



ANNO QUARTO & QUINTO

GULIELMI IV. REGIS.

Cap. xc.

An Act for paving, watching, lighting, regulating,
and otherwise improving the Town of *Kingstown*
in the County of *Dublin*. [25th July 1834.]

WHEREAS the Town of *Kingstown*, formerly called *Dunleary*, has greatly increased of late Years, and is still rapidly advancing in Size and Population: And whereas an Act was passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to make Provision for the lighting, cleansing, and watching the Cities, Towns Corporate, and Market Towns in Ireland, in certain Cases*: And whereas the Provisions of the said Act have been adopted and brought into operation within the said Town of *Kingstown* for certain of the Purposes in the said Act mentioned, but the Provisions thereof have been found ineffectual for the several Objects necessary to the Circumstances of such Town, and the adequate Regulation and Improvement thereof, and it is expedient that the same should be repealed as respects the Application thereof to the said Town of *Kingstown*, and that more effectual Provision should be made in lieu thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said recited Act of the Ninth Year of the Reign of His late Majesty King *George* the Fourth as authorizes the Commissioners

9 G. 4. c. 82.

Recited Act repealed as to the Town of *Kingstown*.

[Local.]

30 C

thereunder

thereunder to impose, applot, collect, or levy any Rate or Assessment whatsoever, or to make any Contract or Agreement to be binding or in force beyond the Thirty-first Day of *July* One thousand eight hundred and thirty-four, shall, from and after such Thirty-first Day of *July* be and the same is hereby repealed, and all other Provisions of the said Act, so far as the same affect or are in operation within the said Town of *Kingstown*, or the Suburbs and Precincts thereof, as defined under the Provisions of such Act, shall, from and after the Election of Commissioners under this Act, be and the same are hereby repealed, save as herein-after provided, and save so far as said Act may repeal the Whole or any Part of any other Act or Acts.

Rights and Liabilities under recited Act to remain and continue.

II. Provided always, and be it enacted, That any Right which any Commissioner or other Person may have or might have had if this Act had not been made shall endure and be and continue to be available in all Courts of Law and Equity in the same Manner as if the said recited Act had not been repealed, and that the Rights and Liabilities under the said recited Act shall remain and continue, but that the same shall not be extended or varied by this Act, any thing herein contained to the contrary notwithstanding.

After Election of Commissioners under this Act Powers vested in Commissioners under recited Act to cease.

III. And be it further enacted, That from and after the Election of Commissioners under this Act all the Powers and Authorities vested in the Commissioners under the said Act, or any other Person whatsoever by virtue thereof, within the said Town of *Kingstown*, or the Suburbs or Precincts thereof, as defined under such Act, shall cease and determine.

Officers, &c. under 9 G. 4. c. 82. to account under this Act, and deliver up Papers.

IV. And be it further enacted, That all Persons who are or have been employed, or who shall have received any Rates or other Money, or who may owe or be subject to the Payment of any Money, by virtue of the said recited Act, or who shall have in their Custody or Possession any Goods, Chattels, Effects, or Property belonging to or vested in the said Commissioners under the said Act for the Purposes thereof, or any Money, Books, Minutes, Vouchers, Accounts, Receipts, Papers, Writings, or other Matters or Things relating to any such Contracts, Agreements, and Engagements of the Commissioners as aforesaid, made or entered into under the said Act, and so to remain in force as aforesaid, shall be and become and remain liable to account for, pay, and deliver over the same and every Part thereof to the Commissioners to be elected under this Act, or to any Person whom they may appoint, in the same Manner as if they had been employed, or had received such Money, or were subject to the Payment of such Money, or had such Goods, Chattels, Effects, or Things in their Custody or Possession, by virtue of this Act; and all such Monies, Goods, Chattels, Effects, and Arrears of Rates so to vest in the Commissioners to be elected under this Act, shall be applied by them to the several Purposes of this Act, as if had, purchased, or received under the Authority and in execution of the Provisions of this Act.

Commissioners to be elected.

V. And be it further enacted, That on the first *Tuesday* in the Month of *September* next after the passing of this Act a Meeting of the Inhabitants of the said Town of *Kingstown*, and the Suburbs and Precincts thereof,

thereof, as defined under the said recited and this Act (such Inhabitants being qualified as herein-after mentioned), shall be held at some House or Place within the said Town, of which Meeting and the Place of holding the same Seven Days Notice shall be given by the Churchwardens or either of them for the Time being of the Parish of *Monkstown*, by Writing to be affixed on the principal Door of the several Churches and other Places of Public Worship within the Limits of the said Town, defined as aforesaid; and the said Inhabitants, qualified as herein-after mentioned, shall then and there, in manner herein-after provided, elect and appoint Eighteen Persons to be Commissioners for the Purposes of this Act; and the said Churchwardens or either of them shall preside at such Meeting and Election.

VI. And be it enacted, That at such Meeting every Person who shall reside within the Limits of the said Town of *Kingstown*, as defined as aforesaid, who shall have been assessed or charged by any Rate made under the Provisions of the said recited Act, or for or under the Authority of any other Act or Acts, or who shall or may be liable to such Assessment for or in respect of a Dwelling House or other Tenement within the Limits of the said Town defined as aforesaid, of the computed annual Value of Ten Pounds or upwards, shall be admitted and entitled to vote, and no other Person whatsoever.

Qualification
of Electors.

VII. And be it enacted, That such Commissioners shall be elected in manner following; (that is to say,) each Candidate shall be proposed at the said Meeting by some Person duly qualified to vote thereat, and shall be seconded by some other Person in like Manner qualified, and no Person shall be received or taken to be a Candidate who shall not in the Judgment of such Churchwardens or either of them be qualified as herein-after mentioned; and if more Candidates than the said Number of Eighteen shall be proposed, and that a Poll shall be demanded by any Ten Persons qualified to vote on behalf of any of such Candidates, then the said Churchwardens or either of them presiding shall adjourn the said Meeting until Ten of the Clock in the Forenoon of the Day next succeeding, and shall at such Time and at such Place open and proceed with such Poll, and receive the Votes of such of the said Inhabitants so entitled to vote as aforesaid as shall tender their Votes, and such Votes shall be taken by Ballot, by each of such Inhabitants so desirous of voting placing in a Box or Boxes to be provided for that Purpose by the said Churchwardens or either of them (and which he or they is or are hereby required to prepare) a written or printed Paper containing the Names of the Eighteen Persons in whose Favour such Inhabitant shall vote; and if the Votes of all the Persons duly qualified and desirous to vote cannot be conveniently collected by Four of the Clock of the same Day upon which the said Poll shall have been commenced, then the said Churchwardens or either of them shall adjourn such Poll to the Day next succeeding, and if such Second Day shall prove also insufficient, shall adjourn to the Day next succeeding, and so proceed *de Die in Diem* to collect the Votes of all Persons duly qualified and applying to vote; and on each Day to which an Adjournment shall be made the Poll shall open at Ten of the Clock in the Forenoon and close at Four of the Clock in the Afternoon: Provided nevertheless, that the Poll shall finally close so soon as all the Persons duly qualified and desirous to vote shall have

Mode of
Election.

voted,

voted; or after the Lapse of One Hour without any Person offering to vote; and so soon after the Close of the Poll as may be possible the Result thereof shall be proclaimed at the Place where the Election may have been holden; and the Eighteen Persons who shall have the greatest Number of Votes shall be declared by the said Churchwardens or either of them presiding at such Meeting to be duly elected as such Commissioners; and the said Persons so elected and appointed, on delivering the Statement and taking the Oath of Qualification at the Time and in the Manner herein-after mentioned, shall be and become Commissioners for putting this Act into execution.

Valuation
under recited
Act to be
produced at
Meeting.

VIII. And be it enacted, That the Estimate and Valuation of the Houses, Shops, Warehouses, Cellars, Mills, Yards, Gardens, and Tenements situate within the Limits of the said Town of *Kingstown*, defined as aforesaid, as the same shall have been finally settled by such Commissioners, shall be produced at such Meeting by the Person in whose Possession the same may be, and the same shall be conclusive of the Right of voting at such First Meeting of the Persons named therein; and that the Book or Books containing the Rate or Rates assessed for the Parish of *Monkstown* shall also be produced at such Meeting by the Churchwardens of the said Parish, and that the same shall be received as conclusive Evidence of the Contents of the same.

Qualification
of Commis-
sioners.

IX. And be it further enacted, That no Person shall be qualified to act as a Commissioner in the Execution of this Act unless he be and has been during the Period of Three Months previous to such Meeting truly and *bonâ fide* in the Occupation of and resident in a Dwelling House within the Limits of the said Town of *Kingstown*, as defined under the Provisions of the said Act, of the annual Value, with its Appurtenances, of Twenty Pounds; or if not so resident, unless he be and has been, during the aforesaid Period of Three Months previous to such Meeting, truly and *bonâ fide*, in his own Right or in Right of his Wife, in the actual Possession and Enjoyment or in Receipt of the Rents and Profits of Tenements or Hereditaments situate within the said Town of *Kingstown*, as defined by this Act, yielding an annual Income or being of the annual Value of Seventy Pounds above reserved Rent or Reprizes, and resident within Ten Miles of the Limits of the said Town, defined as aforesaid; and every Person to be elected a Commissioner under this Act shall, before acting in that Capacity, (save as respects the administering the Oath of Qualification herein-after following,) take the Oath (or, being one of the People called *Quakers* or *Moravians*, the Affirmation next following,) and subscribe the same before Two or more such Commissioners, which Oath or Affirmation they or any of them may administer; and such Oath or Affirmation shall be in the Form or to the Effect following; that is to say,

Oath of Qua-
lification.

‘ I *A. B.* do swear [*or affirm*], That I am duly qualified to act as a Com-
‘ missioner under an Act made in the Fourth Year of the Reign of
‘ His Majesty King *William* the Fourth, intituled [*here set out the Title of*
‘ *the Act*]; and I do further swear, that the Premises in respect of which
‘ I am so qualified have not been granted or made over to me for the
‘ purpose of fraudulently qualifying me to act as a Commissioner; and I
‘ do further swear, that I will not, at any Time during the Period I am or
‘ shall

‘ shall remain such Commissioner as aforesaid, directly or indirectly, by
 ‘ myself or any other Person or Persons in my Behalf, enter into, or be
 ‘ concerned or interested in, or derive any pecuniary or other Advantage
 ‘ from, any Contract which, under or by virtue of the said Act, shall or
 ‘ may hereafter, during such Time as I shall be a Commissioner as afore-
 ‘ said, be entered into; and that I will, so long as I may remain such
 ‘ Commissioner as aforesaid, truly and impartially, according to the best
 ‘ of my Skill and Judgment execute and perform the Powers and Autho-
 ‘ rities reposed in me as a Commissioner by virtue of the said Act.

‘ So help me GOD.’

X. And be it further enacted, That if any Person not being so qualified as aforesaid, or being disqualified for any of the Reasons in this Act mentioned, or not having taken and subscribed the Oath or made the Affirmation aforesaid, shall presume to act in the Execution of this Act, every such Person shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same; and every Person so sued shall prove that he is so qualified as aforesaid, or otherwise shall pay the said Penalty, without any other Proof or Evidence being given on the Part of the Plaintiff or Prosecutor than that such Person hath acted as a Commissioner in the Execution of this Act; but if such Person so sued shall prove that he is so qualified, such Person so suing shall pay to the said Person so sued his Double Costs of the said Proceeding, to be recovered by Execution or Attachment out of the Court in which such Proceeding is had: Provided nevertheless, that all Acts and Proceedings done by any Person acting as a Commissioner in the Execution of this Act, previously to his failing to prove himself qualified to act as such Commissioner, shall, notwithstanding such Failure, be as good, valid, and effectual as if such Person had proved himself to be duly qualified to act as a Commissioner according to the Directions of this Act.

Penalty on acting, not being qualified.

All Acts of Commissioner valid previous to his failing to prove himself qualified.

XI. And be it further enacted, That each of the said Commissioners shall once in every Year, so long as he respectively shall continue to act as such Commissioner, at a General or adjourned General Meeting of the Commissioners under this Act, to be held between the First Day of *September* and the First Day of *October* in each Year, take and subscribe the Oath of Qualification herein-before set forth, and shall, previously to taking such Oath, deliver to One of the Commissioners for the Time being a Statement in Writing of the Property of which such Commissioner is possessed and in respect of which he is so qualified: Provided always, that any Person neglecting or refusing to deliver such Statement shall not be allowed to take and subscribe the said Oath, or to act as a Commissioner in the Execution of this Act.

Commissioners to qualify annually, and to deliver Statement of Qualification.

Persons refusing to deliver Statement not to qualify.

XII. And be it further enacted, That the Statement so directed to be delivered as aforesaid to One of the said Commissioners shall be delivered by such Commissioner to the Clerk of the said Commissioners, to be by him deposited and kept amongst the Papers of the said Commissioners; and the said Clerk is hereby directed to cause a Copy of such Statement to be entered in a Book to be by him kept for that Purpose, for which Entry he shall be paid by the Party delivering such Statement the Sum of One Shilling, and no more; and the Party delivering in any such Statement, if sued for the said Penalty of One hundred Pounds herein-before

Statement to be filed by the Clerk.

mentioned, shall not be at liberty to prove himself to have been qualified to act as such Commissioner in respect of any other Property than the Property specified in such Statement, and if he fail to prove his Possession of such Property he shall be deemed and taken not to possess the Qualification by this Act required: Provided always, that in case any such Commissioner shall, after delivering in the said Statement of Qualification as aforesaid, dispose of the Whole or any Part of the Property specified in such Statement, so as to reduce the Part thereof of which he has not disposed below the Value which will amount to a Qualification, such Person shall, before he shall again act as a Commissioner after such Disposition, deliver another Statement to the Clerk of the said Commissioners, setting forth Property in respect of which he is qualified to act as such Commissioner, and such Statement shall be preserved and kept by the said Clerk, and be available in all respects in the same Manner as the said original Statement would have been if no Alteration had taken place in respect of the Property therein specified: Provided also, that if any such Person shall act as a Commissioner after having disposed of his Property specified in such original Statement, so as to cease to be qualified in respect thereof as aforesaid, without delivering a new Statement of Qualification as aforesaid, such Person shall be liable to all the Pains and Penalties by this Act imposed on a Person acting as a Commissioner without being qualified, or failing to prove himself qualified as aforesaid.

Two Thirds of Commissioners to go out of Office annually by Rotation, and new Commissioners to be elected in their Stead.

XIII. And be it enacted, That a List of the Persons elected at such First Meeting to be held under this Act to be Commissioners as aforesaid shall be prepared by the Clerk of such Commissioners, which List shall be arranged alphabetically, according to the Surnames of such Commissioners; and the Twelve Commissioners whose Names shall be highest on such List shall cease to be Commissioners and go out of Office on the first *Tuesday* in the Month of *September* in the Year One thousand eight hundred and thirty-five, and in the Places of such Commissioners so going out of Office an equal Number of new Commissioners shall be elected in like Manner by the Inhabitants of the said Town of *Kingstown*, qualified as herein-after mentioned, and the Names of the Persons elected to supply the Places of such Commissioners so going out of Office on the said first *Tuesday* in the Month of *September* in the Year One thousand eight hundred and thirty-five shall be placed at the Bottom of such List (the Priority among such Names being determined by Lot), and on the first *Tuesday* in the Month of *September* One thousand eight hundred and thirty-six the Twelve Commissioners whose Names stand highest on such List shall in like Manner go out of Office, and their Places be supplied by Election as aforesaid, and the Names of the Persons so elected shall be placed at the Foot of such List, and so on for ever, the Twelve Commissioners whose Names stand highest on the List of Commissioners going out of Office on the first *Tuesday* in the Month of *September* in each succeeding Year, and their Places supplied by Election as aforesaid, and the Names of the Persons so elected placed at the Foot of the List of Commissioners for the Time being: Provided always, that any of such out-going Commissioners, except the Chairman or Deputy Chairman of the said Commissioners who shall hold and preside at the Election of Commissioners as herein-after directed, shall be re-eligible, and may be re-elected, and shall in such Case continue to act and remain in Office, any thing herein contained to the contrary notwithstanding; and every
Person

Commissioners to be re-eligible.

Person shall be admitted and entitled to vote at such Meeting to be held on the first *Tuesday* in the Month of *September* in the Year One thousand eight hundred and thirty-five, and at each such subsequent Annual Meeting to be held for the Election of Commissioners under this Act as aforesaid, who shall have been assessed or charged by any Rate made under the Provisions of this Act for or in respect of a Dwelling House or other Tenement within the Limits of the said Town of *Kingstown* of the computed annual Value of Ten Pounds or upwards, and none other Person whatsoever; and the Valuation herein-after directed to be made shall be conclusive Evidence of the above-mentioned Qualification; and the Clerk of the Commissioners for the Time being shall, Seven Days previous to the first *Tuesday* in *September* in each Year, give due Notice in manner by this Act required with respect to the first Meeting to be held under this Act, that a Meeting will be holden on such first *Tuesday* in *September* for the Election of Commissioners for the Execution of this Act; and the Chairman shall at and in such Election proceed in such Manner as the Chairman presiding at the first Meeting to be held under this Act is herein-before directed to proceed in the Election of the Commissioners to be first appointed for the Execution of this Act, and shall certify the Result of the same to the Commissioners for the Time being for the Execution of this Act.

XIV. And be it further enacted, That in case any of the said Commissioners for the Time being, who shall have qualified to act as such Commissioner as aforesaid shall not attend any of the Meetings of the said Commissioners to be held for the Execution of this Act during any Period of Three consecutive Months, without having Leave of Absence as herein-after mentioned, such Commissioner shall be deemed to have resigned his Office, and thereupon another Commissioner shall be appointed in his Stead, in the Manner herein-after directed: Provided always, that the Chairman of any General Meeting of the said Commissioners to be held under the Authority of this Act, when authorized so to do by the major Part of the Commissioners who shall attend any such Meeting, and upon a reasonable Cause being shown, shall have Power and Authority to sign a written Leave of Absence, whereby any of the said Commissioners, whether he shall or shall not have taken the said Oath of Qualification, shall be at liberty to absent himself from all Meetings of the said Commissioners during the Space of Three Months; and under the like Authority and in the like Manner such Leave of Absence may be renewed from Time to Time as often as Occasion may be; and a Copy of such Leave of Absence shall be written in a Book to be kept specially for that Purpose by the Clerk of the said Commissioners, and shall be signed by the Chairman who shall have signed the same.

Commissioners neglecting to attend Meetings for Three Months, without Leave of Absence, to be disqualified.

XV. And be it enacted, That in case the Place of any of the Commissioners elected as aforesaid shall become vacant by Death, Refusal to act, Disqualification, or Resignation, then and in such Cases it shall be lawful for the remaining Commissioners to nominate any Person duly qualified to supply such Vacancy; and the Person so nominated shall have and enjoy the same Powers and Privileges as the Person in whose Stead he is nominated, and shall remain in Office until the Period at which the Person in whose Stead he is nominated would have gone out by Rotation.

How Vacancies shall be supplied.

XVI. And

Property to vest in new Commissioners.

XVI. And be it further enacted, That whenever and so soon as any Body of Commissioners shall have completed their appointed Term of Office, all Right, Title, and Interest in and to any Monies, Books, Papers, Lands, or Tenements, and all other Property whatsoever, Real or Personal, theretofore vested in or appertaining to such Commissioners by virtue of this Act, or acquired by or arising from the Powers by this Act created, shall be divested from and out of such Body of Commissioners, and shall be transferred to and shall become vested in the Body of Commissioners elected to supply the Places of such former Commissioners, to all Intents and Purposes, as fully and effectually as if the same had been assigned, transferred, or conveyed by any Instrument or Assurance in Law, by Delivery of Seisin, or of actual Possession.

Commissioners may raise a Rate, not exceeding One Shilling in the Pound, on the Value of Houses and Tenements, and One Shilling an Acre of the Lands, &c. within the Limits hereby defined.

XVII. And be it further enacted, That it shall and may be lawful to and for the Commissioners for the Time being under this Act, once in every Year after the passing of this Act, or oftener if they shall think it necessary (the first Year to be computed from the First Day of *September* One thousand eight hundred and thirty-four), to make One or more equal Rate or Rates, Assessment or Assessments, upon the Tenants or Occupiers of all Houses, Shops, Warehouses, Coach-houses, Cellars, Vaults, Buildings, Gardens, Grounds, Lands, Tenements, or Hereditaments whatsoever (except as herein-after directed) situate within the Limits of the said Town of *Kingstown*, as defined by this Act, so as such Rate or Assessment, or if there be more than One such Rate or Assessment then so as all such Rates or Assessments do not exceed in the whole in any One Year, to be computed as aforesaid, the Sum of One Shilling in the Pound on the Rack Rent or annual Value of all such Houses, Shops, Warehouses, Coach-houses, Cellars, Vaults, Buildings, Gardens, Tenements, and Hereditaments, and the Sum of One Shilling on every Acre of Land situate within the said Limits of the said Town of *Kingstown*, as defined by this Act; and the Money so rated or assessed on the said Tenants or Occupiers shall be paid by them respectively to the Collector or other Person appointed, or who shall or may be appointed by the said Commissioners to receive the same; and if any such Tenant or Occupier shall neglect or refuse to pay his Proportion of such Rate of Assessment to the said Collector for the Space of Ten Days next after Demand made thereof by Notice in Writing under the Hand of the said Collector, to be left at the Dwelling House or usual Place of Abode of such Tenant or Occupier, the same shall and may be levied on every such Tenant or Occupier so neglecting or refusing by Distress and Sale of his Goods and Chattels, by Warrant under the Hands and Seals of Two or more Justices of the Peace; and the Surplus (if any) of the Monies to be raised by such Distress and Sale shall be paid, on Demand, to the Owner of the Goods or Chattels so distrained, after deducting all Charges attending such Distress and Sale: Provided nevertheless, that no such Rate or Assessment shall be rated or assessed upon or payable in respect of any such House, Shop, Warehouse, Coach-house, Cellar, Vault, Building, Garden, Tenement, or Hereditament which shall not be of the clear annual Value or Rack Rent of Ten Pounds and upwards; and provided moreover, that all Gardens shall be rated upon their Rack Rent or annual Value, and not upon their Acreage; and every such Rate or Assessment shall be made under the Hands of Five or more of the said

No House or Garden to be rated which is of less annual Value than 10*l*.

Commissioners for the Time being, and shall be attested by the Clerk of the said Commissioners; and unless the same shall be appealed against in manner herein-after mentioned, the Production of such Rate or Assessment shall be conclusive Evidence of the Right of the said Commissioners to make the same, and the same shall be taken and deemed to be good, valid, and effectual to all Intents and Purposes whatsoever.

XVIII. Provided always, and be it further enacted, That no such Rate or Assessment or Rates or Assessments shall exceed in the whole in any One Year, to be computed as aforesaid, the Sum of Sixpence in the Pound on the full improved yearly Value of any Houses, Shops, Warehouses, Coach-houses, Cellars, Vaults, Buildings, Gardens, Tenements, and Hereditaments, and the Sum of Sixpence on any Acre of Land, situate within the said Limits of the said Town, so long as the Rates or Assessments now raised and levied within the said Town under and by virtue of an Act passed in the Fiftieth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to amend so much of an Act made in the Parliament of Ireland in the Twenty-sixth of His present Majesty, for making and repairing the Public Roads in the County of Dublin, as relates to the Roads within the Barony of Rathdown* shall be levied and collected therein.

Rate not to exceed Sixpence in the Pound on the Value, &c. until certain Rates now levied shall cease to be collected.

XIX. Provided further, and be it enacted, That it shall not be lawful for the said Commissioners to make or levy any Rate or Assessment on the Commissioners for erecting an Asylum Harbour at *Dunleary* otherwise *Kingstown*, in respect of any Lands, Tenements, or Hereditaments vested in such last-mentioned Commissioners under the Provisions of an Act passed in the Fifty-sixth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for erecting an Harbour for Ships to the Eastward of Dunleary within the Port of Dublin*, or any other Act or Acts, so long as such Lands, Tenements, or Hereditaments shall be in the Use, Occupation, or Possession of such Commissioners for the Purposes of such last-mentioned Act or Acts, unless the Consent and Approbation of the said Commissioners shall be previously given in Writing to such Rate or Assessment.

Saving for Lands, &c. held by Harbour Commissioners.

56 G.3. c. 62.

XX. And be it enacted, That in all Cases where any Person shall remove from or quit any Messuage or Dwelling House, Warehouse, Building, Garden, Lands, Tenements, Hereditaments, or Premises which shall have been rated or assessed by virtue of this Act as herein-before mentioned, such Person shall be liable to pay such Rates or Assessments in proportion to the Time that he shall have occupied the same, in like Manner as if such Person had not removed or quitted the same; and in all Cases where any Person shall come into or occupy such Premises out of or from which any other Person who shall have been rated or assessed for the same shall have removed, or which at the Time of making any such new Rate or Assessment was or were empty or unoccupied, such Person shall, for or in respect of his Occupation thereof, be liable to such Rate or Assessment, in proportion to the Time that he shall occupy the same, in the same Manner as if he had been originally rated or assessed for the same; which said respective Proportions in case of such Dispute shall be determined by the Commissioners in such Manner as they shall deem reasonable and just; and in case any Person, having been so rated and

Persons removing, and new Tenants, to pay a proportionate Part of the Rates.

assessed, shall quit the Premises on which he had been so rated or assessed without paying such Rate or Assessment or his Proportion thereof, and shall afterwards refuse or neglect to pay the same, it shall and may be lawful for the said Collector, by Warrant under the Hands and Seals of Two or more Justices of the Peace, which Warrant such Justices are hereby required to grant upon Proof made of the Sum so due before them upon Oath of One or more credible Witness or Witnesses, to levy such Rate or Proportion thereof as aforesaid by Distress and Sale of the Goods and Chattels of such Person wherever the same Goods and Chattels may be found, rendering the Overplus and the Goods and Chattels remaining (if any), after Payment of the Money due in respect of such unpaid Rate or Proportion thereof, and the Expences relating to the Recovery thereof, unto the Person whose Goods or Chattels shall have been so distrained and sold as aforesaid: Provided always, that no such Sale shall in any Case take place until Four Days public Notice thereof shall have been given, such Notice to be posted up in some conspicuous Place near to the Place where such Sale is intended to be made.

Provision for better recovering Rates on Houses let at small Rents or for short Periods, or as Lodging Houses, by entering into Compositions with Owners, &c.

XXI. And be it enacted, That whenever the full improved yearly Value of any House, Tenement, or Hereditament rateable as aforesaid shall not exceed Twenty Pounds, or whenever any House, Tenement, or Hereditament of whatever yearly Value shall be let for a less Period than One Year, (and every such House, Tenement, or Hereditament shall within the Meaning of this Act be deemed to be let for a less Period than One Year, unless the Landlord, or Owner, or Lessee, or Receiver of the Rents thereof, when required by the said Commissioners or their Officer, shall prove to the contrary on Oath before a Justice of the Peace,) or whenever any House, Tenement, or Hereditament of whatever Rack Rent or yearly Value, within the said Limits, shall be let out, either wholly or in part, in Lodgings or in separate Apartments, then and in every such Case the Landlord, Owner, Lessee, or Receiver of the beneficial improved Rent of such House, Tenement, or Hereditament shall be and is hereby made liable to pay all and every the Rates and Rate payable on any account in respect of such House, Tenement, or Hereditament by virtue of this Act: Provided nevertheless, that it shall and may be lawful to and for the said Commissioners, if they shall think proper, to make a Composition or Agreement with any such Landlord, or Owner, or Lessee, or Receiver of the Rents of any such House, Tenement, or Hereditament, as to the Sum which shall be considered as the full improved annual Value of such House, Tenement, or Hereditament, for the Purpose of ascertaining any reduced Amount at which such House, Tenement, or Hereditament shall be rateable for any of the Purposes of this Act; and any such Landlord, Owner, Lessee, or Receiver of the Rents of any such House, Tenement, or Hereditament is hereby authorized to enter into such Composition or Agreement with the said Commissioners: Provided nevertheless, that no such House, Tenement, or Hereditament shall, by virtue of any such Agreement or Composition, be rated for any of the Purposes of this Act at less than Ten Pounds or at more than One hundred and fifty Pounds of the full improved annual Value of such House, Tenement, or Hereditament; and in case such Landlord, Owner, Lessee, or Receiver shall refuse to enter or shall not enter into any such Composition or Agreement, such Landlord, Owner, Lessee, or Receiver shall be thereupon rated to, and be liable from Time to Time to pay or cause to be paid, the said respective

Rates which are payable by virtue of this Act on the full Amount of the full improved yearly Value of any such House, Tenement, or Hereditament; and on Nonpayment of such Amount so agreed and compounded for as aforesaid, or of such full Rate if not compounded or agreed for as aforesaid, the Collector appointed by such Commissioners to collect the same is hereby authorized to levy the same by Distress and Sale of the Goods and Chattels of such Landlord, Owner, Lessee, or Receiver, wherever the same Goods and Chattels may be found: Provided always, that no such Landlord, Owner, Lessee, or Receiver shall be charged with or liable to pay for any increased Rent reserved or made payable to him for or on account of such Landlord, Owner, Lessee, or Receiver having agreed to pay the Rates herein-before chargeable on the Occupier of any such House, Tenement, or Hereditament: And provided also, that the Goods and Chattels of every Person renting or occupying any such House, Tenement, or Hereditament, or any Part thereof, to the Rates whereof such Landlord, Owner, Lessee, or Receiver is hereby made liable and subject as aforesaid, shall be liable at all Times to be distrained on and sold for the Payment of so much of the said Rates and all Arrears thereof as may become due in respect of any such House, Tenement, or Hereditament during the Time of any such Occupier's Occupancy only: Provided always, that no such Occupier shall at any Time be required to pay, or be subject or liable to pay; or have his Goods and Chattels distrained upon for the Recovery of any Sum, for or towards the Discharge of any such Rate or of any Arrears thereof, beyond the Amount of the Rent which shall be actually due at the Time of such Requisition to pay, or such Distress, from such Occupier, to the Landlord, Owner, Lessee, or Receiver of the Rents of the House, Tenement, or Hereditament so occupied by such Occupier: Provided moreover, that every such Occupier who shall pay any such Rate or any Arrears thereof, or on whose Goods and Chattels the Amount of any such Rate or Arrears shall be levied as aforesaid, shall and may from Time to Time deduct the same from the Rent due from him to such Landlord, Owner, Lessee, or Receiver, and the Receipt for such Payment of Rates or Arrears shall be a good and sufficient Discharge to such Occupier from such Landlord, Owner, Lessee, or Receiver as aforesaid, for so much Money as such Occupier shall pay in manner aforesaid in or towards the Discharge of any such Rate or Arrears.

Occupier liable to the Amount of his Rent, and Money paid to be set off against the Rent.

XXII. And be it further enacted, That any Collector to be appointed in pursuance of this Act shall and he is hereby authorized and required to keep an Account of the said Rates or Assessments, and of the Monies received by him in respect thereof, and that the said Collector shall pay all such Monies as he shall or may collect on account of the Rates or Assessments to be made and collected under the Authority of this Act, within Ten Days after the Receipt thereof, into the Hands of such Treasurer as may be from Time to Time appointed by the said Commissioners; and that the Treasurer for the Time being shall and he is hereby required to keep regular and clear Entries, in a Book or Books to be for that Purpose by him provided, of all and singular his Receipts, Payments, and Disbursements on account of and in pursuance of this Act; to which Book, and all others kept for the Purposes of this Act, every Person liable to the Payment of any of the said Rates or Assessments shall and may have free Access at all convenient Times, with full Liberty to inspect the same, without Fee or Reward; and the said Treasurer, as often as the

Collectors to pay Money collected to the Treasurer, and the Treasurer to pay over the same as ordered by the Commissioners, and to keep distinct Accounts.

said Commissioners shall think proper, shall produce such Books and Accounts before the said Commissioners, for the Purpose of having the same audited by the said Commissioners or the Auditors to be appointed under the Provisions of this Act; and he is hereby required out of the Monies so to be received by him to pay such Sums of Money to such Persons as the said Commissioners, at a General, Special, or adjourned Meeting to be held under this Act, shall from Time to Time direct by Order in Writing under the Hand of the Chairman at such Meeting, and signed by the Clerk of the said Commissioners; and every such Order, so signed, shall be a good and sufficient Warrant to such Treasurer for any Payment made pursuant thereto, and shall be *pro tanto* an Acquittance in Discharge to such Treasurer, the same being duly paid by him.

Appeal.

XXIII. Provided always, and be it further enacted, That if any Person shall think himself aggrieved by any Rate or Assessment which shall be made as herein-before mentioned in pursuance of this Act, he may apply to the Commissioners under this Act at their first Meeting to be holden after the demanding of such Rate or Assessment, and the said Commissioners are hereby authorized and empowered, if they shall think such Person aggrieved, to give such Relief in the Premises as to them shall seem reasonable; and if any Person shall be dissatisfied with the Determination of the said Commissioners therein, such Person may appeal to the Justices of the Peace at any General or Quarter Sessions to be holden in and for the said County of *Dublin* within Ten Days after the Cause of Complaint shall have arisen, in manner herein-after mentioned.

Justices may amend Rates.

XXIV. And be it further enacted, That upon all Appeals from any Rate or Assessment made as herein-before mentioned in pursuance of this Act, the said Court of General or Quarter Sessions of the Peace shall, and such Court is hereby authorized and required (in all Cases where they see just Cause to give Relief) to amend such Rate or Assessment, either by inserting therein or striking out the Name of any Person, or by altering the Sum therein charged on any Person, or in any other Manner which the said Court shall think necessary for giving such Relief, without quashing or wholly setting aside such Rate or Assessment: Provided always, that if the said Court shall be of opinion that it is necessary, for the Purpose of giving Relief to the Person appealing, that the Rate or Assessment shall be wholly quashed, then the said Court may quash the same, and order a new one to be made.

The Limits of the Town of Kingstown defined, for the Purposes of this Act, by a Map, to be deposited with the Clerk of the Peace, and to be Evidence.

XXV. And whereas it is expedient that the Limits of the said Town of *Kingstown* should be defined, be it therefore enacted, That for the Purposes of this Act the said Town of *Kingstown* shall be deemed and taken to be co-extensive with the respective Boundaries and Limits set forth and defined and specified in and upon a certain Map or Plan to be signed and authenticated by the Right Honourable the Speaker of the House of Commons, and that the same, when so authenticated, shall, within Two Months after the passing of this Act, be deposited with the Clerk of the Peace of the said County of *Dublin*, to the end that all Persons may, at all seasonable Times, have Liberty to inspect the same, and to take Copies thereof, at their Will and Pleasure, paying the Sum of Two Shillings and Sixpence for every such Inspection, and the Sum of Five Shillings for every

every Copy taken of the said Map or Plan, which Copies shall be certified by the said Clerk of the Peace or his Deputy to be correct and true Copies, and shall be and are hereby declared to be good Evidence in all Courts of Law and Equity, and elsewhere, of the Contents of such Map or Plan, and of the said Limits of the said Town of *Kingstown*.

XXVI. And be it further enacted, That the first public Meeting of the said Commissioners for the Purposes of this Act shall be held at the *Royal Hotel*, or some other convenient Place in the said Town of *Kingstown*, on the first *Monday* after the first Day of the said Election, between the Hours of Ten and Twelve of the Clock in the Forenoon of that Day ; or if no such Meeting shall be held, or if Five of the said Commissioners shall not be there present, and qualify themselves as required by this Act, then at such other Time as the said Commissioners for the Purposes of this Act, or any Three or more of them, shall from Time to Time appoint, until Five or more of the said Commissioners shall be assembled at such Meeting, and shall qualify as required by this Act ; and thereupon it shall be lawful for them and they are hereby required to proceed in the Execution of this Act ; and the said Commissioners shall subsequently meet for the same Purpose on the first *Saturday* in every Calendar Month, at the Time and Place aforesaid, unless some other Time or Place shall from Time to Time be appointed by the said Commissioners, or some Three or more of them ; and if at the Time when any such Meeting shall be appointed as aforesaid there shall not be Five or more Commissioners then and there present, then each and every such Meeting shall stand and be adjourned to the first *Saturday* in the following Calendar Month on which a Meeting in pursuance of this Act would otherwise have been held ; and at all such Meetings the Commissioners shall vote by Ballot, in case a Ballot shall be desired by Three or more of the Commissioners then present ; and that no Act of the said Commissioners shall be valid unless the same shall be done or ordered at some General or Special or adjourned Meeting held according to the Directions of this Act, and at which Five Commissioners at least shall be present ; but all Acts, Orders, and Directions of the said Commissioners, done, made, or given at a General or Special or adjourned Meeting held in pursuance of this Act, whereat Five or more Commissioners shall be present, and in which the Majority of such Meeting shall concur (except in those Cases in which a greater Number than Five Commissioners are directed to be present), shall be of the same Force, Validity, and Effect as if the same were done, made, or given by all the Commissioners for the Time being : Provided always, that the said Commissioners, or any Three or more of them, assembled at any General or Special, or adjourned General or Special Meeting, held in pursuance of the Directions of this Act, or assembled pursuant to any Notice convening such Meeting, and at which the Number of Commissioners required by this Act to form such Meeting shall not be present, may, if they shall think proper, adjourn such Meeting from Time to Time to the same or any other Place within the said Town of *Kingstown*, and that at any such adjourned General Meeting it shall and may be lawful to and for the Commissioners then present, and being Five or more in Number, to proceed as well with the Business for which such original General Meeting was called or held as with all such Acts, Matters, and Things relating to this Act as shall have arisen as well before the Time of such Adjournment as subsequently thereto,

Regulation
of Commis-
sioners'
Meetings.

Power to
adjourn Com-
missioners
Meeting.

[Local.]

30 F.

thereto,

thereto, and previously to such adjourned General Meeting being held, but that at any such adjourned Special Meeting it shall not be lawful for the Commissioners then present to proceed with any other Business than the special Business for which such original Special Meeting was called (except as to Commissioners delivering a Statement and taking an Oath of Qualification as aforesaid), nor to proceed with such special Business unless the Number of Commissioners required by this Act for such special Purpose be present: Provided also, that it shall be lawful for the said Commissioners and they are hereby authorized from Time to Time, by and out of the Monies accruing to them under the Provisions of this Act, to provide a suitable Room or Rooms for such Meetings, until a convenient Town Hall or Board Room shall be erected or provided as herein-after mentioned.

Power to provide a Room for Commissioners to meet in.

Commissioners to appoint a Chairman at each Meeting.

XXVII. And be it further enacted, That it shall and may be lawful to and for the Commissioners for the Time being appointed by virtue of this Act, and they are hereby required, at each and every such Meeting as aforesaid, to appoint One of themselves to preside and act as Chairman during the Time of such Meeting; and if such Chairman so appointed shall leave or quit such Meeting before the Conclusion or Adjournment of the same, then and in such Case the remaining Commissioners present at such Meeting (provided there shall not be a less Number present than Five) shall and may and they are hereby required to nominate and appoint another Chairman as aforesaid to preside until the Conclusion or Adjournment of such Meeting.

Chairman at Elections.

XXVIII. And be it enacted, That the said Commissioners for the Time being shall appoint One of their own Body to preside at each Annual Meeting which shall be held under this Act for the Election of Commissioners, and to take the Poll; and it shall be also lawful for such Commissioners to appoint another of their own Body to be Deputy or Assistant to such Chairman, for the Purpose aforesaid, and to take such Poll in his Absence.

Chairman to have the casting Vote.

XXIX. Provided always, and it is hereby enacted, That when at any Meeting of the said Commissioners it shall happen that there is an equal Number of Votes on each Side (including the Chairman's Vote) on any Question, Matter, or Thing in debate before the said Commissioners at any Meeting whatever held in pursuance of this Act, then and in every such Case the Chairman presiding at such Meeting shall give the casting Vote; and at every such Meeting the Commissioners shall pay and defray their own Expences.

Commissioners to pay their own Expences.

Special Meetings to be called by the Clerk at the Request of Three Commissioners;

XXX. And be it enacted, That if at any Time it shall be deemed expedient to hold any Special Meeting before the Day on which the then next General Meeting is by this Act required to be held as aforesaid, then and in every such Case it shall and may be lawful for Three of the said Commissioners, or for the Clerk to the Commissioners for the Time being by the Direction in Writing of any Three or more of the said Commissioners, to call such Special Meeting, giving at least Twenty-four Hours Notice thereof at the House of each of the said Commissioners who shall at that Time be actually resident within the said Limits of the said Town of *Kingstown*, of the Time, Place, and Object of such Meeting.

XXXI. Pro-

XXXI. Provided always, and be it enacted, That it shall be lawful for the said Commissioners, or any Three of them, and they are hereby required, at any Time and at all Times hereafter, upon an Application in Writing signed by at least Twenty-one Inhabitants of the said Town rated or assessed in respect of any Lands and Tenements therein under the Provisions of this Act, and left at the Office of such Clerk, to convene a Meeting of the said Inhabitants, to be held within Ten Days after such Application shall be so left at the Office of such Clerk, and to cause Seven Days Notice of such Meeting, and the Place of holding the same, to be given by Writing to be affixed on the several Churches and other Places of Public Worship within the Limits of the said Town, as defined by this Act.

or on the Application of Twenty-one Inhabitants rated under this Act.

XXXII. And be it further enacted, That no Order, Rule, or Resolution, Regulation, Act, or Proceeding, made, done, allowed, or carried into effect at any Meeting held in pursuance of this Act, shall be altered or suspended, revoked, rescinded, annulled, or disallowed, in any Manner whatsoever, unless on some subsequent Meeting of the said Commissioners, to be specially called for that Purpose by Three or more of the said Commissioners, or by the Clerk of the said Commissioners by their Direction, and of which Meeting Seven Days previous Notice in Writing of the Time, Place, and Purport thereof shall have been given in manner afore said, and unless a greater Number of the said Commissioners by Three at least than were present at the Meeting at which such Order, Rule, Resolution, Regulation, Act, or Proceeding so proposed to be altered or suspended, revoked, rescinded, annulled, or disallowed, shall have been made, shall be present.

No Resolution to be rescinded unless at a Meeting called for that Purpose, at which more Commissioners shall be present than at the former Meeting.

XXXIII. And be it further enacted, That it shall and may be lawful to and for the Commissioners, at any General or Special or adjourned Meeting held under and by virtue of the Powers and Authorities contained in this Act to nominate and appoint any Number of the Commissioners not less than Three to be a Committee for the Purpose of carrying into effect any Matters or Things which may arise in the Execution of this Act, and which the major Part of the Commissioners present at such Meeting may decide to be proper to be executed by such Committee; and the Commissioners so appointed or any such Committee, or the major Part in Number of them, shall have Power and Authority to execute the Matters and Things so left to them, as fully and effectually, to all Intents and Purposes, as the same would have been executed by the said Commissioners at any General or Special or adjourned Meeting, so nevertheless that the Acts of such Committee shall, before the same shall be adopted and carried into execution, be confirmed by some subsequent General or Special or adjourned Meeting of the said Commissioners held according to the Provisions of this Act.

Power to appoint Committees.

XXXIV. And be it enacted, That no Commissioner shall hold or enjoy any Office or Place of Profit under this Act, or shall take any Contract, or be directly or indirectly interested or concerned in any Contract, which shall or may be entered into under or by virtue of this Act, at any Time during the Period he shall be such Commissioner; and every Commissioner who shall act contrary to the above Directions shall for every such Offence forfeit and pay the Sum of Two hundred Pounds to any Person.

Penalty on Commissioners taking Contracts.

Person who shall sue for the same ; and every such Commissioner shall, from and immediately after a Verdict shall be given against him for the said Penalty of Two hundred Pounds, or he shall in any Manner have compromised or settled any such Action, be for ever disqualified and rendered incapable of being, and shall *ipso facto* cease to be, a Commissioner, and a new Commissioner shall be appointed in his Place in manner herein-before provided : Provided always, that nothing herein contained shall extend or be construed to extend to prevent any Person from acting as a Commissioner, or to make such Person liable to the said Penalty of Two hundred Pounds, in consequence of his being a Creditor on the Rates, Assessments, or other Monies authorized to be levied by this Act.

Power to appoint Treasurer, Clerk, and other Officers.

XXXV. And be it further enacted, That the said Commissioners shall and may and they are hereby authorized and required to elect and appoint a Treasurer and Clerk, and also a Collector or Collectors of the Rates, Assessments, or other Monies to be raised, levied, or received by virtue of this Act, and also a Surveyor or Surveyors, and Two or more Applotters or Valuers, and such other Officer or Officers as may be necessary for the Execution of this Act, as they shall think proper, and shall and may from Time to Time remove, suspend, or displace all or any of such Officers as they shall see Occasion, and appoint others in the Room or Place of such of them as shall be so removed, suspended, or displaced, or shall die, or resign their Offices, and shall also from Time to Time, by and out of the Monies accruing to them under the Provisions of this Act, pay such Salaries and Gratuities, and make such Allowances to such Officers, and to all other Persons by them the said Commissioners employed in the Execution of this Act, as they the said Commissioners shall think reasonable or proper ; and the said Commissioners shall and they are hereby required to take such Security from every such Officer so to be appointed as aforesaid, for the due Execution of his Office or Duty under this Act, as the said Commissioners shall think proper (provided that no Commissioner shall be taken as a Surety for any Officer so appointed) ; and every Person who is hereby made liable to pay the several Rates and Assessments or other Monies hereby directed and required to be levied and raised, or which shall become payable under this Act, shall and they are hereby required to pay the same to such Collector or Collectors or other Person as shall be so appointed to collect and receive the same ; and every such Collector or other Person so appointed as aforesaid shall from Time to Time, when thereunto required by the said Commissioners, make and deliver to them, or to such Person as they shall direct for that Purpose, true and correct Accounts in Writing of all Monies received by him, and of all other Matters and Things committed to his Charge by virtue and for the Purposes of this Act, and how much of such Monies hath been justly paid and disbursed, and to whom and for what Purposes, and shall at the same Time produce and deliver the several Vouchers for such Payments and Disbursements, and shall from Time to Time pay all such Monies as shall appear due upon the Balance of his Accounts to the Treasurer for the Time being, or to such other Person and at such Time and Place as the said Commissioners shall appoint ; and in default of any or either of the Matters aforesaid for the Space of Ten Days after being thereunto required as aforesaid, on Complaint made by the said Commissioners or any Three of them, or by such other Person as they shall or may appoint, of any such Default as aforesaid,

Inhabitants to pay Rates to Collector, who is to account when required.

aforesaid, to Two or more Justices of the Peace for the County or Place wherein the Party making Default shall be or reside, then and in such Case such Justices may and are hereby authorized and required to summon the said Officer, or Person making such Default as aforesaid, to appear before them, and upon his appearing or not appearing to hear and determine the Matter of Complaint in a summary Way; and if upon Confession of the Party, or by the Testimony of any credible Witness upon Oath, it shall appear to such Justices 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 Person, or unaccounted for, then such Justices may and are hereby authorized and required, by Warrant under their Hands and Seals, 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 Person offending or making Default as aforesaid, wherever such Goods may be found; and if no Goods or Chattels can be found sufficient to answer and satisfy the said Money, together with the Charges of distraining and selling the same, and the other Expences necessarily attending the requiring or compelling of such Payment as aforesaid, or in case of Refusal to account as aforesaid, or that it shall appear to such Justices by the Confession of the Party so offending or making Default as aforesaid, or by the Testimony of any credible Witness upon Oath 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 or Possession of any such Officer or Person, and he shall refuse to deliver up the same as aforesaid, then and in any of the said Cases such Justices shall commit every such Offender to the Common Gaol or House of Correction of 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 and satisfied the said Commissioners, and shall have paid such Composition in such Manner as they shall appoint, or until such Person shall have delivered up such Books, Papers, and Writings as aforesaid, or give Satisfaction in respect thereof: Provided always, that no Person who shall be committed for Want of such sufficient Distress shall be committed for any longer Time than Six nor less than Three Calendar Months.

XXXVI. And be it further enacted, provided always, That not less than Two Applotters or Valuators shall be appointed for the Purposes of this Act, who shall, from Time to Time as the said Commissioners shall direct, make and deliver to the said Commissioners and their Clerk a Statement of all the Lands, Tenements, and Hereditaments within the said Limits of the said Town of *Kingstown* as defined by this Act, and of the full improved annual Value thereof respectively, and of the respective Owners and Occupiers thereof respectively, and who are the several Persons who from Time to Time are entitled to vote under the Provisions of this Act: Provided always, that every Applotter or Valuator to be appointed for the Purposes of this Act shall, when so appointed, and before he shall be capable of acting as Valuator or Applotter, take the following Oath, or, if a Quaker or Moravian, make the following Affirmation (which Oath or Affirmation the Chairman of any Meeting of the said Commissioners is hereby authorized to administer); that is to say,

Valuators
to be
appointed.

Valuator to
take Oath
to perform
Duties.

‘ I *A. B.* do swear, That I will honestly, truly, faithfully, and impartially
 ‘ execute the Office of Applotter or Valuator within the Limits of the
 ‘ Town of *Kingstown*, under an Act of Parliament passed in the Fourth
 ‘ Year of the Reign of His Majesty King *William* the Fourth, intituled
 ‘ [*here insert the Title of this Act*], and that I will do and perform all
 ‘ Matters and Things directed to be done and performed under the Provi-
 ‘ sions of the said Act by an Applotter or Valuator so long as I shall
 ‘ hold such Office, to the best of my Skill and Judgment, and without
 ‘ Favour or Malice to or against any Person whomsoever.

‘ So help me GOD.’

Treasurer
 and Clerk not
 to be the
 same Person.

XXXVII. And be it further enacted, That it shall not be lawful for the
 said Commissioners to appoint the Person who may be appointed their
 Clerk in the Execution of this Act, or the Partner of any such Clerk, or
 the articed or other Clerk or other Person in the Service or Employ of
 any such Clerk of the said Commissioners, or of or in the Service of the
 Partner of any such Clerk, to be the Treasurer for the Purposes of this
 Act, or to appoint any Person who may be appointed Treasurer, or the
 Partner of any such Treasurer, or the articed or other Clerk or other
 Person in the Service or Employment of any such Treasurer or of the
 Partner of any such Treasurer, to be the Clerk of the said Commis-
 sioners; and if any Person shall hold or accept both the Offices of Clerk
 and Treasurer for the Purposes of this Act, or if any Person being the
 Clerk to the said Commissioners, or the Partner of any such Clerk, or
 the articed or other Clerk or other Person in the Service or Employ of
 any such Clerk of the said Commissioners, or of or in the Service or
 Employ of his Partner, shall hold or accept the Office of Treasurer, or if
 any Person being the Treasurer of the said Commissioners, or being the
 Partner of any such Treasurer, or the articed or other Clerk or other
 Person in the Service or Employ of any such Treasurer or of the Partner
 of any such Treasurer, shall hold or accept of the Office of Clerk in the
 Execution of this Act, or if any such Treasurer or Clerk to the said
 Commissioners shall hold or accept any Place or Office of Profit or Trust
 under the said Commissioners other than that of their respective Offices
 of Treasurer and Clerk, every such Person so offending shall for every
 such Offence forfeit and pay the Sum of One hundred Pounds to any
 Person who shall sue for the same, to be recovered with full Costs of
 Suit in any of His Majesty's Courts of Record at *Dublin*, by Action of
 Debt, Bill, Plaint, or Information, wherein no Essoign, Protection, or
 Wager of Law, or more than One Impar lance, shall be granted or
 allowed; and every Person so offending shall be thenceforth dismissed
 from such Office, and shall be thenceforth for ever disqualified from hold-
 ing any Office whatever under this Act, and from being elected a Com-
 missioner under this Act; and in case the Person so offending shall be a
 Commissioner at the Time of his so offending, he shall be also from
 thenceforth disqualified and rendered incapable of acting as and shall *ipso*
facto cease to be such Commissioner.

Penalty on
 Officers
 taking Fees,
 &c.

XXXVIII. And be it further enacted, That if any Person who shall be
 retained or employed by the said Commissioners as Treasurer, Clerk,
 Collector, or Applotter or Valuator, or in any other Manner under or in
 the Execution of this Act, shall exact, take, or receive, directly or indi-
 rectly, by himself or any other Person to his Use, any Fee, Profit, or
 Reward whatsoever, or any Promise or Security whatsoever, by him-
 self

self or any other Person for his Use, other than such Salaries, Allowances, and Rewards as shall or may be allowed as aforesaid, for or on account of any thing done or to be done by virtue of or under this Act, or shall at any Time, directly or indirectly, by himself or others to his own Use or in Trust for him, be concerned or in any way interested in any Sale, Purchase, Bargain, Contract, or Benefit made or to be made (other than as aforesaid) under or by virtue of this Act, any Person so offending shall not only forthwith be removed from his Office, Place, or Employment under this Act, but be incapable of holding any Office or Place or be employed in any Manner whatsoever in future under this Act, but shall also forfeit the Sum of Fifty Pounds for each such Offence to any Person who shall sue for the same.

XXXIX. And be it further enacted, That all Actions or Suits which the said Commissioners may find it necessary to commence or prosecute for the Recovery of any Damage or Sum of Money due to them under or by virtue of this Act, or for enforcing any of the Powers or Authorities vested in them for the Purposes of this Act, shall and may be brought and prosecuted in the Name of any One of the said Commissioners, or of their Treasurer for the Time being; and that all Actions and Suits which it may be necessary for any other Person to commence or prosecute for or on account of any Contract made by the said Commissioners or of any of them as such, or by any other Person on their Behalf, under and by virtue and in pursuance of this Act, for the Nonperformance of such Contract, or for any other Act or Thing done by the said Commissioners, or any or either of them, or any other Person by their Order, in pursuance of this Act, such Action or Suit shall be commenced and prosecuted against any One of the said Commissioners, or the Treasurer of the said Commissioners for the Time being; and that no such Action or Suit shall abate or be discontinued by the Death, Suspension, or Removal of such Commissioner or Treasurer, or by any Act or Default of his done or suffered without the Consent or Direction of the said Commissioners for the Time being, but some other of the said Commissioners, or the Treasurer to the Commissioners for the Time being, shall always be and be taken to be Plaintiff or Defendant in every such Action or Suit, as the Case may be; but the Fact of the said Commissioner or Treasurer being Plaintiff or Defendant in such Action or Suit as aforesaid shall not render such Commissioner or Treasurer incompetent to give Evidence in the same, and such Commissioner or Treasurer, if otherwise a competent Witness, shall, if necessary and required, be admitted and received as a Witness in such Action or Suit: Provided always, that every such Commissioner or Treasurer in whose Name any Action or Suit shall be commenced, prosecuted, or defended as aforesaid shall, out of the Monies accruing to the said Commissioners under the Provisions of this Act, be paid and reimbursed all such Costs, Charges, and Expences as he shall pay or be liable to pay on account thereof, and shall not be personally answerable or liable for the Payment of the same, or any Part thereof, unless such Action or Suit shall have arisen in consequence of his own wilful Neglect or Default, or have been commenced or defended without or contrary to the Order or Direction of the said Commissioners in that Behalf as aforesaid; provided that in any Action, Suit, or Proceeding by or against the said Commissioners or any of them, or any Officer acting under them or by their Authority, Evidence of such Commissioner or Commissioners or Officer having acted as such,

Commissioners to sue and be sued in the Name of their Treasurer, or of One Commissioner.

or

or a Copy of his or their Appointment or Election, shall be sufficient Proof of his or their being such Commissioner or Commissioners or Officer, unless the Party by or against whom such Action, Suit, or Proceeding may be brought shall, previous to the Trial thereof, give Notice in Writing of his, her, or their Intention to dispute such Fact, and shall also specify in such Notice the Grounds on which such Fact is disputed, and in what respect the Election or Appointment of such Commissioner, Commissioners, or Officer is invalid, and it shall not be competent to the Party giving such Notice to give Evidence of any other Grounds for disputing such Fact except the Grounds specified in such Notice.

Books to be kept of Commissioners' Proceedings.

XL. And be it further enacted, That the said 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, or by some other Person, cause true, correct, fair, and regular Entries to be made of the several Meetings held in pursuance of this Act, and of the Commissioners present thereat respectively, and of the Appointment of all Officers and Persons to act in the Execution of this Act, and of every Leave of Absence given to Commissioners as aforesaid, and of all Acts, Orders, Rules, Directions, Resolutions, Proceedings, Matters, and Things whatsoever relative or in any Manner concerning the Execution thereof; and all Entries in such Books shall be signed by the Chairman of the Meeting at which any Act, Order, or Proceeding shall be made; and all Entries so signed as aforesaid shall be deemed Originals, and shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others, and such Books shall be kept by the Clerk to the said Commissioners.

Accounts to be stated and made up;

XLI. And be it further enacted, That the Commissioners for the Time being shall and they are hereby required from Time to Time and at all Times hereafter to order and direct a Book or Books to be provided and kept by their Clerk, in which Book or Books such Clerk shall enter or cause to be entered all Contracts which shall be entered into by them; and such Commissioners shall Twice in every Year, on the First Day of *May* and First Day of *November*, or within One Calendar Month next thereafter, respectively make up and state, or cause by their Clerk to be made up and stated, a correct and true Account of all Monies paid and received during the then preceding Half Year, (that is to say,) between the Thirty-first Day of *October* and the Thirtieth Day of *April*, and the Thirtieth Day of *April* and the Thirty-first Day of *October*, respectively and successively, with the Dates when, and the Persons to or from whom, and the short Purposes or Account for or upon which the several Sums of Money were respectively paid or received; and shall at the same Times respectively set forth, or cause by their Clerk to be set forth, a general Statement of their Accounts and Funds, with the Receipts and Balances thereof, as well on the Credit Side as on the Debit Side.

Auditors to be appointed.

XLII. And be it enacted, That at the first Meeting holden for the Election of Commissioners, and at every such subsequent Meeting as aforesaid, the said Inhabitants of the said Town of *Kingstown*, qualified to vote at any such Meeting under the Provisions herein-before contained, shall, immediately after the Close of such Election, elect, in manner appointed for the Election of such Commissioners, Two Persons from among themselves to be Auditors of the Accounts of the said Commissioners, and such Auditors shall examine all Vouchers and Documents, and shall

audit,

audit, examine, and approve of the said half-yearly Accounts; and the said Commissioners shall cause such half-yearly Accounts, when so audited, examined, and approved, together with a Balance Sheet or short Statement thereof, to be published in One or more of the *Dublin Newspapers* in or before the Months of *January* and *July* respectively next following the making up and stating and examining and auditing, and approving the same, for the Information of the said Inhabitants within the said Town of *Kingstown* interested therein.

XLIII. And be it further enacted, That the said Commissioners shall and they are hereby required to order and direct a Book or Books to be provided and kept by their Clerk or Treasurer for the Time being, in which Book or Books such Clerk or Treasurer shall enter or cause to be entered true and regular Accounts of all Sums of Money from Time to Time received, paid, laid out, and expended for the Purposes of this Act, and of the several Articles, Matters, and Things for which any Sum of Money shall have from Time to Time been disbursed, laid out, and paid, and when and from and to whom such Sums of Money shall have been received and paid; and which Book or Books shall, at all seasonable Times, be open to the Inspection of the said Commissioners, and any Creditor on the said Funds and Rates, without Fee or Reward, and the said Commissioners and Creditors shall or may take Copies of or Extracts from the said Book or Books, or any Part or Parts thereof, without paying any thing for the same; and in case the said Clerk or Treasurer shall refuse to permit or shall not permit such Commissioners or Creditors, or any of them, to inspect the same Book or Books, or to take such Copies or Extracts as aforesaid, every such Clerk or Treasurer shall forfeit and pay any Sum not exceeding Ten Pounds for each such Offence, to any Person who shall sue for the same.

Accounts to be kept of current Receipts and Disbursements.

XLIV. And it is hereby enacted, That every Inhabitant within the said Limits of the said Town of *Kingstown*, entitled to vote at Elections under the Provisions contained in this Act, shall, at all seasonable Times in the Day-time, have free Access to all Books of Proceedings, Books of Account, and Vouchers which belong to the said Commissioners, in the Presence of the Clerk to the Commissioners for the Time being (who is hereby required to attend such Inspection, and to render every reasonable Facility and Information to the Person inspecting the said Books and Vouchers, touching the same, without Fee or Reward); and the said Clerk shall and he is hereby required, at the Request or upon Demand in Writing of any such Inhabitant as aforesaid, to make and deliver to every such Inhabitant requiring the same a true and correct Copy or Extract of or from such Books, Accounts, or Vouchers, or any of them, upon being paid by the Person requiring the same after the Rate of Sixpence for every One hundred Words contained in such Copy or Extract; and in case the said Clerk shall refuse to permit or shall not permit such Inspection as aforesaid, or to attend and render such Facility and Information as aforesaid, or to make or deliver any such Copy or Extract as aforesaid, then and in every such Case the said Clerk shall forfeit and pay any Sum not exceeding Ten Pounds to any Person who shall sue for the same: Provided nevertheless, that the first Account and Statement to be made up as aforesaid shall commence only from the First Day of *September* One thousand eight hundred and thirty-four, and shall contain a general

Books and Accounts to be open to Inspection of the Inhabitants.

First Statement of Accounts to commence

from the 1st
September
1834.

Statement of the Accounts, with the subsequent Payments and Receipts, from that Period to the Thirtieth Day of *April* then next, and a Statement of Accounts and Funds, with the Receipts and Balances, as they shall exist at that Time.

Lands in
Schedule (A.)
to be pur-
chased by
Commis-
sioners.

XLV. And whereas a certain Piece or Parcel of Land and Premises, situate within the said Town of *Kingstown*, and described in the Schedule marked A. to this Act annexed, and also in a Map or Plan and Book of Reference thereto, and deposited with the Clerk of the Peace for the County of *Dublin*, is conveniently situated for the Purpose of being adapted as Public Walks and Gardens for the Use and Benefit of the Inhabitants of the said Town of *Kingstown*: And whereas the same is to be called *Victoria Square*; be it therefore enacted, That the same shall from and after the passing of this Act be called *Victoria Square*; and that it shall and may be lawful for the said Commissioners under this Act, by themselves, their Agents and Servants, to take and enter upon and hold for the Purposes of this Act the Lands, Tenements, and Hereditaments described in the Schedule to this Act annexed, marked (A.), subject to the Restriction herein-after contained in respect of so much thereof as may be in the Possession or Occupation of the Commissioners of the said Royal Harbour, paying for the same such annual Rent or gross Sum of Money out of the Rate authorized by this Act as defined by Schedule B. to this Act annexed, as shall be agreed upon by and between the said Commissioners and the Owners thereof respectively.

Commis-
sioners of this
Act to con-
vert Premises
into Public
Walks and
Gardens.

XLVI. And be it further enacted, That the said Commissioners for the Purposes of this Act, as soon as conveniently may be after they shall have obtained Possession of the said Premises described in the Schedule marked A., shall and they are hereby authorized to pull down and remove all or any Part of the Houses and Buildings upon the said Premises, and to lay out the same in public Walks or Gardens, in such Manner as they shall think most for the Benefit and Improvement of the said Town of *Kings- town*, and to plant all such Trees, Shrubs, and Flowers, and to make all such Walks, and to erect all such Railings and Fences and Gates, and Buildings, and to do all such other Acts and Things, as they shall consider to be necessary for the Completion of such Walks or Gardens; and that the same shall be defrayed out of the Funds by this Act provided for the Use of Keys, and by Schedule B. to this Act annexed: Provided always, that such Improvements shall not in any way interfere with a certain Water Tank and Stone Yard now erected on the said Premises, and in the Use and Enjoyment of the said Commissioners of the said Royal Harbour, but such Commissioners shall hold and enjoy the same without Let, Hindrance, or Molestation on the Part of the said Commissioners under this Act, in as full and ample a Manner as they have held and enjoyed the same before the passing of this Act; and nothing herein contained shall in any respect prejudice or affect the Right, Use, or Enjoyment of the said Commissioners for completing the said Harbour in and to the said Tank and Stone Yard.

Commis-
sioners to levy
Rate on the
Owners and
Occupiers of

XLVII. And be it further enacted, and the said Commissioners for the Time being for the Purposes of this Act are hereby authorized and empowered to levy upon the Owners and Occupiers of all Houses, Tenements, and Premises adjoining to, fronting towards, or abutting on any Part

Part of the said public Walks or Gardens so to be made as aforesaid, a Rate or Rates according to the Schedule to this Act annexed marked with the Letter B., which Rate shall be collected and levied in the Manner herein-before mentioned with reference to the general Rate to be levied by virtue of this Act on Houses, Lands, and Premises within the said Town of *Kingstown*; and that the several Owners or Occupiers of the said several Houses, Tenements and Premises adjoining to, fronting to, or abutting on the said Walks or Gardens so rated as aforesaid, shall respectively be entitled to a Key, to be provided at the Expence of the said Commissioners, whereby Access can be had by such Owners or Occupiers and their Families and Visitors, at all Times, to the said Walks and Gardens, together with the Privilege of walking therein.

Houses, &c. adjoining Walks and Gardens.

Owners and Occupiers to have a Key of the Gardens, &c. free from Expence.

XLVIII. Provided always, and it is hereby enacted, That from and after the Thirty-first Day of *July* next after passing of this Act it shall not be lawful for the said Commissioners for the Purposes of this Act, or any other Person or Persons whatsoever, save and except the Commissioners for making and improving the said Royal Harbour of *Kingstown*, to erect or build any Dwelling House or other Building or Tenement upon any Part of the said Premises comprised in the said Schedule A. to this Act annexed, except only such ornamental or other Erections or Buildings as the said Commissioners for the Purposes of this Act shall think necessary for the said Premises when converted into Walks and Gardens, and for the Accommodation of the Visitors thereto.

Walks and Gardens never to be built upon.

XLIX. And be it further enacted, That any Inhabitant within the said Town of *Kingstown*, entitled under the Provisions in this Act contained to vote at Elections, shall, on Application to the Clerk of the said Commissioners for the same, be entitled to have a Key of and to have Access for himself and Family and Visitors to the said Walks and Gardens, on Payment of a Sum not exceeding the yearly Sum of Twenty Shillings, to be collected along with and the Payment thereof to be enforced in the same Manner as is herein-before directed with reference to the said general Rate to be levied on Houses and Lands and Tenements within the said Town of *Kingstown*.

Persons entitled to vote to have a Key on Payment of Twenty Shillings a Year.

L. And be it further enacted, That if the said Commissioners shall, at any General, Special, or adjourned Meeting to be held under and in pursuance of this Act, determine that any Houses, Outhouses, Shops, Warehouses, Cellars, Walls, or other Buildings, Yards, Gardens, Lands, Tenements, or Hereditaments, or any Part thereof, obstruct any of the Streets, Ways, Lanes, Passages, or Places of or within the said Town of *Kingstown*, and that it is necessary to take down and remove the same, or any Part thereof, in order to widen, enlarge, and improve the said Streets, Ways, Lanes, Passages, and Places, for the Convenience and Accommodation of the Public, or for providing Ground to be used as a Scite for a Town Hall, and Public Walks and Gardens, and Market Places, or for providing Scites for a public Pound, within the said Town of *Kingstown*, or for any of the other Objects which the said Commissioners are by this Act authorized to carry into effect within the said Town, or for suitable Approaches to any of such Buildings and Places so to be provided, it shall and may be lawful for the said Commissioners to treat and agree with the several Owners and Occupiers, and other Persons whomsoever

Power to Commissioners to purchase Land, &c. for Town Hall, Markets &c. and for improving Streets, &c.

Extent of
Lands to be
purchased for
Market Place,
&c.

soever interested in any Houses, Lands, Tenements, and Hereditaments situate within the said Town of *Kingstown*, which may, as aforesaid, be required to be purchased, and taken down and removed for any of such Purposes, for the Purchase of, and to purchase such of the said Houses, Lands, Tenements, and Hereditaments as shall or may be deemed necessary for any or either of the said Purposes aforesaid, and to pay for the same such Sum of Money as shall be agreed upon by the said Commissioners and the Persons interested therein : Provided always, that any Land which shall be purchased for the Purpose of erecting any Market Places shall not exceed Four Acres for each such Market Place ; and that any Piece of Land which may be purchased for the Purpose of the said Pound shall not exceed Half an Acre.

Commissioners to erect
Town Hall,
&c.

LI. Provided always, and be it further enacted, That it shall be lawful for the said Commissioners, and they are hereby authorized and required, to erect upon any Premises which they may purchase for that Purpose a convenient Market House or Market, and a Town Hall, with such Court House and other Rooms and Offices adjoining thereto, as they may consider convenient and necessary for the Purposes of the said Town of *Kingstown* ; and that for those Buildings the said Commissioners shall be and are hereby empowered to pull down and remove all or any Part of any Buildings which may happen to be on any Part of the Premises purchased by the said Commissioners, or to alter the same or any Part thereof, or to erect any new Building or Buildings upon the said Premises or any Part thereof ; and in case the said Commissioners shall think it expedient to hire or otherwise procure the temporary Use of any House or Building for the Purpose of holding their Meetings, or for the Sale of Corn in Sample, or for any of the other Purposes of this Act, until the Buildings intended under this Act to be provided for such Purposes respectively shall be erected and finished, the said Commissioners are hereby authorized to hire or procure and pay for such temporary Use of any such Building.

Until such
Buildings are
erected may
hire Build-
ings.

Commis-
sioners to be
a Body Cor-
porate for
certain Pur-
poses.

LII. And be it further enacted, That all the Messuages, Lands, Tenements, and Hereditaments of which any Conveyances shall be hereafter made to or in Trust for the Commissioners under this Act, or of which Possession shall be obtained by the said Commissioners, shall be vested in the said Commissioners for the Time being acting under and by virtue of this Act, to hold to them, and their Successors and Assigns ; and that for such Purpose only the said Commissioners are hereby declared to be a Corporation.

Bodies Politic
may sell to
Commis-
sioners.

LIII. And be it further enacted, That it shall and may be lawful for all Bodies Politic, Corporate, or Collegiate, Corporations Aggregate or Sole, and all Feoffees in Trust, Tenants for Life or Years, or in Fee Tail, General or Special, for charitable or other Purposes, Executors, Administrators, Husbands, Guardians, Committees for Lunatics and Idiots, and other Trustees whomsoever, and they are hereby authorized and empowered, but not required, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of their Cestuique Trusts, whether Infants or Issue unborn, Lunatics, Idiots, or Femes Covert, and all Persons whomsoever, who are or shall be seised, possessed of, or interested in any such Houses, Outhouses, Shops, Warehouses, Cellars,
Walls,

Walls, or other Buildings, Yards, Gardens, Tenements, or Hereditaments, or any Part thereof, which the said Commissioners are by this Act enabled to purchase for the Purposes aforesaid, to treat, contract, and agree with the said Commissioners for the Sale thereof or any Part thereof, and to sell and convey all or any Part thereof, and all Estate, Right, Title, and Interest whatsoever of and in 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 the Purposes of this Act, as aforesaid; 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 Recovery or other Assurance in the Law whatsoever, be good, valid, and effectual, to and for such Deeds, Intents, and Purposes, not only to convey the Estate and Interest of the Person conveying, but also to convey all Right, Estate, Interest, Use, Property, Claim, and Demand whatsoever of their said several and respective Cestuique Trusts, and all Persons claiming by, from, and 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 all Feoffees in Trust, Executors, Administrators, Husbands, Guardians, Committees, Trustees, and all other Persons, are and shall be hereby indemnified for what they shall do by virtue and in pursuance of this Act as aforesaid.

LIV. And be it further enacted, That upon Payment or legal Tender of such Sum of Money as shall have been contracted or agreed for between the Parties for the Purchase of any House, Building, Lands, Tenements, or other Hereditaments, or as a Compensation for Damages as herein mentioned, to the Proprietor of such House, Building, Lands, Tenements, or other Hereditaments, or to such other Person as shall be interested therein, or entitled to receive such Money or Compensation respectively, within One Calendar Month next after the same shall be so agreed for or assessed, or upon Payment of the said Sum of Money within One Calendar Month into the Bank of *Ireland* as herein directed and required, for the Use of the Party entitled thereto, it shall be lawful for the said Commissioners, and their Agents, Workmen, and Servants, to enter upon such Houses, Buildings, Lands, Tenements, and other Hereditaments respectively, and then and thereupon such Houses, Buildings, Lands, Tenements, and other Hereditaments, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of any Party therein, shall thenceforth be vested in and become the sole Property of the said Commissioners, their Successors and Assigns, as Freehold of Inheritance, to and for the Purposes of this Act; and such Payment shall not only bar all Right, Title, Claim, Interest, and Demand of the Person to whom the same shall or ought to have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion and Remainder of his Issue, and of every other Person whomsoever therein: Provided nevertheless, that in case the said Commissioners or any Person shall enter upon any such Premises for any of the Purposes of this Act before such Payment or Deposit in the Bank of *Ireland* as aforesaid shall have been made, the said Commissioners and every Person so offending shall forfeit and

On Payment of Money, Property to vest in Commissioners.

[*Local.*]

30 I

pay

pay the Sum of Ten Pounds for every Day they or he shall remain on the said Premises.

Power to Purchase, with Consent of Owners, for improving Streets.

LV. And be it further enacted, That if any Houses, Buildings, Lands, Tenements, or Hereditaments, or any Part thereof, shall be adjudged by the said Commissioners to project into or obstruct any of the Streets, Ways, Lanes, Passages, and Places within the said Limits of the said Town of *Kingstown*, as defined by this Act, or the free Use thereof, or that by taking down the same, or any Part thereof, the Passage of the same may be widened, bettered, or improved, and the Owner thereof shall be willing to sell the same, or so much of such Houses, Buildings, Lands, Tenements, or Hereditaments as shall be so adjudged to project into or obstruct the same, or that shall be necessary for the widening, bettering, or improving thereof, the said Commissioners shall and may and they are hereby empowered to purchase, and the Owner or Owners thereof to sell the same for the Purposes aforesaid, and to pay for the same such Sum and Sums of Money as shall be agreed upon by the said Commissioners and the Owner thereof.

Commissioners empowered to sell Ground not wanted for the Purpose of this Act.

LVI. And whereas by reason of the Purchases which the said Commissioners are empowered to make by virtue of this Act they may happen to be seised of some Piece or Pieces of Ground, Buildings, or Premises over and above what shall be necessary for effecting the Purposes of this Act; be it therefore further enacted, That it shall be lawful for the said Commissioners to sell and dispose of such Ground, Buildings, or Premises, either altogether or in Parcels, by public Auction or private Contract, as they shall find most convenient and advantageous, to such Person, Body Politic or Corporate, as shall be willing to contract for and purchase the same: Provided always, that the said Commissioners, before they shall sell and dispose of any Ground, Buildings, or Premises as aforesaid, shall offer the same to the Owner of the Land adjoining the same; and in case such Owner shall not agree within Twenty-one Days from the Time of such Offer (except with respect to and on account of the Price thereof as herein-after mentioned), or shall refuse (except with respect to and on account of the Price thereof) to purchase the same respectively, an Affidavit to be made and sworn or affirmed before a Master Extraordinary in the High Court of Chancery, or before a Justice of the Peace (who are hereby respectively empowered to take the same), by some Person no way interested, stating that such Offer was made by or on the Behalf of the said Commissioners, and that the same was not agreed to within the Time aforesaid, or was refused by the said Owner to whom the same was so made, shall in all Courts whatsoever be sufficient Evidence and Proof that such Offer was made and was not agreed to or was refused by the said Owner to whom such Offer was made (as the Case may be).

Persons whose Lands adjoin to have the Preference.

Purchase Monies belonging to Bodies Politic, &c. how to be applied if above 200*l.*

LVII. And be it further enacted, That every Sum of Money that shall be payable for any Lands, Tenements, or Hereditaments, or any Estate or Interest therein, which shall hereafter be purchased by virtue of the Powers of this Act, and which shall belong to any Body Politic, Corporate, or Collegiate, Feme Covert, Infant, Lunatic, Idiot, or Cestuique Trust, or Person under any other Disability or Incapacity, such Sum of Money, in case

case the same shall amount to or exceed the Sum of Two hundred Pounds, shall with all convenient Speed be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there "*ex parte* the Commissioners for improving the Town of *Kingstown*," without Fee or Reward, and shall, when paid, 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 Body Politic or Corporate, or Person, who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments if the same had not been sold, in the Redemption and Purchase of the Land Tax, or in or towards the Discharge of any such Debt or other Incumbrance affecting the same Lands, Tenements, or Hereditaments, or affecting any other Lands, Tenements, or Hereditaments standing settled therewith, to the same or the like Uses, Intents, and Purposes, as the said Court shall authorize; or when such Money, or any Part thereof, shall not be so applied, then the same shall be laid out, settled, and invested, under the like Direction or 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 said Lands, Tenements, and Hereditaments which shall be so purchased, taken, or used as aforesaid by the said Commissioners stood settled or limited, or such of them as at the Time of presenting such Petition shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery, upon Application by Petition as aforesaid, be invested by the said Accountant General in his Name in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities; and in the meantime, and until the said Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Consolidated or Reduced Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Person who would for the Time being be entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so hereby directed to be purchased, in case such Purchase or Settlement were made.

LVIII. And be it further enacted, That if any Money to be paid for any Lands, Tenements, or Hereditaments purchased, taken, or used for the Purposes of this Act, and belonging to any Body Politic or Corporate, or Person under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Body Politic or Corporate, or Person, for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, or used, or of any Guardian, Committee, or Trustee for any such incapacitated Person, or of any other Person acting as such, 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 said Court of Chancery, 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 Three or more Trustees to be nominated by the Body Politic or Corporate, or Person, making

If less than
200*l.* and
above 20*l.*

making such Option, and approved of by Three or more of the said Commissioners, such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties, or, in Cases of Bodies Politic or Corporations Aggregate, under the Hand or under the Hand and Seal of their proper Officer, in order that such Principal Money and Dividends arising therefrom may be applied in manner herein-before directed, so far as the Case shall be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Court of Chancery.

If less than
20*l*.

LIX. Provided also, and be it further enacted, That where such Money to be paid as last before mentioned shall not exceed Twenty Pounds, then and in all such Cases the same shall be paid to such Person as the said Commissioners, or any Three of them, in Writing to be signed by them shall direct, in Trust to be applied by such Person in such Manner as by such Writing shall be directed, for the Use of such Body Politic or Corporate, or Person, as would for the Time being have been entitled to the Rents and Profits of the said Lands, Tenements, and Hereditaments so purchased by the said Commissioners, if the same had not been so purchased; and the Receipt of the Person to whom the said Commissioners shall direct the same to be paid as aforesaid shall be a sufficient Discharge for the same.

Costs of Purchases from Incapacitated Parties to be paid by Commissioners.

LX. And be it further enacted, That where, by reason of any Disability or Incapacity of the Person or Persons or Corporation entitled to any Houses, Buildings, Lands, Tenements, or Hereditaments, or any Part, Estate, Right, or Interest therein, to be purchased or taken under Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *Ireland*, or 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 be lawful for the said Court to order the Expences of all Purchases from Time to Time to be made in pursuance of this Act, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners, who shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Power to appoint Watchmen, Beadles, and other Officers.

LXI. And be it further enacted, That the said Commissioners shall and may, if at any Time they shall think fit, after they shall have obtained the Consent of a Majority of the Inhabitants so rated and entitled to vote at Elections held under this Act as aforesaid, at a Meeting thereof convened for that Purpose pursuant to the Provision herein-after contained, nominate, order, and appoint such and so many Policemen, Watchmen, Beadles, and other Officers, and Persons as they shall judge necessary or proper to be kept or employed in or about the guarding and watching and keeping and preserving the Peace of such Part of the said Town of *Kings-town* as shall be directed by the said Meeting of the said rated Inhabitants, and shall likewise direct and appoint how and where such Policemen, Watchmen, Beadles, and other Officers shall be stationed, and in what Manner they shall be armed, and how often they shall go their Rounds, and how long they shall continue upon Duty, and what Wages shall be paid or allowed them for such Services, and shall and may also from

Time to Time provide for them convenient and proper Stations, Boxes, or Watch-houses, and shall and may from Time to Time make all such Orders, Rules, and Regulations as the Nature of those Services shall to the said Commissioners or to any Three or more of them appear to require and be necessary for preserving and maintaining Peace and good Order within the said Limits, or such Part thereof as shall have been directed by the said Meeting of the said rated Inhabitants; and it shall be lawful for such Policemen, Watchmen, Beadles, or other Officers or Persons so to be appointed as aforesaid, and they are hereby authorized, commanded, and required, vigilantly to keep Watch and Ward within the said Parts of the said Limits, and to arrest, apprehend, and detain in some convenient Bridewell or Lock-up House or other Place of Security within the said Town, to be provided and appointed by the said Commissioners for that Purpose, all Felons, Malefactors, Disturbers of the public Peace, disorderly Persons, Rogues, Vagrants, Beggars, and all such other Persons as shall be found misbehaving themselves, and shall take them within Twenty-four Hours, or as soon as conveniently may be, before Two or more Justices of the Peace, to be examined and dealt with according to Law; and in case any such Policeman, Watchman, Beadle, or other Officer or Person so to be appointed as aforesaid shall misbehave himself or neglect his Duty, the Clerk for the Time being to the said Commissioners is hereby authorized to suspend such Policeman, Watchman, Beadle, or other Officer or Person from the Execution of his Office, and to find another Person to officiate therein, until the next Meeting of the said Commissioners under this Act; and their said Clerk shall and is hereby acquired to acquaint the Commissioners assembled at such Meeting with the said Neglect or Misconduct of such Policeman, Watchman, Beadle, or other Person, and the said Commissioners shall and are hereby required forthwith, or at some other Meeting of such Commissioners, to proceed to the Examination thereof, and in case the said Commissioners shall be satisfied that such Misconduct or Neglect has taken place, they shall, if they think it necessary, dismiss, or for a Time suspend from his Office, or impose a Fine not exceeding Twenty Shillings on such Policeman, Watchman, Beadle, or other Person; provided that over and above such Suspension or Fine such Policeman, Watchman, Beadle, or other Officer shall be subject and liable to such Penalty for Misbehaviour as is herein-after expressed.

LXII. And be it further enacted, That all Policemen, Beadles, Watchmen, and other Peace Officers to be appointed under this Act shall be sworn in as Constables before a Justice of the Peace, and shall act as such while in the Execution of the Powers and Authorities of this Act; and they are hereby invested with and shall have and enjoy all the Powers and Authorities, Privileges and Immunities, which Constables are invested with or have or enjoy by Law.

Watchmen to be sworn in as Constables.

LXIII. And be it further enacted, That if any such Policeman, Watchman, Beadle, or other Peace Officer shall act in his said Office before being sworn in as a Constable, or shall not faithfully observe, perform, and keep the Orders, Rules, and Regulations which shall be made by the said Commissioners for the Purposes aforesaid, or shall in any Manner neglect his Duty or misbehave himself in the Execution of his said Office, every Person so offending shall forfeit and pay for every such Offence any

Penalty on Watchmen, &c. misbehaving.

[Local.]

30 K

Sum

Sum not exceeding Twenty Shillings nor less than Five Shillings, and, if the said Commissioners shall think proper, shall also be immediately discharged from his said Office or Employment under this Act.

Power to reward disabled Watchmen.

LXIV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to give such Rewards in Money to the Policemen, Watchmen, Beadles, and other Peace Officers 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 accruing to the said Commissioners under the Provisions of this Act.

New Pavements to be made at the Charges of Owners or Occupiers of Houses.

LXV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to cause all and every the Pavements now being in any of the Streets, Lanes, and Places within the said Limits of the said Town as defined by this Act, as well Footways as Horse or Carriage Ways, to be repaired, amended, raised, lowered, altered, or placed in such Manner, with such Materials, and with such Drains, Gutters, Sinks, or Watercourses, and with such Grates or Gratings, or from or out of such Ways over and into such Gutters, Sinks, Drains, or Watercourses, as the said Commissioners shall think proper to direct, and also to cause all other Streets, Lanes, and Places within the said Limits which are now built but not paved, and all such other Streets, Lanes, and Places within the said Limits which are now making or building or may hereafter be made or built upon, to be paved in such Manner, and with such Gutters, Sinks, Drains, or Watercourses, as to them the said Commissioners shall seem meet and necessary; and the Charges of maintaining and repairing the present Pavement within the said Limits shall be defrayed by the said Commissioners, but the Charges or Expences attending or in any Manner relating to such new Pavements shall be paid and reimbursed to the said Commissioners by the Owners or Occupiers of the said Houses, Buildings, Ground, or Land within the said Streets, Lanes, or Places so to be new paved as aforesaid, each Owner or Occupier paying an equal Share or Proportion thereof, according as such new Pavement is or shall be either before, behind, or at the Side of his House or Building, Ground or Land as aforesaid; and the said Share to be ascertained by the Surveyor or Valuator or Applotter, or of the said Commissioners to be appointed by virtue of this Act; and if any such Owner or Occupier shall at any Time neglect or refuse to pay such Charges and Expences, the same shall and may be levied by Distress and Sale of the Goods and Chattels of such Owner or Occupier in like Manner as the general Rate on Houses, Lands, and Tenements within the said Limits of the said Town of *Kingstown* herein-before directed and required to be raised and levied is directed to be recovered, the Overplus, if any, of the Monies to arise thereby, after deducting such Charges and Expences as aforesaid, and the Costs and Expences attending such Distress and Sale, being returned to such Owner or Occupier.

As to paving Streets not completely built upon.

LXVI. Provided always, and be it further enacted, That if the said Commissioners shall (as they are hereby authorized to do) cause any Street, Lane, or Place within the said Limits of the said Town of *Kingstown* to be paved as aforesaid before the same is completely made or built upon, that then and in such Case the Owner or Occupier of any Ground abutting

abutting or adjoining to such Street, Lane, or Place, or proposed Street, Lane, or Place, not built upon nor attached to any House or Building, shall not be liable to pay any Part of the Expences and Charges of such Pavement until such Ground be built upon or attached to some House or Building, when, and not before, such Owner or Occupier shall be liable to pay such and the same Expences and Charges, and to be recoverable in the like Manner, as he would have been subject to if the said Ground had been built upon at the Time of making such Pavement as aforesaid: Provided also, that all future Charges which may necessarily be incurred in or about the repairing, altering, or amending the said Pavement shall be paid and borne by the said Commissioners: Provided always, that if it shall appear to the said Commissioners that any Person who by virtue of this Act shall at any Time become liable to pay any Part of the Charges or Expences for the making of any such new Pavements or other Assessments as aforesaid is unable to pay the same, it shall and may be lawful to and for the said Commissioners at such Meeting to excuse such Person from the Charge of such Pavements or other Assessments, or any Part thereof, or to accept same by such Instalments as they may think fit to appoint, and in case of Default, that the same shall be paid by and out of the Monies accruing to the said Commissioners under the Provisions of this Act.

Commissioners may excuse Persons unable to pay.

LXVII. And be it further enacted, That no such Owner or Occupier as aforesaid, or any other Person whosoever, shall at any Time make, or cause or permit or suffer to be made, any Alteration whatsoever in the Pavement, or in the Foot, Horse, or Carriage Ways, Gutters, Sinks, Drains, or Watercourses within the said Limits of the said Town of *Kingstown*, for any Purpose whatsoever, without the Consent of the said Commissioners assembled at a General or adjourned Meeting under this Act first had and obtained for that Purpose, and subject to such Terms and Conditions as the said Commissioners at such Meeting shall think proper to prescribe, order, or direct concerning the same: Provided always, that where such Alteration shall be made with such Consent as aforesaid, such Alteration shall from Time to Time and at all Times hereafter be made at the Expence, Cost, and Charges of the Person requiring the same, and to whom such Consent shall be so given as aforesaid, unless the said Commissioners shall otherwise agree with such Person; but in case any such Owner or Occupier or other Person shall cause such Alterations to be made without such Consent, or after obtaining such Consent shall cause such Alteration to be made in any Manner contrary thereto, then and in every such Case the said Commissioners shall and may and they are hereby authorized to abate, take away, or remove such Alteration, and to restore the Pavement, Way, Gutter, Sink, Drain, or Watercourse to the State and Condition in which it was before such Alteration was so made therein as aforesaid, and the Charges and Expences attending the Restoration thereof shall be paid by the Person who so caused such Alterations to be made as aforesaid, and shall be recovered by Distress and Sale of the Goods and Chattels of such Owner or Occupier in like Manner as the said general Rate on Houses, Lands, and Tenements within the said Town and Parish directed and required to be raised and levied is directed to be recovered, the Overplus (if any) of the Monies to arise thereby, after deducting such Charges and Expences as aforesaid, and the Costs and Expences attending such Distress and Sale, being returned to such Owner or Occupier.

No Alteration of the Pavements without the Consent of the Commissioners.

LXVIII. And.

Commissioners to provide Lamps and light the Town.

LXVIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby directed and empowered, subject to the Consent and Approbation of the said Inhabitants to be previously had and obtained at a General Meeting to be for that Purpose assembled as herein-after provided, to light all or any Part of the Streets, Lanes, Ways, Houses, and Buildings situate within the said Limits of the said Town of *Kingstown*, and for that Purpose from Time to Time, as Occasion may require, to provide all necessary Lamp Irons or Lamp Posts to be set up or affixed into, upon, or against the Ground adjoining, or the Walls, Palisadoes, or Iron Railings, or any other Part of any of the Houses, Tenements, or Buildings already built or building, or which shall at any Time hereafter be built within the said Limits, or in such other Manner and at such Distances as they shall think proper and convenient; and also to cause Lamps of such Sizes and Sorts to be provided and affixed to, in, or upon such Lamp Irons or Lamp Posts, and to alter, take down, or remove any of the present or any future Lamp Irons, Posts, or Lamps which shall or may be purchased, affixed, or provided for the Purposes aforesaid, repairing any Damage thereby done, or making Compensation for the same, and when any such Lamp shall be lighted with Gas, then with the Consent of the Owners and Occupiers of such Houses, Tenements, or Buildings to the affixing and continuing the same, and from Time to Time to cause the said Town of *Kingstown*, or such Parts thereof as they shall deem proper and shall have been consented to as aforesaid, to be lighted, and from Time to Time (if they shall see proper) to contract and agree with any Body Politic or Corporate, or Person, for lighting the same, and for providing the Lamps, Lamp Irons, or Lamp Posts, and all other Apparatus, and to do all such Matters and Things as the said Commissioners shall from Time to Time think proper, convenient, and necessary for the well and effectually lighting such Streets, Lanes, and Ways, Houses and Buildings.

Commissioners to provide for a Supply of Water.

LXIX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to take all necessary Steps for the Purpose of effectually supplying the Whole or any Part of the Streets, Ways, Houses, and Buildings situate within the said Limits of the said Town of *Kingstown* with Water by means of Pipes and public Fountains, and for those Purposes from Time to Time, as Occasion may require, to provide and cause public Fountains to be erected and kept in repair in such convenient Places within the said Limits as the said Commissioners shall think proper and convenient, and to alter and take down any of the present or any future public Pumps or Fountains erected or to be erected within the said Limits, and from Time to Time to cause the said Streets, Ways, Houses, and Buildings situate within the said Limits, or such Parts thereof as they shall deem proper, to be supplied with Water by means of Pipes to be laid down under any of the Streets and Ways within the said Limits, whereby such Water can be conveyed into all or any of the several Houses and Buildings within the said Limits, and for that Purpose, if they shall think fit, from Time to Time to contract and agree with any Body Corporate, or Politic or Person, for the Supply of such Quantity of Water to be conveyed to such Places as may be necessary for the said Purposes; and whenever any Person residing within the Limits of the said Town of *Kingstown* shall be desirous of being supplied with Gas or Water in their private Houses, and shall be willing to comply with the
Terms

Terms and Conditions required by the said Commissioners for supplying the same, it shall and may be lawful for the said Commissioners to receive and apply to the Purposes of this Act such Sum or Sums as shall be agreed upon between such Person and the said Commissioners for such Supply of Gas or Water; and in case any Dispute or Difference shall or may arise concerning the said Sum or Sums, or the Payment thereof, the same shall or may be settled and determined by any Two or more Justices of the Peace, and they shall and are hereby empowered, by Warrant under their Hands and Seals, to summon the Parties to appear before them, to hear and determine the Matter of every such Complaint upon Oath, and to make such Order therein, and award such Damages and Costs to either Party, as to them shall seem proper, and by Warrant under their Hands and Seals to cause the Damages and Costs which shall be so awarded, and also the Costs of such Warrant, to be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, rendering the Overplus (if any) to the Owner of the Goods and Chattels so to be sold, after deducting the reasonable Charges of every such Distress and Sale.

LXX. And be it further enacted, That if any Person shall wilfully deface, break, throw down, displace, take away, damage, injure, or spoil any of the Lamp Irons, Lamp Posts, or Lamps, or any Reservoir, Main, or other Pipe or Fountain, which already are or is or shall or may be put up or executed by virtue of this Act, or by any Person at his own Expence, or wilfully damage or injure any of the Posts, Irons, or other Furniture thereof or Materials belonging thereto, or extinguish the Lights of any of such Lamps, without due Authority, or impede or injure the Flow or Quality of any Water supplied by Pipes or public Fountains under the Provisions of this Act, it shall and may be lawful to and for any Person whomsoever who shall see such Offence committed to seize, as also for any other Person to assist in seizing, the Offender, and by Authority of this Act, and without any other Warrant, to convey or deliver such Offender into the Custody of a Peace Officer, in order to be secured and conveyed before Two or more Justices of the Peace; and such Justices shall proceed to examine upon Oath any credible Witness who shall give any such Information touching such Offence, and the Party, being convicted of such Offence, shall forfeit and pay any Sum not exceeding Five Pounds nor less than One Pound for every such Offence to such Person as shall sue for the same, and shall moreover make full Satisfaction to the said Commissioners, or to such Persons as they shall appoint to receive the same, for the Damages so done by such Offender as aforesaid; and in case such Offender shall not, on Conviction, pay such Penalty and make such Satisfaction as aforesaid, such Justices are hereby required to commit him to the House of Correction of the said County, there to be kept for any Space of Time not exceeding Three Calendar Months, and such Offender shall not be discharged before the Expiration of the Time for which he shall be so committed unless the Forfeiture or Satisfaction shall be sooner paid or given.

Punishing
Persons wil-
fully damag-
ing Lamps,
Water Pipes,
Reservoirs,
&c.

LXXI. And be it further enacted, That in case any Person shall accidentally break, throw down, or otherwise injure or damage any of the said Lamps, or the Iron, Posts, or Furniture thereof, or any of the said Fountains, Reservoirs, Mains, or Water Pipes, or Furniture thereof, or

[Local.]

30 L

shall

Persons acci-
dentally
damaging
Lamps, Foun-
tains, Mains,
Water Pipes,

&c. to make
good the
same.

shall accidentally injure the Flow of Water supplied as aforesaid, and shall not immediately upon Demand make Satisfaction to the said Commissioners, or to any other Owner thereof (as the Case may be), for the Damage so done thereto, then and in any of the said Cases it shall and may be lawful for Two or more Justices of the Peace, upon Proof thereof on the Oath of One or more creditable Witnesses, or by the Confession of the Party, to award to the said Commissioners, or to such other Owner (as the Case may be), such Sum of Money as a Satisfaction for such Damage, and also for all Expences which shall be incurred by the said Commissioners, or such other Owner (as the Case may be), in obtaining the same, as such Justices shall think reasonable; and in case of Refusal or Neglect of the Party to pay the Sum of Money so awarded within Seven Days next after Demand thereof, to cause the same to be levied by Distress and Sale of his Goods and Chattels; and the Surplus, if any, arising by such Distress and Sale, to be paid to him.

Penalty for
conveying
Gas Washings
into the
Royal Har-
bour or into
any River,
Stream, &c.

LXXII. Provided always, and be it further enacted, That if any Body Politic or Corporate, or Person whatsoever, making, furnishing, or supplying any Gas used or consumed for lighting any Highway, Street, or Place, or any House, Building, or other Premises as aforesaid, shall at any Time drain or convey, or cause or suffer to be drained or conveyed, or to run or flow, any Washings or other waste Liquids, Substances, or Things whatsoever, which shall arise or be produced in the Prosecution of such Gas Works, or in the Manufacture or Process of making or procuring such Gas, into the Royal Harbour of *Kingstown*, or into any River, Brook, or running Stream, Canal, Reservoir, Aqueduct, Feeder, Pond, Springhead, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or do or cause to be done any Annoyance, Act, or Thing to the Water contained in the said Royal Harbour, or in any such River, Brook, or running Stream, Canal, Reservoir, Aqueduct, Feeder, Pond, or Springhead, Well, Drain, Sewer, or Ditch, whereby the said Water, or any Part thereof, shall or may be spoiled, fouled, or corrupted, then and in each and every such Case such Body Politic or Corporate, or Person as aforesaid, shall forfeit and pay for every such Offence the Sum of Two hundred Pounds; and such Penalty or Forfeiture shall and may be sued for and recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Dublin*, by Action of Debt or on the Case, or by Bill, Plaint, Suit, or Information, wherein no Essoign, Protection, Privilege, or Wager of Law, nor more than One Imparlance, shall be allowed; and the whole thereof shall be paid to the Person who shall inform or sue for the same: Provided always, that no such Penalty or Forfeiture shall be recoverable unless the same be sued for within One Calendar Month next from the Time that such Annoyance, Nuisance, Injury, Damage, Act, or Thing shall have ceased and determined: Provided also, that over and above and in addition to the said Penalty of Two hundred Pounds, and whether such Penalty shall have been sued for or recovered or not, in case any of the said Washings, or other waste Liquids, or noisome or offensive Liquids, Substances, or Things, shall be drained or conducted or conveyed, or caused or suffered to run or flow, in manner aforesaid, into the said Royal Harbour, or into any River, Brook, or running Stream, Canal, or any Reservoir, Aqueduct, Feeder, Pond, Springhead, or Well, or into any Drain, Sewer, or Ditch communicating therewith, or any such Annoyance, Act, or Thing shall be done or

caused to be done as aforesaid, and Notice thereof in Writing shall have been given by any Person whomsoever to the said Body Politic or Corporate, or Person as aforesaid, and the said Body Politic or Corporate, or Person as aforesaid, shall not, within Twenty-four Hours after such Notice shall have been given to them or him as aforesaid, stop, hinder, or prevent all and every such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things from being drained, conducted, or conveyed, or from running or flowing in manner aforesaid, and every such other Annoyance, Nuisance, Injury, Damage, Act, or Thing from being done as aforesaid, then and in every such Case the said Body Politic or Corporate, or Person, shall forfeit and pay the Sum of Twenty Pounds for each and every Day such Washings, waste Liquids, or noisome or offensive Liquids, Substances, or Things shall be so drained, conducted, or conveyed, or caused or suffered to run or flow in manner aforesaid, or such other Annoyance, Act, or Thing shall be so done or caused to be done as aforesaid; and such last-mentioned Penalty shall and may be recovered and levied in such and the like Manner as any other Penalty or Forfeiture is in and by this Act directed to be recovered and levied, and shall be paid to the Public Dispensary or other Charity in the said Town, according to the Discretion of such Justices.

LXXIII. And be it further enacted, That whenever any Gas shall be found to escape from any of the Pipes which shall be laid down or set up by any Body Politic or Corporate, or Person as aforesaid, the said Body Politic or Corporate, or Person, shall, at their own Expence, immediately after receiving Notice by Parol or in Writing, or from any Person whatsoever of any such Escape of Gas, cause speedy and effectual Measures to be taken to prevent such Gas from escaping; and in case the said Body Politic or Corporate, or Person, shall not, within Twenty-four Hours after such Notice or in Writing being given of any such Escape of Gas, effectually stop and prevent the Gas from escaping, and wholly and satisfactorily remove the Cause of Complaint, then and in every such Case the said Body Politic or Corporate or Person, shall, for every such Offence forfeit and pay the Sum of Five Pounds for each and every Day after the Expiration of Twenty-four Hours from the Time of giving any such Notice during which the Gas shall be suffered to escape as aforesaid; which Penalty shall be from Time to Time recoverable in a summary Way, on the Oath of One credible Witness, before Two Justices, as the Case may require, and shall and may be recovered, with all reasonable Charges, by Distress and Sale of the Goods and Chattels of the said Body Politic or Corporate, or Person, by the Warrant of such Justices.

For stopping
the Escape of
Gas.

LXXV. And be it further enacted, That all and every the Pipes or other Conduits to be laid or used for the Conveyance of Gas in, under, through, along, across, or round any Street, Square, Market Place, Lane, Passage, or other Place as herein-before mentioned, shall be so laid at the greatest practicable Distance from, and, whenever the Width of the Carriageway in such Street or Place will allow thereof, at the Distance of Four Feet at least from the nearest Part of any Water Pipe already laid or hereafter to be laid down for the Conveyance of Water in, under, through, along, across, or round any of such Streets, Squares, Lanes, Passages, or other Places as aforesaid, unless in Cases where it shall be unavoidably necessary to lay the Pipes for the Conveyance of Gas across
any

Gas Pipes to
be laid Four
Feet from the
Water Pipes,
and in a par-
ticular
Manner.

any Water Pipes, in which Cases the said Pipes for the Conveyance of Gas shall, if practicable, be laid at a Distance of at least Six Inches under or over such Water Pipes, and that in such Cases the said Pipes for the Conveyance of Gas so crossing the said Water Pipes shall be at least Six Feet in Length, so that no Joint of any of the said Gas Pipes shall be nearer to any Part of the said Water Pipes than Three Feet at least; and that in laying down the said Gas Pipes the said Body Politic or Corporate, or Person, to whom the same shall belong, shall in no Case join Two or more Gas Pipes together previously to their being laid in the Trench, but shall lay each Pipe as near as may be in its Place in the Trench, and shall in such Trench properly form the Jointing with the other Pipes to be added thereto with proper and sufficient Materials, and shall also make and keep all and every such Pipes, and all Pipes connected or communicating therewith, and all the Screws, Joints, Inlets, Apertures, or Openings therein respectively, air-tight, and in all and in every respect prevent the said Gas from escaping therefrom and from any Part thereof, upon pain of forfeiting for every such Offence the Sum of Five Pounds, which shall be paid to the Public Dispensary or such other Charity in said Town, at the Discretion of the Justices before whom such Conviction shall take place.

To prevent
Escape of
Gas and
Contamina-
tion of Water,
&c.

LXXV. And be it further enacted, That whenever any Water supplied as aforesaid by any Body Politic or Corporate or Person as aforesaid shall be contaminated or affected by any Gas to be supplied as aforesaid by any Body Politic or Corporate or Person as aforesaid, such Body Politic or Corporate or Person as aforesaid by whom such Gas shall be so supplied shall forfeit and pay for every such Offence a Sum not exceeding Twenty Pounds, which shall be applied to and for the Use and Benefit of the Party by whom such Water shall be supplied; and in case any such Water shall be contaminated or affected by any such Gas in any way whatsoever, then and in every such Case the said Body Politic or Corporate, or Person, by whom such Gas shall be supplied as aforesaid, shall, within Twenty-four Hours next after Notice thereof in Writing, signed by any One or more of the Inhabitants of said Town, to be left at the usual Office or Place of transacting Business of the Party by whom such Gas shall be supplied, cause the most proper and effectual Measures to be taken effectually to stop and prevent Gas from escaping from their Works, Mains, or Pipes, or contaminating or affecting such Water; and in case the said Party by whom such Gas shall be supplied shall not, within Twenty-four Hours next after each and every such Notice so left as aforesaid, effectually stop and prevent Gas from so escaping, and wholly and satisfactorily remove the Cause of every such Complaint, and prevent all and every such Contamination whereof Notice shall be given as aforesaid, that then and in every such Case the said Body Politic or Corporate, or Person, by whom such Gas shall be supplied as aforesaid, shall, on each and every Complaint whereof Notice shall be given as aforesaid, forfeit and pay to the Party by whom such Water shall be supplied, or to the authorized Agent or Officer of such Party, over and above the before-mentioned Penalty of Twenty Pounds, the Sum of Ten Pounds for each and every Day during which the Water to be so supplied as aforesaid under this Act shall be and remain contaminated, tainted, or affected by the said Gas so to be supplied as aforesaid; and in default of Payment thereof as aforesaid, such Penalty shall and may be recovered by Information, to be exhibited on the Oath of One credible Witness, by
and

and in the Name of some Person duly authorized by and on behalf of the Party by whom such Water shall be supplied as aforesaid, or in the Name of any One of the Commissioners of this Act, or of their Treasurer, before Two or more Justices of the Peace, with Costs, to be assessed by such Justices, and to be levied and recovered as any other Penalty is by this Act directed to be levied and recovered; and such Penalty and Costs, when so levied, shall be paid to the said Commissioners, and applied to the Purposes of this Act.

LXXVI. And whereas it may be or become a Question upon such Complaint as aforesaid whether the said Water be contaminated or affected by the said Gas; be it therefore enacted, That in every such Case it shall and may be lawful to and for the Party by whom the said Water shall be supplied, or their or his authorized Agent or Servant, to dig to and about and search and examine the Mains, Pipes, Conduits, and Apparatus by which the said Gas shall be supplied as aforesaid, for the Purpose of ascertaining whether such Contamination proceed or be occasioned by such Gas; and if it shall appear that the said Water has been contaminated by any Escape of the said Gas, the Costs and Expences of the said Digging, Search, Examination, and Repair of the Pavement of the Street which shall be taken up or disturbed, shall be borne and paid by the said Party by whom the said Gas shall be supplied as aforesaid; which Costs and Expences shall be ascertained and determined if necessary, by such Justices as aforesaid, and be recovered in like Manner as any Penalty may be recovered by virtue of this Act: Provided always, that if upon such Examination it shall appear that such Contamination has not arisen from any such Escape of Gas, then and in such Case the said Party so complaining and requiring such Examination shall bear and pay all the Costs and Expences of such Examination, Repair, and Search, and shall also make good to the said Party by whom the said Gas shall be supplied as aforesaid any Loss, Injury, or Damage which may be occasioned to the said Mains, Pipes, Conduits, or Apparatus of the said Party by whom the said Gas shall be supplied as aforesaid in and by such Search and Examination, and also to the Pavement of the said Streets so broken or disturbed in such Search or Examination; the Amount of such Injury, Loss, or Damage to be ascertained and determined, if necessary, by such Justices of the Peace as aforesaid.

For ascertaining if Water is contaminated.

LXXVII. Provided also, and be it further enacted, That nothing herein contained shall extend or be construed to extend to prevent any Person from proceeding against the said Commissioners under this Act, or against any Body Politic or Corporate, or Person, by whom such Gas may be supplied as aforesaid, in respect of any Gas or other Works of the said Body Politic or Corporate, or Person, or the Method which shall be employed for furnishing such Gas or Gas Light as aforesaid, as a public or private Nuisance, or from bringing any Action against the said Commissioners, or the said Body Politic or Corporate, or Person, for any Injury sustained by reason of any such Works or Method of lighting, whether such Injury shall proceed from the Nature of such Method of lighting, or the Carelessness or Want of Skill of the Persons employed therein.

Act not to prevent the Commissioners, or Persons supplying Gas from being proceeded against for a Nuisance.

Commissioners to appoint Scavengers ;

Their Duty.

LXXVIII. And be it further enacted, That the said Commissioners shall and they are hereby required to provide, either by Contract or otherwise, a sufficient Number of Scavengers or Persons for the Purposes of cleansing the Streets, Lanes, and Places of and within the said Limits of the said Town of *Kingstown* ; and that such Scavengers or Persons employed or who shall contract to cleanse the Roads, Streets, Lanes, and Places of and within the said Limits shall, on the *Wednesday* and *Saturday* of every Week, between the Hours of Five and Eleven of the Clock in the Forenoon of those Days respectively, and upon such other Days and at such other Hours as the said Commissioners shall or may from Time to Time appoint, sweep and collect together, and as soon as possible take and carry away and remove, all Dirt, Dust, Filth, or Rubbish in and from such Roads, Streets, Lanes, and Places respectively, and from any House and Premises within the said Limits, if required so to do by the Owner or Occupier thereof, and shall, by Sound of Bell or otherwise, as the said Commissioners shall direct, give Notice to the Housekeepers and Inhabitants of the said Town of his or their Approach and coming for the Purpose of taking away the Dust, Dirt, Dung, and other Filth (except the Soil of and from any Privy) from their respective Houses and Premises ; all which Dust, Dirt, Dung, Ashes, and Filth (except as aforesaid), as well as all such as may be swept and collected together as aforesaid, the said Scavengers or other Persons as aforesaid shall immediately, or as soon afterwards as may be, carry away or cause to be carried away to the Place or Places appointed or which shall be appointed by the said Commissioners for depositing the same, upon pain of forfeiting any Sum not exceeding Twenty Shillings for every Neglect ; and every Person acting as such Scavenger for the Time being shall cause the Words " Scavenger's Cart " to be painted in large Roman Letters on the Front or other conspicuous Part of the Carts or Carriages which he or they shall use for the Purposes aforesaid, on pain of forfeiting any Sum not exceeding Twenty Shillings for every Neglect therein ; and if any Scavenger, or other Person acting or employed as such, as aforesaid, shall wilfully sweep, put, or throw Dust, Dirt, Ashes, or Filth into the Sewers, Drains, Sinks, or Watercourses within the said Limits, every Person so offending shall forfeit and pay for each and every such Offence any Sum not exceeding Twenty Shillings nor less than Five Shillings.

No offensive Matter to be thrown into the Streets or upon the Beach.

LXXIX. And be it enacted, That no Person shall throw, sweep, cast, deposit, place, lay, or leave, or cause to be thrown, swept, cast, deposited, placed, laid, or left, any Night Soil, Offal, Muck, Entrails of Fish, putrid Fish, Oyster Shells, broken Glass, China, or Earthenware, Dust, Dirt, Dung, Ashes of any Kind, Refuse of Vegetables, Soap Suds, Filth, or any other putrid, unwholesome, or offensive Matter or Materials whatsoever, in, into, or within Fifty Feet from any of the Roads, Streets, Lanes, or Passages already made, built, or formed, or which shall or may at any Time or Times and from Time to Time hereafter be made, built, or formed, within the said Limits of the said Town of *Kingstown* as defined by this Act, (except only Sand, Ashes, or Sawdust, in the Time of Frost, with a view to prevent Accidents,) or into the Sewers, Channels, Drains, Sinks, or Watercourses within the said Limits, or throw, sweep, cast, deposit, place, lay, or leave, or cause to be thrown, swept, cast,

cast, deposited, placed, laid, or left, upon or over the Cliffs, or to or on the Seabeach or Strands above the Low-water Mark of the highest Spring Tide at the Royal Harbour of *Kingstown* aforesaid, or anywhere within the Limits of the said Towns and Parish, any Night Soil, Offal, Muck, Entrails of Fish, putrid Fish, Oyster Shells, broken Glass, China, or Earthenware, Dust, Dirt, Dung, Soap Suds, Refuse of Vegetables, or any other putrid or unwholesome or offensive Matter or Materials, on pain of forfeiting for every such Offence any Sum not exceeding Ten Shillings.

LXXX. Provided always, and be it further enacted, That no Person shall be subject to any Penalty for or on account of any Rubbish or Dirt necessarily occasioned by the building, pulling down, altering, or repairing of his House or other Building, in case there be sufficient Space left in the Road, Street, Lane, or Place where such Rubbish or Dirt shall be or may be placed for Carriages to pass and repass with Ease and Safety, and a sufficient Way kept clean for Foot Passengers to pass and repass at all Times, as well by Night as by Day, at their Will and Pleasure, and so as a sufficient Light be placed, kept, set, and maintained at the Place where such Building is carrying on, between the Hours of Sunset and Sunrise, and so as the same be inclosed in such a Manner as the said Commissioners or their Surveyor shall direct, and so as such Rubbish or Dirt be removed at the Expence of the Person so laying or causing the same to be laid within such Time as shall be expressed in any Notice to be given by the said Commissioners or by their Surveyor.

Exception as to Building Rubbish.

LXXXI. And be it further enacted, That every House, Wall, or Building hereafter to be erected or built, repaired, altered, or enlarged within the said Limits of the said Town of *Kingstown*, as defined by this Act, by means whereof any or either of the public Ways shall be in any Manner obstructed or rendered dangerous or unsafe, shall be well and sufficiently fenced in and inclosed by and at the Expence of the Owner or Occupier thereof, before such House, Wall, or Building shall be begun to be erected and built, altered, repaired, enlarged, or taken down, and shall so continue during such Time as the said Commissioners or their Surveyor under this Act shall judge necessary or shall order and direct; and if the Owner of such House, Wall, or Building shall refuse or neglect so to fence in and inclose the same as aforesaid, then and in either of the said Cases every such Owner shall, for every Day such Offence shall be continued, forfeit and pay any Sum not exceeding Five Pounds; and moreover, in case of such Refusal or Neglect, it shall be lawful to and for the said Commissioners immediately afterwards to cause such House, Wall, or Building to be well and sufficiently fenced in and inclosed, and the Person so neglecting or refusing as aforesaid shall (over and above the said Penalty) repay all the Charges and Expences thereof to the said Commissioners, upon Demand made by them or their Clerk for the Time being; and upon Refusal to pay or discharge the same, the said Charges and Expences may, together with the Costs of recovering the same, be recovered in such Manner as is herein-after directed for the Recovery of Penalties.

Houses building or repairing to be fenced in.

LXXXII. And be it further enacted, That in case any Slaughter House, Hogstye, Boiling House for Offal, or uninclosed or uncovered

Slaughter Houses, Hogstyes, and Yard

other Erec-
tions, to be
removed if
deemed a
Nuisance.

Yard or Placé for the Deposit or screening or sifting of any Lime or Ash Dust, or any Necessary House, Manure Heap, or other noisome or offensive Depository or Building, Place, or Matter whatsoever, in or near any of the said Roads, Streets, Lanes, Passages, or other public Places within the said Limits of the said Town of *Kingstown*, as defined by this Act, shall in the Judgment of the said Commissioners be a Nuisance to any of the Inhabitants within the said last-mentioned Limits, it shall and may be lawful to and for the said Commissioners upon Complaint, thereof to them made by any such Inhabitant, and after due Investigation of such Complaint, by Notice in Writing under the Hands of any Three or more of the said Commissioners, to order that every or any such Slaughter House, Boiling House, or uninclosed and uncovered Yard or Depository, Hogstye, Necessary House, or other Nuisance or offensive Matter, be remedied or removed; and in case the same shall not be remedied or removed within Seven Days after such Notice given to such Owner or Occupier of the Premises wherein such Nuisance or Annoyance shall be situated or arise, or to the Person on whose Behalf the same is carried on, kept, or made, or left at his last or usual Place of Abode, or on the said Premises, then every such Owner or Occupier or other Person so neglecting to remedy or remove such Nuisance or Annoyance pursuant to such Notice, and to the Satisfaction of the said Commissioners, shall forfeit and pay any Sum not exceeding One Pound for every Day the same shall continue unremedied or unremoved after the Expiration of the Time mentioned in such Notice: Provided always, that where any Person thinking himself aggrieved by such Order as aforesaid shall give Notice to the said Commissioners, or their Clerk, of his Intention to appeal against the said Order, and shall enter into a Recognizance within the Time and in the Manner herein-after mentioned and provided for in respect of Appeals against any Matter or Thing to be done in pursuance of this Act, such Person shall not be subject to or liable to pay any such Penalty or Forfeiture until the Expiration of Three Days next after the Hearing and Determination of such Appeal, and the Confirmation thereupon of the said original Order of the said Commissioners.

Appeal.

Power to
remunerate
Owners of
Slaughter
Houses in
certain Cases.

LXXXIII. Provided always, and be it enacted, That in case the said Commissioners shall at any Time after the passing of this Act, by virtue of the Powers herein-before contained, prohibit any Butcher, Tallow Chandler, or other Person from exercising his Trade in any Slaughter House or Boiling House for Offal erected previously to the passing of this Act, it shall be lawful for the said Commissioners and they are hereby required to make such Remuneration to the Owner or Occupier of such Slaughter House or Boiling House for the Loss such Owner or Occupier shall sustain by the Removal of his Business therefrom, as to the said Commissioners shall appear reasonable and proper.

Foot Pavements to be swept.

LXXXIV. And be it further enacted, That the respective Occupiers of Houses and other Buildings, Ground, Land, Tenements, or Hereditaments within the said Limits of the said Town of *Kingstown*, as defined by this Act, shall and they are hereby required to cause the Footways or Pavements adjoining their respective Houses and Premises to be well and sufficiently swept and cleansed every Morning in the Year between the Hours of Eight and Ten o'Clock of every Day (*Sunday, Christmas Day, and Good Friday* excepted), and shall also cause the Dirt and Soil therefrom

from to be left clear of the outer Extremity of the Water Channel, or otherwise as the said Commissioners shall direct, without obstructing in any Manner the Way or Road, or causing or making any Nuisance therein, upon pain of forfeiting and paying for every Neglect therein or Nuisance occasioned thereby any Sum not exceeding Ten Shillings: Provided always, that the Footways or Foot Pavements adjoining unoccupied Premises within the said last-mentioned Limits shall be swept and cleansed by the Scavengers to be appointed as aforesaid, with the like Forfeiture for every Neglect therein or Annoyance thereby occasioned as is herein-before mentioned.

LXXXV. 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, as they shall see proper, to cause all or any of the Roads, Streets, Lanes, Ways, Passages, and Places within the said Limits of the said Town of *Kingstown*, as defined by this Act, to be watered as often and in such Manner as they may think fit, by and out of the Monies to be raised by virtue of this Act; and shall and may, by and out of any Funds to be received by them under this Act, cause any Well, Tank, Reservoir, Pipe, Pump, and other Apparatus to be sunk, laid down, set up, or constructed in any Parts of the said last-mentioned Limits, and cause the same to be removed or altered and repaired from Time to Time as may be found necessary; and shall and may, by and out of Funds to be received by them under this Act, provide Horses, Water Carts, Engines, and other Things requisite for the Purposes aforesaid, and employ such Person at such Salary, or contract with any Person, for watering all or any Part of such Roads, Streets, Lanes, Ways, Passages, and Places as aforesaid, as to them the said Commissioners shall seem expedient.

Streets to be watered.

LXXXVI. And be it further enacted, That it shall and may be lawful for the said Commissioners, and they are hereby authorized and required, to purchase or provide One or more Engine or Engines for extinguishing Fire, and such Number of Water Buckets for the Supply of such Engine or Engines, and to provide such Pipes or flexible Tubes and other Apparatus as may be necessary for such Engine or Engines, and to hire or purchase and keep such Horses for the Use of the same as they the said Commissioners shall think fit, and to erect and purchase as aforesaid, and to hold to them and their Successors, or to hire and rent a proper Place or Places for keeping such Horses, Engine or Engines, Buckets, and Apparatus, and to hire and employ a proper Number of Persons as Firemen to attend the same, and with such Wages or Salaries, and with or without Clothing and Badges, and from Time to Time to displace all or any of such Persons or Firemen, and to appoint others in their Stead, and also to give to such Firemen or other Persons such Rewards for their Exertions in Cases of Fire, and to make such Rules and Orders for the Regulation of such Firemen, and for working such Engines occasionally, and keeping the same ready and in order for protecting the said Town against Damage by Fire, as the said Commissioners shall think fit; and such Firemen or other Persons hired or employed as aforesaid shall, in all Cases of Fire, be at liberty to take and use, for the Purpose of extinguishing any such Fire or working

Commissioners to provide Fire Engines.

the said Engines thereat, any Water provided for any of the Purposes of this Act.

None of the Provisions, Powers, and Remedies as to watching and lighting, &c. to come into operation but on Consent of rated Inhabitants of Town.

LXXXVII. And be it further enacted, That it shall not be lawful for the said Commissioners to exercise any of the Powers by this Act conferred on them for watching or lighting the Streets, Ways, and Houses and Buildings within the said Town of *Kingstown*, or for erecting a Town Hall within the same, until the same shall have been consented to by the major Part of the Inhabitants within the said Town entitled to vote at Elections under the Provisions of this Act, at a Meeting of such Inhabitants to be called for that Purpose, and of which Meeting public Notice shall be given, in manner in this Act mentioned as to other Notices relating to Elections of Commissioners, Seven Days at the least before such Meeting shall be held, and at which Meeting any of the said Commissioners, who shall be appointed so to do by the Majority of the other Commissioners there present, shall preside as Chairman, and shall ascertain the Decision of such Meeting by counting the Votes of the Voters there present, and shall declare such Decision, and shall on behalf of such Meeting sign a written Consent to the Effect aforesaid, if the said Majority shall so consent: Provided always, that in such Consent of the said Meeting, for watching and lighting as aforesaid, the particular Streets, Ways, and Parts of the said Town to which it is intended that such Powers, Provisions, and Remedies shall be applied, shall be specified and defined; and that so often as it shall be desired that the said Powers, Provisions, and Remedies should be applied to any Part of the said Town, or should be extended to any further or other Part of the said Streets and Ways within the said Town, a Meeting shall be called in accordance with the said Directions, and held from Time to Time: Provided always, that the said Clerk of the said Commissioners shall and he is hereby authorized to call every such Meeting on receiving a Requisition to that Effect signed by Twenty-one of the said rated Inhabitants of the said Town of *Kingstown*, and which Requisition shall contain a specific Description of that Part of the said Streets and Ways to which it is proposed that, by the Consent of the said Meeting to be called thereunder, the said Powers, Provisions, and Remedies should be extended, or of the Place at which it is proposed that such Town Hall should be built: Provided always, that, any thing in this Act to the contrary notwithstanding, no Inhabitant within the said Limits of the said Town of *Kingstown*, as defined by the Act, shall be entitled to vote at any such Meeting as last hereinbefore mentioned if at the Time of such Meeting he shall be entitled to vote thereat only as the Owner or Occupier of any House or Premises situate within any Street, Way, or Passage to which, previously to such Meeting, the Provisions of this Act as to watching and lighting shall have been extended.

Persons who inhabit Houses in Districts already lighted and paved under this Act not to vote.

Carts, Carriages, &c. not to remain in the Streets.

LXXXVIII. And be it further enacted, That if any Waggon, Cart, Sledge, or Dray, or any other like Carriage, shall at any Time be left, or suffered to be or remain standing or continue, either with or without a Horse or Horses or other Cattle, in any of the Streets, Lanes, or public Places within the said Limits of the said Town, for any longer Time than shall be necessary or reasonable for loading or unloading thereof, or in case the same shall not during such Time be standing as near to that Side of the

the Street, Lane, or Place at which the loading or unloading is to be performed as conveniently as may be, or shall be placed, left, or be upon any Parts of the Footways, Foot Pavements, or Crossings of any such Street, Lane, or Place, or stand, be set, or placed athwart or across (although for the Purpose of loading or unloading the same) any Part of any such Street, Lane, or Place, so that there shall not be sufficient Room left for another Carriage to pass; or if any Common Stage Waggon or Cart shall be left to stand or continue in any of the said Streets, Lanes, or Places longer than shall be necessary or reasonable for the Purpose of loading or unloading thereof; or if any Stage Coach, Post Chaise, or other Carriage let to Hire, or any other Carriage whatsoever, public or private, (except Hackney Coaches or other Carriages which may ply or stand for Hire under and by virtue of this Act, and shall be standing at the Places appointed or to be appointed for their standing,) shall be suffered to stand in any of such Streets, Lanes, or Places for a longer Time than shall be necessary or reasonable for taking up or setting down Passengers, Travellers, or other Persons, or for loading or delivering Luggage or Parcels; or if any Timber, Stone, or other such weighty or heavy Article or Materials whatsoever shall be drawn in or over any such Streets, Lanes, or Places, without being placed upon a Sledge or Carriage proper for that Purpose; or if any Tree or Piece of Timber shall be hauled or drawn upon any Part of such Streets, Lanes, or Places otherwise than upon a Wheel Carriage, or without being attended by One or more Person or Persons besides the Carter, in order to prevent such Tree or Timber from doing any Injury, personally or otherwise, to any Person whomsoever; or if any Goods, Wares or Merchandize, Materials, or Things of what Nature or Kind soever, shall be or remain in such Street, Lane, or Place for a greater Space of Time than shall be necessary for housing or removing the same (except in such Cases as are herein provided for); then and in every such Case the Owner or Driver of every such Carriage as aforesaid, and the Owner of such Goods, Wares, and Merchandize, Materials or Things as aforesaid, or the Person causing such Annoyance, shall for every such Offence, upon being convicted before Two or more Justices of the Peace, upon Oath of One or more Witness or Witnesses (which Oath such Justices are hereby authorized to administer), or by Confession, forfeit and pay any Sum of Money not exceeding Forty Shillings.

LXXXIX. And be it further enacted, That if any Door, Hatchway, or Shop Window, Crate, Stone, Plate, Board, or other Covering, giving Light or Air to or securing any Cellar, Coal Hole, Vault, Office, or other underground Room or Apartment, or of any Area or Sewer opening into any of the said Streets or Ways within the said Town, shall be left open or without being properly secured after Sunset, without being sufficiently lighted in order to prevent Accidents happening therefrom, the Occupier thereof, or of the House or Premises to which the same belong, shall for every such Offence forfeit and pay any Sum not exceeding Five Pounds. Cellars not to be left open.

XC. And be it further enacted, That if any Horse, Ass, or any other Beast or Cattle whatsoever shall at any Time hereafter be found loose or wandering about in any of the Streets, Lanes, or Places within the said Town, it shall and may be lawful for any Inhabitant thereof to seize, take, and impound the same in any Pound within the said Limits, or in such Beasts wandering in the Streets to be impounded.

such other Place as the said Commissioners shall appoint for that Purpose, and the same there to detain until the Owner thereof shall for each Beast so impounded pay or cause to be paid any Sum not exceeding Five Shillings to the said Treasurer for the Time being, to be applied to Purposes of this Act, and also the Sum of One Shilling to the Person impounding the same, over and 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 Five Days next after such impounding as aforesaid, it shall be lawful for the Pound Keeper, or such other Person as shall or may be appointed by the said Commissioners for that Purpose, on giving Three Hours previous public Notice of the intended Sale, to sell or cause the same to be sold, and the Money arising from such Sale, after deducting the said Sums and Expences, and also the Expences of such Notice and Sale, shall be paid to the said Treasurer under this Act, to be by him paid to the Owner of the Beast so sold, on Demand.

Projections to
be removed
by Occupiers.

XCI. And be it further enacted, That the several Occupiers of Houses and other Buildings situate in the several Streets, Lanes, Roads, Highways, or other public Places within the said Limits of the said Town of *Kingstown*, are hereby authorized and required, at their own respective Costs and Charges, within Ten Days next after their respectively receiving Notice in Writing from the said Commissioners in that Behalf, signed by any Three or more of the said Commissioners, to cause all and every Penthouses, Porches, Sheds, Spouts, Signs, Sign Irons, Stalls, Poles, projecting Windows, Palisades, Rails, Posts, Fences, Steps, Cellar Windows, Cellar Doors, Hatchways, Frontsteads, Court Yards, and other Obstructions and Projections which shall in future be erected, set up, affixed, laid down, or be against, or in front of, or belonging to their respective Houses or other Buildings, which in the Judgment of the said Commissioners shall be considered public Annoyances or Nuisances by reason of their projecting into, or encroaching upon, or otherwise annoying or endangering the public Passage along any of the Streets, Lanes, Roads, Highways, Passages, or other public Places within the said Limits, to be taken down, filled up, removed, and carried away, or otherwise altered or reformed in such Manner as shall be directed by the said Commissioners; and in case the Occupier of any such House or other Buildings as aforesaid shall neglect or refuse to cause any such Penthouse, Porch, Shed, Spout, Sign, Sign Iron, Stall, Pole, projecting Window, Palisade, Rail, Post, Fence, Step, Cellar Window, Hatchway, Frontstead, Court Yard, or other Projection or Obstruction whatsoever so erected, set up, affixed, laid down, or being against or in front of or belonging to his House or other Building, and which shall be considered an Annoyance or Nuisance as aforesaid, to be taken down, filled up, removed, and carried away, or otherwise altered or reformed, within such Time and in such Manner as in such Notice shall be directed, then and in every such Case it shall be lawful for the said Commissioners to cause the same to be forthwith done by some Person acting under their Authority; and the Costs and Charges attending the same, having been ascertained by a Justice of the Peace, shall and may be recovered from the Occupier of such House or Building in like Manner as any Penalties or Forfeitures are by this Act authorized to be recovered, and, when received, the same shall be paid to the Treasurer of the said Commissioners, and

Proceedings
in case of
Default.

be applied to the Purposes of this Act; and it shall be lawful for the Occupier of any such House or Building, being a Tenant at Rack Rent, and having either paid such Costs and Charges in the first instance, or having repaid the same to the said Commissioners, to deduct and retain the Amount thereof out of his Rent, and the Proprietor or Landlord of every such House or other Building so held at Rack Rent is hereby required to allow the same accordingly, except only in Cases where the Encroachment, Obstruction, Annoyance, or Nuisance so removed or altered shall have been originally occasioned by such Occupier, in which Case he shall bear the Expence of altering or removing the same: Provided always, that nothing herein contained shall extend or be construed to extend to any Bow Windows, Balconies, or Verandas of and belonging to any Houses already erected or hereafter to be erected within the said Limits, during all such Time as the same shall be and be used only as and for private Dwelling Houses, such Verandas being open at the Sides, and such Bow Windows, Balconies, or Verandas not projecting beyond the Bow Windows, Balconies, or Verandas of the adjoining Houses, or the average Line of Houses on each Side thereof, and so as such Bow Windows, Balconies, or Verandas do not project beyond the Areas of the respective Houses to which they may respectively belong.

XCII. And be it further enacted, That the Owner or Proprietor or Occupier for the Time being of each House or Building next the Street within the said Limits of the said Town of *Kingstown*, shall, within Ten Days next after Service of any Order or Direction for the Purposes, signed by Three or more of the said Commissioners, on him personally, or left at his last or usual Place of Abode, put up and place, and for ever afterwards keep in repair and condition, a Spout or Trough of the whole Length of such House or Building, with a Pipe or Trunk to be fixed to the Front or Side of such House or Building, from the Roof down to the Ground, to carry off or conduct the Water from the Roof of such House or Building in such Manner that such Water shall pass underneath the Flagging, Foot Pavement, or Footway, into the common Channel, and so as not to fall upon or incommode the Persons passing over or along any Footpaths within the said Limits; and every Tenant or Occupier at Rack Rent of any such House or other Building who shall put up or place any Spout, Trough, Pipe, or Trunk, or keep the same in repair, shall be entitled to deduct and retain out of the Rent payable to the Owner or Proprietor of such House or Building so much Money as such Tenant or Occupier shall have expended in putting up or placing; or in keeping in repair any such Spout, Trough, Pipe, or Trunk, and the Payment of such Expences by any such Tenant or Occupier shall be sufficient Discharge for him for so much of his Rent as the Amount of such Expences shall be equal to, and shall be abated and allowed to him by the Owner or Proprietor of such House or Building out of such Rent; and if any such Owner or Proprietor or Occupier shall, for the Space of Ten Days after Service, as aforesaid, of any such Order or Direction, neglect to put up or place, or neglect to repair, any Spout, Trough, Pipe, or Trunk, as aforesaid, then and in any and in every such Case it shall be lawful for the said Commissioners to cause any such Spout, Trough, Pipe, and Trunk to be put up or placed against any such House or Building, at the Expence of the Owner or Proprietor thereof; and in case any such Owner or Proprietor shall refuse to pay such Expences,

Water from
Roofs of
Houses to be
carried off by
Spouts and
Pipes.

the same shall and may be levied and recovered by the said Commissioners by the same Ways and Means as Penalties payable under this Act may be levied and recovered.

Regulations
relative to
rebuilding
Houses.

XCIII. And be it enacted, That where any House or Building, the Front or Foundation of which now stands or projects beyond the Front of Houses or Buildings on each Side, or of the House or Building on either Side thereof, in any of the Streets, Ways, or public Places within the said Limits of the said Town of *Kingstown*, shall be taken down to be rebuilt, altered, or amended, whether wholly or in part, the same shall be set back to the Line of the adjoining Houses or Buildings or adjoining House or Building, on the Scite of every such House or Building so taken down as aforesaid, in such Manner as to the said Commissioners shall appear most convenient and expedient for the Improvement of such Street, Way, or public Place wherein such House or Building shall be situate; and in Cases where the next House or Houses, Buildings or Building, shall not adjoin the House or Building to be so taken down, but shall be separated therefrom by any Passage, Lane, or Street, then the same shall be set back to the Line of such House or Building on either Side thereof, as the said Commissioners shall direct; and every Person who shall act contrary to the Directions of the said Commissioners therein shall forfeit for every such Offence any Sum not exceeding Twenty Pounds nor less than Ten Pounds; and it shall and may be lawful to and for the said Commissioners to order any House or Building which shall be erected contrary to the Provisions of this Act, to be taken down, altered, or regulated at the Charges and Expences of the Owner or Proprietor thereof, to be recovered in such Manner as Penalties payable under this Act are authorized to be recovered.

Shop Fronts
not to project
more than
Twelve
Inches.

XCIV. And be it further enacted, That no Shop or Warehouse Window to be hereafter erected in any public Street, Way, Lane, Passage, or Place within the said Town of *Kingstown*, shall project more than Twelve Inches from the perpendicular Line of Front from the Foundation of the House or Building to which such Shop or Warehouse shall belong; and if any Person shall at any Time extend his Shop or Warehouse Window beyond the Distance of Twelve Inches aforesaid, it shall and may be lawful for any Three of the said Commissioners, by Writing under their Hands, to order the same to be taken down and removed by such Person as they shall direct or appoint, and the Costs and Charges thereof shall be paid and reimbursed to the said Commissioners, or their Order, by the Owner of such Shop or Warehouse, and in default of Payment thereof on Demand, the same may be recovered in like Manner as Penalties payable under this Act are authorized to be recovered.

Commis-
sioners may
authorize the
Advancement
of Buildings
so as to im-
prove Streets.

XCV. Provided always, and be it enacted, That it shall and may be lawful for the said Commissioners to admit any Building within the said Limits of the said Town of *Kingstown* to be advanced in the Front thereof, for the Purpose of improving and conforming to the general Line of the Street or Place in which such Building shall be situate, or of the Buildings adjacent thereto.

Power to
compensate
Owners.

XCVI. Provided always, and be it further enacted, That where any House or Building shall be, in the whole or in part, altered, amended, or rebuilt

rebuilt, pursuant to the Proviso herein contained, and by reason whereof the Owner or Proprietor of such House or Building shall have suffered Loss, it shall be lawful for the said Commissioners and they are hereby required to make such reasonable Compensation to such Owner or Proprietor for such Loss or Damage so sustained as aforesaid, out of the Funds accruing to the said Commissioners under the Provisions of this Act, as to the said Commissioners shall seem reasonable and proper; and if any such Owner or Proprietor shall be dissatisfied with the Compensation so awarded to him by the said Commissioners, the same shall be ascertained by a Verdict of a Jury to be impannelled in such and the same Manner as is by this Act directed respecting the Purchase of any Property by this Act directed to be purchased, and the Price whereof cannot be agreed upon between the said Commissioners and the Owners thereof respectively.

XCVII. And be it further enacted, That before the Owner or Occupier of any House already erected or hereafter to be erected or built within the said Limits of the said Town of *Kingstown* shall proceed to take down, alter, amend, or rebuild any of the exterior Parts of such House or Building, or before any Person shall commence the Erection of any House or Building in any Street, Way, or public Place already or hereafter to be set out in the said Limits, such Person shall, previously to taking down, altering, or rebuilding such exterior Part of such House or Building already erected, or hereafter to be erected, or previously to erecting such new House or Building, give a Notice in Writing to the Clerk or Surveyor, or Applotter for the Time being of the said Commissioners, of such his Intention, such Notice to be left at the usual Place of Abode of such Clerk or Surveyor or Applotter at least Five Days previously to commencing the rebuilding, altering, or erecting such exterior Parts of such House or Building, or such new House or Building, as the Case may be; and if any Person shall proceed to rebuild, alter, or erect any House or Building without first giving such Notice, he shall forfeit and pay any Sum not exceeding Ten Pounds.

No old Building to be altered or new Building to be erected without Notice to the Clerk of the Commissioners.

XCVIII. And be it enacted, That it shall not be lawful for any Person hereafter to project any Bow or Shop Window so as to extend beyond the perpendicular Elevation of the Front of any House situate within any Street, Way, or public Place within the said Town of *Kingstown*, of a less Width than Six Feet; and if any Person shall project any Bow or Shop Window in any such Street, Way, or public Place as aforesaid, he shall forfeit and pay any Sum not exceeding Five Pounds; and it shall be lawful for the said Commissioners to order the same to be taken down, altered, or regulated, at the Charges and Expences of the Owner thereof, and such Charges and Expences shall be recovered by Distress and Sale of the Goods and Chattels of such Owner, under the Authority of a Warrant under the Hand and Seal of Two or more Justices of the Peace.

Regulation as to the Height of Shop Windows.

XCIX. And be it further enacted, That for the Purpose of obtaining Improvements within the said Limits of the said Town of *Kingstown*, and widening the several Streets, Lanes, Ways, Passages, and public Places within the same, it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered, to enter into any Agreement

Power to compensate Owners agreeing to erect their Buildings in

such Manner
as shall be an
Improvement
to the Town.

Agreement relative to the Line or Direction, or Mode of erecting, altering, or building any Houses, Edifices, or Buildings fronting or adjoining, or abutting to, or on any of the present or future Streets, Ways, Lanes, Passages, or public Places in the said Limits, or to any Alteration or Change of the Line or Direction in which any old Houses or Buildings now stand, or relative to any Projections or other Changes in the Line or Form thereof, with the Owner or Proprietor thereof for the Time being having the first Estate for Life in Tail or in Fee, and to make or give such Compensation or Satisfaction for any Injury, Loss, or Damage which the said Owner or Proprietor may sustain by acceding to any such Plan of Improvement, as the said Commissioners shall think reasonable to give for the Object of the Improvement to be thereby obtained, and to pay such Compensation or Satisfaction out of the Funds accruing to the said Commissioners under the Provisions of this Act; provided that in no one Instance the said Compensation or Satisfaction shall exceed the Sum of Fifty Pounds.

Width of
Streets.

C. And whereas great public Injury has been sustained in consequence of many of the Streets within the said Limits of the said Town of *Kingstown* having been set out of a confined and improper Width, and it is expedient that this Inconvenience should in future be prevented; be it therefore enacted, That all the Streets, Roads, and Places to be hereafter set out and made within the said Limits, and which shall have Houses or Buildings built or set out to be built on both Sides thereof, shall be of the clear Width of Ten Yards at the least, to be measured from the Area or Fence (if any) in front of the Houses or Buildings on each or either Side thereof, and where there shall not be any such Area or Fence on both Sides or on One Side, then the Distance to be measured from the front Elevation of the Houses or Buildings respectively not having such Area or Fence, and so that no House, Area, or Fence shall be at a less Distance than Five Yards from the Centre of such Street, Road, or Place, in a regular and continuing Line; and that if any Person shall erect any House or Building in any such Street, Road, or Place hereafter to be set or made in the said Limits, of which the Elevation or the Front or Fence shall be nearer than Five Yards from the Centre of such Street, Road, or Place, then and in every such Case such House or Building shall be deemed an Encroachment, Nuisance, and Annoyance within the Intent and Meaning of this Act, and it shall be lawful for any Three or more of the said Commissioners, by Writing under their Hands, to cause the same to be pulled down and removed by such Person as they shall direct or appoint; and the Costs and Charges of pulling down and removing the same shall, when ascertained by Three or more of the said Commissioners, be paid and reimbursed to the said Commissioners, or to their Order, by the Owner of such Houses or Buildings, and in default of Payment thereof within Five Days next after Demand in Writing made in that Behalf by the Clerk to the said Commissioners, by leaving the same at the usual Place of Abode of such Owner, if resident in the said County of *Dublin*, or otherwise on the Premises, shall and may be recovered in like Manner as any Penalty or Forfeitures are by this Act authorized to be recovered, and, when received, the same shall be paid to the Treasurer of the said Commissioners, to be applied to the Purposes of this Act: Provided always, that where any Houses shall be erected fronting the back Parts of other Houses, or the back Premises attached thereto, the

same shall not be deemed or taken to be a Street within the Meaning of the Provision herein-before contained.

CI. And be it enacted, That no House or other Building shall hereafter be erected within the said Limits of the said Town of *Kingstown* unless the same shall have at each End thereof, if adjoining any other House or Building, a Party Wall made substantially of Brick or Stone, if made with Bricks, to be Nine Inches thick, and if of Stone, to be Eighteen Inches thick, at least, with proper Cement or Mortar and Binding Timbers, from the Foundation up to and Twelve Inches above the Line of the Roof; and that no Bond or other Timber shall be introduced so as to come into contact with or within Six Inches from any other Bond Timber or Timber Work; and every Person acting contrary thereto shall for every such Offence forfeit and pay any Sum not exceeding Twenty Pounds for every Month such Offence shall be continued.

New Houses
to have Party
Walls.

CII. And be it enacted, That no Person shall make any Vault or Drain upon or under any of the Foot or Carriage Ways, either in the Front, behind, or at the End of any House, Shop, Warehouse, Building, or Premises in any of the Streets, Passages, or public Places within the said Limits of the said Town of *Kingstown*, without Leave of the said Commissioners as to the Time of the Year and Manner in which the same shall be done, nor unless the same shall be substantially built to the Satisfaction of the said Commissioners or their Surveyor or Surveyors; nor shall any Person make such Vault or Drain so as to interfere with any Common Sewer or Drain that now is or shall at any Time hereafter be made by the said Commissioners in any of the Streets, Lanes, or Ways within the said Limits, nor dig out Earth, nor leave any Hole in any Street or Place before any House or Tenement built or building within the said Limits, for the Purpose of making any such Vault or Drain, or any other Purpose whatsoever, without enclosing the same in a good and sufficient Manner, to be approved of by the Surveyor or Surveyors for the Time being to the said Commissioners, nor shall keep up such Enclosure longer than is absolutely necessary, under the Penalty for every such Offence of any Sum not exceeding Five Pounds, and the like Sum for every Day that such Annoyance shall be continued; and in case of any Refusal or Neglect to enclose any such Opening it shall and may be lawful for the said Commissioners to cause the same to be done; and the Person refusing or neglecting shall, over and above the said Penalty, repay all the Charges thereof to the said Commissioners or their Treasurer for the Time being; and upon Refusal to pay and discharge the same, such Charges may, together with the Costs, be recovered in manner herein-after directed for the Recovery of Penalties.

Persons not
to make
Vaults or
Drains un-
der Footways,
&c. without
the Consent
of Commis-
sioners.

CIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners at any Time hereafter, when and as often as they shall find it necessary, to alter or change the Formation or Level of any or either of the said Streets, Ways, and public Places, and also from Time to Time to cause to be cut or made in, through, over, under, or adjoining to any of the Streets, Ways, Lanes, Passages, or public Places within the said Limits of the said Town of *Kingstown* any new Common Sewers, Tunnels, Gutters, Drains, Sinks, Ditches, or Watercourses, for

Commission-
ers may alter
Levels of
Streets, and
make Drains,
Sewers, &c.,
the Expence
thereof to
be paid by
Owners and
Occupiers of
Houses.

[*Local.*]

30 P

the

the more effectually draining and cleansing the said Limits, and also from Time to Time to cause any of the present or any of the future Common Sewers, Tunnels, Gutters, Sinks, Drains, Ditches, or Watercourses within the said Limits, or any Part or Parts thereof respectively, to be stopped up, opened, scoured, cleansed, widened, strengthened, deepened, or repaired, or the Form or Line thereof to be turned, varied, or changed, in such Manner as the said Commissioners shall think fit; and the Charges and Expences attending or in any Manner relating to the making, stopping, opening, scouring, cleansing, widening, straightening, deepening, turning, altering, or repairing such Common Sewers, Tunnels, Gutters, Sinks, Drains, Ditches, or Watercourses shall be paid and reimbursed to the said Commissioners by the Owners or Occupiers of the House, Buildings, Ground, or Land within or adjoining to the said Streets, Ways, Lanes, Passages, or public Places wherein such Common Sewers, Tunnels, Gutters, Sinks, Drains, Ditches, or Watercourses shall be made, stopped, opened, scoured, cleansed, widened, straightened, deepened, turned, altered, or repaired, or have Operation or Effect (as the Case may be), every such Owner or Occupier paying a rateable Share or Proportion thereof according to the Extent in which such Common Sewer, Gutter, Sink, Tunnel, Ditch, or Watercourse shall be either in front, behind, or at the Side of his House, Building, Ground, or Land as aforesaid, or according to the Benefit or Convenience that his Property shall derive therefrom, having Regard to the Value of such Property, such Share or Proportion to be ascertained by the Surveyor or Applotter appointed or to be appointed to act under the said Commissioners under and by virtue of this Act; and if any such Owner or Occupier shall at any Time neglect or refuse to pay such Share or Proportion of such Charges and Expences, the same, and the Expences of obtaining the Warrant for and of such Distress and Sale, shall and may be levied by Distress and Sale of the Goods and Chattels of such Owner or Occupier, under the Authority of a Warrant under the Hands and Seals of Two or more Justices, the Overplus (if any) to be paid to each Owner or Occupier, on Demand thereof, such Justices previously to issuing such Warrant being satisfied, by the Oath of One credible Witness or by Confession, that the Party against whom any such Application shall be made hath neglected or refused to pay, after reasonable Demand, such Share or Proportion, and being also previously satisfied by Evidence as aforesaid or otherwise (in case the same shall be disputed by the Party against whom any such Application shall be made, but not otherwise), that the Share or Proportion charged to such Person is reasonable and proper, having Regard to the Value of the Benefit and Convenience to be derived to the Property in respect of which such Charge is made, with reference to other Property adjoining or contiguous thereto: Provided always, that the Level of every Main Sewer made or altered under the Provisions of this Act shall be laid so that the Soil from the same shall not in any Manner flow into the Harbour of *Kingstown* or *Old Dunleary*; and that all Sewers which shall be made to discharge, by and with the Consent of the Harbour Commissioners, into the Sewer constructed by the said Commissioners, or any other Sewer which may hereafter be constructed by them, shall be built in such Manner as shall be approved by the Harbour Commissioners, or by such Persons as they may appoint.

CIV. Provided always, and be it further enacted, That if the said Commissioners shall make, stop, open, scour, cleanse, widen, straighten, deepen, turn, alter, or repair any such Common Sewer, Tunnel, Gutter, Sink, Drain, Ditch, or Watercourse in any Street, Lane, Way, Passage, or public Place within the said Limits of the said Town of *Kingstown*, before the same is completely made or built on, then and in such Case the Owner or Occupier of any Ground which shall be abutting or adjoining to such Street, Way, Lane, Passage, or public Place, and not built on or attached to any House or Building, shall not (though rated) be liable to pay any Part of the Expences and Charges of making, stopping, opening, scouring, cleansing, widening, straightening, deepening, turning, altering, or repairing such Common Sewer, Gutter, Sink, Drain, Ditch, or Watercourse, as the Case may be, until such Ground shall be built on or attached to some House or Building, and then only as and from Time to Time in proportion to the Extent of the Ground to be so built on or so attached, and in like Manner and by the like Means as he would have been subject to if the said Ground had been built upon or attached at the Time of making, stopping, opening, scouring, cleansing, widening, straightening, deepening, turning, altering, or repairing such Common Sewer, Tunnel, Gutter, Sink, Drain, Ditch, or Watercourse, as the Case may be, and in the meantime the said rateable Proportion shall be paid by the said Commissioners.

Provision as to vacant Ground.

CV. And be it further enacted, That all private Drains which now are, or by Permission of the said Commissioners shall hereafter be made within or into any of the said Streets, Lanes, Ways, Passages, or public Places, and which do or shall issue into or communicate with any of the said Common Sewers or public Tunnels, Gutters, Sinks, Drains, Ditches, or Watercourses, shall be repaired and cleansed, under the Inspection and Direction of the Surveyor or Applotter or other proper Officer for the Time being of the said Commissioners, at the Costs and Charges of the Owner or Occupier of the House, Lands, or Tenements to which such private Drains do or shall respectively belong, to be recovered in the same Manner as Penalties under this Act are directed to be recovered.

Private Drains to be repaired at Expence of Owners.

CVI. And be it further enacted, That for preventing any sink or refuse Water from remaining in any Cesspool or other Place within any House, Building, Ground, or Land within the said Limits of the said Town of *Kingstown*, so as to cause a Stench or Nuisance, public or private, and for preventing the same running in or over the Surface of the Streets, Ways, Lanes, Passages, or public Places within the said Limits, or the Channels thereof, and in case the Owner or Occupier of the Messuages, Buildings, Lands, or Tenements from or in which such sink or other refuse Water shall arise or remain, shall neglect or refuse to remove such sink or refuse Water, and abate such Stench or Nuisance, for Five Days next after he shall have been required so to do by a Notice in Writing signed by Three of the said Commissioners, and delivered to or left at the then or then last or usual Place or Places of Abode of such Owner or Occupier, and in case such Owner or Occupier shall not reside within the said Limits, then at the Messuage, Building, Land, or Tenement to which such Sink or Cesspool belongs, it shall and may be lawful to and for the said Commissioners or their Surveyor for the Time being, or any other Person appointed by them, and they are hereby respectively

If Owners neglect, after Notice, Commissioners may cleanse and make private Drains, at the Costs and Charges of such Owners.

authorized

authorized and empowered, from Time to Time to open, scour, cleanse, widen, straighten, deepen, turn, alter, vary, stop up, or repair any of the present or future private Tunnels, Gutters, Sinks, Drains, Ditches, Sewers, or Watercourses running into, over, under, through, or adjoining upon any of the present or future Streets, Ways, Lanes, Passages, or public Places within the said Limits, or to make or cause to be made any new private Tunnels, Gutters, Sinks, Drains, Ditches, Sewers, or Watercourses from any House, Building, Ground, or Land within the said Limits or any Part thereof, in, through, under, over, or adjoining to any such Street, Way, Lane, Passage, or Place within the said Limits, for the Purpose of conveying and draining any sink or other refuse Water from such House, Building, Ground, or Land, or any Part thereof, into such present or future Common Sewer or public Tunnel, Gutter, Sink, Drain, Ditch, or Watercourse, or otherwise, so made or hereafter to be made as hereinbefore is directed, as the said Commissioners shall see proper; and the Costs, Charges, and Expences thereof shall be reimbursed to the said Commissioners by the said Owner or Occupier within Five Days next after Demand made; and in case of Nonpayment of such Costs, Charges, and Expences, the same shall be levied by Distress and Sale of the Goods and Chattels of such Owner or Occupier, under the Authority of a Warrant under the Hands and Seals of Two or more Justices of the Peace: Provided always, that in case the Costs, Charges, and Expences of making, stopping, opening, scouring, cleansing, widening, straightening, deepening, turning, altering, or repairing any such public or private Tunnel, Gutter, Sink, Drain, Ditch, or Watercourse shall be paid by any such Occupier, it shall be lawful for him to deduct or retain the same out of his Rent, and the Proprietor or Landlord is hereby required to allow the same accordingly to such Occupier.

Commissioners may alter or remove any Privy, &c. having Communication with Common Sewer.

CVII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners and they are hereby authorized to cause any Privy, or Drain from any Privy or Water Closet, within the said Limits of the said Town of *Kingstown*, which shall communicate with any Common Sewer thereof, to be altered, stopped up, or removed, and to repay and defray the Expences attending the same by and out of the Funds accruing to the said Commissioners under and by virtue of this Act; and if any such Privy or Drain shall be made to communicate with any Common Sewer within the said Limits, or the Soil from such Privy or Water Closet shall be suffered to run on the Beach or into any other Part of the said Limits, the Owner of the House or Premises to which such Privy or Water Closet shall belong shall forfeit and pay for every Day the same shall so continue any Sum not exceeding Twenty Shillings.

Commissioners to direct how the Gratings over Openings in the Pavements are to be made.

CVIII. And be it further enacted, That where any Opening is now or shall hereafter be made in the Paving or Flagging of any of the Streets, Lanes, or public Places within the said Limits of the said Town of *Kingstown*, for the Purpose of conveying or shooting Coals or other Things into any Vault or Cellar under the same, or for the Purpose of admitting Light into any Room or Cellar, the Covering or Grating to such Opening shall be made at the Expence of the Person requiring the same, and shall be made of Iron or such other Materials, of such Dimensions, and in such Manner and Form, as the said Commissioners shall direct and approve of; and such Grating and Covering shall from Time to Time be repaired, varied,

varied, and altered at the like Expence of the Person for whose Use and Benefit the same shall be made or continued, and in such Manner and Form as the said Commissioners shall direct or appoint; and in case any Person shall cause any such Grating or Covering to be made, repaired, varied, or altered, or shall neglect or refuse to make, repair, vary, or alter such Grating or Covering, according to such Direction or Appointment as aforesaid, every such Person shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings for every Day the said Offence shall be continued.

CIX. And be it further enacted, That no House, Outhouse, or other Buildings which shall be built, erected, rebuilt, or new covered within the said Limits of the said Town of *Kingstown* shall be covered with Thatch; and if any Person shall, at any Time after the passing of this Act, cover or cause to be covered any House, Outhouse, Building, or Erection, or any Part thereof, within the said Limits, with Thatch, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds; and in case the Owner or Occupier of such House, Outhouse, or other Building or Erection shall neglect or refuse to take down and remove such Thatch after Five Days Notice for that Purpose, signed by the Clerk of the said Commissioners, and left at his usual Place of Abode, it shall be lawful for the said Commissioners, and they are hereby authorized and empowered, to order the same to be taken down and removed in such Manner as to them shall seem meet; and the Costs and Charges and Expences thereof shall be reimbursed to the said Commissioners by the Owner or Occupier of such Houses, Outhouses, Buildings, or Erections, within Five Days next after Demand made thereof; and in case of Nonpayment of such Costs, Charges, and Expences, the same shall be levied by Distress and Sale of the Goods and Chattels of such Owner or Occupier, by Warrant under the Hands and Seals of Two or more Justices of the Peace: Provided always, that nothing herein contained shall extend to any Barns, Stables, or Out-buildings used with any Farm or Farms within the said Limits, which at the Time of the passing of this Act shall be covered with Thatch.

No Building within the Limits of the Town in future to be covered with Thatch.

CX. And be it further enacted, That all Notices by this Act directed to be given to any Owner or Occupier of Premises, respecting any Matter or Thing to be done under this Act at the Expence of such Owner or Occupier, shall express the Alterations or Matters required to be done; and where such Notice shall be given to the Occupier, it shall require him to give immediate Notice thereof to the Owner; and if such Occupier shall neglect or refuse so to do, he shall be subject to and liable to pay all and every the Penalties and Forfeitures incurred by reason or means of the Nonobservance or Nonperformance of the Matters and Things required to be done by such Notice as aforesaid.

Notice given to Owners to express the Alterations required by the Commissioners to be made, &c.

CXI. And be it further enacted, That the said Commissioners shall and may and they are hereby required to cause to be fixed, placed, marked, or painted on some conspicuous Part of some House, Wall, or Building at or adjoining the Ends, Corners, or Entries of the several Streets, Lanes, and Places already made or built or which shall be made or built within the said Limits of the said Town of *Kingstown*, by the Name by which every such Street, Lane, or Place is or shall be called or

Commissioners to name and number Streets.

[Local.]

30 Q

known,

known, and also shall and may cause any and every House, Shop, Warehouse, Building, or Habitation within the said Limits, or such Part thereof as the said Commissioners shall think fit, 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 Name, Mark, or Number, or any Part thereof, or shall fix, place, or put any Name, Mark, or Number different to the Name, Mark, or Number so fixed, placed, or put by or by the Order of the said Commissioners, or shall 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 Five Pounds nor less than One Pound; and if the Occupier of any such Premises shall not restore such Mark or Number within Five Days after Notice signed by the Clerk to the said Commissioners, and left at the usual Place of Abode of such Person, every such Person shall forfeit and pay any Sum not exceeding Twenty Shillings nor less than Five Shillings.

Markets to be established for the Sale of Provisions.

CXII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners to erect and establish One or more general Market or Markets to be held within the said Limits of the said Town of *Kingstown*, for the Sale of all Kinds of Flesh and other raw Victuals, Fish, and live or dead Poultry or Game, Butter, Herbs, Roots, Fruit, or Garden Stuff, and other Matters and Things usually sold in general public Markets, and to cause, order, and appoint the same to be held daily and every Day, (except *Sundays, Christmas Day* and *Good Friday*,) or less frequently, as to them shall from Time to Time appear necessary for the Convenience and Accommodation of all Persons resorting thereto.

For preventing Encroachments on the Markets.

CXIII. And for preventing any Encroachment on the said Markets, be it further enacted, That if any Person shall sell or offer to expose to Sale any Manner of Flesh or other raw Victuals, Fish, or live or dead Poultry, Game, or Pigeons, Butter, Herbs, Roots, Fruit, or Garden Stuff, or any Sort of Provisions and Articles usually sold in general public Markets, in any other Place within the said Limits of the said Town of *Kingstown* than the said general Market or Markets to be established under this Act, every such Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings: Provided always, that nothing herein contained shall extend or be construed to extend to prevent any of the Inhabitants of the said Town from selling or offering for Sale any such Flesh or other raw Victuals, Fish, live or dead Poultry, Pigeons, Game, Meat, Butter, or any Herbs, Roots, Vegetables, Fruit, or Garden Stuff, or other Provisions or Articles as aforesaid, in their respective Houses, Shops, or Premises within the said Town, or to prohibit any Person from hawking within the Times and in Manner which may be prescribed by said Commissioners.

Weighing Houses to be built.

CXIV. And be it further enacted, That it shall be lawful for the said Commissioners and they are hereby required, as soon as conveniently may be after the passing of this Act, to erect a Weighing House or Place in or near each of the said general Markets to be established by virtue of this Act, for weighing and measuring any Article bought or sold by Weight or Measure therein, and shall keep or cause to be kept proper standard Weights, Scales, Steelyards, and Measures, and appoint One or

more Person or Persons to attend the same on every Market Day during the Time the said Markets shall be open; and all Persons selling Meat or other Things by Weight or Measure in the said Markets shall and they are hereby required to weigh and measure the same in or with or by the said Weights, Measures, Scales, or Steelyards, if required so to do by the Buyer thereof; and any Person or Persons so appointed to weigh or measure as aforesaid, and refusing to weigh or measure as aforesaid, shall forfeit and pay for every such Offence any Sum not exceeding Twenty Shillings nor less than Five Shillings.

CXV. And be it enacted, That there shall be paid to the said Commissioners, or to the Person to be by them appointed to receive the same, by every Person holding, using, or occupying any Stall, Shed, Table, or Standing, or selling or offering or exposing to Sale any Butcher's Meat or other Goods, Articles, or Things brought into the said general Markets to be established under this Act for Sale, the several Rents or Sums set forth in the Schedule marked C. to this Act annexed, or such Sum or Sums not exceeding those Rents or Sums as the said Commissioners shall from Time to Time appoint.

Rents to be paid for Stalls in Markets as set forth in Schedule C.

CXVI. And be it enacted, That in case any Dispute or Difference shall or may arise concerning the said last-mentioned Rents, or the Payment thereof, the same shall or may be settled and determined by Two or more Justices of the Peace, and they are hereby empowered to summon the Parties to appear before them, and to hear and determine the Matter of every such Complaint upon Oath, and to make such Order therein, and award such Damages and Costs to either Party, as to them shall seem proper, and by Warrant under their Hands and Seals to cause the Damages and Costs which shall be so awarded, and also the Costs of such Warrant, to be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, rendering the Overplus (if any) to the Owner of the Goods and Chattels so to be sold, after deducting the reasonable Charges of every such Distress and Sale.

For settling Disputes as to such Rents.

CXVII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners from Time to Time to make such Bye Laws, Rules, Orders, and Regulations as they shall think fit, such Bye Laws, Rules, Orders, and Regulations not being repugnant to the Provisions of this Act and the Laws of the United Kingdom of *Great Britain and Ireland*, or to the Laws of that Part of the United Kingdom called *Ireland*, for the better Government and Regulation of the said last-mentioned Market or Markets, and for preserving Order and Cleanliness therein; and the said Commissioners may from Time to Time repeal, alter, or amend any such Bye Laws, Rules, Orders, and Regulations, and impose such reasonable Fines for the Nonobservance thereof, as they shall think proper, any such Fines respectively not exceeding Ten Shillings for any One Offence, and the Imposition and levying of which Fines shall be subject to Appeal in manner herein-after mentioned.

Commissioners may make Bye Laws for regulating the Markets.

CXVIII. And be it further enacted, That the said Commissioners shall cause such Bye Laws, Rules, Orders, and Regulations to be printed and distributed, and, painted on Boards in legible Characters, stuck up or placed upon some conspicuous Place or Places within the said Town of *Kings-*
town,

Bye Laws to be printed and distributed.

town, and renew the same whenever they shall become obliterated or defaced; and all such Bye Laws, Rules, Orders, and Regulations so made, painted, printed, distributed, and stuck up shall be good, and shall be binding upon all Persons concerned; and if any Person shall pull down, damage, or destroy any such Boards; or any Part or Parts thereof, or obliterate or deface any Writing thereon, he shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings nor less than Five Shillings.

Power to let
Rents of
Markets.

CXIX. And be it further enacted, That it shall and may be lawful to and for the said Commissioners from Time to Time, by Writing under their Hands and Seals, or the Hands and Seals of any Three or more of them, to lease or demise the Rents arising from the said last-mentioned Market or Markets to any Person who shall be willing to take and farm the same, either for One Year or for any shorter Period, or from Year to Year, but for the best and most improved Rent that can be reasonably obtained for the same, and by public Auction only, and under such Covenants, Provisoes, and Agreements as the said Commissioners shall from Time to Time think expedient and fit, and taking such Securities for the Payment of the said Rent and Performance of the said Covenants as they the said Commissioners shall also in their Judgment think sufficient; and the Person taking or farming such Rents shall have all the same Powers and Authorities for enforcing the Payment thereof which are by this Act vested in the said Commissioners: Provided nevertheless, that no such Letting shall take place without first a Meeting of the said Commissioners being held for the Purpose of considering and determining upon the Propriety thereof, and the Terms upon which such Rents ought to be let.

Penalty on
exposing un-
wholesome
Provisions to
Sale.

CXX. And be it further enacted, That if any Person shall sell or expose to Sale within the said Limits of the said Town of *Kingstown*, or within the said last-mentioned Markets, or elsewhere, any Meat, Fish, or other Provisions which shall be of an unwholesome Nature, or in a State improper for Human Food, it shall and may be lawful to and for Two or more Justices of the Peace, or any of the said Commissioners, or any Person by the said Commissioners duly authorized, without any other Authority than this Act, to seize and destroy, or cause such Meat, Fish, or other Provisions as aforesaid to be seized and destroyed; and every Person selling or exposing to Sale any such Meat, Fish, or other Provisions as aforesaid shall, in addition to the Forfeiture thereof, for every Offence, upon Conviction before a Justice of the Peace, forfeit any Sum not exceeding Five Pounds.

Power to
establish
Cattle, Corn,
and Hay
Markets.

CXXI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby authorized and empowered, from and after the passing of this Act, or so soon as they shall think it expedient, to set up and establish within the said Limits of the said Town of *Kingstown* a Market for the Sale of all Kinds of live Stock or Cattle, including Hogs and Pigs, and also One or more Market or Markets for the Sale of Corn in Bulk, and of Hay and Straw, and also to erect, set up, and establish a Room or Rooms for the Purposes of a Corn Exchange or Market for the Sale of Corn and Grain by means of Samples, and for that Purpose to erect all such Market Houses, Build-
ings,

ings, Stands, Sheds, Pens, and Places, and other Conveniences, as they may see proper, and to cause, order, and appoint the said Markets respectively to be held daily (except *Sundays, Christmas Day, and Good Friday*), or less frequently, as to the said Commissioners shall appear necessary for the Convenience and Accommodation of all Persons resorting thereto, and from Time to Time to fix, order, and appoint the Days and Times for holding the said Markets respectively.

CXXII. And be it further enacted, That from and after the Establishment of the said several Markets and Rooms or Room for the Sale of live Stock, Corn, and Hay respectively, if any Person shall publicly sell, or offer or expose to public Sale, any live Stock or Cattle of any Kind whatsoever, or any Corn, Grain, or Seeds in Bulk or Sample, Hay, Straw, Clover, Grass, Sainfoin, or Lucern, or other Green Food used for Horses or Cattle of any Sort, in any other Place within the said Limits of the said Town of *Kingstown* than the said respective Markets and Rooms or Room appointed and established for the Sale of such respective Articles as aforesaid, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Twenty Shillings: Provided always, that nothing herein contained shall extend or be construed to extend to prevent any of the Inhabitants within the said Limits from selling or exposing to sale any live Stock or Cattle of any Kind, Hay, Straw, Clover, Grass, Sainfoin, or Lucern, or any other Green Food used for Horses or Cattle of any Sort, or any Corn, Grain, or Seed, in their own respective Yards, Houses, or Shops within the said Limits.

For preventing Encroachments thereon.

CXXIII. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, and they are hereby required, as soon as the said Markets for the Sale of Hay and Corn in Bulk shall be established, to erect in or near to the said Markets respectively a weighing and measuring House or Place, and to provide proper Scales and Weights or Engines, for weighing all Hay and Straw, and other Articles sold by Weight, and proper Measures for measuring such Articles as shall be sold by Measure, and, so soon as any of the said several Markets by this Act directed to be established shall be so established, to appoint a Clerk or Toll Collector, Clerks or Toll Collectors, and such other Officers as they the said Commissioners may see proper, as Clerks of the said several Markets, and Weighers and Measurers to the said Weighing Houses respectively, and to superintend the said several Markets, and from Time to Time to remove such Clerks or Collectors or other Officers, and to appoint any others in their Stead, and to pay to such Clerks or Collectors or other Officers such Salaries or Remunerations as to the said Commissioners may from Time to Time seem proper.

Commissioners to appoint Clerks and other Officers, and to provide Scales and Weights.

CXXIV. And be it further enacted, That from and after such Markets and Rooms for the Sale of live Stock, and Hay and Corn in Bulk and Sample, shall be established, there shall be paid to the said Commissioners, or to such Person as they shall appoint to receive the same, by the Owner of or any Person attending with any live Stock or Cattle, or Corn in Bulk or Sample, or Hay or other Article sold in the said Markets and Rooms respectively, the several Rents or Sums set forth in the Schedule marked D. to this Act annexed, or such other Sum or Sums, not exceeding the

Rents to be paid at Cattle and Corn Markets as set forth in Schedule D.

[Local.]

30 R

said

said Charges or Sums mentioned in the said Schedule, as the said Commissioners from Time to Time shall appoint.

No Hay or Straw to be sold in the Market except in Loads.

CXXV. And be it further enacted, That no Hay or Straw whatsoever shall be sold in the Market to be established for the Sale of those Articles unless made up in Loads; and if any Person shall sell any Hay or Straw within the said Market in any other Manner, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Shillings nor less than Five Shillings.

Weight of Loads.

CXXVI. And be it further enacted, That every Load of Hay sold within the said Market for the Sale thereof shall contain not less than Five Hundred Weight, (except such as shall be sold therein between the last Day of *June* and the First Day of *August* in any Year, being new Hay of the Summer's Growth of that Year, which shall be and contain Six Hundred Weight at least,) and that each and every Load of Straw sold within the said Market shall contain not less than Five Hundred Weight; and if any Hay or Straw shall be sold within the said Market, whereof any Load shall be of less Weight than aforesaid, every Person so selling shall forfeit for every Load of Hay or Straw not being the full Weight aforesaid any Sum not exceeding Ten Shillings nor less than Five Shillings.

A Table of Charges to be set up in the Markets.

For Recovery of Rents in Markets.

CXXVII. And be it further enacted, That the said Commissioners shall set up and maintain in some conspicuous Part of the said respective Markets and Rooms for the Sale of Cattle, and Hay and Corn in Bulk or Sample, a Table of the Charges which they from Time to Time shall order to be taken at the said Markets and Rooms respectively by virtue of this Act; and in case the Owner of or any Person attending with any live Stock or Cattle, or any Hay or Straw, or any Clover, Grass, Sainfoin, Lucern, or other Green Food used for Horses or Cattle, or any Corn, Grain, or Seed in Bulk or by Sample respectively, or either of them, shall refuse to pay the several Sums or Charges so ordered, or any or either of them, or any Part thereof, then and in such Case, and so often as it shall so happen, it shall be lawful for the said Commissioners, and the Person by them to be appointed to receive such Charges, to levy the same by Distress and Sale of all or any of the Stock or Cattle or other Matters or Things in respect of which such Charges shall be payable, on the same or any subsequent Market Day, and the said Distress so to be taken to sell immediately, rendering the Overplus (if any), after deducting the Expence of such Distress and Sale, to the Person whose Property such Goods, Chattels, or other Things were at the Time of every such Distress; and if there shall be no sufficient Distress the said Charges shall be levied by a Distress on any other Goods or Chattels of the Party by whom such Charges are payable; and in case any Dispute or Difference shall arise concerning the same such Dispute and Difference shall and may be settled and determined by Two or more Justices of the Peace, and they are hereby empowered, by Warrant under their Hands and Seals, to summon the Parties to appear before them, and to hear and determine the Matter of every such Complaint upon Oath, and to make such Order therein, and award such Damages and Costs to either Party, as to them shall seem proper, and by Warrant under their Hands and Seals

to cause the Damages and Costs which shall be so awarded (unless the same shall be tendered in the Presence of such Justices before the Warrant shall be issued), and also the Costs of such Warrant, to be levied by Distress and Sale of the Goods and Chattels of the Party liable to pay the same, rendering the Overplus (if any) to the Owner of such Goods and Chattels, after deducting the reasonable Charges of every such Distress and Sale.

CXXVIII. And be it further enacted, That it shall be lawful for the said Commissioners, or any Three of them, from Time to Time, by Writing under their Hands and Seals, to lease or demise the Sums or Charges arising from the said Markets and Rooms for the Sale of live Stock and Corn and Hay, in such and the same or in like Manner, and with such and the same or the like Powers, to all Intents and Purposes, as are herein-before expressed respecting the Rents of the said Fruit and Vegetable and general Markets to be established under this Act.

Power to let
the Charges.

CXXIX. And be it enacted, That it shall and may be lawful for the said Commissioners from Time to Time to appoint proper Places in the said Town of *Kingstown* and the Limits thereof, as defined by this Act, where Hackney Carriages may stand and ply for Hire, and to make such Orders regulating the Number of such Hackney Carriages to stand in such Places respectively, and the Distances at which they shall stand from each other, and the Times at and during which they may stand and ply for Hire, and such other Orders and Regulations for the better ordering and regulating the said Hackney Carriages, and the Drivers or other the Person or Persons having the Management thereof respectively, as to such Commissioners shall seem proper, and from Time to Time to alter, amend, or repeal such Rules, Orders, and Regulations, and to make others in the Room thereof; and in case the Driver or any Person or Persons having the Management of any Hackney Carriage shall permit the same to stand for Hire in the Limits of the said Town of *Kingstown*, as defined by this Act, in any Place which shall not be appointed as aforesaid by the said Commissioners, or at or for any other or any longer Time than shall be so appointed as aforesaid, or shall in any other Manner offend against the Rules, Orders, and Regulations to be made by the said Commissioners by virtue of this Act, the Person who shall so place the same, or, if such Person shall not be known, the Owner of such Hackney Carriage, shall for every such Offence, upon being convicted before Two or more Justices of the Peace, upon Oath of One or more credible Witnesses (which Oath such Justices may administer,) or by Confession, forfeit and pay any Sum not exceeding Forty Shillings, to be applied to the Purposes of this Act: Provided always, that no such Rules, Orders, or Regulations as aforesaid, nor any Alteration or Amendment thereof, shall be in any respect repugnant to or inconsistent with the Laws of that Part of the United Kingdom called *Ireland*.

Commission-
ers may make
Orders for
regulating
Hackney
Carriages.

CXXX. And be it further enacted, That the Property of and in all the present Pavements in the Streets, Lanes, Highways, and other Ways and Places already erected within the Limits of the said Town of *Kingstown*, and of and in all Lamps and Lamp Irons and Posts already erected and fixed within the said Limits, by virtue of the said recited Act of the Ninth Year of the Reign of His late Majesty King *George* the Fourth, and of

Property of
Pavements,
Lamps, &c.
vested in
Commission-
ers.

and

and in all other Matters and Things now vested in any Body Politic or Corporate, or Person, by virtue of the Powers and Authorities of the said last-mentioned Act, and of and in all the future Pavements in the Streets, Lanes, Highways, and other Ways and Places to be erected within the said Limits, and of and in all Lamps and Lamp Irons and Posts, and other Matters and Things, which shall or may be erected or fixed by virtue of this Act, and of and in all Houses, Buildings, Lands, Tenements, Walks, Gardens, public Fountains, Gas and Water Pipes, and of and in all other Articles, Implements, and Things, of what Nature or Kind soever, which shall be made use of, or which shall or may be purchased or intended to be used for the Purposes of this Act, shall belong to and the same shall be and are hereby vested in the said Commissioners, who are hereby authorized and empowered to commence any Action, or to prefer any Bill of Indictment, as the Case shall or may require, against any Body Politic or Corporate, or Person, who shall or may withhold, take, or carry away, detain, spoil, injure, or destroy, or feloniously steal or carry away the same or any Part thereof; and in all such Actions and Bills of Indictment respectively it shall be sufficient to state generally, that the Article or Thing for or on account of which such Action shall be brought, or Bill of Indictment preferred, is the Property of the Commissioners acting under a certain Act of Parliament passed in the Fourth Year of the Reign of His present Majesty King *William* the Fourth, intituled [*put in the Title of this Act*], without particularly mentioning or specifying the Name or Names of all or any of such Commissioners; and the said Commissioners shall and hereby have full Power and Authority from Time to Time to sell and dispose by public Auction of all or any Part of the old or useless Materials: Provided always, that nothing in this Act contained shall be construed to authorize the Commissioners to be appointed under its Provisions to take any Ground or other Property in the Occupation of the Commissioners of *Kingstown* Harbour, or to exercise Controul over any Property or Works which are now or may hereafter be under their Charge or in their Occupation, or over the Waters of the said Royal Harbour or *Old Dunleary*, or over any Ships, Vessels, Boats, or other Craft frequenting the said Harbour, save with the Consent in Writing of the Commissioners for said Harbour, or shall be deemed, taken, or construed to restrain or prohibit the said Commissioners of the said Royal Harbour to erect such Buildings and other Works as may Time to Time be found necessary for their Purposes in the Completion or Maintenance of the said Royal Harbour.

Penalty on Persons wilfully destroying Property of Commissioners.

CXXXI. And be it enacted, That if any Person shall wilfully or maliciously break, injure, or destroy any of the Articles, Matters, or Things which are hereby or shall become vested in the said Commissioners by virtue of this Act, or any of the Works done in pursuance of the said recited Act of the Ninth Year of the Reign of His late Majesty King *George* the Fourth, or to be done by virtue of this Act, every Person so offending shall, on being convicted of such Offence by Two or more Justices of the Peace, for every such Offence forfeit and pay any Sum not exceeding Five Pounds, to any Person who shall sue for the same.

Commissioners may order any Work not amounting to more than 20l.;

CXXXII. And be it enacted, That it shall and may be lawful to and for the said Commissioners acting under and by virtue of this Act, at any General or Special or adjourned Meeting to be held by virtue of this Act,

Act, to make any Order for doing or performing any Work or Business to be done by virtue of this Act, or for the Purchase of any Materials, Goods, Wares, or Merchandize to be purchased under the Authority of this Act, where such Works, or such Materials, Goods, Wares, or Merchandize, shall not exceed or shall not at the Time of such Order be reasonably supposed to amount to more than the Sum of Twenty Pounds; and before the said Commissioners shall make any such Order as aforesaid, where such Works, or such Materials, Goods, Wares, or Merchandize, shall amount or be reasonably supposed to amount to more than the said Sum, Five Days Notice previously to such Meeting for making and entering into every such Contract respectively shall be given in some one of the daily Morning Papers circulated in the City of *Dublin*, and in such other Manner as the said Commissioners shall appoint and direct, and in which Notice shall be specified the Subject or Matter to be contracted for; and all Contracts so to be made and entered into as aforesaid shall be reduced into Writing, and signed by Three or more of the said Commissioners, and by the Person contracting with the said Commissioners.

If amounting to more than that Sum, Five Days Notice to be given in some Newspaper, previous to making any Contract. Security to

CXXXIII. Provided always, and be it enacted, That the said Commissioners shall and they are hereby required to take from the Person entering into any such Contract sufficient Security for the Performance thereof; and that the Person tendering the lowest Price for the performing of any such Works, or for the supplying any such Materials, Goods, Wares, or Merchandize, and being of sufficient Knowledge, Skill, and Integrity in the Judgment of the said Commissioners, and tendering sufficient Security for the Performance of his Contract, shall always be preferred, and be entitled to have, do, perform, and execute such Contract.

be taken from Contractor.

CXXXIV. And be it further enacted, That in case such Contract shall not be performed according to the true Intent and Meaning thereof by the Person contracting with the said Commissioners as aforesaid, the said Commissioners shall and may commence an Action in either of His Majesty's Courts of Record at *Dublin* against such Person for Breach or Nonperformance of such Contract, and should the Plaintiff recover therein he shall, in addition to the Penalty or Damages which he may recover, be entitled to the full Costs of such Action.

If Work be not done according to Contract, Actions for Breach thereof may be commenced.

CXXXV. And be it further enacted, That if any Person shall assault, obstruct, hinder, or molest any of the said Commissioners, or any Treasurer, Clerk, Surveyor, Valuator, or Applotter, Inspector, Policeman, Watchman, Beadle, or other Officer, Workman, or other Person whomsoever, in the Execution of any thing required or directed to be done in virtue or in pursuance of this Act, such Person so offending shall, on being convicted of such Offence by Two or more Justices of the Peace, for every such Offence forfeit and pay any Sum not exceeding Five Pounds, as such Justices before whom any such Offender shall be conducted shall from Time to Time direct.

Penalty on Persons obstructing Commissioners or Officers appointed by them in the Execution of this Act.

CXXXVI. And be it further enacted, That every Surveyor, Applotter, Valuator, Collector, and other Officer for the Time being of the said Commissioners shall and they are hereby respectively directed and expressly enjoined to search for and inquire and examine into, and also, upon any Complaint to be made by any One or more of the Inhabitants

Surveyors, &c. to inquire into Nuisances, &c. and proceed against

[*Local.*]

30 S

residing

Offenders,
under a Pe-
nalty of 5*l*.

residing within the said Limits of the said Town of *Kingstown*, forthwith personally to view and inspect any Nuisance, Annoyance, Obstruction, or other Offence done, committed, suffered, or existing contrary to any of the Provisions of this Act, and in case of any such Nuisance, Annoyance Obstruction, or other Offence, to bring the Matter of Complaint under the Notice of the said Commissioners, or to lay an Information against the Offender before Two or more Justices of the Peace, in order that such Offender may be dealt with for the same according to the Powers and Provisions of this Act; and if any such Surveyor, Applotter, Valuator, Collector, or other Officer shall wilfully neglect or refuse to search for and inquire and examine into any such Complaint, or personally to view or inspect the Matter of such Complaint, or shall neglect or refuse to lay any such Information against any such Offender as aforesaid, then and in every such Case every such Surveyor, Applotter, Valuator, Collector, or other Officer refusing or neglecting so to do, on being convicted of such Offence by Two or more Justices of the Peace, shall forfeit and pay for every such Refusal or Neglect any Sum not exceeding Five Pounds: Provided nevertheless, that nothing herein contained shall extend or be considered to extend to prevent any other Person having Cause or probable Ground of Complaint from proceeding against any Offender in such Way as is authorized by this Act, but in no Case shall any such Offender be proceeded against to Conviction more than once upon the same Charge or for the same Offence.

Nothing
herein to pre-
vent other
Persons pro-
ceeding
against Offen-
ders.

In case of
Nonpayment
of Compen-
sation for
Damages by
Commis-
sioners.

CXXXVII. Provided always, and be it further enacted, That when and as often as any Sum of Money shall be directed or ordered by Two or more Justices of the Peace to be paid in pursuance of the Directions of this Act by the said Commissioners, or their Clerk or Treasurer, as or by way of Compensation or Satisfaction for any Materials, Costs, Damages, Spoil, or Injury of any Nature or Kind whatsoever done or committed by the said Commissioners or any Person acting by and under their Authority, and such Sum shall not be paid by or on behalf of the said Commissioners in pursuance of the Order of such Justice of the Peace to the Party entitled to receive the same within Ten Days after Demand in Writing shall have been made stating such Order, then and in such Case the Amount of such Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of the Goods and Chattels of the said Commissioners under a Warrant to be issued for that Purpose by such Justices, which Warrant such Justices are hereby authorized and required to grant under their Hands and Seals, on Application made to them for that Purpose by the Party entitled to receive such Sum of Money on such Account as aforesaid; and in case any Overplus shall remain after Payment of such Sum of Money, and the Costs and Expences of such Distress and Sale, then and in such Case such Surplus shall be returned, on Demand, to the said Commissioners or their Treasurer for the Time being, as the Case may be.

Mode of
serving
Notices on
Commission-
ers.

CXXXVIII. And be it further enacted, That in all Cases wherein it may be necessary for any Person or Party to serve any Summons, or any Notice, or any Writ, or other Proceeding at Law or in Equity, upon the said Commissioners under this Act, Service thereof respectively upon the Clerk or Treasurer of such Commissioners, or left at the Office of such Clerk or Treasurer, or delivered to some Inmate at his last or usual Place

Place of Abode, or at the Office of such Commissioners, or in case the same respectively shall not be found or known, then Service upon any other Agent or Officer employed by such Commissioners, or delivered to some Inmate at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Commissioners under this Act.

CXXXIX. And be it further enacted, That in all Notices and Summons which by this Act are directed or required to be given or served, or which are or may be required to be given or served by any Rules, Orders, or Bye Laws in pursuance of this Act, or for carrying into execution any of the Powers and Provisions of this Act, or any of such Rules, Orders, or Bye Laws, where the Manner of serving such Notices or Summons is not otherwise particularly directed by this Act, the Service of any such Notice or Summons either upon the Person to whom the same ought to be given, or by delivering the same or a true Copy thereof to some Inmate at his or her Dwelling House or last or usual Place of his or her Abode, shall be good and sufficient Service of any such Notice or Summons; and in all Cases whatsoever where any such Notice or Summons ought to be given to Two or more Persons for or respecting the joint Act or Omission of any such Persons (whether such Persons be in Partnership in Trade or not), when jointly concerned in any such Act or Omission, the like Service of any Notice or Summons on any One of such Partners or Persons shall be also a good and sufficient Service thereof.

Mode of serving Summons and Notices directed by this Act.

CXL. And be it further enacted, That all Offences whatsoever which by virtue or under the Authority of this Act, or by or under any Rule, Regulation, Order, or Bye Law to be made in pursuance or by the Authority of this Act, are or shall be subject to or punishable with any Imprisonment, Penalties, Fines, or Forfeitures for the Recovery of which no express Provision is herein-before made, shall and may in every Case be heard, adjudged, and determined by or before Two or more Justices of the Peace, in a summary Way, upon Information or Complaint made, whether the same shall be in Writing or not (and which shall in every Case be made within Four Calendar Months at the furthest next after the committing of such Offences respectively, and not afterwards); and upon any such Information or Complaint as aforesaid the said Justices shall summon the Party or Parties accused, and such Witness or Witnesses as may by such Justices be thought proper or necessary, and examine into the Matter thereof; and if upon Confession of the Party or Parties accused, or on the Oath of any One or more credible Witness or Witnesses (whether the Party or Parties accused be present or absent), the Party or Parties accused shall be convicted of having committed such Offence or Offences, then and in every such Case the Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures, hereby made payable in respect of such Offences, together with the Costs of Conviction, to be ascertained by such Justices, shall be forthwith paid by the Party or Parties so convicted as aforesaid; and in case such Party or Parties so convicted shall refuse or neglect to pay the same forthwith, then (except in Cases otherwise provided for by this Act) the same shall and may, by Warrant or Warrants under the Hands and Seals of such Justices (which they are hereby empowered and required to grant), be levied and recovered, together with the

Recovery and Application of Penalties.

the Costs of Conviction and Recovery thereof, to be ascertained by such Justices, by Distress and Sale of the Goods and Chattels of such Offender or Offenders, rendering the Overplus of the Money arising by such Sale (if any), upon Demand, to the Party or Parties whose Goods and Chattels, shall be distrained; the whole of which Penalties not herein directed to be otherwise applied shall be paid to the Treasurer or Treasurers of the said Commissioners, to be applied to the Purposes of this Act; and it shall be lawful for the said Justices to order the Offender or Offenders so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant or Warrants of Distress, unless the said Offender or Offender shall give sufficient Security to the Satisfaction of such Justices for his, her, or their Appearance before the said Justices on such Day or Days as shall be appointed for the Return of such Warrant of Distress, such Day or Days not being more than Six Days from the taking any Security, and which Security the said Justices are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant or Warrants it shall appear that no sufficient Distress can be had whereupon to levy the said Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures, and such Costs as aforesaid, and the same shall not be forthwith, paid or in case it shall appear to any such Justices, either upon the Confession of the Offender or Offenders, or otherwise, that the Offender or Offenders hath or have not sufficient Goods or Chattels whereon such Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures, and such Costs as aforesaid, can be levied were such Distress or Warrant to be issued, such Justices shall not be required to issue the same; and thereupon it shall be lawful for the said Justices, and they are hereby required and empowered, by Warrant or Warrants under their Hands and Seals, to commit such Offender or Offenders to the Common Gaol or House of Correction for the County wherein such Offence shall have been committed, there to remain without Bail or Mainprize for any Term not exceeding Six Calendar Months, or unless such Offender or Offenders shall have sooner fully paid such Penalty or Penalties, Fine or Fines, Forfeiture or Forfeitures, and all Costs attending such Proceedings as aforesaid, to be ascertained by such Justices, or shall otherwise be discharged by due Course of Law; and if any Person charged with any Offence against this Act shall refuse to disclose his or her Name, the necessary Proceedings may be had against him or her before any Justices of the Peace for any Penalty or Penalties imposed by this Act by a Description of his or her Person and the Offence committed, without there being any Necessity for stating his or her Name.

Justices may
mitigate
Penalties.

CXLI. Provided always, and be it further enacted, That it shall be lawful for the Justices of the Peace by or before whom any Party or Parties shall be convicted in any of the Penalties imposed or to be imposed by virtue of this Act, or of any Bye Law, Rule, Order, or Regulation to be made in pursance or under the Authority of this Act, from Time to Time to mitigate, compound, or lessen any of the said Penalties in any Case where it should appear to such Justices right and proper so to do.

Inhabitants,
&c. not to be
incompetent
Witnesses in
Actions.

CXLII. And it is hereby further enacted, That in all Actions, Prosecutions, Informations, and Proceedings whatsoever relating to or concerning the Execution of this Act, or of any Order, Rule, or Bye Law made or

to be made in pursuance of this Act, no Inhabitants residing within the said Limits of the said Town of *Kingstown*, as defined by this Act, nor any Commissioner acting by virtue of this Act, nor the Treasurer nor any other Officer of the said Commissioners, shall be deemed to be an incompetent Witness by reason of his paying or being liable to pay any Rates or Duties imposed by virtue of this Act or any Part thereof, or by reason of his being such Commissioner, Treasurer, or Officer as aforesaid.

CXLIII. And be it further enacted, That if any Person shall be summoned as a Witness to give Evidence before any Justices of the Peace touching any Complaint for any Offence against this Act, or against any Rule, Order, or Bye Law made or to be made in pursuance of this Act, whether on the Part of the Prosecutor or of the Person complained against (and which Summons such Justices as aforesaid are hereby authorized to issue), and if any such Person so summoned as aforesaid (a reasonable Sum for his Costs and Charges having been paid or tendered to him) shall refuse to appear at the Time and Place to be for that Purpose appointed, without a reasonable Excuse for such his Refusal or Neglect, to be approved of by the said Justices, or on appearing shall refuse to be examined on Oath, or to give Evidence before such Justices, then and in all such Cases every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds.

Penalty on Persons neglecting to attend Summons of Justices.

CXLIV. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or for any of their Collectors, Surveyors, or other Officers, or such Persons as they or any of them shall call to their Assistance, and without any Warrant or other Authority than this Act, to seize and detain any Person (being unknown to such Commissioners, Collectors, Surveyors, or other Officers,) who shall commit any Offence against this Act, and to deliver such Person into the Custody of any Peace Officer, in order to be secured and conveyed before Two or more Justices of the Peace near the Place where the Offence shall be committed; and such Justices are hereby required to proceed and act with respect to any such Offender according to the Provisions of this Act.

For securing transient Offenders.

CXLV. And be it further enacted, That wherever in any Part of this Act any Act shall be directed to be done, or any Order or Conviction shall be directed to be made, or any Authority shall be given to any Justice, or Justice of the Peace, every such Act shall or may be done, and every such Order or Conviction shall or may be made, and every such Authority shall or may be exercised, by virtue of this Act, by not less than Two Justices of the Peace named in the Commission of the Peace for, and acting for the said County of *Dublin*, and by no other Persons or Person whatsoever, by which any such Act shall be directed to be done, or such Order or Conviction shall be directed to be made, or by which such Authority shall be given.

Acts authorized by this Act to be done by Justices shall be done by Two Justices of the Peace for the County of Dublin.

CXLVI. And be it enacted, That for the more easy Conviction of Offenders against this Act the Justice, or Justices of the Peace before

Form of Conviction.

[*Local.*]

30 *T*

whom

whom any Person shall be convicted of any Offence against this Act, or against any Rule, Order, or Bye Law to be made in pursuance thereof, shall and may cause the Conviction to be drawn up in the Form or to the Effect following; (that is to say,)

to wit. } **BE** it remembered, That on the _____ Day of _____
 _____ in the _____ of His Majesty
 _____ One thousand eight hundred and _____ *A.B.* is
 [or are, as the Case may be,] convicted before me, One of His Majesty's
 Justices of the Peace acting in and for the County of *Dublin*, by virtue
 of an Act of Parliament passed in the _____ Year of the Reign
 of His Majesty King *William* the Fourth, intituled [*here set forth the*
Title of this Act], of [*here specify the Offence, Time and Place when and*
where committed, as the Case may be], contrary to the said Act [or, as the
 Case may be, contrary to a certain Bye Law made on the
 Day of _____ pursuant to the said Act], for which said Offence
 I [or we, as the Case may be] adjudge the said *A.B.* to have forfeited
 the Sum of _____ . Given under our Hands and Seals
 the Day and Year first above written.

Where Oath directed to be taken, a Quaker or Moravian may affirm.

CXLVII. And be it further enacted, That when in any Part of this Act any Oath shall be directed to be taken, or any Matter shall be directed to be ascertained or proved by the Oath of One or more Witness or Witnesses, any Person being a Quaker or Moravian shall be and is hereby authorized, in lieu of any such Oath, to make an Affirmation; and when any specific Form of Oath is directed to be used, such Form, *mutatis mutandis*, shall be changed into an Affirmation; and in every such Case any One or more Justices of the Peace in the Commission of the Peace, and acting for the said County of *Dublin*, shall be and is or are hereby authorized to administer such Oath or Affirmation, unless in any Case it shall be otherwise expressly declared by this Act; and that whenever any Act shall be directed to be proved by One Witness, the same may be proved by more Witnesses than One.

Distress not to be deemed unlawful for Want of Form.

CXLVIII. And be it further enacted, That when any Distress shall be made for any Sum to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant, or Distress, or other Proceed relating thereto, nor shall the Party distraining be deemed a Trespasser on account of any Irregularities which may be afterwards done or committed by such Party, but the Person aggrieved by such Irregularities shall and may recover full Satisfaction for any special Damage done in a special Action upon the Case for that Purpose.

Proceedings not to be quashed for Want of Form, nor removed by Writ of Certiorari.

CXLIX. And be it further enacted, That no Action, Verdict, Judgment, Conviction, or other Proceeding which shall or may be had or taken in pursuance of or under or by virtue of this Act shall be made 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 at *Dublin* or elsewhere, any Law or Statute to the contrary thereof in anywise notwithstanding.

CL. And be it further enacted, That no Action or Suit shall be commenced against any Person for any thing done or to be done by virtue or in pursuance of this Act until Three Months Notice thereof shall have been given in Writing by the intended Plaintiff of the Cause and Intention of and for commencing such Action or Suit, and of the Time when such Action or Suit will be commenced; nor at any Time whatsoever after sufficient Satisfaction or Tender of Satisfaction shall have been made to the Party aggrieved; nor after Six Months next after the Fact committed for which such Action or Suit shall be so brought, or, in case there shall be a Continuation of Damages, after Six Months after the doing or committing such Damage shall have ceased; and all Actions and Suits shall be laid and tried in the County where the Cause of Action shall have arisen, and not in any other County or Place; and the Defendant in every such Action or Suit, may plead the General Issue, and give this Act and the special Matter in Evidence at any Trial which shall be had thereupon, and that the Matter or Thing for which such Action or Suit shall be brought was done in pursuance and by the Authority of this Act, or of some Rule, Order, or Bye Law made under the Authority of this Act; and if the said Matter or Thing shall appear to have been so done, and if it shall appear that such Action or Suit was brought before Three Months Notice thereof given as aforesaid, or that sufficient Satisfaction was made or tendered as aforesaid, or paid into Court with the Leave thereof, either before or after Issue joined in such Action or Suit, 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 for the Defendant in such Action or Suit.

Limitation
of Actions,
and Notice
required.

CIL. Provided always, and be it enacted, That if any Person shall think himself aggrieved by reason of any Judgment, Conviction, or Determination of any Justice or Justices of the Peace, or by any Rate or Assessment made by virtue of this Act, or by any thing done in pursuance of this Act, for which no particular Method of Relief hath been provided by this Act, or by reason of any of the Bye Laws, Rules, Orders, and Regulations of the said Commissioners by this Act authorized to be made, and made or to be made in pursuance of this Act, such Person, except in Cases where it is otherwise declared by this Act, may appeal to the next General or Quarter Sessions of the Peace to be holden for the said County of *Dublin* which shall next happen after the Expiration of One Month after the Cause of Complaint shall have arisen, every such Appellant giving or causing to be given Fourteen Days Notice at least in Writing of his Intention to bring such Appeal, and of the Subject Matter thereof, to the Clerk of the said Commissioners, and within such Fourteen Days next after such Notice entering or causing a Recognizance to be entered into before some Justice of the Peace, by Two sufficient Sureties, conditioned to try such Appeal and to abide the Order thereof, and to pay such Costs as shall be awarded by the Justices at such Quarter Sessions; and the said Justices at such Sessions, upon due Proof of such Notice being given as aforesaid, and of entering into such Recognizance, shall hear and determine the Causes and Matters of every such Appeal in a summary Way, and the said Justices shall and may award such Satisfaction and Costs to the Parties respectively appealing or appealed against as they

Persons
aggrieved
may appeal
to the Ses-
sions.

they the said Justices shall think proper ; and the Determination of such Justices at such Quarter Sessions shall be final, binding, and conclusive.

As to Actions brought by and against Commissioners.

CLII. And be it further enacted, That in every Action or Suit which shall or may at any Time after the passing of this Act be commenced or brought against the said Commissioners, or by or on behalf of the said Commissioners against any Person, Body Politic or Corporate whomsoever, under or by virtue of the Powers and Authorities contained in this Act, no Essoign, Protection, Wager of Law, or more than One Imparlance shall be allowed to the Defendant in such Action or Suit ; and that in every Action or Suit brought against the said Commissioners, or their Treasurer, or any other Person, for any thing done by virtue of this Act, by any Person, Body Politic or Corporate whomsoever, in which the Plaintiff shall become nonsuited, or suffer a Discontinuance of such Action or Suit after the Defendant shall have appeared thereto, or if Judgment shall be given for the Defendant therein, or if any Verdict shall pass against the Plaintiff therein, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff therein, the Defendant shall have full Costs, and shall have such Remedies for recovering the same as any Defendant hath or may have by Law for his Costs in any other Cases.

Construction of Words.

CLIII. And be it further enacted, That every Word used in any Part of this Act importing the Singular Number only shall extend and be applied to several Persons or Things as well as to One Person or Thing ; and every Word used in this Act in the Plural Number only shall extend and be applied to One Person or Thing as well as to several Persons or Things ; and every Word used in this Act importing the Masculine Gender shall extend and be applied to a Female as well as a Male ; unless from the Nature of the Clause or from the Context of the Passage in which such Word occurs, or by the express Provision of this Act, it shall appear to have been otherwise intended.

Public Act.

CLIV. 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.

SCHEDULES referred to in the Bill.

SCHEDULE A.

Lands to be purchased for making a Public Walk.

N ^o	Owners.	Occupiers and Lessees.	Description.
1	Lōrds Longford and De Vesci.	Commissioners of the Royal Harbour.	A Plot of Ground, partly waste, and partly used by the Commissioners of the Harbour for a Water Tank and a Stone Yard.
2	{ Do. - - Do. - - Do. - - Do. - -	{ Thomas M. Gresham - Edward Hayes - Pierce Mahony - The Rev ^d M ^r Wall -	A Pleasure and Vegetable Garden.
3	Do. - -	The Rev ^d M ^r M ^c Cabe	A Pleasure and Vegetable Garden.
4	Do. - -	M ^r Thompson	A Garden.

SCHEDULE B.

Rates to be paid by Occupiers of Houses, &c. adjoining the Public Walk.

Any Rate not exceeding Two Shillings per Foot per Annum for each Foot of their respective Houses fronting or abutting towards said Public Walk or Esplanade being on the South Side of the Premises called Gresham's Terrace, the Nunnery Ground, and Part of M^r Thompson's Gardens, on the West, Mallard View and Sussex Place, on the East by the Ground in the Possession of M^r Tilly, M^r Thompson, and others, and on the South by the Tramroad in the Occupation of the Commissioners of the Royal Harbour of Kingstown.

SCHEDULE C.

Rents to be taken at the general Markets.

For every Stall, Shed, or Table used by a Butcher for selling Meat, any Sum not exceeding One Shilling per Day.
For each Stall, Shed, or Table used by a Person for exposing to Sale Cheese, Bacon, Pork, or any other Articles, any Sum not exceeding Sixpence per Day.

£ s. d.

[Local.]

SCHEDULE D.

Charges to be taken at the Cattle, Corn, and Hay Markets, and Corn Exchange.

	s.	d.
For every Horse of every Description, any Sum not exceeding	-	0 4
For every Mule or Ass, any Sum not exceeding	-	0 2
For every Bull, Cow, Ox, Calf, or other Neat Cattle, any Sum not exceeding	-	0 3
For every Hog or Pig, not being a Pig denominated a Sucking Pig, any Sum not exceeding	-	0 1½
For every Score of Sheep, any Sum not exceeding	-	1 3
If less than a Score, then any Sum not exceeding One Penny for each Sheep.		
For every Score of Lambs, any Sum not exceeding	-	0 7
If less than a Score, then any Sum not exceeding a Halfpenny per Lamb; and all Sheep under the Age of One Year to be deemed Lambs.		
For every Load of Hay or Straw, any Sum not exceeding, per Hundred Weight, including Cranage,	-	0 1
For every Hundred Weight of Clover, Grass, Sainfoin, Lucern, or other Green Food, any Sum not exceeding	-	0 1
For every Barrel of Wheat in Bulk, any Sum not exceeding, including Cranage,	-	0 1
For every Barrel of Barley in Bulk, including Cranage, any Sum not exceeding	-	0 1
For every Barrel of any other Grain in Bulk, including Cranage, any Sum not exceeding	-	0 1
For every Bushel of any Kind of Seeds in Bulk, any Sum not exceeding One Penny, and so in proportion for any greater or less Quantities of the said respective Articles.		
For every Stand used by any Person for the Sale of Corn or Grain by Sample, for every Foot in Length the Sum of Two-pence per Day, and so on in proportion for every Part of a Foot in Length.		

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1834.