Act shall, on the Expiration of his or her Time of Imprisonment, be discharged and set at Liberty without paying any Sum or Sums of Money, Fee or Fees, or other Reward or Gratuity whatsoever, to the Keeper or Keepers, Turnkey or Turnkeys of the Prison to which he or she shall have been committed, or others, by way of Gaol Fees or Discharge Fees, on any Pretence whatsoever; and if any Keeper or Keepers, Turnkey or Turnkeys of such Prison, or any Person whomsoever,

whomsoever, shall demand, take, or receive any Fee or Fees, Sum or Sums of Money whatsoever, upon the Discharge of any such Person or Persons so committed to his or their Charge or Custody as aforesaid, or shall keep or detain any such Person or Persons, a Prisoner or Prisoners after the Time by this Act limited for his, her, or their Imprisonment, every such Keeper, Turnkey, and other Person shall, for every such Offence, forfeit and pay the Sum of Twenty Pounds; and it shall and may be lawful to and for any Two Justices of the Peace of the County of the said City to hear and determine every such Offence; and such Two Justices are hereby authorized and required, upon any Information exhibited or Complaint made before them of such Offence having been committed (in case such Information shall be exhibited or Complaint made within Three Calendar Months after the Offence committed), to summon the Party accused, and also the Witnesses on each Side, and to examine into the Matter of Fact; and upon due Proof made thereof by the Oath of One or more credible Witness or Witnesses, or by the voluntary Confession of the Party accused, to give Judgment or Sentence for such Penalty or Forfeiture aforesaid; and in case such Penalty and Forfeiture shall not forthwith be paid, to issue a Warrant under their Hands and Seals for levying such Penalty and Forfeiture by Distress and Sale of the Goods and Chattels of the Offender or Offenders, rendering the Overplus (if any) after deducting such Penalty and Forfeiture, and the Costs and Charges of such Distress and Sale, to the Owner or Owners thereof; and in case sufficient Distress shall not be found, it shall and may be lawful to and for such Justices to commit such Offender or Offenders to the Common Gaol or House of Correction for the County of the said City, there to remain for any Time not exceeding Three Calendar Months, unless such Penalty and Forfeiture, and all Costs and Charges attending such Conviction, be sooner paid and discharged; and One Moiety of such Penalty or Forfeiture when paid or received, shall be paid to the Person or Persons informing or suing for the same, and the other Moiety thereof to the Treasurer of the House of Industry in the City of *Cork*, to be applied towards the Support of such Establishment.

Certain Officers of the Court neglecting their Duty, to pay the Costs, &c.

CLXX. And be it further enacted, That if any Officer or Officers of the said Court employed to serve any Execution, shall, by wilful Neglect, Omission, or Connivance, cause or suffer the Party against whom such Execution shall be awarded to escape or abscond, or the Goods of such Party to be carried away or secreted, so that such Execution shall not have its due Effect, it shall and may be lawful to and for the said Mayor and Aldermen, or any Three of them, upon Complaint and due Proof thereof made upon the Oath or Oaths of One or more credible Witness or Witnesses, to order such Officer to pay the Sum or Sums of Money for which such Execution was awarded to the Parties complaining, and to enforce the Payment thereof by the same Ways and Means as are herein provided for the Recovery of his, her, or their Debt or Debts; and it shall and may be lawful to and for the said Mayor and Aldermen, or any Three of them, and they are hereby enabled to impose any Fine not exceeding Ten Pounds for every such Offence on such Officer or Officers; and such Fine if not forthwith paid shall and may be levied

and

and recovered by Distress and Sale of the Goods and Chattels of the Offender or Offenders by Warrant under the Hands and Seals of the said Mayor and Aldermen, or any Three of them, rendering the Overplus (if any) after deducting such Fine, and the Costs and Charges of such Distress and Sale to the Owner or Owners of such Goods and Chattels; and such Fine when so levied and recovered shall be paid to the Treasurer of the House of Industry in the City of *Cork*, to be applied towards the Support of such Establishment.

Officers taking any Fee besides the Fee allowed by the Act to lose their Situations and pay a Fine.

CLXXI. And be it further enacted, That if any Clerk or any other Officer or Servant employed by the said Mayor and Aldermen in putting this Act or any of the Powers thereof into Execution, shall exact, take, or accept any Fee or Reward whatsoever, other than except such Fees as are appointed and allowed to them respectively by virtue of this Act, for or on account of any thing done or to be done under or by virtue thereof, or on any Account whatsoever relative to putting this Act into Execution, every such Person so offending shall upon Conviction thereof before the said Mayor and Aldermen, or any Three of them, at any of their Meetings, or upon Verdict or Judgment being had against him in such Action as next herein-after mentioned, be for ever incapable of serving or being employed under this Act in any Office of Profit or Emolument, and shall over and above forfeit and pay the Sum of Fifty Pounds, together with full Costs of Suit, to any Person or Persons who shall sue for the same by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record in *Dublin*, within Six Calendar Months after the Offence committed, in which Suit no Essoign, Protection, or Wager of Law, or more than one Imparlance shall be allowed.

Clerk or Officer not performing his Duty may be removed.

CLXXII. And be it further enacted, That if any Clerk or other Officer of the said Court shall neglect to issue or serve any Summons in the due or proper Time for the serving the same, or shall be guilty of any Neglect or Misbehaviour, or otherwise misconduct himself in the Execution of his Office, then and in every such Case upon Complaint made, it shall and may be lawful to and for the said Mayor and Aldermen, or any Three of them, and they are hereby empowered in open Court to hear and inquire into the Matter of such Neglect, Misbehaviour, or Misconduct, by the Oath or Oaths of One or more credible Witness or Witnesses; and in case it shall appear to the said Mayor and Aldermen, or any Three of them, on such Hearing and Inquiry, that such Clerk or Officer has been guilty of such Neglect, Misbehaviour, and Misconduct, it shall and may be lawful to and for the said Mayor and Aldermen, or any Three of them, and they are hereby empowered to suspend and remove the said Clerk or other Officer so offending from his said Office, and nominate or appoint some other fit and able Person to execute the said Office, in the Place or Stead of the Officer so removed.

Punishing Persons guilty of Perjury.

CLXXIII. And be it further enacted, That if any Person or Persons upon his, her, or their Examination, on Oath or Affirmation, before the said Mayor and Aldermen, or any Three of them, in any Action, Cause, or

or Matter depending in the said Court of Conscience, or before any Justice or Justices of the Peace acting in execution of this Act, shall wilfully and corruptly give false Evidence, or shall wilfully and corruptly swear any Matter or Thing which shall be false or untrue, every Person so offending, and being duly convicted thereof, shall, and is hereby declared to be subject and liable to such Pains and Penalties, as by any Law or Statute, Laws or Statutes, in force and effect, Persons guilty of wilful or corrupt Perjury are subject and liable to.

For preventing Insults being offered to Court.

CLXXIV. And be it further enacted, That if any Person or Persons shall contemptuously and wilfully insult or abuse all or any of the said Mayor and Aldermen, or any of the Officers of the said Court for the Time being, during his or their Sitting or Attendance in the said Court, or shall interrupt or obstruct the Proceedings of the said Court, then and in every such Case it shall and may be lawful to and for any Officer of the said Court, with or without the Assistance of any other Person or Persons, by Order of the said Mayor and Aldermen, or any Three of them, to take such Offender or Offenders into Custody; and the said Mayor and Aldermen, or any Three of them, shall then examine into such Insult, Abuse, or Misbehaviour, either from their own View or Knowledge of what passed, or by the Oath or Oaths of One or more credible Witness or Witnesses; and upon such Insult, Abuse, or Misbehaviour being duly proved as aforesaid, it shall and may be lawful to and for the said Mayor and Aldermen, or any Three of them, and they are hereby authorized and empowered to impose a Fine not exceeding Five Pounds for each and every such Offence, on each and every such Offender or Offenders; and in case such Fine shall not be forthwith paid, the same shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of such Offender or Offenders, by Warrant under the Hands and Seals of any Three or more of the said Mayor and Aldermen, rendering the Overplus (if any) after deducting such Fines, and the Costs and Charges of such Distress and Sale, to the Owner or Owners of such Goods and Chattels; and the said Fine, when so paid, levied, or recovered, shall be paid to the Treasurer of the House of Industry in the City of *Cork*, to be applied towards the Support of such Establishment; and in case sufficient Distress cannot be found, it shall and may be lawful for any Three or more of the said Mayor or Aldermen, to commit such Offender or Offenders to the Common Gaol or Bridewell for the County of the City of *Cork*, for any Time not exceeding the Space of One Calendar Month.

This Act not to prevent Distress for Rent.

CLXXV. Provided always, That nothing herein contained shall extend or be construed to extend so as to prevent or restrain any Person from distraining for any Rent or Arrears thereof, although the same shall not exceed the Sum of Forty Shillings.

Statute of Limitations may be pleaded.

CLXXVI. And for removing all Doubts whether the Statute of Limitations may be pleaded in the said Court of Conscience, be it further enacted, That all Defendants in the said Court shall be allowed to plead or claim the Benefit of any Statute of Limitations in force and effect; and every Defendant pleading or claiming shall have and receive such

and the like Advantage and Relief thereby as such Defendant would have been entitled to in case this Act had not been made, and he, she, or they had been sued for the same Debt or other Cause of Action in any of His Majesty's Courts of Record at *Dublin*, or any other Court, and had there pleaded such Statute in Bar to the Action or Suit.

Fees to be taken.

CLXXVII. And be it further enacted, That the several Fees herein-after limited and expressed, and none other, shall and may be demanded and taken by such Person or Persons as the said Court shall appoint to receive the same, for and upon the several Processes, Acts, Matters, and Things herein-after mentioned; (that is to say),

	Debt not exceeding 20*s.*	Debt not exceeding 40*s.*
	s. *d.*	*s.* *d.*
Entering every Case	0 3	0 6
Issuing every Summons	0 3	0 6
For every Hearing	0 6	1 0
For every Nonsuit	0 6	1 0
Entering and drawing up Order	0 3	0 6
Paying Money in Court and entering the same in Book	0 6	0 9
Issuing Summons for Witness	0 3	0 6
For every Precept issued in pursuance of Order for Execution	1 0	1 6
Every Search in the Book	0 3	0 3
For swearing every Witness	0 3	0 4

And the several and respective Sums following shall be paid to the Person or Persons who shall perform the Office of Bailiff, and who shall do, perform, and execute the several and respective Matters and Things for which such respective Sums shall be made payable.

	Debt not exceeding 20*s.*	Debt not exceeding 40*s.*
	s. *d.*	*s.* *d.*
Serving every Summons or Order within the City or Suburbs of *Cork*	0 3	0 4
If outside the Suburbs, for every extra Mile	0 3	0 3
Execution of every Precept against Goods or Body	0 6	1 0

And the said Mayor and Aldermen shall and they are hereby required to hang up and affix, or cause to be hung up and affixed, a Table of all such Fees in some conspicuous Part of the said Court or Place of Meeting,

Meeting, in order that all Persons concerned may be enabled to peruse the same.

Public Office to be provided.

CLXXVIII. And be it further enacted, That it shall and may be lawful to and for the Aldermen of the Ward of the City of *Cork*, from Time to Time to provide One or more Public Office or Offices within or connected with or convenient to the said Court of Conscience; and that One or more of the said Aldermen shall diligently attend thereat, at such Times as shall be found necessary for the Purpose of performing and executing the Office of Justice of the Peace for the City and County of the City of *Cork*.

No Fee to be taken by Justice or Clerk, except for Business done at Public Office.

CLXXIX. And be it further enacted, That no Justice of the Peace for the City and County of the City of *Cork*, or his or their Clerk or Clerks, or any Person for them, shall directly or indirectly, upon any Pretence or under any Colour whatsoever, take or receive any Fee, Gratuity, or Reward, or Recompence for any Act by him or them done or to be done in the Execution of his or their Office or Employment as Justice or Justices of the Peace, Clerk or Clerks, in respect of any Matter or Thing for which Fees are by this Act regulated, other than for such Act or Acts as shall be done at the said Public Offices, or one of them, upon pain of forfeiting for every such Offence the Sum of One hundred Pounds; one Moiety thereof to be paid to the Informer, and the other Moiety to be paid to the Treasurer of the House of Industry in the City of *Cork*, to be by him applied towards the Support of such Establishment, to be recovered together with full Costs of Suit by any Person who shall sue for the same, by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record in *Dublin*, in which no Essoign, Protection, or Wager of Law, nor more than one Imparlance shall be allowed.

How Fees are to be regulated.

CLXXX. And be it further enacted, That the several Fees to be taken for the several and respective Services to be performed in the Execution of so much of this Act as relates to the Fees to be taken by the Justices of the Peace for the County of the City of *Cork*, shall from Time to Time, as Occasion shall require, be respectively presented by the Grand Jury of the County of the City of *Cork*, at the General Assizes and General Gaol Delivery, to be from Time to Time holden for the said City and County of the said City; and the Table of such Fees shall be certified by the Clerk of the Crown of the said City for the Time being, and shall be laid before the Lord Chief Justice and the other Justices of His Majesty's Court of King's Bench in *Ireland*, who shall and may either confirm the same as settled, or with such Alterations in them, or either of them, as to such Lord Chief Justice and other Justices of the Court of King's Bench shall seem proper.

To whom such Fees shall be paid.

CLXXXI. And be it further enacted, That the several and respective Sums to be mentioned and set forth in such Table of Fees so to be settled and confirmed, and none other, shall from Time to Time be paid for and upon the several Acts, Matters, and Things therein respectively set

set forth, to such Person or Persons as the said Aldermen of the Ward, or the Majority of them, shall from Time to Time appoint to receive the same.

Penalty on Persons taking more than legal Fees.

CLXXXII. And be it further enacted, That if the Mayor of the said City, or any Alderman of the Ward, or any Justice of the Peace, or his or their Clerk or Clerks or other Officer, or any Person or Persons for them, shall directly or indirectly, upon any Pretence or under any Colour whatsoever, take or receive any Fee, Gratuity, Reward, or Recompence for any Act by him or them done or to be done in the Execution of his or their Office or Employment as Mayor, or as Alderman of the Ward, or as Justice or Justices of the Peace, Clerk or Clerks or other Officer, in respect of any Matter or Thing for which Fees are herein-before appointed or shall be settled and confirmed as aforesaid, other than such Fees as are so appointed or shall for such respective Matters and Things be so settled and confirmed, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds, one Moiety thereof to the Informer and the other Moiety to be paid to the Treasurer of the House of Industry in the City of *Cork*, to be by him applied towards the Support of such Establishment; to be recovered, together with full Costs of Suit, by any Person who shall sue for the same, by Action of Debt, Bill, Plaint, or Information in any of His Majesty's Courts of Record in *Dublin*, in which no Essoign, Protection, or Wager of Law, nor more than one Imparlance shall be allowed.

Table of Fees to be hung up.

CLXXXIII. And be it further enacted, That the said Aldermen of the Ward shall and they are hereby required to hang up or affix or cause to be hung up or affixed in some conspicuous Place in the said Public Office or Public Offices to be provided as aforesaid, the Table of Fees to be settled and confirmed as aforesaid, in order that all Persons concerned may be enabled to peruse the same.

Application of Fees.

CLXXXIV. And be it further enacted, That the several Fees herein-before appointed (save and except the Fees appointed to be paid to the Bailiff of the said Court of Conscience), and also the several Sums to be mentioned and set forth in the said Table of Fees so to be settled and confirmed, shall be paid, applied, and disposed of in the following Manner and for the following Purposes; that is to say, in the first Place there shall be paid thereout the Rent of and other Expences attending the providing and maintaining a Place in which the said Court of Conscience shall from Time to Time be held, and also in providing and maintaining such Public Office or Offices, and the Charges attending the Employment of such Clerks, Attendants, and other Persons as may be necessary for the said Court and Offices respectively; and the Residue thereof shall be paid to and amongst the said Aldermen of the Ward who shall have attended at the said Court and at the said Public Office or Offices, at such Times and in such Proportions, and under such Regulations as the Majority of the said Aldermen of the Ward shall from Time to Time appoint and direct.

Public Act.

CLXXXV. 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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