



ANNO QUADRAGESIMO OCTAVO

GEORGII III. REGIS.

Cap. 45.

An Act for paving, cleansing, watching, lighting, and regulating, the Streets and other public Places within the Town of *Fermoy* in the County of *Cork*; and for removing and preventing Nuisances and Obstructions therein; and for establishing a proper Police in the said Town. [27th May 1808.]

WHEREAS the Town of *Fermoy* in the County of *Cork* is daily increasing in Extent and Population, and the several public Streets, Squares, Lanes, Ways, Passages, and Places, already made and built, and which are now making and building within the Town of *Fermoy*, are in most Parts incommodious and unsafe for Passengers, are not properly paved, cleansed, lighted, or watched; are very inconvenient, and are subject to various Nuisances, Annoyances, Encroachments, and Obstructions: And whereas other Streets, Squares, Lanes, Ways, Passages, and Places, may be made or built within the said Town of *Fermoy*, which may be subject or liable to the same or similar Inconveniencies, and it would be highly expedient that the same should be duly and properly paved, cleansed, watered, lighted, watched, and kept in Repair, and it would

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greatly tend to the Safety, Preservation, Advantage, and Security of the Inhabitants of the said Town of *Fermoy*, and also be of great public Utility if the Streets, Squares, Lanes, Ways, Passages, and Places thereof, and such other Streets, Squares, Lanes, Ways, Passages, and Places as may be hereafter made or built therein, were paved, and such Pavements duly and properly maintained and preserved, and if the same were cleaned, watered, lighted, and watched, and also all the Courts, Yards, Alleys, Passages, and Places communicating therewith or adjoining to the same, and if all Nuisances and Obstructions therein were effectually removed and prevented for the future; and also due and wholesome Regulations adopted and put in force in respect of the Police of the said Town of *Fermoy*; but the several Purposes aforesaid 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 *John Anderson John Hyde, David Reid, Thomas Walker, Joseph Bell, Thomas Denneby, William Atkyns*, the Reverend *William Adair* Doctor of Laws, the Reverend *John Lord Clerk, Matthias Hendley, Robert Briscoe, Thomas Perrott, Henry Massy, John Hutchinson, Robert Milleken, George Johnson, Richard Wigmore, James Patrick, John Flynn, John Mulcahy, Thomas Skelthorne*, and their Successors (being respectively qualified as herein-after mentioned, and taking the Oath as herein-after required) shall be and they are hereby appointed Commissioners for putting this Act into Execution.

Appointment
of Commis-
sioners.

Commence-
ment of the
Act.

First Meeting
of Commis-
sioners?
Subsequent
Meeting of
Commission-
ers.

Quorum of
Commission-
ers.

No Act valid
unless at a
Meeting.

II. And be it further enacted, That this Act shall commence and take Effect upon the Fourth *Monday* after the passing thereof, on which Day there shall be held a General Meeting of the said Commissioners at the Sessions House in the Town of *Fermoy* aforesaid, at the Hour of Eleven of the Clock in the Forenoon and proceed in the Execution of this Act; and a General Meeting of the said Commissioners shall be held upon the First *Monday* in every Month, afterwards at the same Hour and Place, unless some other Hour, Day or Days in the Week or Year, or some other Place within the Town of *Fermoy* aforesaid, shall be appointed by the said Commissioners assembled at the said First Meeting, and from Time to Time by any Five subsequent Meetings, at which there shall be Five Commissioners assembled; and if at the Time or Times when the said Meetings are hereby required, or shall be so as aforesaid appointed to be held, there shall not be at each such Meeting Five Commissioners present, then each such Meeting shall stand adjourned to the next Day on which a Meeting in pursuance of this Act, would otherwise be held, or shall at a prior Meeting have been appointed to be held as aforesaid; and no Act, Order, Rule, Resolution, or Proceeding of the Commissioners shall be valid or effectual unless had, made, or done at a Meeting or Meetings to be held in pursuance of this Act, (except in Cases herein-after particularly mentioned), and unless at every such Meeting there shall be at least Five Commissioners present, except the Revocation, Suspension, or Alteration of any Order, Rule, Resolution, or Proceeding made or done by or at a preceding Meeting as herein-after mentioned; and that all the Powers and Authorities by this Act granted to or vested in the said Commissioners shall and may from Time to Time be exercised by the major Part of the Commissioners present

Present at any Meeting to be holden by virtue of this Act as aforesaid; and that at such First Meeting for putting this Act into Execution, One of the Commissioners present thereat shall be appointed Chairman, to whom any other of such Commissioners shall, and is hereby authorized and required to administer the Oath herein-after mentioned; and such Chairman shall immediately afterwards administer the like Oath to the other Commissioners then present, and at every other Meeting a Chairman shall in like Manner be appointed; and the Chairman for the Time being shall and is hereby alone authorized and required to administer the Oath hereby required to be taken by the said Commissioners and their Successors as Occasion shall require; and in all Cases where there shall arise a Difference of Opinion, the Question shall be decided by a Majority of Votes of the Commissioners then present; and if upon any Question there shall be an equal Number of Votes (including the Chairman's Vote) then the Chairman shall have another or casting Vote; and that no other Rule, Resolution, or Proceeding had, made, or done, at any Meeting held in pursuance of this Act, at which there shall have been Five Commissioners present, shall be revoked, suspended, or altered, unless at some subsequent Special Meeting to be held for that Purpose, which any Seven or more of the Commissioners are hereby empowered to call, and of which Meeting at least Ten Days previous Notice of the Time, Place, and Purpose shall be given to or left at the respective Places of Abode of the Commissioners having a Residence in *Fermoy* aforesaid, or within Three Miles thereof, and affixed on the Door of the Parish Church of the *Union Fermoy* and of the Sessions House of the said Town of *Fermoy*, a greater Number of Commissioners than were present at the Meeting or Meetings at which such Order, Rule, Resolution, or Proceeding proposed, or intended to be revoked, suspended, or altered, shall have been made, shall be present, and shall concur in the Revocation, Suspension, or Alteration thereof; and in such Case no other Meeting to proceed in the Execution of this Act shall be held until after the Day expressed in such Notice, and at every Meeting the Commissioners present shall defray their own Expences.

Chairman of
Commis-
sioners to be
appointed:

III. Provided nevertheless, and be it further enacted, That if there be any particular Occasion to hold a Meeting before the Time at which a Meeting is hereby required, or shall be so as aforesaid appointed to be held, then and in such Case it shall be lawful for the said Commissioners, or any Three or more of them, and they are hereby required to call a Special Meeting, of which Ten Days previous Notice shall be given in the same Manner as is herein-before-mentioned in that Case, and for the Purpose of calling a Meeting, to revoke, suspend, or alter a former Order, Rule, or Proceeding; and in like Manner no Meeting for the Execution of this Act shall be held until after the Day expressed in the Notice for such Special Meeting.

Provisions for
calling a Spe-
cial Meeting
of the Com-
missioners.

IV. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in any Case in the Execution of this Act during the Time he shall hold or enjoy any Office or Place of Profit under, or be concerned, directly or indirectly, in any Contract made by virtue of this Act, or in any Case wherein he shall be in anywise personally or beneficially interested in the Matter in Question. (except as a
Creditor

Qualification
of Commis-
sioners.

Creditor on the Rates or Assessments herein-after authorized to be levied) nor unless such Commissioner shall, in his own Right, or in the Right of his Wife, be in the actual Possession, Enjoyment, or in Receipt of the Rents and Profits of Messuages, Lands, Tenements, or Hereditaments, for an Estate of Freehold, or for Life or Lives, or for a Term of Years whereof, Seven at least are to come and unexpired, within the Town of *Fermoy* aforesaid, of the clear yearly Value of Ten Pounds (above Reprizes or Incumbrances) or shall be a Tenant or Occupier of Messuages, Lands, or Tenements, situate, lying, or being in the Town of *Fermoy* aforesaid, of the yearly Value of Five Pounds or who shall not be possessed of or entitled to a Personal Estate of the Amount or Value of Five hundred Pounds over and above the Amount of his Debts; and that no Person shall be capable of acting as a Commissioner in the Execution of this Act (except in administering the following Oath to the Chairman of such First Meeting as aforesaid, and in choosing such Chairman) until he shall have taken and subscribed an Oath in the Words or to the Effect following; that is to say,

‘ I *A. B.* do swear, That I am really and *bona fide* in my own Right,
 ‘ (or in Right of my late or present Wife, as the Case may be) in
 ‘ the actual Possession, Enjoyment, and Receipt of the Rents and Profits
 ‘ of Messuages, Lands, Tenements, and Hereditaments for an Estate of
 ‘ Freehold of Inheritance, or for Life or Lives, or for Years determin-
 ‘ able on a Life or Lives (as the Case may be) situate or being in the
 ‘ Town of *Fermoy* in the County of *Cork*, of the clear yearly Value of
 ‘ Ten Pounds above Reprizes and Incumbrances, (or as the Case
 ‘ maybe) am Tenant and Occupier of Messuages, Lands, and Tenements,
 ‘ situate or being in the Town of *Fermoy* in the County of *Cork*, of the
 ‘ yearly Value of Five Pounds or (as the Case may be) possessed of or
 ‘ entitled to a Personal Estate of the Amount or Value of Five hundred
 ‘ Pounds over and above the Amount of my Debts; and that I will
 ‘ truly and impartially, according to the best of my Skill and Judgment,
 ‘ execute and perform all the Powers, Authorities, and Trusts reposed
 ‘ in me as a Commissioner by virtue of an Act passed in the Forty-eighth
 ‘ Year of the Reign of King *George* the Third, intituled, [*here insert the*
 ‘ *Title of this Act.*] ‘ So help me GOD.’

Penalty on
Persons not
qualified
acting as Com-
missioners.

And if any Person not qualified, or being disqualified according to the Terms of this Act, to act as a Commissioner, shall nevertheless presume to act in the Execution of the Powers hereby given, or any of them, every such Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, with full Costs of Suit, in any of His Majesty's Courts of Record in *Ireland*, by Action of Debt, or on the Case, or by Bill, Plaint, Suit, or Information, to be commenced within Six Calendar Months after the Offence shall be committed, wherein no Essoign, Protection, or Wager of Law, or more than One Imparance, shall be allowed; and every Person so sued or prosecuted shall prove that he was at the Time of acting qualified as aforesaid, or otherwise shall pay the Penalty, without any other Proof or Evidence being given on the Part of the Plaintiff or Prosecutor, than that such Person had acted as a Commissioner in the
 Execution

Execution of this Act: Provided always, That it shall and may be lawful for such of the Commissioners, who are or shall be in the Commission of the Peace for the said County of *Cork*, to act as Justices of the Peace in or relating to the Execution of this Act, notwithstanding their being Commissioners under this Act.

Commissioners being Justices may act as such.

V. And be it further enacted, That when any of the Commissioners shall die, or, by Writing delivered to the Clerk for the Time being to the Commissioners, shall decline to act, or shall become incapable to act, it shall be lawful for the other Commissioners, and they are hereby required from Time to Time, by Writing under their Hands, to elect some other Person qualified as herein-before mentioned, to be a Commissioner in the Place of every Commissioner so declining or becoming incapable to act, but Ten Days previous Notice of the Time and Place of the Meeting for every such Election of new Commissioners shall be given by the Clerk to the said Commissioners, by affixing the same in Writing on the Gate or Door of the Church of the said Town of *Fermoy*, and in Two other public Places in the said Town of *Fermoy*; and so often as there shall be a Vacancy, to elect some fit Person to be Commissioner for the Purposes of this Act, so that the whole Number of Commissioners shall be always kept up to at least Twenty One, and every Person so elected is hereby vested with the same Powers for putting this Act into Execution, and to act as Justices of the Peace in the Purposes of this Act (being in the Commission of the Peace as herein-before is mentioned) as if he had been named a Commissioner in or by this Act.

Appointment of new Commissioners.

VI. And be it further enacted, That if the Commissioners under this Act for the Time being shall at any Time for the Space of Six Calendar Months neglect or refuse upon any Vacancy to nominate and appoint a new Commissioner, or if by the Number of Commissioners being reduced to less than Ten, or if for Want of a sufficient Number of Commissioners it shall at any Time become difficult to procure a Meeting or Meetings for executing this Act, then and in any of the said Cases it shall be lawful for any Commissioner or Commissioners for the Time being, or for any other Person or Persons residing within the Town of *Fermoy* aforesaid, from Time to Time to make Complaint thereof to the Justices of the Peace assembled at any General Quarter Sessions to be holden for the said County of *Cork*; and it shall be lawful for the Justices to whom such Complaint shall be made, and they are hereby authorized and required to receive and hear the said Complaint, and upon due Proof being made to them of the Matter complained of, to nominate and appoint such Persons as they in their Discretion shall think fit to be Commissioners for the Purposes of this Act, and as often as there shall be Occasion, not exceeding the Number hereby originally appointed; and the Commissioners so to be appointed are hereby vested with the same Powers for putting this Act into Execution, and to act as Justices of the Peace for the Purposes of this Act (being in the Commission of the Peace as herein-before is mentioned,) as if they had been respectively named Commissioners in or by this Act.

In case the Number of Commissioners shall be reduced to less than Ten the Quarter sessions may appoint a sufficient Number.

VII. And be it further enacted, That in all Cases where the Commissioners or any Justice or Justices of the Peace are hereby authorized to examine

Power of administering Oaths, &c.

[*Loc. & Per.*]

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any

any Person or Persons on Oath or Affirmation, it shall be lawful for the said Commissioners and Justices, and they are hereby required and empowered to administer such Oath, or take such Affirmation.

For appoint-
ing Officers.

Commission-
ers to take
Security from
Officers, &c.

VIII. And be it further enacted, That the said Commissioners shall and may and they are hereby authorized and required at their First Meeting, or at any subsequent Meeting, or at any Meeting specially called in Manner aforesaid for that Purpose, by Writing under their Hands, to elect and appoint a Treasurer and Clerk, and also a Collector or Collectors of the Rates or Assessments to be raised and levied, and of the other Monies to be received by virtue of this Act, and by whom such Rates, Assessments, and Monies shall from Time to Time be paid to the Treasurer for the Time being, or other Person or Persons appointed for that Purpose in the Manner herein-after mentioned; and also all Surveyors, Pavors, Scavengers, Rakers, Cleansers, Carters, and Lighters of Lamps, Beadles, Constables, Criers, Watchmen, and such other Officer or Officers, Deputies and Assistants for the Execution of this Act, as they shall from Time to Time think proper, and from Time to Time to remove, suspend, or displace all or any of such Officers as they shall see Occasion, and appoint others in the Place of such of them as shall be removed, suspended, or displaced, or shall die or resign their Offices; and also from Time to Time by and out of the Monies to be raised or received by virtue of this Act to pay such Wages or Salaries, and make such Allowances to Officers and to all other Persons by them the Commissioners employed in the Execution of this Act, as they shall think reasonable or proper; and the Commissioners shall and they are hereby required to take such Security from every such Treasurer, Chief Collector and other Officers in any Situation of Trust, so to be appointed as aforesaid, for the due Execution of their respective Offices or Duties, as the Commissioners shall think proper; and also it shall and may be lawful to and for the said Commissioners to purchase any Horses, Carts, Tools, and Implements as they shall judge necessary, for the Purpose of carrying this Act into Execution; and every Person who is hereby made liable to pay the several Rates or Assessments hereby directed and required to be levied and raised, or to pay such Sum of Money which is under this Act to be applied for the Purposes thereof, shall and they are hereby required to pay the same to such Collector or other Persons who shall be so appointed to receive the same, in pursuance of this Act, which Collector or Collectors, or other Person or Persons shall not at any Time retain in his or their Hands more than the Sum of Ten Pounds upon Pain of forfeiting to the Commissioners any Sum not exceeding Ten Shillings *per Day* for every Five Pounds collected and retained beyond the Sum of Ten Pounds and after the same Rate for every less Sum than the Sum of Ten Pounds; and every such Officer and Person so to be appointed as aforesaid shall, under his Hand, upon Demand at such Time and Times, and in such Manner as the said Commissioners shall direct, deliver to such Commissioners, or to such Person or Persons as they shall appoint, true and perfect Accounts in Writing of all Monies, Matters, and Things received and committed to their Charge by virtue and for the Purposes of this Act, and how much of such Monies hath been paid and disbursed and for what Purposes, together with the proper Vouchers for such Payments; and also the Books, Papers, and Writings in their respective Custody

Custody or Power relating to the Proceedings to be had under this Act; and shall pay all such Monies as shall appear upon Balance of their Accounts to the Treasurer appointed by the said Commissioners, or to such Person or Persons, and at such Time and Place as the Commissioners shall appoint; and every such Person and Persons so accounting as aforesaid shall upon Oath (or Affirmation, being a Quaker) verify their said Accounts; and in Default of any of the several Matters aforesaid for the Space of Eight Days after being thereunto required as aforesaid it shall be lawful for the Commissioners, and they are hereby authorized and empowered to bring or cause to be brought an Action or Actions in any of His Majesty's Courts of Record in *Ireland*, in the Name of their Clerk for the Time being, against the Officer or Officers, Person or Persons making such Default as aforesaid, for the Recovery of the Monies which shall be in the Hands of such Officer or Officers, Person or Persons respectively, with full Costs of Suit; or if Complaint shall be made by the Commissioners or by such Person or Persons as they shall appoint to make Complaint of any such Default as aforesaid, to any Justice of the Peace for the County or Place wherein the Party making such Default shall be and reside, such Justice may and is hereby authorized and required, by Warrant under his Hand and Seal, to cause the said Officer or Officers, Person or Persons so making or having made Default, to be brought before him, and upon his or their appearing, or not appearing except for some special Cause, to be allowed of by such Justice as a sufficient Excuse, to hear and determine the Matter of Complaint in a summary Way; and if upon the Confession of the Party, or by the Testimony of one or more credible Witness or Witnesses upon Oath (or Affirmation being a Quaker) it shall appear to such Justice that any of the Monies that shall have been collected or raised by virtue of this Act shall be in the Hands of such Officer or Officers, Person or Persons, or unaccounted for, then such Justice may, and he is hereby authorized and required by Warrant under his Hand and Seal to order the Payment thereof, and upon Nonpayment thereof to cause such Money to be levied by Distress and Sale of the Goods of such Officer or Officers, Person or Persons respectively offending or making Default as aforesaid; and if no Goods or Chattels can be found sufficient to answer and satisfy the said Money and the Charges of distraining and selling the same, and the other Expences attending the requiring or compelling such Payment as aforesaid, or in case of Refusal to account as aforesaid, or it shall appear to such Justice by the Confession of the Party so offending or making Default as aforesaid, or by the Testimony of any credible Witness or Witnesses upon Oath or Affirmation as aforesaid, that any Books, Papers, or Writings, relating to the Execution of this Act, or to the Proceedings to be had under the same, shall be in the Custody or Power of any such Officer or Person, and he shall refuse to deliver up the same as aforesaid, or shall refuse to verify such Accounts upon Oath, then and in any of the Cases aforesaid, such Justice shall commit every such Offender to the Common Gaol or House of Correction for the County or Place where such Offender shall be and reside, there to remain without Bail or Mainprize until he shall give and make a true and perfect Account and Payment as aforesaid, or until he shall have compounded with the Commissioners, and shall have paid such Composition in such Manner as they shall appoint, or until such Person shall have delivered up such Books,

Commissioners may appoint Officers in case of Death or Refusal.

Books, Papers, and Writings as aforesaid, or shall have given Satisfaction in respect thereof: Provided always, that no Person who shall be committed for Want of sufficient Distress shall be committed by virtue of such Warrant for any longer Space of Time than Six Calendar Months: Provided also, that if as often as any Collector or Receiver of the Monies to be raised by virtue of this Act shall die, or be incapable or neglect to perform his Duty, it shall be lawful for the said Commissioners, or any Five or more of them, though not assembled at a Meeting pursuant to this Act, by any Writing under their Hands, to appoint another Person to collect the same, who shall give such Security for the due Execution of his Office during his Continuance therein as the Commissioners shall think proper, until the Commissioners shall, at a Meeting to be holden in pursuance of this Act, appoint a Collector or Receiver of such Monies; any Thing herein contained to the contrary notwithstanding.

Treasurer to pay to the Order of Commissioners.

IX. And be it further enacted, That the Treasurer to the said Commissioners for the Time being shall and may, and he is hereby authorized and required, out of the Money to be received by him under and by virtue of this Act, to pay all Sums of Money which the said Commissioners, or any Five or more of them, shall, by Writing under their Hands, order him to pay; and the said Treasurer shall, and he is hereby required to keep regular and clear Entries in a Book or Books to be for that Purpose provided, of all and singular the Receipts and Payments on account of or in pursuance of this Act.

Penalty on Officers neglecting Duty

X. And be it further enacted, That if any Person who shall be employed as Treasurer, Clerk, Assessor, Collector, Receiver, Surveyor, or any other Officer or Servant who shall be anywise employed by the said Commissioners in the Execution of this Act, or any Part thereof, shall forbear or neglect to do any Thing hereby, or by the said Commissioners directed to be done, or on any Account whatsoever relative to the Execution of this Act, or shall in any Way be directly or indirectly beneficially concerned or interested in any Sale, Purchase, Bargain, or Contract, made or to be made, by or by the Order of the Commissioners for any of the Purposes intended by this Act, unless with their Consent or Approbation, every Person so offending shall from thenceforth for ever be incapable of being employed under this Act, and shall over and above forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, with full Costs of Suit, to be recovered in any of His Majesty's Courts of Record in *Ireland*, by Action of Debt, or on the Case, Bill, Plaint, Suit, or Information, to be commenced within Six Calendar Months after the Offence shall be committed, wherein no Effoign, Protection, or Wager of Law, or more than One Impar lance shall be allowed.

Penalty on Officers taking Fee or Reward besides their Salaries.

XI. And be it further enacted, That if any Person who shall be employed as Treasurer, Clerk, Assessor, Collector, Receiver, Surveyor, or any other Officer or Servant who shall be anywise employed by the Commissioners in putting this Act, or any of the Powers thereof, in Execution (save a Crier, who may receive such Reward as the Commissioners shall order), shall exact, take, or accept any Fee, Profit, or Reward whatsoever, other than such Salaries, Allowances, and Rewards as shall be appointed, allowed,

lowed, and approved of by the Commissioners, for or on Account of any Thing done or to be done by virtue of this Act, or on any Account whatsoever relating to putting the same into Execution, every such Person so offending shall be incapable of ever serving or being employed in any Matter under this Act, and shall, over and above forfeit the Sum of Five Pounds 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 *Ireland*, within Six Calendar Months after the Offence shall be committed, with full Costs of Suit, in which Suit or Prosecution no Effoign, Protection, or Wager of Law, nor more than One Imparance shall be allowed.

XII. And be it further enacted, That if any Collector or Receiver, or other Person employed by the Commissioners who shall have received any Sum of Money by virtue or for any of the Purposes of this Act, shall die before he or they shall have fully paid and satisfied all the Money so received by him, then and in every such Case the Executors or Administrators, or other Person or Persons possessing the late Estate and Effects of every such Person so dying, shall be liable to pay and make good all such Sums of Money by such Collector or Receiver, or other Person so received and not paid, and the same shall be recoverable by Action or Suit in any of His Majesty's Courts of Record in *Ireland* against such Executors or Administrators, Person or Persons as aforesaid, for the Recovery of the same.

Balance of Money received and not paid over at the Time of Receiver's Death to be paid by Executors of Deceased's Estate.

XIII. And be it further enacted, That the Commissioners shall cause proper Books to be provided and kept, in which they shall, either by themselves or by their Clerk for the Time being, cause regular Entries and Accounts to be made of the several Meetings, held in pursuance of this Act, and of the Commissioners present thereat respectively, and of the Nomination of all Officers and Persons to act in the Execution thereof, and of all Acts, Orders, Rules, Resolutions, Proceedings, Matters, and Things relative to the Execution of this Act, and also an Account of all Monies to be assessed or raised, and to be raised or payable by virtue hereof, and of the Payment and Application of the same, and of all Contracts to be made by any Person or Persons by virtue or in pursuance of this Act, all which said Accounts shall be examined, adjusted, and settled by the Commissioners assembled at any Meeting to be held in pursuance of this Act quarterly at least or oftener, and the Commissioners so examining, adjusting, and settling such Accounts, and also their Clerk for the Time being, shall subscribe their Names to the same, and the Chairman of such Commissioners assembled as aforesaid, and their said Clerk by their Order, shall also subscribe their Names, at the end of their Proceedings at every such Meeting; and all Entries in their Books of such Proceedings being signed by the Commissioners assembled thereat and making or ordering the same by virtue or in pursuance of this Act, and by their Clerk, shall be deemed Originals, and the same, or true and attested Copies thereof, shall be admitted to be read in Evidence in any Court whatsoever, in all Causes, Suits, or Actions, and upon all Occasions whatsoever, touching any Thing done in pursuance or by virtue of this Act, and such Books shall be kept by the Clerk to the Commissioners for the Time being, or by such other Person or Persons and at such Place as the Commissioners shall direct, and

Books to be kept of Proceedings.

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the same shall respectively at all convenient and seasonable Times without Fee or Reward, be open and liable to the Inspection of the Commissioners and of all Persons rated and assessed for the Purposes of this Act, or otherwise affected thereby.

ACTIONS to be
in the Name
of the Treas-
urer,

who shall be
reimbursed
his Expences.

XIV. And be it further enacted, That the Commissioners shall and may sue and be sued in the Name of their Treasurer for the Time being; and that all Actions or Suits that it may be necessary to bring for the Recovery of any Penalty or Sum of Money due or payable, by virtue of this Act, or for or in respect of any other Matter or Thing, relating to this Act, shall be brought in the Name of their said Treasurer; and that no Action or Suit which may be brought, commenced, or prosecuted, by or against such Commissioners, or any of them, by virtue or on Account of this Act, shall abate or be discontinued by the Death, Suspension, or Removal of such Treasurer, or by any Act or Default of such Treasurer, done or suffered without the Consent or Direction of the Commissioners for the Time being, but the Treasurer to the Commissioners for the Time being shall always be deemed Plaintiff or Defendant in such Action or Suit (as the Case may be): Provided always, that every such 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 reasonable Costs, Charges, and Expences, as he shall be put to or become chargeable with, by Reason of his being so made Plaintiff or Defendant therein, and shall not be personally answerable or liable for the Payment of the same, or any Part of them, unless such Action or Suit shall arise in consequence of his own wilful Neglect or Default, or unless it shall have been brought or commenced or defended without the Order or Direction of the Commissioners.

Streets to be
paved.

XV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they shall have full Power and Authority from Time to Time, and at all Times when and as often as they shall think proper, to cause, order, and direct the public Streets, Squares, Lanes, Ways, Passages, and Places now being or hereafter to be made in the said Town, or any Part or Parts of such Streets, Squares, Lanes, Ways, Passages, or Places, as well those used by Carriages, as those used by Foot Passengers, to be paved, flagged, repaired, raised, lowered, or altered, in such Manner and with such Materials as the said Commissioners shall think proper, and the Person or Persons authorized or directed by them to do the same, shall have full Power and Authority to do the same accordingly.

Commission-
ers may dig
Gravel, &c.

XVI. And be it further enacted, That the said Commissioners or their Surveyor, or such other Person or Persons as they or he shall employ or appoint, having an Order in Writing under the Hands of the said Commissioners for that Purpose, may and are hereby empowered to cut, dig, take, and carry away Stones, Gravel, Chalk, Sand, or other Materials proper for any of the Purposes of this Act, out of and from any Waste Ground or Common without paying any Thing for the same, such Surveyors or other Persons filling up the Pits and Quarries, levelling the Ground or sloping down the Banks where such Materials shall be taken, or railing or fencing off such Pits or Quarries so that the same may not be dangerous to Pas-
sengers

fengers or Cattle, and so that the Lands adjoining may not be injured; or from or out of any Quarry or Quarries already open within Three Miles of the Bridge of the said Town of *Fermoy*, paying a reasonable Compensation to the Owner or Owners of such Quarry or Quarries for the same; and in case of any Difference between such Owner or Owners, and the said Commissioners concerning such Compensation, it shall and may be lawful to and for any Two or more Justices of the Peace of the said County or Place where such Quarries shall be situate, on Ten Days Notice thereof in Writing being given by either Party to the other, or left at their respective Places of Abode, to hear, settle, and determine the Amount of such Compensation.

XVII. And be it further enacted, That no Owner or Occupier of any House or Houses, Building or Buildings, Ground or Land within the said Town of *Fermoy*, shall at any Time make or cause or suffer to be made any Alteration in or in the Form of the Pavement or Pitching of the Foot or Carriage Way, before, behind, or at the Side of his or her House or Houses, Building or Buildings, Ground or Land, nor any opening in such Pavement or Pitching, for the Purpose of conveying Coal or other Things into any Vault or Cellar under the same, or for the Purpose of admitting Light into any Room, Chamber, or Cellar, or other Purpose whatsoever, without the Consent of the said Commissioners in Writing, to be signed by the Clerk of the said Commissioners for the Time being, at some public Meeting to be held in pursuance of this Act; and also without the Consent in Writing of the original Lessors of the Premises, his, her, or their Assigns or Successors, under their Hands first had and obtained; and that where any such Alteration or Opening shall be made with such Consent as aforesaid, such Alteration or the Covering or Grating to or for such Opening shall be made, and from Time to Time repaired and altered at the Expence of the Person or Persons to whom such Consent shall be given, and shall be made of such Materials and of such Dimensions and in such Manner and Form as the said Lessees, his, her, or their Assigns or Successors shall think proper and direct; and in case any such Owner or Occupier shall cause such Alteration, Opening, Grating, or Covering to be made without such Consent as aforesaid, or after such Consent had shall make or cause the same to be made contrary to the Direction of the said Lessors, his, her, or their Assigns or Successors, or shall not repair, amend, alter, or place the same or cause the same to be repaired, amended, altered, or placed in such Manner and within such Time as shall be expressed in a Notice to be given to him or her by Order of the said Lessors, his, her, or their Assigns, or by the said Commissioners or their Clerk for the Time being, by their Direction to be expressed in the Manner herein-before mentioned, it shall then be lawful for the said Commissioners and they are hereby authorized to cause such Alteration, Opening, Grating, or Covering to be removed, altered, repaired or placed (as the Case may be) as they shall direct or think proper, and the Charges and Expences attending the same, together with any Sum not exceeding Forty Shillings as a Penalty for such Offence, over and above such Charges and Expences, shall be paid by such Owner or Occupier, and shall be recovered by Distress and Sale of the Goods and Chattels of such Owner or Occupier, in like Manner as the Rates herein-after directed and required to be raised and levied are directed to be recovered; and the Overplus (if any) of the Mo-

Penalty on
Persons alter-
ing Form of
Pavement:

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nies to arise thereby, after deducting such Charges and Expences as aforesaid, and all the Costs and Expences attending such Distress and Sale being returned to such Owner or Occupier.

Defects in
Pavement to
be made good.

XVIII. And be it further enacted, That after the Expiration of Twelve Calendar Months after the passing of this Act, if any Two or more Housekeepers within the said Town of *Fermoy*, shall make Complaint in Writing under their Hands to the said Commissioners at any Meeting, or to their Clerk or Surveyor, of any Defect or want of Repair in any of the Pavements of any of the Streets, Squares, Lanes, Ways, Passages or Places within the said Town of *Fermoy*, which shall be paved by virtue or in pursuance of this Act, then and in every such Case the said Commissioners or any Two or more of them or the Surveyor of the said Commissioners duly authorized for that Purpose under the Hands of at least Two of the said Commissioners shall forthwith inspect the Pavement so complained of, and if the same shall be by them found defective, and so reported to be to the said Commissioners at any of their Meetings for putting this Act in Execution, they the said Commissioners shall forthwith give Orders to their Contractor or Contractors, Pavior or Paviers to repair the same, and if the Contractor or Contractors, Pavior or Paviers of the said Commissioners to whom such Orders shall be given, shall not within Six Days next after the Receipt thereof, repair the said defective Pavement, then and in every such Case the said Contractor or Contractors, Pavior or Paviers, shall forfeit and pay the Sum of Ten Shillings for every Day that the said defective Pavement shall remain unrepaired after the Expiration of the said Six Days.

Power to provide Lamps.

XIX. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, from Time to Time, to provide Lamp Irons or Lamp Posts, and to cause the same to be set up or affixed into, upon, or against any Houses or Ground adjoining to, or the Walls, Palisadoes, or Iron Rails of such Houses, Tenements, or Buildings, already built or building, or which shall hereafter be built, within such Part of the said Town of *Fermoy* as aforesaid, as they the said Commissioners shall from Time to Time think proper and convenient, and also to cause such Number of Lamps, of such Size and Sorts, to be provided and fixed or put upon such Lamp Irons or Lamp Posts, and to cause the same, when so provided and fixed, to be altered, taken down, and removed, as they shall from Time to Time think proper, for well and effectually lighting the said Town of *Fermoy*, and also to cause such Lamps to be lighted, at such Time or Times, and to be kept lighted during the whole or such Part or Parts of the Night, as they the said Commissioners shall think proper; and if any Person or Persons shall wilfully or maliciously break, throw down, displace, take away, extinguish, damage, or spoil, any Lamp or Lamps, put or to be put up, by virtue of this Act, or wilfully damage the Posts, Irons, or other Furniture or Materials belonging thereto or used therewith, or wilfully hinder or obstruct any of the said Commissioners or Officers employed in the Execution of this Act, in his or their respective Duty, every Person or Persons so offending in any of the Matters aforesaid, (which shall be taken and deemed distinct and separate Offences), shall, upon being convicted thereof before the said Commissioners, by the Oath or Affirmation of One or more Witness or Witnesses, or by the Confession of the Party before the said

said Commissioners, forfeit and pay any Sum not exceeding Five Pounds; One Moiety thereof shall go to the Informer, and the other Moiety for the Purposes of this Act, over and besides making such Satisfaction in Money for the Lamp or Lamps so broken, thrown down, displaced, taken away, extinguished, damaged, or spoiled, as such Commissioners shall think reasonable, and shall order to be paid, such Penalties and Satisfaction, to be raised and recovered as other Penalties are herein directed to be raised and recovered.

XX. And be it further enacted, That it shall be lawful for the said Commissioners, from Time to Time, at any of their Meetings, to contract and agree with any Person or Persons for paving, repairing, raising, lowering, or altering all or any of the said Streets, Squares, Lanes, Ways, Passages, and Places, or any Part or Parts thereof, and also for a sufficient Number of Lamps necessary to be fixed and set up in the said Town of *Fermoy*, and Lamp Irons, Posts, or other Materials necessary or convenient for fixing the same, from Time to Time, and for providing and furnishing the same Lamps with all Requisites, and for lighting, supporting, amending, and repairing the same; but before any such Contract or Contracts shall be entered into, Ten Days' Notice at the least shall be given, by fixing the same on the Sessions House and Church Doors of the said Town of *Fermoy*, expressing the Purpose or Purposes of such Contract or Contracts, in order that any Person or Persons willing to undertake the same may make Proposals for that Purpose, to be offered to the said Commissioners at a certain Time and Place, in such Notice to be mentioned; and the said Commissioners shall, and they are hereby required, to take Security from every such Contractor for the due Performance of his or her Contract; Provided always, that no such Contract or Contracts shall be deemed good or valid, if the same shall be made for a longer Space or Term than Two Years from the Time of entering into such Contract or Contracts.

Commissioners may contract for paving, lighting, &c.

XXI. And be it further enacted, That every such Contract or Contracts shall specify the several Works to be done, and the Prices to be received or paid for the same, and the Time or Times when the said Works are to be completed, and the Penalties to be incurred in case of Non performance thereof, and shall be signed by the said Commissioners, or any Five or more of them, and also by the Person or Persons contracting to perform such Works respectively; and such Contract or Contracts shall be entered in a Book or Books to be kept for that Purpose by the Clerk of the said Commissioners.

Contracts to be signed by the Commissioners.

XXII. And be it further enacted, That from and after the passing of this Act the Property of all the present and future Pavements, and all Lamps, Lamp Irons, Posts, and other Things thereto belonging, in all or any of the said Streets, Squares, Courts, Rows, Lanes, Roads, Ways, Alleys, Passages, and Places, in the said Town of *Fermoy*, and also all Chains, Irons, Timber, Furniture, Watchboxes and Houses, Horses, Carts, Tools, Utensils, Implements, Materials, and all other Articles, Matters, and Things whatsoever, which shall or may be erected, fixed, or placed, purchased, provided, or made use of, by virtue and for the Purposes of this Act, and of all Materials, Implements, and other Things, which shall or may be

Property of all Materials vested in the Commissioners.

[*Loc. & Per.*]

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hereafter

hereafter purchased, gotten, or provided, for such Purposes as aforesaid, and of all the Filth, Soil, Dung, Manure, or Dirt, which shall arise or be made in, and all such Dirt, Ashes, Cinders, Dung, and Filth, as shall be taken or carried away from all and every of the Houses within the said Streets, Squares, Lanes, Ways, Passages, and Places, to be paved, repaired, raised, lowered, or altered, and of all Cesspools, Bunions, Watercourses, and Sewers, now made or hereafter to be made, in the said Streets, Squares, Lanes, Ways, Passages, and Places, within the said Town of *Fermoy*, shall belong to and be the Property of, and the same are hereby vested in the said Commissioners, and they are hereby authorized and empowered to bring, or cause to be brought, any Action or Actions, and to prefer or order and direct the preferring of any Bill or Bills of Indictment (as the Case shall require) against any Person or Persons who shall break up, spoil, damage, injure, destroy, steal, take, carry away, or detain the same, or any Part thereof, or disturb them in the Possession thereof, and from Time to Time to sell and dispose of, for the Purposes of this Act, all or any Part thereof respectively, in such Manner as they shall think proper.

Scavengers to
be employed.

XXIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, at any of the said Meetings, to contract and agree with any Person or Persons to be and act as Scavenger or Scavengers within the said Town of *Fermoy*, to sweep and cleanse the same; and the Person or Persons employed in or contracting to clean such Streets, Squares, Lanes, Ways, Passages, and public Places as aforesaid, shall Twice in every Week, that is to say, on *Wednesday* and *Saturday* between the Hours of Seven and Eleven in the Forenoon, and upon such other Days, and at such other Hours as the Commissioners aforesaid shall from Time to Time appoint, sweep and collect together all Dirt, Dust, Filth, or Rubbish, in such Streets, Squares, Lanes, Ways, Passages, and public Places, and shall also bring, or cause to be brought, a Cart or other proper Carriage into such Streets, Squares, Lanes, Ways, Passages, and public Places, where such Cart or other Carriage can pass, and shall at his or their Approach with such Cart or other Carriage, and not before, by Sound of Bell, Voice, or otherwise, give Notice to the Inhabitants of his or their coming, and give the like Notice in every Court, Passage, or Place into which such Cart or Carriage cannot pass, and abide and stay a convenient Time in or near such Places respectively so that the Inhabitants or Persons concerned may bring forth their Dirt, Dust, Ashes, and other Filth (except Filth from any Privy or Necessary House) to the Doors of their respective Houses and Premises, and there leave the same in some convenient Place near their Doors, from whence the said Scavenger or Scavengers, or other Person or Persons as aforesaid, shall take and put into such Cart or Carriage all such Dust, Dirt, Ashes, and Filth, (except as aforesaid) or otherwise the said Scavenger or Scavengers, Person or Persons shall, if required, come into such Part of their respective Houses and Premises where such Dirt, Dust, Ashes, and other Filth as aforesaid shall be kept, and take the same from thence, and the said Dust, Dirt, Ashes, and other Filth, as well as all such other Dust, Dirt, Dung, Ashes, and other Filth, as shall be swept up and collected together as aforesaid (except as aforesaid) the said Scavenger or other Officer, or Persons appointed for that Purpose, shall then immediately, or as soon

as

as may be, carry away, or cause to be carried away, to the Place or Places to be appointed by the said Commissioners for depositing the same, upon pain of forfeiting any Sum not exceeding Twenty Shillings for every such Offence or Neglect; and every Person acting as such Scavenger for the Time being shall cause the Words "Scavenger's Cart" to be painted, together with his Name and Number, in large Roman Letters, on the Front or other conspicuous Place of their Carts or Carriages, for the Purposes aforesaid, on Pain of forfeiting any Sum not exceeding Twenty Shillings for every such Neglect therein; and if any such Scavenger or Scavengers, or other Person or Persons acting as such, or employed as aforesaid, shall sweep or throw any Dust, Dirt, Ashes, or Filth, into the Sewers, Drains, Sinks, or Watercourses, within the said Town of *Fermoy*, every Person so offending shall forfeit and pay any Sum not exceeding Forty Shillings for every such Offence.

XXIV. And be it further enacted, That no Person or Persons whomsoever, shall throw, cast, or lay, or cause to be thrown, cast, or laid, any Dust, Dirt, Dung, Ashes, or other Filth whatsoever, in the Streets, Squares, Lanes, Ways, Passages, or Places (except the Dirt, Ashes, and Filth to be collected and put together, and placed as aforesaid, and except as herein-after mentioned), on Pain of forfeiting and paying for every such Offence any Sum not exceeding Ten Shillings nor shall throw or cast any such Dirt, Dust, Dung, Ashes, or other Filth whatsoever, into any of the Rivers, Brooks, Sewers, Drains, Sinks, or Watercourses within the same, upon Pain of forfeiting and paying for every such last-mentioned Offence, any Sum not exceeding Twenty Shillings, but shall, and he, she, and they are hereby required to keep, or cause to be kept, the same in their respective Houses, Cellars, or Yards, until such Times as the Scavenger or Scavengers, or other Person or Persons appointed to take away the same as aforesaid, shall come by or near their Houses or Doors, with a Cart or other Carriage, for the Purpose of carrying away the same.

Persons not to throw Dirt, &c. into the Streets.

XXV. Provided always, That no Person shall be subject to any Penalty as aforesaid, for or on Account of any Rubbish or Dirt in such Streets, Squares, Lanes, Ways, Passages, and Places as aforesaid, occasioned by the building, pulling down, altering, or repairing his or her House or other Building, nor for making any Lime into Mortar to be used in or for the Purpose of building, altering, or repairing the same, in case there be full and sufficient Space (in the Opinion of any Three or more of the Commissioners, or their Surveyor or Surveyors for the Time being) left in or at the Side of the Street, Square, Lane, Way, Passage, or Place, whereon such Rubbish, Dirt, Lime, or Mortar shall lie, or be placed, for Carriages to pass and repass, and a sufficient Way kept clear for Foot Passengers, by the Person or Persons laying or occasioning the same to be laid or placed, and so as a sufficient Light be, at his, her, or their own Expence, set and maintained at the Place where such Dirt or Rubbish, Lime or Mortar, shall be so laid or placed, between the Hours of Sun-set and Sun-rise, to prevent any Mischief happening to Passengers or Cattle, and so as (if the Commissioners shall think proper and direct) the same to be enclosed and fenced about in such Manner, and within such Time as they in any Notice to be by their Order given to or left with

Penalty not to extend to Rubbish or Dirt, &c.

such Person or Persons shall direct, and the same shall be removed at his, her, or their own Expence within a Time to be expressed in a Notice to be in like Manner given or left to remove the same.

Penalty for
taking away
Dirt, &c.

XXVI. And be it further enacted, That no Person or Persons whomsoever shall take or carry away, or cause to be taken or carried away any Dirt, Dust, Dung, Ashes or other Filth out of any such Streets, Squares, Lanes, Ways, Passages, or Places as aforesaid, other than such Scavenger or other Officer or Person contracting or to be appointed for that Purpose as herein-before is mentioned, on Pain of forfeiting any Sum not exceeding Twenty Shillings for every such Offence.

Persons to be
at Liberty
to keep or
dispose of Dust
&c. for their
own Use.

XXVII. Provided always, That nothing herein contained shall extend to prevent any Person or Persons from preserving and keeping any Dirt, Dust, Dung, Ashes, Manure, Muck, Filth, or Rubbish, within his, her, or their Houses, Yards, Gardens, or Grounds, or otherwise disposing of the same for their own Use and Benefit, so as such Dirt, Dust, Dung, Ashes, Manure, Muck, Filth, or Rubbish, be not laid or placed in any of such Streets, Squares, Lanes, Ways, Passages, or Places as aforesaid, for any longer Time than shall be necessary for loading and carrying away the same, or be suffered to annoy any of the Inhabitants of the said Town as aforesaid; but in case any Person so reserving such Dirt, Dust, Dung, Ashes, Manure, Muck, Filth, or Rubbish, shall thereby annoy any of the Inhabitants, or shall permit or suffer the same to remain for any longer Time than from Sun-rising in the Morning to Sun setting in the Evening, before the same shall be carried away or removed after Notice in Writing to him or her given, under the Hands of the said Commissioners or any Five or more of them, or by their Clerk by their Order, or left at such Person's Dwelling House, to remove the same, such Person so offending shall forfeit the said Dung, Manure, or Rubbish, and the Commissioners shall direct their Scavenger to carry away the same, and shall also forfeit and pay any Sum not exceeding Ten Shillings a Day that such Annoyance shall be suffered to remain after such Notice given as aforesaid.

Footways to
be swept:

XXVIII. And be it further enacted, That the respective Owners and Occupiers of Houses or other Buildings or Grounds or Land in the public Streets, Squares, Ways, Lanes, Passages, or Places already made or built, or which shall hereafter be made or built, within the said Town, shall and they are hereby required from and immediately after the passing of this Act, to cause to be well and sufficiently swept and cleaned, the Footings, or Foot Pavements, before, behind, and on the Sides of the same (as the Situation thereof shall require) every Morning in the Year, between the Hours of Seven and Ten of the Clock in the Forenoon of each Day, and shall also cause the Dirt and Soil, arising from such sweeping and cleansing to be collected and put together in such Part of the Street contiguous to his, her, or their respective House or Houses, or other Buildings or Ground or Land as aforesaid, as the said Commissioners, or any Three or more of them, shall appoint, without obstructing the Way or Road or Sewers, or creating any Nuisance or Annoyance thereby, in order that the same may be ready for the loading and taking away thereof by the Scavenger or Scavengers or other Person or Persons employed

employed in cleansing such Streets, Squares, Lanes, Ways, Passages, and Places.

XXIX. And be it further enacted, That the said Commissioners shall have full Power and Authority to cause the said Streets, Squares, Lanes, Ways, Passages, and Places to be watered as often as they shall think fit; and also to cause any Wells to be dug and sunk, and any Pump or Pumps, to be erected in such Places as they shall think proper, in any of the said Streets, Squares, Lanes, Ways, Passages, and Places within the said Town, for the Purpose of watering the same, or for any other Purpose, and to cause the same to be removed or altered, and the Expences thereof to be defrayed out of the Monies to be raised by virtue of this Act.

Streets to be watered.

XXX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required, as soon as conveniently may be after the passing of this Act to purchase One or more Engine or Engines for the extinguishing of Fire, and such Number of Water Buckets, for the Supply of such Engine or Engines as they shall think fit, and to erect and build, and purchase or rent a Place or Places proper for keeping such Engine or Engines and Buckets; and also from Time to Time to appoint some proper Person or Persons to look after and manage such Engine or Engines and Buckets with such Wages or Salary, as they the said Commissioners shall think fit; and the Costs, Charges, and Expences of purchasing such Engine or Engines and Buckets, or providing a Place or Places proper for the same, and of every Matter or Thing relating thereto, and also the Wages or Salary of the Person or Persons looking after and managing such Engine or Engines and Buckets, shall be paid, borne, and defrayed out of the Monies to be raised by the Rates or Assessments to be made by virtue of this Act.

Enabling the Commissioners to provide a Fire Engine or Engines.

XXXI. And be it further enacted, That the said Commissioners shall and may, and they are hereby authorized and required, from Time to Time, to order and establish such Number of Watchmen, Beadles, Constables, and other Officers, as they shall judge necessary or proper, to be kept or employed in or about the said Town, and shall likewise direct and appoint how and where the several Watchmen, Beadles, Constables, and other Officers, shall be stationed; and in what Manner they shall be armed, how often they shall go their Rounds, how long they shall continue upon Duty, and what Wages shall be allowed to such Watchmen, Beadles, Constables; and other Officers; for their Service, and shall and may also erect and provide proper Places, Boxes, or Watch Houses, for the Reception of such Watchmen, Beadles, Constables, and other Officers, as aforesaid, and shall make all such Orders and Regulations as the Nature of the respective Services shall to the said Commissioners appear to require, and as shall be necessary for preserving Peace and Order; and an effective Police within, and the Safety of the Inhabitants of the said Town; and shall cause all such Nominations, Orders, and Regulations, as shall be made by them from Time to Time, for the better Direction and Government of such Watchmen, Beadles, Constables, and other Officers, and for the other Purposes last mentioned, to be printed, and

Watchmen, Beadle, and Constables.

Transcripts of Regulations.

Watchmen,
etc. to appre-
hend.

Copies of them signed by the Commissioners, or any Three or more of them, and the Clerk to the Commissioners for the Time being; and it shall be lawful for such Watchmen, Beadles, Constables, and other Officers, and they are hereby authorized and required, to keep Watch and Guard within the said Town as aforesaid, and to arrest, apprehend, detain and secure, in the Watch House, or some convenient Place of Safety, within the said Town, to be provided and appointed by the Commissioners, all Malefactors, Disturbers of the Public Peace, disorderly Persons, Vagrants, Beggars, Petitioners, and all suspected and such other Persons as shall be found wandering or misbehaving themselves, and shall take such Person or Persons within Twenty-four Hours (or as soon after as conveniently may be) before any One of His Majesty's Justices of the Peace acting in and for the said County of *Cork*, to be examined and dealt with according to Law; and the said Beadles, Constables, and other Officers, shall, as often in every Night as shall be ordered by any Three of the Commissioners, go about their respective Districts and Rounds to take Notice whether all the Watchmen perform their Duty in their several Stations, according to such Orders and Regulations as shall be made and provided by the Commissioners; and in case any Watchman shall misbehave himself, or neglect his Duty, the said Beadles, Constables, or other Officers or Persons respectively, shall, as soon as conveniently may be, give Notice thereof to the Clerk of the Commissioners for the Time being, who is hereby authorized to suspend such Watchman from the Execution of his Office, and appoint another Person to officiate therein, until the next Meeting of the Commissioners, when the said Clerk shall acquaint the Commissioners assembled at such Meeting with the Complaint against such Watchman, in order that they may proceed to the Examination of the Offence or Charge, and such Watchman moreover shall be subject and liable to such Penalty for every such Neglect or Misbehaviour as is herein-after expressed.

Penalty on
Watchmen,
etc. neglecting
Duty.

XXXII. And be it further enacted, That if such Watchmen, Beadles, Constables, and other Officers, or any of them, shall not observe, perform, and keep the Orders, Rules, and Regulations, which shall be made for the Purposes aforesaid, by the Commissioners, or shall in any Manner neglect their Duty, or misbehave themselves, every Person so offending shall forfeit and pay for every such Neglect or Offence any Sum not exceeding Forty Shillings and if the Commissioners shall think proper, shall be immediately discharged from his or their respective Office or Employment.

Providing
for disabled
Watchmen.

XXXIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Five or more of them, to give such Rewards in Money to the Watchmen respectively to be appointed as aforesaid, who may be disabled or wounded in the Execution of their Office, as they the said Commissioners shall think reasonable, such Money to be paid out of the Monies to be raised for the Purposes of this Act.

Penalty on
Publicans har-
bouring
Watchmen
during the
Hours of
Duty.

XXXIV. And be it further enacted, That if any Victualler, Publican, or other Person, selling Spirituous or other Liquors, shall entertain or harbour in his, her, or their House or Habitation or Shop, any Watchman to be appointed under this Act, during any of the Hours or Times appointed for

for such Watchman to be on Duty, in virtue or in pursuance of this Act, then every such Viſtualler, Publican, or other Person, ſhall forfeit and pay any Sum not exceeding Twenty Shillings.

XXXV. An be it further enacted, That if any Person or Persons ſhall upon any of the preſent or future Pavements of the Streets, Squares, Ways, Lanes, Paſſages, and public Places now made or built or which ſhall hereafter be made or built within the ſaid Town as aforeſaid which is now or any Time hereafter ſhall be raiſed above the Carriage Way, and uſed as a Foot Way or upon any other Foot Way, deſigned and appointed for a Foot Way only, carry any lighted Flambeau, Link, or Torch, other than for the Purpoſe of lighting a Sedan Chair, having a Perſon therein, or for the Purpoſe of lighting the Public Lamps within the ſaid Town; or ſhall run, draw, drive, or carry thereon any Truck, Wheel, Sledge, Wheelbarrow, (except for conveying Bread, Furniture, or Luggage to any Houſe) Bier, Handbarrow, or Carriage whatſoever, or ſhall roll any Caſk other than for the neceſſary loading or unloading thereof, in, upon, from or out of any Carriage, or ſhall thereon wilfully ride, lead, or drive, any Cattle of any Kind, or any Beaſt, whether loaded with Coal, Vegetables, or other Goods or Wares for Sale or not, or ſhall ſuffer any Horſe or other Beaſt to ſtand upon the ſaid Foot Way, or upon any of the Croſſings, or ſhall in any of ſuch Streets, Squares, Ways, Lanes, Paſſages, or public Places as aforeſaid, burn, drefs, or cleanſe, any Cork, or ſhall hoop, fire cleanſe, waſh, or ſcald, any Caſk, or empty any of the Contents of any Caſk therein, or ſhall hew, ſaw, or cut any Stone, Wood, or Timber, or ſhall, ſlake any Lime, or bore any Timber (except for the Purpoſes of rebuilding, altering, or repairing, any Houſe or Building, in the Manner herein mentioned, or for any of the Purpoſes by this Act required or authorized to be done, in which Caſes the ſame ſhall, if the Commiſſioners ſhall think proper and direct, be fenced and incloſed in the Manner herein-after mentioned) or ſhall make or repair any Coach, Waggon, Sledge, or other Carriage in any of ſuch Streets, Squares, Ways, Lanes, Paſſages, or public Places, as aforeſaid, (except ſuch Carriages as may want immediate repairing from any ſudden Accident upon the Spot, and which cannot be conveniently removed for that Purpoſe) or ſhall ſlve or (except in Caſes of Accident) bleed, or ſhall turn looſe any Horſe, Aſs, or other Beaſt therein, or if the Driver of any Waggon, Cart, Sledge, or other Carriage, ſhall in any of the ſaid Streets, Squares, Ways, Lanes, Paſſages, or public Places, ride on the Shafts, or in or on any Part of ſuch Waggon, Cart, Sledge, or other Carriage without Reins, or on any of the Horſes or Cattle drawing the ſame, or if any Perſon ſhall drive any Cattle, or drive any Horſe or other Beaſt, within the ſaid Town ſo furioſly as thereby to cauſe a perſonal Danger to any one whomſoever, or ſhall in any of the ſaid Streets, Squares, Lanes, Ways, Paſſages, or public Places, ſhew or expoſe any Stallion or Stone Horſe, or ſhall make any Bonfire, or let off or fire any Crackers, Squibs, or other Fireworks, or ſhall ſuffer his or their Maſtiff or Bull Dog, or Maſtiff or Bull Bitch, to go unmuzzled, after Notice given by any Perſon whomſoever to the Owner thereof, or any of his or her Servants to confine the ſame, or if any Perſon ſhall ſit, caſt, throw, or lay any Aſhes, (except in the Time of Froſt only and to prevent Accidents) or any Duſt, Muck, Dung, Soil, Filth, Rubbiſh, Refuſe of Garden Stuff, Blood, Offal, Carrion, or any other offenſive Matter or Thing,

Certain Aſſs
not to be com-
mitted in the
Streets.

Flambeaux,
Links, etc.

Trucks,
Wheelbar-
rows, etc.

Thing, in any of the said Streets, Squares, Lanes, Ways, Passages, and public Places, or shall winnow Corn therein, the same shall be respectively considered as an Offence against this Act, and every Person so offending in any of such Cases shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings; and if any Person or Persons shall kill or slaughter, or shall finge, scald, dress, or cut up any Animal, either wholly or in part, in any of such Streets, Squares, Ways, Lanes, Alleys, Passages, or public Places, or in any Place whatsoever (save and except in a proper Slaughter House) every Person so offending in any of the Matters aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Two Pounds.

Annoyances to
be removed.

XXXVI. And be it further enacted, That from and after the Commencement of this Act, all Penthouses, Bow Windows, Shutters, Signs, Sign-Posts, Sign-Irons, Shew-Boards, Spouts, Gutters, Steps, Pales, Rails, Palisades, Fences, Grates, Projections, or Cellar Windows, as in the Judgment of the Majority of the Commissioners attending at any Meeting of the Commissioners, shall be inconvenient or dangerous to Passengers upon any of the present or future Footways or Carriageways of such Streets, Squares, Lanes, Ways, Passages, and public Places, or which are not as herein-after directed in respect thereof, shall within Twenty-one Days after a Day to be expressed in a Notice signed by the said Commissioners, or any Five or more of them, and their Clerk for the Time being, to be for that Purpose given to or left with the Owner or Occupier of the Houses or other Buildings or Lands, to whom such Matters and Things as aforesaid, or any of them, shall respectively belong, be taken down, filled up, removed, altered, or repaired by or at the Expence of the Owners or Occupiers thereof, under the Inspection and Direction of the Surveyor or other proper Officer of the said Commissioners; and in case the respective Owners shall neglect or refuse to obey such Notices, and to observe and perform the several Matters and Things hereby respectively required to be done within the Time aforesaid, then such Owner shall, for every such Offence, forfeit and pay any Sum not exceeding Twenty Shillings for every Week the same shall so remain undone, and then also it shall be lawful for the said Commissioners to cause the same to be taken down, filled up, removed, altered, repaired, and fixed, in the Manner and for the Purposes aforesaid, and shall return or cause to be returned to the respective Owners thereof, or be left on the Spot from whence the same shall be so respectively removed, or as near thereto as conveniently may be for such Owners as aforesaid, so much of such Matters and Things as aforesaid, as shall not be affixed or set up, or otherwise made use of in the Alterations directed by this Act; and the Charges and Expences attending the same shall be recovered from the Owners thereof respectively, in the same Manner as the Penalties and Forfeitures inflicted by this Act are directed to be recovered on Nonpayment; and if such Owners, or any other Person or Persons shall cause such Matters and Things to be placed, erected, built, or made contrary to the Directions of this Act, or shall cause any Incroachment or Annoyance whatsoever, every such Owner or other Person for every Week he or she shall so offend shall forfeit and pay any Sum not exceeding Ten Shillings, or otherwise it shall be lawful for any Five of the said Commissioners as aforesaid, to order the same to be taken down, filled up, removed, altered, or repaired in such Manner as they shall think proper, or as

is herein-after directed in respect thereof, without giving any Notice to the Owner or other Person or Persons offending therein, and the Charges and Expences attending the same, shall or may be recovered from the Owner or Person or Persons so offending, in the same Manner as is last herein-before directed: Provided always, that nothing herein contained shall extend or be construed to extend to Projections made or to be made in the Nature of Bow Windows in any of the present or future Streets, Squares, Lanes, Ways, Passages, or public Places in the said Town of *Fermoy*, in case such Proprietors do not advance beyond the Areas of the respective Houses, or in case there shall be no Area, do not advance more than One Foot beyond the Front Wall of the Premises to which such Projections adjoin: Provided also, that in case such Occupier or Occupiers shall be required to make such Alterations, Matters, and Things aforesaid, then it shall be lawful for him, her, or them, to deduct the Costs, Charges, and Expences of making the same out of his, her, or their next Rent, and such Landlord and Landlords is and are hereby required to allow the same accordingly.

XXXVII. And be it further enacted, That all Signs in any of the said Streets, Squares, Lanes, Ways, Passages, and public Places, shall be placed and fixed flat upon or against the Front Walls of the Houses, or other Buildings, to which they belong, and that all the Water which shall come from the Roofs, Cornices and Penthouses, of all Houses or other Buildings within the said Streets, Squares, Lanes, Ways, Passages, and public Places, shall be conveyed by proper and sufficient Pipes or Trunks, to be fixed on the Fronts or Sides of such Houses, or other Buildings, by the Owners or Occupiers thereof; and in case such Owners or Occupiers shall not erect the same, upon receiving Ten Days Notice to that Effect, that it shall and may be lawful for the Commissioners to erect the same, at the Expence of such Owners or Occupiers, such Expence to be levied and recovered as other Monies are herein directed to be levied and recovered.

Directions touching Signs, Water-pipes, etc.

XXXVIII. And be it further enacted, That if any Horse, Swine, Beast, or other Animal, shall at any Time be found wandering about any of the said Streets, Squares, Lanes, Ways, Passages, or public Places, now made, or hereafter to be made or built. within the said Town of *Fermoy*, it shall be lawful for any Officer or Officers to be appointed by the said Commissioners, or for any of the Inhabitants of the said Town, to impound such Horse, Swine, Beast, or other Animal, in such Place as the said Commissioners shall appoint, and the same there to detain, until the Owner or Owners thereof shall, for each Beast or other Animal so impounded, pay a Sum of Money, not exceeding Five Shillings to the Treasurer for the Time being to the Commissioners, towards the Purposes of this Act, and also the Sum of One Shilling to the Person impounding the same, besides 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 Seven Days after such impounding, it shall be lawful for such Person as shall be appointed by the said Commissioners for that Purpose, giving Ten Days previous Notice to the Owner or Owners of such Horse, Swine, Beast, or other Animal, to sell, or cause the same to be sold, and the Money arising from such Sale, after deducting the said Sums and the Charges and Expences

Preventing Cattle wandering in the Streets.

[Loc. & Per.]

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aforesaid,

aforesaid, and of such Notice and Sale, shall be paid to the said Treasurer, to be by him upon Application paid to the Person whose Property the Beast, or other Animal, so sold, shall appear to have been.

Carts, Carriages, etc. not to be left in the Streets.

XXXIX. And be it further enacted, That if any Cart, Carr, Waggon, Sledge, Dray, or other Carriage used for the Purpose of conveying or carrying Goods, Merchandize, or any other Materials whatsoever, shall at any Time be left or suffered to stand or continue in any of the said Streets, Squares, Lanes, Ways, Passages, or public Places already made or building, or which shall hereafter be made or built within the said Town of *Fermoy*, for any longer Time than shall be necessary for the loading or unloading thereof, or shall be set, placed, or left, upon any Part of the Foot Crossings of any such Street, Square, Lane, Way, Passage or Place, or shall be set or placed athwart or across any Part of such Streets, Squares, Lanes, Ways, Passages, or Places, (although for the Purpose of loading or unloading the same) so as there shall not be sufficient Room left for another Carriage to pass, or if any Stage Coach, Post Chaise, or other Carriage let to hire, (except any Coaches standing for hire, and such Coaches or Chaises as shall be let as Jobs, or by the Day, or any stipulated Time) shall be suffered to stand in any of such Streets, Squares, Lanes, Ways, Passages, or public Places as aforesaid, for a longer Time than shall be necessary for taking up and setting down Passengers or Travellers, or for loading or unloading their Luggage, or if any Timber, Stone, or Thing whatsoever, be drawn in any of such Streets, Squares, Lanes, Ways, Passages or public Places without the same being placed on a Sledge or Carriage for that Purpose, or if any Timber of Twenty Feet long or upwards, shall be carried upon any Waggon, Cart, Sledge or other Carriage in or through the same without being attended by one or more Person or Persons, besides the Carter driving such Carriage, for the Purpose of guiding the End of such Timber and preventing the same from striking against any Person, House, Wall, or Building, or if any Timber, Iron, Lead, Bricks, Stones, Lime, Mortar, Hay, Straw, Wood, Faggots, Coals, Boards, Tubs, Casks, Goods, Wares, Merchandize, Materials or Things, Rubbish, Dust, Dirt, Dung, Filth, or other Nuisance or Annoyance whatsoever, shall be thrown, laid, placed, or left in any such Street, Square, Lane, Way, Passage, or public Place as aforesaid, (except building, taking down, adding to, altering or repairing any House, Tenement, or Building, or for any of the Purposes authorized or required to be done in virtue or in pursuance of this Act, in which Cases the same shall, if the Commissioners shall think proper and direct, be fenced and enclosed in the Manner herein-after expressed) and the same (except as last aforesaid) shall be suffered to remain for a greater Space of Time than shall be necessary for the housing or removing thereof, or if any Wood or Faggot Pile shall be made or erected within Twenty Feet of any such Houses or other Buildings, then and in every such Case the Owner or Driver of every such Waggon, Cart, Carr, Dray, Sledge, Coach, Chaise, or other Carriage as aforesaid, and the Owners of any such Timber, Wood, Faggots, Iron, Sticks, Stones, Hay, Wood, Goods, Materials and Things, Dirt or Rubbish as aforesaid, or the Person or Persons causing such Annoyance as aforesaid, shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings.

XL. And

XL. And be it further enacted, That no Necessary House or Privy now being, or which shall hereafter be, within the said Town, shall be emptied at any other Time than between the Hours of Twelve at Night and Seven in the Morning; and if any Person or Persons shall empty any such Necessary House or Privy at any other Time, then and in such Case every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings; and if any Person or Persons shall lay the Soil of any such Necessary House or Privy in any other Place than in such Place or Places as shall be appointed for that Purpose by the Commissioners, or shall wilfully or negligently spill any of the Soil of any such Necessary House or Privy in any of the Streets, Squares, Lanes, Ways, Passages, or public Places already made or built, or which shall hereafter be made or built, within the said Town, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Directions
touching
Necessary
Houses.

XLI. And be it further enacted, That if any Stones, Timber, Mortar, Rubbish, Materials, or other Things, shall be laid or placed in any Hole or Opening which shall be made in any of the Streets, Squares, Lanes, Ways, Passages, or public Places already made or built, or which shall hereafter be made or built, within the said Town of *Fermoy* as aforesaid, for any Purpose whatsoever, not prohibited by or contrary to the true Intent and Meaning of this Act, the Owner of such Houses, Materials, or other Things, or Person or Persons causing such Hole or Opening to be made, shall, at his, her, or their Expence, cause a Light to be affixed in or near the same respectively, for securing Passengers and Cattle from Accidents; every Night from Sun-setting to Sun-rising, during the Time such Stones, Materials, Hole, or Opening shall remain; and also if the Commissioners shall think proper and direct shall, at his, her, or their Expence, cause such Stones, Materials or other Things, Hole or Opening, or either (as the Case may be) to be fenced and inclosed, in such Manner as the Commissioners shall think proper, and continue the same so fenced and inclosed until the Stones, Materials or other Things, Hole or Opening (as the Case may be) shall be removed, and in Default thereof shall forfeit and pay any Sum not exceeding Twenty Shillings for every Day's Neglect; and the Commissioners, on such Default being made, are hereby empowered to cause such Lights to be put up, and to fence and inclose such Stones, Materials, and other Things, Hole or Opening, so found and inclosed, and charge such Owners, or other Person or Persons as aforesaid, with the Expences thereof respectively, and to recover such Expences on Refusal to pay the same to the Commissioners, and the Expences attending such Recovery, and to apply the same in the same Manner as other Expences are herein-before directed to be recovered and applied.

Lights to be
fixed for pre-
venting Acci-
dents, and
Materials
inclosed.

XLII. And be it further enacted, That if any Cellar Window or Windows shall be left open in the Evening, or in the Night, without the same being sufficiently lighted to prevent Accidents happening therefrom, the Occupier or Occupiers of such House or Cellar shall, for every such Offence, forfeit and pay any Sum not exceeding Five Shillings.

Cellar Win-
dows not to
be left open.

XLIII. And

Names of the
Streets to be
set up, and
Houses num-
bered.

XLIII. And be it further enacted, That the Commissioners shall and may, and they are hereby required to cause to be placed on some conspicuous Part of some House or Building at or near each End, Corner or Entrance of the several Streets, Squares, Lanes, Ways, Passages, and public Places already made or built, or which shall hereafter be made or built within the said Town, the Name of or by which every such Street, Square, Lane, Way, Passage or public Place is usually or shall be called or known; and also shall and may cause any House, Shop, Warehouse, or Building in the same Streets, Squares, Lanes, Ways, Passages, or public Places, to be marked and numbered in such Manner as they shall think proper for distinguishing the same; and if any Person shall wilfully or maliciously destroy, pull down, injure, obliterate, or deface any such Mark or Number, or the Names of the same Streets, Squares, Lanes, Ways, Passages, and public Places, or any of them, or any Part thereof, or cause or procure the same to be done, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings.

Penalty on
Persons ob-
structing
Workmen.

XLIV. And be it further enacted, That if any Person or Persons shall at any Time or Times obstruct, hinder, or molest, any of the Commissioners or any Surveyor or Surveyors, Watchmen, Beadles, Constables, or other Officer or Officers, Workmen, Person or Persons whomsoever, who is, are, or shall be employed by virtue of this Act in the Performance or Execution of their Duty, or of any other Matter and Thing to be done in virtue or in pursuance hereof, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Forty Shillings, over and above such Penalties as are inflicted on any of the said Offences by any other Law or Statute now in force.

Commissioners
may make
Sewers,
Drains, &c.

XLV. And be it further enacted, That the said Commissioners shall and may cause such and so many new Cess Pools, Sewers, Drains, Vaults, Gutters, and Watercourses, as they may think sufficient and necessary, to be dug and made in, along, or across any of the said Streets, Squares, Lanes, Ways, Passages, and public Places, and also any of the Cess Pools, Sewers, Drains, Gutters, and Vaults which now are or hereafter shall be made within the said Streets, Squares, Lanes, Ways, Passages, and public Places, to be enlarged, widened, raised, altered, removed, repaired, cleansed, or scoured, when and as often as to them the said Commissioners shall seem meet, and for any of the said Purposes shall and may from Time to Time cause to be dug, carted, and carried out of or brought into the said Streets, Squares, Lanes, Ways, Passages, and public Places, or any of them, such Gravel, Stones, Bricks, and other Materials as they shall judge necessary; and also shall and may cause such and so many Grates or Openings to be made therein for the conveying and carrying off the Filth, foul and other Water, from the Houses built or to be built in or adjoining such Streets, Squares, Lanes, Ways, Passages, or public Places into the said Cess Pools, Sewers, Drains, Gutters, and Vaults as the said Commissioners shall and may think necessary and expedient for that Purpose; and all Costs, Charges, and Expences in and about the making, enlarging, widening, repairing, cleansing, or scouring such Sewers, Drains, and Vaults, shall be borne and defrayed out of the Monies to be raised by virtue of this Act.

XLVI. And be it further enacted, That all private Drains which now are or which shall hereafter be made within any of the said Streets, Squares, Lanes, Ways, Passages, or public Places, within the said Town of *Fermoy*, and which do or shall issue into any of the public Sewers, Drains, or Vaults, shall be repaired and cleansed, under the Inspection and Direction of the Surveyor, or other proper Officer to the said Commissioners, at the Costs and Charges of the Owner or Owners, Occupier or Occupiers, of the Lands or Tenements to which the said private Drains do and shall respectively belong.

Private Drains
to be cleansed.

XLVII. And whereas it would be of great Accommodation to the Inhabitants of the said Town of *Fermoy* if a proper House and Office within the said Town were provided, where the Commissioners may from Time to Time meet for the Purpose of putting this Act into Execution, and for the Transaction of Business, and where the Books, Papers, and Writings belonging to the Commissioners may be always safely lodged and deposited, and the Inhabitants of the said Town, and other Persons interested, may from Time to Time resort, to inspect the same; and also if a proper House or Place were provided, where the principal or chief Constable or other Peace Officer to be appointed by the Commissioners, might reside or repair, and be ready to answer on all public Occasions; and also if proper Buildings were provided within the Town aforesaid where all Persons whom the Watchmen, Beadles, Constables, or other Officers appointed by the Commissioners, are hereby authorized and required to apprehend as aforesaid, might be safely kept and detained during and until such Time as the same Persons can or may be taken before some One of His Majesty's Justices of the Peace in and for the said County of *Cork*, in the Manner and for the Purposes herein-before mentioned, and where an Engine or Engines for extinguishing of Fire, and Things appertaining thereto might be safely kept, as herein-before mentioned, and for depositing and keeping any Water Carts for watering the said Streets, Squares, Lanes, Ways, Passages, and public Places, and for the depositing of the Materials, Tools, or Implements belonging to the said Commissioners or their Officers, and also One or more Piece or Pieces of Land lying within or near the said Town, where the Dirt, Dust, Rubbish, Ashes, Soil, and Filth, of the said Streets, Squares, Lanes, Ways, Passages, and public Places, to be cleansed by virtue of this Act, and the Soil from Necessary Houses, may, under or by the Order, Permission, and Direction of the Commissioners, to be removed, carried, and laid; be it therefore enacted, That it shall be lawful for the said Commissioners, by and out of the Monies to be raised in pursuance hereof, to purchase, hire, or contract for, or otherwise provide, a House or Houses, Room or Rooms, or a Piece or Pieces of Land or Ground, for the Purpose of building a House or Houses, Room or Rooms, or such other proper and convenient Place or Places, in such Situation in the said Town of *Fermoy*, for all or any of the several Purposes first mentioned, and also a Piece or Pieces of Land not exceeding One Acre, either within the said Town or out of the said Town, for the Purpose of depositing such Rubbish and Filth as last mentioned, as they shall think proper, such House or Houses, Room or Rooms, Place or Places, or Piece or Pieces of Land, to be holden either in Fee Simple at a Ground Rent, or without, or by Lease or Leases on a Life or Lives renewable at a Fine or Fines certain, or for Terms of Years

Power to provide Places for various Purposes.

[Loc. & Per.]

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certain,

certain, or Years determinable and renewable on a Life or Lives, and from Time to Time to surrender, give up, sell, exchange, or dispose of the same, either by public Auction, or private Contract, and to purchase, take, hire, or provide any other House or Houses, Room or Rooms, Place or Places, Piece or Pieces of Land of the same or the like Tenure, to be used, employed, and enjoyed, for the Purposes herein-before mentioned concerning the same respectively, as, and when, and as often as they shall think proper; and the Commissioners are hereby authorized and empowered to take a Conveyance, Grant, or Assignment of such House or Houses, Room or Rooms, Place or Places, Piece or Pieces of Land, to them the Commissioners and their Successors, for the Purposes aforesaid, and in like Manner to make a Conveyance thereof respectively, of such of them respectively as they may think proper, to sell, or dispose of as aforesaid, and such House or Houses, Room or Rooms, Place or Places, Piece or Pieces of Land, when so purchased or taken as aforesaid shall be vested in the Commissioners for the Time being and their Successors for the Purposes of this Act; and the Commissioners are hereby authorized to apply any Part of the Monies so to be raised in pursuance of this Act, not exceeding Five hundred Pounds, in the furnishing, repairing, altering, or adding to the House or Houses, Room or Rooms, Place or Places so to be purchased or taken, as aforesaid, or in building or erecting convenient or necessary Buildings on the Piece or Pieces of Land or Ground for any of the Purposes aforesaid, and shall also thereout pay and keep down all Ground or Quit reserved Rents due or payable in respect of such Premises, and all such Fines or Renewals of Leases, if any, and the Monies which shall arise from the Sale or Sales of such Freehold Premises, or any Part thereof, or for such Furniture and Buildings as aforesaid, shall be applied, as the other Monies to be raised and levied in pursuance of this Act are hereby directed to be applied, or such of them as the Commissioners shall think proper or convenient.

Persons deemed Owners having a greater Estate than 21 Years.

XLVIII. And be it further enacted, That in all Cases where any Alterations as herein mentioned shall be made to any House or Building wherein any Person or Persons shall have any greater Estate, Term, or Interest than for Twenty-one Years, such Person or Persons shall for the Purposes of this Act be deemed the Owner or Owners of such House or Building for the Purpose of such Alterations being made as aforesaid; any Thing herein contained, or any Law or Custom to the contrary notwithstanding.

Regulating Buildings.

XLIX. And be it further enacted, That no Head Builder, Master Carpenter, Mason, or Workman, shall, in rebuilding or new fronting any old Building, situate in or near any Street, Square, Lane, Way, Passage, or public Place within the said Town, bring the Foundation thereof forward beyond the old Foundation, or the antient Story Posts supporting the Fronts thereof, so as to obstruct or narrow such Street, Square, Lane, Way, Passage, or public Place, upon Pain of forfeiting for every such Offence any Sum not exceeding Five Pounds; and the Owner of such Buildings shall forfeit and pay any Sum not exceeding Forty Shillings for every Month such Obstruction or Encroachment shall remain, by the Foundation of such Building being brought forward as aforesaid, unless allowed by the Commissioners; and it shall and may be lawful to and for the said Commissioners to order the same to be taken down,

altered, or regulated, in such Manner as they shall think proper, at the Charges and Expences of the Owners thereof, to be recovered in such Manner as the Penalties or Forfeitures inflicted by this Act are hereby directed to be recovered on non-payment.

L. And be it further enacted, That all Notices hereby directed to be given to the Owners or Occupiers respecting any Matter or Thing to be done under or by virtue of this Act, shall express the Alterations or Matters required to be done by the Commissioners, and when such Matters and Things are to be so done at the Expence of the Owner or Owners, and when such Notice or Notices shall be given to the Occupier or Occupiers the same shall also require such Occupier or Occupiers to give immediate Notice thereof to the Owner or Owners, and if such Occupier or Occupiers shall neglect or refuse, on receiving such Notice or Notices, to give proper Intimation thereof within Ten Days to his, her, or their then Landlord or Landlords, or to his, her, or their known Agent or Agents, then such Occupier or Occupiers shall be subject to, and shall pay all and every the Penalties and Forfeitures to be incurred by such Owner or Owners by reason or means of the Non-observance or Non-performance of the Matters and Things required to be done by such Notice or Notices.

Tenants to
give Notice to
Landlords.

LI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to treat, contract, and agree with the Owners and Proprietors for the Purchase of any Buildings, Lands, Tenements, or Hereditaments, which they the said Commissioners shall judge necessary and proper to be purchased for the Purposes of this Act.

Commissioners
may purchase
Lands,
etc.

LII. And be it further enacted, That it shall and may be lawful to and for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, Tenants for Life, or in Fee Tail, general or special, or for Years determinable on any Life or Lives, and all Feoffees in Trust, Executors, Administrators, Guardians, Committees of Idiots and Lunatics, and Husbands, and all other Trustees whomsoever, for and on Behalf of any Infants, Females Covert, or other Cestuique Trusts, Idiots, Lunatics, or other Persons under any Disability of acting for themselves, and for all and every Person or Persons who are or shall be seised, possessed, or interested in any Lands, Tenements, or Hereditaments, to treat and agree with the said Commissioners for the absolute Sale thereof, or of any Part thereof, or for their Interest therein, and to convey the same to the said Commissioners for the Purposes aforesaid; and that all Contracts, Agreements, Sales, and Conveyances which shall be so made, shall be valid and effectual to all Intents and Purposes whatsoever, any Law, Usage, or other Matter or Thing to the contrary thereof in anywise notwithstanding; and that all such Tenants for Life, or in Fee Tail, general or special, or for Years determinable on any Life or Lives, Feoffees in Trust, Executors, Administrators, Guardians, Committees, Husbands, and Trustees, Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and other Persons are and shall be indemnified for what they do by virtue and in pursuance of this Act.

Corporations,
etc. empowered
to treat.

LIII. And be it further enacted, That if any Owner, Proprietor, Occupier of, or other Person or Persons interested in any Buildings, Lands, Tenements,

In case of Persons
refusing
to treat, or
not agreeing;

a Jury to settle
the Recompence.

nements, or Hereditaments, which the said Commissioners shall judge necessary or proper to be purchased, taken, or used, for the Purposes of this Act, or any such Body Politic, Corporate, or Collegiate, Corporations aggregate or sole, Tenants for Life, or in Fee-tail, general or special, or for Years determinable on any Life or Lives, Feoffees, Executors, Administrators, Guardians, Husbands, Committees, or other Trustees, upon Notice to him, her, or them given, or left in Writing, at the Dwelling House or Place of Abode of such Person or Persons, or of the Clerk, or Head Officer of any such Body Politic, Corporate, or Collegiate, or at the House of the Tenant in Possession of the Premises, signed by the Clerk to the said Commissioners, shall for the Space of Fourteen Days after such Notice given, or left as aforesaid, neglect or refuse to treat, or shall not agree in the Premises, or by reason of Absence, or otherwise, shall be prevented from treating, then and in every such Case, it shall and may be lawful to and for the said Commissioners, to cause it to be enquired into and ascertained, by and upon the Oaths of a Jury of Twelve indifferent Men, of the said County of *Cork* (which Oaths the said Commissioners, or any Two or more of them, are hereby empowered to administer,) what Damage will be sustained by, and what Recompence and Satisfaction shall be made to such Owner, Proprietor, Occupier, or other Person or Persons interested for or upon Account of the taking or using of such Buildings, Lands, Tenements, or Hereditaments, for the Purposes of this Act; and in order thereto, the said Commissioners, or any Three or more of them, are hereby empowered and required, from Time to Time, to summon and call before them, all and every Person who shall be thought necessary and proper, to be examined as a Witness or Witnesses, touching or concerning the Premises; and shall examine such Witness or Witnesses before the said Jury upon Oath, (which Oath the said Commissioners, or any Two or more of them, are hereby empowered and required to administer,) and they shall order and cause the said Jury, to view the Place in question, and use all other lawful Ways and Means, as well for their own as for the said Jury's Information in the Premises; and after the said Jury shall have so ascertained and settled such Damages and Recompence, they the said Commissioners shall thereupon order, adjudge, and determine, the Sum or Sums of Money so assessed by the said Jury to be paid to the Owners, Proprietors, or Occupiers, of the said Buildings, Lands, Tenements, or Hereditaments, or other Persons interested therein, according to the Verdict or Inquisition of the said Jury, which said Verdict, or Inquisition and Judgment, Order or Determination, so had and made, shall be final, binding, and conclusive, to all Intents and Purposes whatsoever, against all Parties and Persons claiming in Possession, Reversion, Remainder, or otherwise; and all and every such Owners, Proprietors, Occupiers, and other Persons anywise interested in such Buildings, Lands, Tenements, or Hereditaments, shall thereby be from thenceforth to all Intents and Purposes divested of all Right, Title, Claim, Remainder, Reversion, Interest, or Property of, into, or out of the same; and upon Payment of the Money so assessed to the respective Persons entitled thereto, or their Agents, or upon paying the same into the Bank of *Ireland*, in Manner by this Act directed, it shall and may be lawful to and for the said Commissioners to cause the Premises in respect whereof such Money shall be assessed to be disposed of, and such Acts to be done thereto as if the Purchase thereof had been agreed upon and completed, and the said respective Premises were untenanted, and the Purchase

or

or Consideration Money had been received by the Person or Persons entitled thereto; and for summoning and returning such Jury the said Commissioners are hereby empowered to issue out their Warrant or Warrants, signed by any Five or more of them, to the Sheriff of the said County of *Cork*, thereby commanding and requiring such Sheriff to impanel, summon, and return an indifferent Jury of Twelve Persons being Freeholders of the County of *Cork*, qualified according to Law to be returned for Trials of Issues in His Majesty's Courts at *Dublin* to appear before the said Commissioners at such Time and Place as in such Warrant shall be appointed; and such Sheriff, or his Deputy, is hereby required thereupon to impanel, summon, and return such Twelve Persons accordingly, and in Default of a sufficient Number of Jurymen, the said Sheriff, or his Deputy shall return other honest and indifferent Men of the Standers-by, or that can be speedily procured, or summoned to attend that Service, to the Number of Twelve: Provided always, that every such Jury and Jurymen shall be subject and liable to the same Regulations and the same Pains and Penalties for Default, as if they and he had been returned for the Trial of any Issue joined in any of His Majesty's Courts at *Dublin*, and all Persons concerned shall have their lawful Challenges against any of the said Jurymen, but shall not challenge the Array: And the said Trustees are hereby empowered to impose any reasonable Fine or Fines on such Sheriff or his Deputy, who shall make Default in the Premises, and also on any of the Persons who shall be summoned and returned to serve on such Jury, and shall not appear, or after having appeared shall refuse to be sworn on the said Jury, or having been sworn shall refuse to give, or shall not give his or their Verdict on the Matter in question, or shall in any other Manner wilfully neglect his or their Duty therein; and on any of the Persons who being summoned or required to give Evidence before the said Jury touching the Premises, shall neglect or refuse to appear, or refuse to be sworn, or be examined, or give Evidence touching the same; but no such Fine shall exceed the Sum of Ten Pounds upon any One Person for One Offence.

Juries may be challenged.

Sheriffs, &c. may be fined for Neglect of Duty.

LIV. And be it further enacted, That in case any such Jury shall give in, or deliver a Verdict or Assessment for more Money than shall by or on Behalf of the said Commissioners have been offered before the summoning and returning such Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Damage as aforesaid, then and in every such Case, the Costs and Charges of summoning and returning the Jury and Witnesses, shall be borne and paid by the said Commissioners, out of the Money arising by virtue of this Act; but if any such Jury shall give and deliver a Verdict or Assessment for no more, or less Money, than shall by or on Behalf of the said Commissioners have been offered, before the summoning and returning such Jury, as a Recompence or Satisfaction for any such Right, Interest, or Property, or Damage as aforesaid, then and in every such Case, the Costs and Charges of summoning and returning the said Jury and Witnesses, shall be borne and paid by the Person or Persons with whom the said Trustees shall have such Controversy or Dispute; which said Costs and Expences shall be ascertained and settled by some Justice of the Peace not interested in the Matter in question, and within whose Jurisdiction such Controversy or Dispute shall arise, (who is hereby autho-

By whom the Expences of the Jury to be paid.

[Loc. & Per.]

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rized

Trustees to
pay Expences,
where Persons,
from Absence,
are prevented
from treating.

rized and required, to examine into and settle the same), and 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 and Tender of the Remainder of such Monies shall be deemed and taken, to all Intents and Purposes whatsoever, 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 on Demand, after being so ascertained and settled as aforesaid, may be recovered by the Clerk to the said Commissioners, by such Ways and Means as are herein provided for the Recovery of Penalties and Forfeitures incurred by this Act: Provided always, that in all Cases where any Person or Persons shall, by reason of Absence, have been prevented from treating with the said Commissioners, such Costs and Expences shall be borne and paid by the said Commissioners, in Manner aforesaid.

Houses, etc.
not to be in-
jured.

LV. Provided always, and be it enacted, That nothing herein contained shall extend, or be construed to extend, to enable the said Trustees to take, use, injure, or damage any Dwelling House, or other Building, or any Garden, Orchard, Yard, Park, Paddock, planted Walk, or Avenue to a House, without the Consent of the Owner or Owners, Proprietor or Proprietors thereof.

Stone not to
be taken from
Quarries in
any Orchard.

LVI. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend, so as to enable the said Commissioners to take any Stone or other Materials from any Quarry or Quarries situate within any Orchard, Yard, Park, Demesne inclosed with a Wall, or any planted Walk or Avenue to a House, without the Consent in Writing of the Owners or Proprietors thereof.

Application of
Compensation
where equal
to 200l.

LVII. And be it further enacted, That if any Money shall be paid or agreed or awarded to be paid for the Purchase of any Lands, Tenements, or Hereditaments purchased, taken, or used, by virtue of the Powers of this Act, for the Purposes thereof, which shall belong to any Body Politic, Corporate, or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee or other Trustee, for or on Behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person whose Lands, Tenements, or Hereditaments, are limited in strict or other Settlement, or to any Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to 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 in *Ireland*, to be placed to his Account there *ex parte* the Commissioners for executing this Act, 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 by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, in the Purchase or Redemption of the Land Tax, or 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 Lands, Tenements, or Hereditaments, or affecting other Lands, Tenements, or Hereditaments, standing settled therewith, to the same or the like Uses,

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 Lands, Tenements, or Hereditaments, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner as the Lands, Tenements, or Hereditaments, 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 mean Time, and until such Purchase shall be made, the said Money shall, by Order of the said Court, upon Application thereto, be invested by the said Accountant-General, in his Name, in Government Securities; and in the mean Time, and until the said Government Securities shall be ordered by the said Court to be sold, for the Purposes aforesaid, the Dividends and annual Produce of such Government Securities 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 Lands, Tenements, and Hereditaments, so directed to be purchased by virtue of this Act, in case such Purchase or Settlement were made.

LVIII. Provided always, and be it enacted, That if any Money so agreed or awarded to be paid for any Lands, Tenements, or Hereditaments, purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed or be equal to 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 Lands, Tenements, or Hereditaments so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, 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 High Court of Chancery in *Ireland*, and be placed to his Account as aforesaid, in order to be applied in Manner herein-before directed, or otherwise the same shall be paid at the like Option to Two Trustees, to be nominated by the Person or Persons making such Option, and approved of by Three or more of the said Commissioners for executing 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 any 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.

Application
of Compensation
if less
than 200 l.
and exceeding
20 l.

LIX. Provided also, and be it enacted, That where such Money so agreed or awarded to be paid as next 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 Lands, Tenements, or Hereditaments, so purchased, taken, or used, for the Purposes

Application
of Compensation
if less
than 20 l.

poses of this Act, in such Manner as the said Commissioners shall think fit; or in case of Infancy, Idiotcy, or Lunacy, then such Money shall be paid 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 Titles,

or if Persons cannot be found, Purchase Money to be paid into the Bank.

Subject to the Order of the Court of Chancery on Motion or Petition.

LX. And be it further enacted, That in case the Person or Persons to whom any Sum or Sums of Money shall be awarded for the Purchase of any Lands, Tenements, or Hereditaments, to be purchased by virtue of this Act, shall refuse to accept the same, or shall not be able to make a good Title to the Premises, to the Satisfaction of the said Commissioners; or in case such Person or Persons, to whom such Sum or Sums of Money shall be so awarded as aforesaid, cannot be found, or if any Person or Persons entitled to such Lands, Tenements, or Hereditaments, be not known or discovered, then and in every such Case it shall and may be lawful to and for the said Commissioners, or any Five or more of them, to order the said Sum or Sums of Money so awarded as aforesaid, 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 *Ireland*, to be placed to his Account, to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (describing them), subject to the Order, Controul, and Disposition of the said Court of Chancery; which said Court of Chancery, on 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 same 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, Title, 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; and the Cashier or Cashiers of the Bank of *Ireland*, who shall receive such Sum or Sums of Money, is and are hereby required to give a Receipt or Receipts for such Sum or Sums of Money, mentioning and specifying for what and for whose Use the same is or are received, to such Person or Persons as shall pay any such Sum or Sums of Money into the Bank as aforesaid.

Where any Question shall arise touching the Title to Money to be paid, the Person who shall be in Possession of the Lands, &c. at the Time of such Purchase, shall be deemed entitled thereto, according to such Possession only, &c.

LXI. Provided always, and be it enacted, That where any Question shall arise touching the Title of any Person to any Money 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 *Ireland*, in pursuance of this Act, for the Purchase of any Lands, Tenements, or Hereditaments, or of any Estate, Right, or Interest, in any Lands, Tenements, or Hereditaments, to be purchased in pursuance of this Act, or to any Government Securities to be purchased with any such Money, or the Dividends or Interest of any such Government Securities, the Person or Persons who shall have been in Possession of such Lands, Tenements, or Hereditaments, 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 Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery, and the Dividends and Interest of the

the Government Securities to be purchased with such Money, and also the Capital of such Government Securities shall be paid, applied, and disposed 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 Lands, Tenements, or Hereditaments, or to some Estate or Interest therein.

LXII. Provided also, and be it enacted, That when by reason of any Disability or Incapacity of the Person or Persons, or Corporation entitled to any Lands, Tenements, or Hereditaments, to be purchased under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Court of Chancery in *Ireland*, and to be applied in the Purchase of other Lands, Tenements, or Hereditaments, to be settled to the like Uses in pursuance of this Act, it shall and may be lawful to and for the said Court of Chancery 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 to be paid by the said Commissioners out of the Monies to be received by virtue of this Act, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Chancery may order reasonable Expences of Purchases to be paid by the Trustees.

LXIII. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Executors, or Administrators, Husbands, Guardians, Committees for Lunatics and Idiots, and other Trustees whomsoever, not only for or on Behalf of themselves, their Heirs, and Successors, but also for or on Behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, or Femmes Covert, and to and for all Femmes Covert, who are or shall be seized in their own Right, and to and for all and every Person or Persons whomsoever, who are or shall be seized or possessed of, or interested in such Houses, Buildings, Lands, Tenements, or Hereditaments, or any Part thereof, to be purchased for the Purposes aforesaid, or for any other of the Purposes of this Act, to treat, contract, and agree with the said Commissioners for the Sale thereof, or of any Part thereof, and to sell and convey all or any Part thereof, and all their, his, or her Estate, Right, Title and Interest whatsoever, of, in, and to the same, to the said Commissioners, or to such Persons and their Heirs for ever, as the said Commissioners shall direct in Trust for them the said Commissioners, for any of the Purposes of this Act, and that all Contracts, Agreements, 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 and 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 and Persons conveying, but also to convey all Right, Estate, Interest, Use, Trust, Property, Claim, and Demand whatsoever, of their said several and respective Cestuique Trusts, and all claiming or to claim by, from, or under them, any Law, Statute, Usage, or any other Matter or Thing whatsoever, to the contrary thereof in anywise notwithstanding. and all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, and all other Persons are

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Incapacitated Persons may sell to Commissioners.

and shall be hereby indemnified for what they shall do, by virtue and in pursuance of this Act.

Appointment
of Applotters.

LXIV. And be it further enacted, That the said Commissioners shall yearly and every Year, direct and appoint the Sum to be raised and levied within the Year, on the Inhabitants of the said Town of *Fermoy*, for the Purpose of defraying the Expences of soliciting, procuring, and passing this Act, as herein-after provided, and also of paving, cleansing, lighting, watching, watering, and improving the said Town, and the said Commissioners shall, and they are hereby required yearly, to nominate and appoint Five of the Inhabitants of the said Town, not being Commissioners acting in the Execution of this Act, to be Applotters, and such Applotters, when so nominated and appointed, or any Three or more of them, shall and may, and they are hereby required to value and estimate the Yearly Value of the several Houses, Warehouses, Shops, Cellars, Vaults, Stables, Coach-houses, Brewhouses, Mills, Granaries, Malthouses, which are already made or built, or which shall hereafter be made or built, within the said Town, and also of the several Gardens, Yards, or Lands thereto respectively belonging or adjoining, and also of all Gardens, Orchards, Paddocks, Closes, Tenements, and Hereditaments, adjoining to or upon any of the Streets, Squares, Lanes, Ways, Passages, or Public Places, which are already made or built, or which shall hereafter be made or built within the said Town, and which shall be paved, lighted, watched, watered, and cleansed, by virtue or in pursuance of this Act, and to applot the Money to be raised, and paid for the several Purposes aforesaid, by a proportionable Poundage according to the Real and actual Value at which such Houses, Warehouses, Shops, and other Premises, or such Gardens, Orchards, Tenements, and other Hereditaments as aforesaid, shall be valued, specifying in such Applotment the Names of the different Persons inhabiting or possessing the same subject and liable to pay the same, and each of the said Applotters shall previous to his acting as an Applotter, take and subscribe an Oath, (or solemn Affirmation if of the People called *Quakers*) before the said Commissioners or any Five or more of them, in the Words or to the Effect following; that is to say,

Oath to be
taken by each
Applotter.

‘ I *A. B.* do swear, [*or do solemnly declare and affirm,*] that I will, according to the best of my Skill, Abilities, and Knowledge, faithfully and impartially without Favour or Affection, Malice, or Ill-will, to any Person or Persons whomsoever, applot the Sums to be applotted by virtue of an Act passed in the Forty-eighth Year of the Reign of King *George the Third*, intituled, *An Act*, [*here set forth the Title of this Act.*]

And if any Applotter so nominated and appointed in pursuance of this Act shall neglect, omit, or refuse to take the Oath, or make Affirmation as aforesaid, or shall happen to die before the said Applotters, or any Three or more of them, shall have made the aforesaid Applotments, such Neglect, Refusal, Omission, or Death, shall not invalidate the Applotments made or to be made by the others of the said Applotters, or any Three or more of them, but the same shall be good, valid, and effectual, and the said Applotments in Ten Days after the same shall be so made, shall be returned to the said Commissioners, or the proper Officers appointed by them to receive the same, in Writing, signed by
the

the Applotters thereof, or any Three or more of them; and in case any Person who shall be appointed an Applotter, in pursuance of this Act, shall neglect, omit, or refuse to take upon him the said Office or Undertaking, and shall neglect, omit, or refuse to act in the Execution thereof, or of any Part thereof, or shall neglect, omit, or refuse to return the Applotments to be made by him or them as aforesaid, in such Manner and within such Time as is herein-before directed; or shall neglect or omit for the Space of Ten Days after being served with a Summons, in Writing, signed by any Five or more of the said Commissioners, to appear before the said Commissioners, or any Five or more of them, and to take the Oath or make Affirmation as hereby required, or shall neglect or refuse for Fourteen Days after the Majority of the Applotters appointed in pursuance of this Act, shall have taken the said Oath or made Affirmation, to make the aforesaid Applotments in pursuance of this Act, without shewing some reasonable Cause or Causes to the Satisfaction of the said Commissioners for such Neglect or Refusal as aforesaid, then and in every such Case each and every one of the said Applotters so offending shall forfeit and pay any Sum not exceeding Ten Pounds, and such Penalty or Forfeiture shall and may be recovered by such Ways and Means as any Penalty or Forfeiture can or may be levied and recovered by virtue of this Act; and the same, when so levied and recovered, shall be applied to the Purposes of this Act.

LXV. Provided always, That if any Person or Persons so nominated and appointed an Applotter or Applotters shall die, refuse, or neglect to act, or become incapable of acting in the Execution of this Act, then and in every such Case it shall and may be lawful to and for the said Commissioners, in case they should think it right and proper, to nominate and appoint any other Inhabitant or Inhabitants of the said Town in his or their Room or Stead.

Power of appointing new Applotters in case of Deaths etc.

LXVI. Provided also, and be it enacted, That no Person so nominated an Applotter, and who shall have served such Office, or shall have paid such Penalty as aforesaid for not serving the same, shall be again compelled to serve the said Office in less than Three Years after the End of such Service or Payment of such Penalty.

Persons having served not to be compelled to serve again.

LXVII. And be it further enacted, That the said Commissioners shall, and they are hereby required, after the annual Value of the several Houses, Outhouses, and other Premises and Gardens, Orchards and other Lands, Tenements, and Hereditaments as aforesaid, situate and being within the said Town, shall have been ascertained in Manner aforesaid, to rate, assess, and charge, all such Houses, Outhouses, and other Premises and Gardens, Orchards and other Lands, Tenements and Hereditaments as aforesaid, situate and being within the said Town, with an Account, Rate, or Assessment, not exceeding the Sum of Two Shillings and Sixpence in the Pound, according to the annual Value thereof.

Rates to be levied.

LXVIII. And be it further enacted, That the said Commissioners shall, and they are hereby required, to cause a public Notice to be affixed on the Sessions House and Church Doors in the said Town, signed by the Clerk of the said Commissioners, Seven Days at the least before any Rate or Assessment

Rates may be amended.

Assessment shall be confirmed by the said Commissioners, and the said Commissioners shall, and they are hereby required to hear any Person or Persons on his, her, or their Behalf, who shall object to any such Rate or Assessment; and it shall and may be lawful to and for the said Commissioners, and they have hereby full Power and Authority, to amend any such Rate or Assessment, in case it shall appear that any Person or Persons shall have been rated or assessed too much or too little, and also to insert or strike out the Name or Names of any Person or Persons who ought or ought not to have been rated or assessed; and all such Rates or Assessments shall be entered in a Book or Books to be provided for that Purpose, in which Book or Books there shall be separate Columns, one Column for the Arrears standing out the preceding Year, one other Column for the Names of the several Persons to be charged in the said Rates or Assessments, one other Column to contain the whole Sum charged and assessed upon such Persons respectively, and one Column for the Arrears standing out and unpaid at the End of the Year, in order to be carried on to the next succeeding Year.

When Rates
are to com-
mence, and
when to be
paid.

LXIX. And be it further enacted, That the First of the Rates and Assessments hereby authorized to be made shall commence on the Fifth Day *July* One thousand eight hundred and eight, and shall be made for One-half Year only, and thereafter the said Rates and Assessments shall be made for Twelve Calendar Months commencing on the Fifth Day of *July* in each and every Year, and the Money so rated and assessed shall from Time to Time be paid by Two equal half-yearly Payments, that is to say, on the Fifth Day of *January* and the Fifth Day of *July*, or as soon after as the said Commissioners shall direct and appoint, to such Person or Persons as the said Commissioners shall nominate or appoint to be Collector or Collectors of the same.

Limitation as
to Value of
Property to
be assessed.

LXX. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to enable the said Commissioners to rate or assess any Person or Persons, by virtue of this Act, for or in respect of any Houses, Outhouses, or other Premises or Gardens, Orchards or other Lands, Tenements, or Hereditaments whatsoever, the annual Value whereof shall be less than the Sum of Four Pounds.

Land not
built on not
to be rated.

LXXI. Provided also, That nothing herein contained shall extend or be construed to extend to enable the said Commissioners to rate or assess any Person or Persons for or in respect of any Field, Park, Meadow, or Holding, used for Grazing or Tillage, except as herein-after excepted.

Rates to be
collected.

LXXII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and required, to cause such Rates or Assessments to be collected and received on such respective half-yearly Days, or as soon after as conveniently may be, of the Person or Persons respectively on whom the same shall be respectively vested, charged, or assessed, and issue their Order to the Collector or Collectors appointed by them for that Purpose for the Time being, requiring them, jointly or severally, to collect and receive the same; and such Collector or Collectors is and are hereby ordered and required to collect and receive the respective Sums of

Money expressed and contained in such Rates or Assessments accordingly, within Two Calendar Months from the Date thereof, Duplicates of which Assessments, under the Hands of the said Commissioners, shall be delivered, together with the said Order, to each of the said Collectors; and such Collector or Collectors to whom any Order or Orders from the said Commissioners shall from Time to Time be directed, shall obey and execute the same in all Respects whatsoever; and the said several Collectors shall, and he and they is and are hereby required to pay the Money so collected and received by virtue of this Act, when and so often as he or they shall have collected the Sum of Ten Pounds, to the Clerk or Treasurer acting under the said Commissioners, or to such Person or Persons as they shall appoint to receive the same, to be applied to the Uses and for the Purposes of this Act; and such Collector or Collectors shall, and he and they is and are hereby required, at the Time of making every such Payment, to deliver to the Person or Persons empowered to receive the same, a true and exact Copy of the Rate or Assessment whereby the same was collected, together with an Account thereof, and also of all and every Sum and Sums of Money rated or assessed in such Rates or Assessments as shall remain uncollected, together with the Reasons why the same shall not have been collected, in order that it may appear whether the Nonpayment hath happened through the Insolvency of the Parties rated, or through the Default of the Collector or Collectors.

LXXIII. And be it further enacted, That if the Tenant or Occupier of any Messuage, House, Shop, Cellar, Vault, Stable, Coach-house, Brewhouse, Mill, Granary, Malthouse, Building, Garden, Land, Tenement, or Hereditament, upon or in respect of which any Rate or Assessment shall be charged or imposed by virtue of this Act, shall at any Time neglect or refuse to pay the Rates or Sums of Money which shall be so rated or assessed as aforesaid, for the Space of Ten Days after the same shall be due, and Demand made thereof, by Notice in Writing, under the Hand or Hands of the Collector or Collectors of the said Rates, to be delivered to such Tenant or Occupier, or left at his or her Dwelling House, or last or usual Place of Abode, or at the Tenement occupied, then, upon Proof thereof upon Oath, (or Affirmation, being a Quaker), before any Justice of the Peace for the said County of Cork, the same shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of every such Tenant or Occupier, by Warrant under the Hand and Seal of any such Justice, rendering the Overplus, (if any), after deducting the Sum or Sums due in respect of such Rates or Assessments, and all Costs and Charges attending the Recovery thereof, to the Owners of such Goods and Chattels upon Demand.

Tenants to
pay the Rates.

LXXIV. And be it further enacted, That in all Cases where any Person shall remove from or quit any Messuage, House, Warehouse, Shop, Cellar, Vault, Stable, Coach-house, Brewhouse, Granary, Malthouse, Building, Garden, Land, Tenement, or Hereditament, which shall be rated or assessed by virtue of this Act, such Person shall be liable to pay such Rates or Assessments, in Proportion to the Time that he or she occupied the same, in like Manner as if such Person or Persons had not removed or quitted the same; and in all Cases where any Person or Persons shall come into or occupy any such Messuage, House, Warehouse, Shop, Cellar, Vault, Stable,

How Rates to
be paid by
Tenants quit-
ting or enter-
ing.

[Loc. & Per.]

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Coach-

Coach-house, Brew-house, Granary, Malthouse, Building, Garden, Land, Tenement, or Hereditament, as aforesaid, out of or from which any other Person who shall have been rated or assessed for the same shall be removed, or which, at the Time of making any such Rate or Assessment, was or were empty or unoccupied, the same shall, for and in respect of his, her, or their Occupation thereof, be liable to any such Rate or Assessment, in Proportion to the Time he, she, or they, shall occupy the same, in the same Manner as if he, she, or they, had been originally rated or assessed for such Messuage, House, Warehouse, Shop, Cellar, Vault, Stable, Coach-house, Brewhouse, Granary, Malthouse, Building, Garden, Land, Tenement, or Hereditament.

If more than One Tenant or Occupier any One liable to pay the Rates.

LXXV. And be it further enacted, That when any Messuage, House, Warehouse, Shop, Cellar, Vault, Stable, Coach-house, Brewhouse, Granary, Malthouse, Building, Garden, Land, Tenement or Hereditament, which shall be rated or assessed by virtue of this Act, shall be let or demised to more than One Tenant or Occupier, any One or more of such Tenants or Occupiers shall be deemed the Occupier or Occupiers thereof, for the Purposes of this Act; but no such Tenant or Occupier shall be subject or liable to pay any greater Sum for or on account of any Rate or Assessment or Arrears thereof, than the Amount of the Rent due and payable by such Tenant or Occupier to the Landlord or Landlords, Owner or Owners of the Premises occupied by him, her, or them; and where any House or Houses shall be let ready-furnished or in Lodgings, the Person or Persons immediately so letting the same, shall be deemed the Occupier or Occupiers, for the Purposes of this Act; and the said Rates or Assessments shall be levied by Distress and Sale in Manner last herein-before mentioned, of all or any of the Goods and Chattels in such Messuage, House, Warehouse, Shop, Cellar, Vault, Stable, Coach-house, Brewhouse, Granary, Malthouse, Building, Garden, Land, Tenement, or Hereditament, or of all or any of the Goods or Chattels, hereby made liable to pay such Rates or Assessments.

Empty Houses exempted.

LXXVI. Provided also, and be it further enacted, That no Messuage, House, Warehouse, Building, Garden, Tenement, or Hereditament, hereby made liable to be rated or assessed, shall be charged or chargeable with any Rate or Assessment as aforesaid, during the Time the same shall be empty or unoccupied, in case the same shall be empty and unoccupied for the Space of One Year preceding the making of such Rate or Assessment.

Commissioners empowered to borrow Money on the Credit of the Rates.

LXXVII. And for the more effectually enabling the Commissioners to execute the Purposes of this Act in the most expeditious Manner, be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby empowered from Time to Time when they shall judge it necessary, to borrow and take up at Interest any Sum or Sums of Money not exceeding the Sum of Five thousand Pounds in the Whole upon the Credit of the Rates or Assessments to be made by virtue of this Act, for the Purposes aforesaid, and by any Writing or Writings upon Vellum or Parchment, signed by the said Commissioners or any Five or more of them to assign the said Rates or Assessments, or a competent Part thereof, to such Person or Persons as shall advance and lend such Money thereupon as a Security or Securities for the several Sums so borrowed, with lawful Interest

terest for the same, which Interest shall be payable and paid Half Yearly by the Treasurer for the Time being to the Commissioners out of the Monies to arise or to be levied by or from the said Rates or Assessments, and all and every Sum and Sums of Money so to be advanced, and the Interest thereof, shall be and are hereby charged upon and shall be paid and payable from Time to Time, free from all Charges, Taxes, and Deductions out of the Money arising from the said Rates or Assessments hereby authorized or directed to be made and levied as aforesaid, and of all Charges, Taxes, and Deductions whatsoever, of the same Principal Money, or the Interest thereof; and all Persons who shall be possessed of the said Securities shall be Creditors on the said Rates or Assessments in equal Degree, without Preference in respect to the Time of his, her, or their advancing Money thereon, or otherwise howsoever; and every such Grant, Assignment, or Security shall be in the Form or to the Effect following; (that is to say),

BY virtue of an Act of Parliament made in the Forty-eighth Year of the Reign of King George the Third, intituled, [*here set forth the Title of this Act*] We

Form of
Security.

Five of the Commissioners appointed by virtue of the said Act, in Consideration of the Sum of advanced and paid by to

the Treasurer appointed in pursuance of the said Act, upon the Credit and for the Purposes of the said Act, do grant and assign unto the said

his Executors, Administrators, and Assigns, such Proportion of the Rates or Assessments arising by virtue of the said Act, as the said Sum of doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the said Act, to be had and holden from this until the said Sum of with Interest at

per Centum per Annum for the same, to be paid Half Yearly, shall be repaid and satisfied. In Witness whereof, We have hereunto set our Hands and Seals, this Day of

And every such Grant or Mortgage shall be good, valid, and effectual in the Law.

LXXVIII. Provided nevertheless, and be it further enacted, That before any such Money shall be so borrowed at Interest as herein-before mentioned, Fourteen Days Notice, signifying the Intention of borrowing such Money at Interest as aforesaid, shall be given and published in the Manner herein-before mentioned; and that the Sums to be borrowed and raised on the Credit of such Rates or Assessments at any Time within the first Three Years from and after the passing of this Act, shall not exceed in the Whole the Sum of Two thousand five hundred Pounds; nor shall the total Sum to be borrowed and raised on the Credit of the said Rates or Assessments, at any Time exceed in the Whole the Sum of Five thousand Pounds.

Notice to be
given before
Money bor-
rowed.

LXXIX. And be it further enacted, That it shall be lawful for any Person or Persons entitled to any of the Securities aforesaid, and his, her, or their Executors, Administrators, or Assigns, at any Time or Times by Writing

**Form of
Assignment
or Transfer.**

**Mortgages
may be re-
deemed by
Commission-
ers.**

How Interest of Mortgages may be removed.

LXXXI. And be it further enacted, That in case the Interest for the said Mortgages, or any Part thereof, shall be behind and unpaid by the Space of Thirty-one Days after the same shall have become due and payable as aforesaid, and shall have been demanded of the Treasurer for the Time being, or if there be no Treasurer, of any Three or more of the Commissioners, then it shall and may be lawful for the Commissioners, and they are hereby required on Application to them made by any Creditor or Creditors whose Interest shall be so in Arrear, by an Order under their Hands

Hands and Seals, to appoint One or more Person or Persons to receive the Whole or any Part or Parts of the said Rates or Assessments, and that the Money so to be received by such Person or Persons shall be so received to and for the Use and Benefit of the Person or Persons to whom such Interest in Arrear shall be due, and shall be paid to him or them accordingly; and when the Interest so in Arrear, as well as the Interest which shall incur and grow due whilst the Person or Persons so to be appointed as aforesaid shall be in the Receipt of such Rates or Assessments, together with the Costs and Charges of recovering, receiving, and paying over the same in Manner aforesaid, shall be fully paid and satisfied; the Power and Authority of such Receiver or Receivers for the Purposes aforesaid shall cease and be at an End, or otherwise if such Creditor shall think proper, such Interest so due and in Arrear as aforesaid, shall and may be sued for, and recovered by him, her, or them, with Costs of Suit, by Action of Debt or on the Case, in any of His Majesty's Courts of Record in *Dublin*.

LXXXII. And be it further enacted, That the Clerk for the Time being to the Commissioners shall enter in a Book, to be provided and kept for that Purpose, Copies of all Securities for Money borrowed on Mortgage, by and in pursuance of this Act, and Extracts or Memorials of all Assignments or Transfers thereof, the Names, Surnames, Additions, Places of Abode, and other Descriptions, of all such Persons as shall from Time to Time be entitled to such Securities by Mortgage, being expressed in Words at Length, and also an Account of all such Stocks or Securities which shall be purchased by, or by the Order, of the Commissioners, and in whose Names the same shall have been so purchased, and of every Transfer, Alteration, Sale, or other Disposition thereof; to which Book and Books the Person or Persons interested shall at all seasonable Times have access to inspect the same, without Fee or Reward; and for the Entry of every such Transfer of the Grant or Assignment of the said Rates or Assessments, the said Clerk shall be paid by the Person to whom such Transfer shall be made the Sum of Two Shillings and Sixpence, and no more; and after every such Entry made of any such Transfer, every such Transfer so entered shall entitle the Person to whom the same shall be made, and his, her, or their Executors, Administrators, or Assigns, to the Benefit of the Security thereby transferred.

Clerk to enter all Securities for Money borrowed.

LXXXIII. And be it further enacted, That the Monies to be received by virtue of this Act shall from Time to Time be applied and disposed of for the several Purposes of this Act; and to or for no other Purpose whatsoever; and the Treasurer for the Time being to the said Commissioners shall, and he is hereby authorized and required, to pay and apply all such Monies as he or they shall respectively receive by virtue hereof, to such Person or Persons, and in such Manner, and at such Time and Times as the Commissioners shall from Time to Time, by any Order or Orders under their Hands, direct and appoint, and the said Commissioners are hereby empowered to make such Order or Orders accordingly.

Application of Monies.

LXXXIV. And be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby directed, to cause any Works, Matters, or Things, to be done in pursuance of any Contracts to be entered into

Commissioners may sue for Breaches of Contract.

[*Loc. & Per.*]

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as herein-before is mentioned, to be constructed by their Surveyor or Surveyors, or by such other Persons as they shall from Time to Time appoint; and in case the same shall not be well and sufficiently performed, according to the true Intent and meaning of such Contract or Contracts, or shall not be finished or completed at or within the Time or Times to be by such Contract or Contracts limited for completing the same, the said Commissioners shall and may bring an Action or Suit in any of His Majesty's Courts of Record in *Dublin*, against any Person or Persons so contracting, and neglecting to perform and complete such Contract or Contracts accordingly, for any Penalty or Damage which shall be contained or expressed in such Contract or Contracts, or suffered or sustained on account of the Non-performance thereof; and upon proving the Signing of such Contract or Contracts, and that such Works, Matters, or Things, have not been so performed, finished, or completed as aforesaid, the Plaintiff shall be entitled to and shall recover such Penalty or Damage, with full Costs of Suit.

Penalties, &c.
how to be
recovered and
applied.

LXXXV. And be it further enacted, That all Fines, Penalties, and Forfeitures by this Act imposed or inflicted, or authorized to be imposed or inflicted (the Manner of levying and recovering whereof is not hereby otherwise particularly directed) shall upon Proof of the Offences respectively before any one Justice of the Peace for the said County of *Cork*, either by Confession of the Party or Parties, or by the Oath of one credible Witness (which Oath any such Justice is hereby empowered and required to administer without any other Fee or Reward than One Shilling) be levied and recovered by Distress and Sale of the Goods and Chattels of the Party or Parties offending by Warrant or Warrants under the Hand and Seal of such Justice of the Peace, (which Warrant or Warrants any such Justice is hereby empowered to grant), and the Overplus after such Fines, Penalties, and Forfeitures, and the Charges of such Distress and of keeping and selling the same, are recovered and deducted, shall be returned upon Demand to the Owner or Owners of such Goods and Chattels, and the Fines, Penalties, and Forfeitures, when so levied and recovered, shall from Time to Time be paid to the said Commissioners or to their Treasurer or Treasurers, and shall be applied, (if not otherwise particularly directed by this Act,) for and towards the Purposes of this Act, and in case sufficient Distress cannot be found, and such Fines, Penalties, and Forfeitures shall not be forthwith paid, it shall and may be lawful for any Justice and he is hereby authorized and required by Warrant or Warrants under his Hand and Seal to cause such Offender or Offenders to be committed to the House of Correction or Common Gaol for the said County of *Cork*, there to remain without Bail or Mainprize for such Time as such Justice shall direct not exceeding Six Calendar Months, unless such Fines, Penalties, and Forfeitures, and all reasonable Charges attending the same shall be sooner paid and satisfied.

Proceedings
to be within
Six Months.

LXXXVI. And be it further enacted, That no Person or Persons shall be subject or liable to the Payment of any of the Penalties or Forfeitures inflicted by virtue of this Act for any Offence or Offences against this Act, unless some Proceeding or Notice of some Proceeding shall be had or given according to the Direction of this Act respecting such Offence
or

or Offences within Six Calendar Months next after such Offence committed.

LXXXVII. And be it further enacted, That in all Actions, Prosecutions, Informations, and Causes of Proceedings whatsoever, relating to or concerning the Execution of this Act, made in pursuance thereof, no Inhabitants of the said Town of *Fermoy* shall be deemed incompetent to give Evidence by reason of his or her being rated or assessed to or paying any of the Rates or Assessments to be imposed by virtue of this Act. Inhabitants may be Witnesses.

LXXXVIII. And be it further enacted, That if any Person shall be summoned as a Witness or Witnesses to give Evidence before the Commissioners or any Justice or Justices of the Peace in and for the said County of *Cork*, touching any Matter of Fact contained in any Information or Complaint for any Offence against this Act, or against any Rule or Order made in pursuance thereof, whether on the Part of the Prosecutors, or of the Person or Persons complained of, and which Summonses the Commissioners and such Justices as aforesaid are hereby authorized to issue where and in such Cases only as such Commissioners or such Justice or Justices of the said County (as the Case shall be) are made competent by this Act to hear and determine the same; or if any Person or Persons shall be summoned as a Witness or Witnesses to give Evidence at any General Quarter Sessions of the Peace for the said County of *Cork*, or any Adjournment thereof, upon any Appeal by virtue of this Act as herein-after is mentioned, whether on the Part of the Appellant or of the Respondents; and any such Person or Persons, so summoned as aforesaid, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed without a reasonable Excuse for such his, her, or their Refusal or Neglect, to be approved of by such Commissioners, Justice or Justices, or other Person or Persons hereby authorized to receive such Evidence, or appearing shall refuse to be examined on Oath (or solemn Affirmation being a Quaker), and to give Evidence before such Commissioners or Justice or Justices of the Peace as aforesaid, or at any such Session or Adjournment thereof, then and in either of the said Cases every such Person shall forfeit for every such Offence any Sum not exceeding Ten Pounds. For compelling the Attendance of Witnesses.

LXXXIX. And for the more easy Conviction of Offenders against this Act, be it further enacted, That every Justice of the Peace before whom any Person or Persons shall be convicted of any Offence against this Act, and over which such Justice or Justices has or have Cognizance, shall and may cause the Conviction to be drawn up in the Words or to the Effect following; (that is to say,) Form of Conviction.

County of } **B**E it remembered, That on the Day of in the
to wit. } Year of the Reign of His present Majesty King
and in the Year of our Lord One thousand eight hundred
and is or are convicted before me [or us, as the Case may be]
one [or two, as the Case shall be] of His Majesty's Justices of the Peace
for the said County of by virtue of an Act of Parlia-
ment passed in the Forty-eighth Year of the Reign of His Majesty King
George the Third, intituled, [here insert the Title of this Act,] of
[specifying the Offence, and the Time and Place when
and

‘ and where the same was committed, as the Case shall be] contrary to the
 ‘ said Act, for which Offence I [or we, as the Case shall be] adjudge the
 ‘ said to have forfeited the Sum of
 ‘ [but if mitigated, which I, or we, as the Case shall be, mitigate to the
 ‘ Sum of] under my Hand and Seal [or, our Hands and
 ‘ Seals, as the Case shall be] the Day and Year first above written.’

Distress not to
be unlawful
for want of
Form.

XC. And be it further enacted, That when any Distress shall be made for any Sum or Sums 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 Summons, Conviction, Warrant of Distress or other Proceeding 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 or committed by the Party or Parties 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; but no Plaintiff or Plaintiffs shall recover in any Action, for any such Irregularity or other Proceeding unless Notice in Writing be given to the Clerk for the Time being to the Commissioners, or any Person or Persons acting under him or them, Fourteen Days before such Action shall be brought or commenced, of such intended Action for such Irregularity, by the Attorney for the Plaintiff specifying the Cause of Action; nor shall the Plaintiff or Plaintiffs recover in such Case if Tender of sufficient Amends shall be made by or on the Behalf of the Party or Parties who shall have committed or cause to have been committed any such Irregularity before such Action brought; and in case no such Tender shall have been made, it shall be lawful for the Defendant or Defendants, in such Action by leave of the Court where such Action shall depend, at any Time before Issue joined to pay into such Court such Sum of Money as he or they shall see fit, whereupon such Proceedings or Orders and Judgments shall be had, made, and given, in and by such Court, as in other Actions where the Defendant is allowed to pay Money into Court.

Proceedings
not to be
quashed for
want of Form,
etc.

XCI. And be it further enacted, That no Proceedings to be had and taken in pursuance of this Act, shall be void, quashed, or vacated for Want of Form, or be removed by *Certiorari*, or any other Writ or Process whatsoever, into any of His Majesty's Courts of Record in *Dublin* or elsewhere; any Law or Statute to the contrary notwithstanding:

Persons ag-
grieved may
appeal to the
Quarter Ses-
sions, etc.

XCII. And be it further enacted, That if any Person or Persons whomsoever shall think himself, herself, or themselves aggrieved by any Rate or Assessment to be levied or assessed, or by any Order or Judgment made or given, or by any other Thing done in pursuance of this Act, such Person or Persons shall and may, within Six Calendar Months next after the Cause of Complaint shall have arisen, under or from any Act or Acts made or done by the Commissioners or any Justice or Justices acting in and for the County of *Cork*, appeal to the Justices of the Peace at the General Quarter Sessions of the Peace to be holden in and for the Division of *Middleton* in the said County of *Cork*, such Appellant in such Case first giving or causing to be given Fourteen Days Notice at least, in Writing, of his, her, or their Intention to bring such Appeal, and

and of the Matter thereof, to the Clerk for the Time being to the said Commissioners, and to the Person or Persons who is or are intended to be or may be affected by such Appeal, and within Seven Days after such Notice given, entering into a Recognizance before some Justice of the Peace for the said County of *Cork*, as the Case of such Appeal shall be, with Two sufficient Sureties, in the Penalty of Fifty Pounds, conditioned to try such Appeal, and to abide by such Order as shall be made, and to pay such Costs as shall be awarded by the said Justices of such Quarter Sessions; and the said Justices at such Quarter Sessions, upon due Proof of such Notice having been given as aforesaid, and of the entering into such Recognizance, shall hear and finally determine the Causes and Matters of such Appeal in a summary Way, and shall award such Restitution, Damages, and Costs to the Appellant or Appellants, Respondent or Respondents, or Person or Persons appealed against, and with or without the Whole or any Part of the Costs, Charges, and Expences of prosecuting or defending such Appeal as the said Justices shall think proper; and the Determination of the said Justices at such Sessions shall be final, binding, and conclusive, to all Intents and Purposes.

XCIII. And be it further enacted, That nothing herein contained shall extend, or be construed to extend, to defeat, abridge, derogate from, prejudice, or interfere with, in any Manner whatsoever, the Rights, Interests, Privileges, Franchises, or Authorities of *John Anderson Esquire*, Lord of the Manor of *Fermoy*, or the Lord or Lords of the said Manor, for the Time being, or the Powers and Authorities vested in and heretofore exercised by the Courts Leet and Courts Baron within the said Manor, or the Dues or Customs of Right payable to the Lord or Lords of the said Manor for the Time being, but the same, and all and every Part thereof, shall be enjoyed and exercised in as full and beneficial a Manner as at the Time of passing this Act, the same and all and every Part thereof were enjoyed and exercised.

For preserv-
ing the Rights
of the Lord of
the Manor
of Fermoy.

XCIV. And be it further enacted, That no Action, Suit, or Information shall be commenced against any Person or Persons for any Thing done or to be done in pursuance of this Act, or of the Orders and Directions herein-before given and granted, or in Execution of the Powers and Authorities thereof, until Fourteen Days Notice thereof shall be first given, in Writing, to the Person or Persons against whom such Action is intended to be brought, signed by the Plaintiff or Plaintiffs, nor at any Time whatsoever, after sufficient Satisfaction or Tender thereof shall have been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed for which such Action or Actions, Suit or Suits, shall be so brought; and in case there shall be a Continuation of Damages, then, not after Six Calendar Months next after the doing or committing such Damage shall cease, and not otherwise; and all such Actions and Suits shall be laid and tried in the County of *Cork*, and not in any other County or Place; and the Defendant or Defendants in every such Action or Suit may plead the General Issue, and give this Act, and the special Matter in Evidence, at any Trial or Trials which shall be had thereupon, and that the Matter or Thing for which such Action or Actions, Suit or Suits, shall be so brought, was done in pursuance and by the Authority of this Act; and if the said Matter or Thing shall appear

Limitation
Actions.

[*Loc. & Per.*]

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to have been so done, or if it shall happen that such Action or Suit was brought before Fourteen Days' Notice thereof given as aforesaid, or that sufficient Satisfaction was made or tendered as aforesaid, or if any such Action or Suit shall not be commenced within the Time herein-before for that Purpose limited, or shall be laid or brought in any other County or Place than as aforesaid, then the Jury shall find a Verdict or Verdicts for the Defendant or Defendants; and if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of such Action or Actions, after the Defendant or Defendants shall have appeared, or if Judgment shall be given for the Defendant or Defendants, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants hath or may have for his, her, or their Costs in any other Cases by Law.

Expences of
the Act.

XCV. And be it further enacted, That out of the first Monies that shall be raised by virtue of this Act, the said Commissioners shall pay and discharge all the Costs, Charges, and Expences, incident to and incurred in applying for, procuring, and passing this Act.

Public Act.

XCVI. 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.

L O N D O N : Printed by GEORGE EYRE and ANDREW STRAHAN,
Printers to the King's most Excellent Majesty. 1808.