



ANNO TERTIO

GEORGII IV. REGIS.

Cap. lxxix.

An Act for the Establishment of Markets for the
Sale of Corn and other Articles in the City of
Cork. [24th June 1822.]

WHEREAS the present Market for the Sale of Corn in the City of *Cork* is insufficient, and it would tend materially to the Advantage of the several Persons interested in buying and selling Corn therein to have a sufficient Market established, and to have the same placed under the Controul of Trustees: And whereas the Mayor, Sheriffs, and Commonalty of the said City are Proprietors of the present Market, and are willing and desirous to have such new Market established as aforesaid: And whereas there are not at present established in the said City of *Cork*, or the Suburbs thereof, any Markets for the Sale of Hay, Straw, Green Food for Cattle, or dead Pigs, in consequence of which these respective Articles are sold in the Public Streets, to the great Inconvenience and Annoyance of the Inhabitants of the said City and Suburbs, and of Persons resorting thereto: And whereas it would be a great Benefit and Advantage to the Inhabitants of the said City and Suburbs if such several Markets were established, and proper Rules and Regulations were made for the Government thereof, and of all Persons frequenting the same; but inasmuch as the said several beneficial Purposes cannot be effected without the Aid and Authority of Parliament, May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled,

[*Local.*]

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bled,

Appointment
of Trustees
for Govern-
ment of Corn
Market.

bled, and by the Authority of the same, That the Mayor, Sheriffs, and Common Speaker of the said City of *Cork* for the Time being, together with Six Persons being Members of the Common Council of the said City, and to be elected and chosen by the Common Council of the said City in manner herein-after mentioned, Six Persons being Merchants trading in the City of *Cork*, to be elected by the Mayor, Sheriffs, and Commonalty of the said City, in manner herein-after mentioned, Nine Persons Landholders, to be presented by the Grand Jury of the County of *Cork* in manner herein-after mentioned, and Nine Merchants trading in the City of *Cork*, to be presented by the Grand Jury of the County of the City of *Cork* in manner herein-after mentioned, and their Successors, to be respectively elected, nominated, and appointed as herein-after is mentioned, shall be and they are hereby appointed Trustees for the Purpose of establishing, maintaining and regulating a Corn Market or Corn Markets in and for the City of *Cork*, and the Suburbs thereof, and also Markets for the Sale of Hay, Straw, Green Food for Cattle, and dead Pigs, within the said City and Suburbs, and shall be called and known as "The Trustees for Markets in the City of *Cork* and Suburbs thereof."

How Trus-
tees shall be
elected.

II. And be it further enacted, That as soon as conveniently may be after the passing of this Act, Six Persons, being Members of the Common Council of the said City, shall be elected and chosen by the said Common Council to be Six of the said Trustees for the Purposes aforesaid; and that Six Persons, Merchants, not being Members of the said Common Council, shall be elected and chosen by the Mayor, Sheriffs, and Commonalty of the said City of *Cork*, in their open Court of D'Oyer Hundred for that Purpose duly assembled, to be Six other of the said Trustees; and that the Grand Jury assembled at the Assizes to be holden for the County of *Cork*, at the Assizes next after the passing of this Act, shall present Nine Persons, Landholders, to be Nine other of the Trustees for the Purposes aforesaid; and that the Grand Jury assembled at the Assizes to be holden for the County of the City of *Cork*, at the Assizes next after the passing of this Act, shall present Nine other Persons, Merchants trading in the City of *Cork*, not Members of the Common Council of the said City, to be the Nine other Trustees for the said Purposes.

Proportion of
Trustees
chosen by
the Common
Council to go
out annually
and others to
be elected.

III. And be it further enacted, That on the First Day of *June* One thousand eight hundred and twenty-five, and on the First Day of *June* One thousand eight hundred and twenty-six, and on the First Day of *June* annually thereafter, the Two Trustees whose Names shall at such respective Times stand first in the List of Trustees, chosen by and from the Common Council of the said City, shall, as being disqualified by Seniority, go out of Office, and Two other Trustees shall, as soon as conveniently may be after such respective Times, be chosen to supply their Places by the Common Council of the said City, so that there shall ever thereafter annually be an Election of Two Trustees in each Year from and by the said Common Council.

The like
chosen by the
Mayor, &c.

IV. And be it further enacted, That on the First Day of *June* One thousand eight hundred and twenty-five, and on the First Day of *June* One thousand eight hundred and twenty-six, and on the First Day of *June* annually thereafter, the Two Trustees whose Names shall at such respective Times stand first in the List of Trustees elected and chosen by the
Mayor,

Mayor, Sheriffs, and Commonalty, as herein-before directed, shall, as being disqualified by Seniority, go out of Office, and Two other Trustees shall, as soon as conveniently may be after such respective Times, be chosen to supply their Places, by the Mayor, Sheriffs, and Commonalty of the said City, or the major Part of them in their open Court of D'Oyer Hundred for that Purpose duly assembled.

V. And be it further enacted, That on the First Day of the Summer Assizes to be holden for the County of *Cork* in the Year One thousand eight hundred and twenty-five, and on the First Day of the Summer Assizes to be holden for the said County in every Year thereafter, the Three Trustees who shall stand first in the List of Trustees presented by the Grand Jury of the County of *Cork* shall, as being disqualified by Seniority, go out of Office, and Three other Trustees shall at such respective Assizes be presented to supply their Places; and in like Manner on the First Day of the Summer Assizes to be holden for the County of the City of *Cork* in the said Year One thousand eight hundred and twenty-five, and on the First Day of the Summer Assizes to be holden for the County of the said City in every Year thereafter, the Three Trustees who shall stand first on the List of Trustees presented by the Grand Jury of the County of the City of *Cork*, shall, as being in like Manner disqualified, go out of Office, and Three other Trustees shall at such respective Assizes be presented to supply their Places: Provided always, that the several Persons going out of Office in manner aforesaid shall be eligible to be immediately re-elected; and in case they shall be so re-elected, they shall thereupon come in as junior Commissioners, and be enrolled as such accordingly.

The like
chosen by
the Grand
Jury.

VI. And be it further enacted, That when and as often as any of the Persons to be elected and chosen Trustees by the Common Council of the said City for the Time being shall die, or resign, or refuse or decline to act, or shall cease to be a Member of the said Common Council, or shall absent himself as herein-after mentioned, then and so often as it shall so happen it shall and may be lawful to and for the Common Council of the said City for the Time being, as soon as conveniently may be after such Vacancy shall happen, to elect and choose another Person, being a Member of the said Common Council, to be a Trustee as aforesaid, in the Place and Stead of the Person or Persons so dying or resigning, or refusing or declining to act, or ceasing to be a Member of the said Common Council, or absenting himself as aforesaid, and so on from Time to Time upon the Death, Resignation, Refusal or declining to act, or ceasing to be of the Common Council, or Absence of any Person who shall be elected and chosen by the said Common Council in pursuance of this Act, so as to make up and keep complete the full Number of Six Trustees from amongst the Common Council of the said City; and all and every the Person and Persons so elected and chosen Trustees in manner aforesaid from amongst the Common Council of the said City shall have the same Power and Authority to all Intents and Purposes as they would or could have had in case they had been originally named and appointed Trustees in and by this Act; provided that the Person or Persons so elected shall, previous to his or their acting in the Execution of the Powers and Authorities by this Act granted, take and subscribe before One of His Majesty's Judges of Assize for the said City, or before the Recorder or Deputy Recorder,

Future Trus-
tees of the
Common
Council how
to be ap-
pointed.

Recorder, or before Two Justices of the Peace for the said City, the Oath following :

‘ I *A. B.* do swear, That I will truly and faithfully execute the Powers and Authorities reposed in me by an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled [*here set out the Title of this Act.*] So help me GOD.’

Other future Trustees how to be appointed.

VII. And be it further enacted, That when and as often as any of the said Persons to be elected and chosen Trustees by the Mayor, Sheriffs, and Commonalty of the said City in manner as aforesaid, or to to be presented by the Grand Jury of the County of *Cork*, or by the Grand Jury of the County of the City of *Cork* in manner herein-before directed, shall die or resign, or refuse or decline to act, or shall absent himself or themselves as herein-after mentioned, or shall be elected and chosen a Common Councilman or Common Councilmen of the said City, the Place or Places of such of the Person or Persons so from Time to Time dying, resigning, refusing or declining to act, or absenting himself or themselves, or being elected a Common Councilman or Common Councilmen of the said City, as shall have been elected and chosen by the Mayor, Sheriffs, and Commonalty of the said City, shall be from Time to Time supplied by such Person or Persons as shall be elected to fill the same by the Mayor, Sheriffs, and Commonalty of the said City, or the major Part of them in their open Court of D’Oyer Hundred duly assembled for that Purpose ; and the Place or Places of such of them as shall have been presented by the Grand Jury of the County of *Cork*, shall be from Time to Time supplied by such Person or Persons as shall be presented to fill the same by the Grand Jury of the County of *Cork* assembled at the next Assizes after such Person or Persons shall have died, resigned, refused or declined to act, or absented himself or themselves, or been elected a Common Councilman or Common Councilmen of the said City ; and the Place or Places of such of them as shall have been presented by the Grand Jury of the County of the City of *Cork*, shall from Time to Time be supplied by such Person or Persons as shall be presented to fill the same by the Grand Jury of the County of the City of *Cork*, assembled at the next Assizes after such Person or Persons shall have died, resigned, refused or declined to act, or absented himself or themselves, or been elected a Common Councilman or Common Councilmen of the said City, and so on successively from Time to Time as often as there shall be occasion.

Qualification of Trustees.

VIII. Provided always, and be it further enacted, That no Person to be elected by the Mayor, Sheriffs, and Commonalty of the said City, or to be presented by the Grand Jury of the County of *Cork*, or by the Grand Jury of the County of the City of *Cork*, in manner herein-before mentioned, shall be capable of acting as a Trustee in the Execution of this Act, unless he shall then be seised and possessed in his own Right, or in the Right of his Wife, and in the actual Enjoyment or Receipt of the Rents and Profits of a Real Estate in Law or Equity, of the clear yearly Value of Thirty Pounds, or possessed of a Personal Estate to the Amount or Value of One thousand Pounds over and above what shall be sufficient to satisfy his Debts ; and if any Person not being so qualified, or not having taken and subscribed the Oath as herein-after mentioned, or being a Quaker, not having made
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and subscribed the Affirmation as herein-after mentioned, shall presume to act as a Trustee, every such Person shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered in any of His Majesty's Courts of Record in *Dublin* by Action of Debt or on the Case, or by Bill, Suit, or Information, together with Costs of Suit, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed, and wherein the Proof of Qualification shall be on the Person prosecuted, and it shall be sufficient on the Part of the Prosecutor to prove that the Person so prosecuted had acted as a Trustee in the Execution of this Act; but nevertheless the Acts or Proceedings which shall have been done by any such Person, touching the Execution of this Act, previous to his being convicted of acting without such Qualification, shall, notwithstanding such Conviction, be as valid and effectual as if such Person had been qualified according to the Directions of this Act.

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

Trustees not to act until they take Oaths.

‘ I *A. B.* do swear, [*or, being one of the People called Quakers, do solemnly affirm,*] That I am, in my own Right, or in Right of my Wife, [*if the Party shall be married; if not, the Words ‘or in the Right of my Wife’ to be omitted,*] in the actual Possession and Receipt of the Rents and Profits of Lands, Tenements, or Hereditaments of the clear yearly Value of Thirty Pounds, or possessed of and entitled to a Personal Estate of the Value of One thousand Pounds, over and above what shall be sufficient to discharge my Debts; and that I will truly and faithfully execute the Powers and Authorities reposed in me by an Act passed in the Third Year of the Reign of His Majesty King *George* the Fourth, intituled [*here insert the Title of this Act*].

‘ So help me GOD.’

X. And be it further enacted, That the said Trustees shall have full Power and Authority at all Time and Times hereafter to meet and assemble themselves together whensoever and wheresoever they may think proper for the Purposes of this Act, and that all Powers and Authorities by this Act granted to the said Trustees shall and may be exercised from Time to Time by the major Part of them who shall attend at any Meeting to be holden in pursuance of this Act, (the Number of the Trustees present at such Meeting not being less than Seven, except where otherwise directed;) and all the Acts, Orders, and Proceedings of the major Part of such Trustees present at such their several Meetings shall have the same Force and Effect as if the same were made or done by all such Trustees for the Time being (save and except as herein excepted;) and at every Meeting of the said Trustees a Chairman shall and may be appointed; and when and as often as it shall so happen that there shall be an Equality of Votes at any such Meeting upon any Question (including the Vote of the Chairman) then and in every such Case the Chairman shall have, and he is hereby empowered to give, the decisive or casting Vote: Provided

Meetings of Trustees.

Chairman to be appointed.

[*Local.*]

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In case the Chairman appointed shall leave the Chair at any Meeting, another may be appointed.

nevertheless, that if such Chairman so appointed shall leave or quit such Meeting before the Adjournment of the same, then and in such Case the remaining Trustees present at such Meeting, not being less than the Number required by this Act, shall and may nominate and appoint another Chairman, being a Trustee present at such Meeting, by virtue of this Act, to replace the said former Chairman, and preside at such Meeting as aforesaid during the Remainder of the Time of such Meeting until the same shall be adjourned.

Books to be kept.

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

Powers of Trustees.

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

Security to be taken from Treasurer.

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

Treasurer to account with Trustees.

XIV. And be it further enacted, That each and every such Treasurer, Clerk, Collector, or other Officer so to be appointed, shall, as often as they shall be thereunto required by the said Trustees, or any Five or more of them, or to such Persons as they shall appoint, distinct, true, and perfect

fect Accounts in Writing, signed with their own Hands respectively, of all Matters and Things committed to their Charge by virtue of this Act, and also of all the Monies which shall have been by such Officers or Persons respectively received by virtue of such Appointment or for or on account of the said Trustees, and how much thereof hath been paid and applied, and for what Purposes, together with the proper and legal Réceipts or Vouchers for such Payments, and shall pay all such Monies as shall remain due from them respectively to the said Trustees, or any Five or more of them, or to such Person or Persons as they the said Trustees shall from Time to Time direct; and if any such Officer or Person so appointed as aforesaid shall not render and deliver, signed with his own Hand, all and every such Statements and Accounts when thereunto required as aforesaid, or shall not produce and deliver up the Receipts or Vouchers relating to all Monies received and paid by him or them, or shall not pay the Monies in his Hands to such Trustees, or any Five or more of them, or to such Person as the said Trustees shall direct, or shall not deliver to such Trustees, or to any other Person or Persons whom they shall direct, all Books, Papers, and Writings in his or their Custody or Power, relating to the Execution of this Act, within Twenty-four Hours next after he or they shall be required so to do, by a Notice in Writing signed by any Five of the said Trustees, or delivered to or left at the last or usual Place of Abode of such Officers, then and in either of the said Cases the said Trustees may and they are hereby authorized and empowered to bring or cause to be brought any Action or Actions against such Officer or Officers so neglecting or refusing as aforesaid for the Recovery of the Money that shall be in the Hands of such Officer or Officers, or against the Person or Persons having become Securities for him or them; or such Trustees, or any Five or more of them, or any other Person whom they shall direct for that Purpose, may complain of any such Refusal or Neglect as aforesaid to any Justice of the Peace for the County, City, Borough, or Place wherein such Officer so neglecting or refusing shall be or reside; and such Justice may and he is hereby authorized and required by a Warrant under his Hand and Seal to cause such Officer so refusing or neglecting, and against whom such Complaint shall be made, to be brought before him, and upon his appearing, or not being to be found, to hear and determine the Matter in a summary Way; and if, upon the Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath, or upon the Testimony of any credible Witness or Witnesses being of the People called *Quakers* upon Affirmation (which Oath or Affirmation such Justice is hereby empowered to administer), it shall appear to such Justice that any of the Monies that shall have been received by any such Officer or Person shall remain due from any such Officer or Person, then such Justice may and he is hereby authorized and required, by Warrant under his Hand and Seal, to cause such Money, and all Costs, Charges, and Expences incurred and to be incurred thereabouts, to be levied by Distress and Sale of the Goods, Chattels, and other Effects of such Officer or Person respectively; and if no Goods or Chattels of such Officer or Person can be found sufficient to answer and satisfy the said Money, and the said Costs, Charges, and Expences of distraining, removing, and selling the said Goods, Chattels, and other Effects, and all such Costs and Expences as aforesaid, or if it shall in manner aforesaid appear to such Justice that such Officer or Person shall
not

not have rendered such true and perfect Accounts, signed as aforesaid, or shall have detained any Receipts or Vouchers, Rates, Books, Papers, and Writings as aforesaid, then and in each and every of such Cases such Justice shall commit every such Offender to the Common Gaol or House of Correction of the County, City, or Place where such Offender shall be or reside, there to remain without Bail or Mainprize until he shall have rendered and delivered, signed as aforesaid, such true and perfect Account as aforesaid, and shall have delivered as aforesaid all Receipts and Vouchers relating thereto, and shall have paid all Monies remaining in his Hands, or shall have compounded with the said Trustees, or any Five or more of them, for all such Money to their Satisfaction, and shall have paid the Amount of such Composition in such Manner as they shall approve (and which Composition the said Trustees are hereby empowered to make and accept), or until he shall have delivered up all such Books, Papers, and Writings aforesaid in his Custody or Power, or shall have given Satisfaction in respect thereof to the said Trustees: Provided always, that no such Officer or Person so committed as aforesaid shall be detained and kept in Prison by virtue of any such Warrant for any longer Space of Time than Twelve Calendar Months.

Proceedings
against Prin-
cipals not to
release Secu-
rities.

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

Trustee ab-
senting him-
self Three
Calendar
Months shall
be removed.

XVI. And be it further enacted, That if any of the Persons hereinbefore specifically nominated or who shall hereafter be elected a Trustee pursuant to the Powers of this Act, whether a Member of the Common Council or otherwise, shall continue to absent himself from the Meetings of the said Trustees for the Space of Three Calendar Months, unless some satisfactory Excuse for the Absence of such Member who shall not have attended as aforesaid shall be given in, admitted, and entered on the Minutes of the said Trustees, within One Month after the Expiration of the said Three Months, then and in every such Case the Person or Persons so absenting himself or themselves without Licence as aforesaid, and without satisfactory Excuse given, admitted, and entered as aforesaid, shall thereupon cease to be a Trustee or Trustees, and in such Case one other Trustee or other Trustees shall be elected in the Place or Places of such Person or Persons, in like Manner as if such Person or Persons had died or resigned.

Accounts to
be kept.

XVII. And be it further enacted, That the said Trustees shall and they are hereby required from Time to Time, and at all Times during the Continuance of this Act, to order and direct a Book or Books to be provided and

kept by their Clerk for the Time being, in which Book or Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out and expended under this Act, and of the several Acts, Matters, and Things for which any Sums of Money shall be disbursed, laid out, and paid, which Book or Books shall at all reasonable Times lie open to the Inspection of the said Trustees, without Fee or Reward; and the said Trustees 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 Clerks shall refuse the said Trustees, or any of them, to inspect the same, or take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum not exceeding Five Pounds, to be levied and recovered in manner in this Act directed.

XVIII. Provided always, and be it further enacted, That it shall not be lawful for the said Trustees to continue or appoint the Person who has been or may be appointed to act as their Clerk in the Execution of this Act, or the Partner of any such Clerk, the Treasurer for the Purposes of this Act, or to continue or appoint the Person who has been or may be appointed Treasurer, or the Partner of any such Treasurer, the Clerk to the said Trustees; and if any Person shall act in both the Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk shall act as Treasurer, or being the Partner of any such Treasurer, shall act as Clerk in the Execution of this Act, every Person so offending shall for every such Offence forfeit and pay the Sum of Fifty Pounds to any Person or Persons who shall sue for the same, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record in *Dublin*, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Treasurer
not to be
Clerk, and
vice versâ

XIX. And be it further enacted, That no Trustee under this Act shall hold any Place or Office of Profit or Emolument thereunder, nor enter into any Contract with the said Trustees; and if any Person being such Trustee shall accept any Place or Office under this Act, or shall enter into or be interested in any Contract with the said Trustees, he shall cease to be a Trustee from the Time of his Appointment to and Acceptance of such Place or Office, or of his entering into or being concerned or interested in such Contract, as the Case may be, and shall be and remain incapable of acting or being elected to be a Trustee under this Act whilst he shall continue to hold such Place or Office, or during the Continuance of such Contract, as the Case may be, and then another Person shall be elected according to the Directions of this Act in the Room and Place of the Person so ceasing to be a Trustee.

Trustee not
to hold Office
or be a Con-
tractor.

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

Copy of
Order to be
Evidence.

[*Local.*]

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Order,

Order, Proceeding, or Regulation of the said Trustees, as in the said Certificate set forth.

Trustees
to establish
Corn Mar-
kets.

XXI. And be it further enacted, That for the Purpose of establishing a Market or Markets for Corn within and for the said City of *Cork* and Suburbs thereof, it shall be lawful to and for the said Trustees, and they are hereby authorized and empowered, from Time to Time as they shall think proper to make, erect, construct, provide, build, set up, continue, and use or allow to be used, or contract for making, providing, erecting, building, constructing, and setting up in such convenient Part or Parts of the said City or Suburbs thereof as they shall think fit; on any Land to be purchased or rented by them for that Purpose under the Authority of this Act, One or more Market or Markets for Corn, with Sheds, Stands, Offices, and such other Buildings, Erections, and Conveniences of such Size, Form, Materials, and Quality, and with such vacant Space or Spaces outside the same, as to the said Trustees shall seem fit and proper, and from Time to Time enlarge or lessen the Number of, or alter, add to, take down, remove, and re-erect the said Market or Markets, and all Sheds, Stands, Erections, and Buildings belonging thereto, as to the said Trustees shall seem fit and proper; and when and as soon as the said Market or Markets shall be set up, erected, and completed, and One Month's Notice thereof given by the said Trustees in One or more of the public Newspapers of the said City of *Cork*, the same shall be the only Market or Markets for Corn in, of, or for the said City of *Cork* and the Suburbs thereof; and it shall not be lawful for any Person or Persons whomsoever to sell or expose to Sale or to buy any Corn within the said City or the Suburbs thereof, in any other Place or Places, upon Pain of every Person so offending forfeiting for every such Offence any Sum not exceeding Five Pounds: Provided, that nothing herein shall extend or be construed to extend to prevent any Person or Persons from selling or exposing to Sale any Corn in his, her, or their own House or Houses, or in his, her, or their Shop or Shops, or other Premises in any Part of the said City or Suburbs thereof.

Trustees may
establish
Markets for
Hay, Straw,
and dead
Pigs.

XXII. And be it further enacted, That it shall be lawful for the said Trustees, and they are hereby authorized and empowered, from Time to Time as they shall think proper, to make, erect, construct, provide, build, set up, continue, and use or allow to be used, or contract for making, providing, erecting, building, constructing, and setting up, in such convenient Part or Parts of the said City or Suburbs thereof as they shall think fit, on any Land to be purchased or rented by them for that Purpose under the Authority of this Act, Markets for the Sale of Hay, Straw, green Food for Cattle, and dead Pigs respectively, with Sheds, Stands, Offices, and such other Buildings, Erections, and Conveniences of such Size, Form, Materials, and Quality, and with such vacant Space or Spaces outside the same respectively, as to the said Trustees shall seem fit and proper, and from Time to Time to enlarge or lessen the Number of, or alter, add to, take down, remove, and re-erect the said Markets respectively, and all Sheds, Stands, Erections, and Buildings belonging thereto, as to the Trustees shall seem fit and proper; and when and as soon as the said Markets for the Sale of Hay, Straw, green Food for Cattle, and dead Pigs, or any of them, shall be set up, erected, and completed, and One Month's Notice thereof given by the said Trustees in One or more of the public Newspapers of
the

the said City of *Cork*, the same or such of them as shall be so erected, and of which such Notice shall be so given, shall be the only Markets or Market for the Sale of Hay, Straw, green Food for Cattle, and dead Pigs, or for such of those Articles respectively for which such Market or Markets shall be erected, and respecting which such Notice shall be given in, of, or for the said City of *Cork* and the Suburbs thereof; and it shall not be lawful for any Person or Persons whomsoever to sell or expose to Sale any of such Articles respectively within the said City or the Suburbs thereof in any other Place or Places, upon Pain of every Person so offending forfeiting for every such Offence any Sum not exceeding Five Pounds; provided that nothing herein contained shall extend or be construed to extend to prevent any Person or Persons from selling or exposing to Sale any of the said respective Articles, in his, her, or their own House or Houses, or in his, her, or their Shop or Shops, or other Premises, in any Part of the said City or Suburbs.

XXIII. And be it further enacted, That it shall be lawful for the said Trustees and they are hereby authorized, at any Time or Times and from Time to Time, when and as they shall deem it expedient, to cause the said Market or Markets respectively, and the Avenues leading thereto, to be pitched, paved, flagged, and repaired or amended, and the Pavement and Flagging thereof to be taken up and relaid, and the Ground thereof to be raised, lowered, or altered from Time to Time in such Manner and with such Materials as they shall think fit, and to cause to be cut or made in, through, or over, or under the said Market or Markets respectively, and the Avenues leading thereto, and in, through, over, or under the Pavements thereof, any Funnels, Gutters, Sinks, Drains, or Sewers for carrying the Waters from the same respectively, and the same to be altered, varied, or changed as they shall see fit.

Markets to be kept in repair.

XXIV. And be it further enacted, That it shall be lawful to and for the said Trustees, and they are hereby authorized and empowered to ask, demand, collect, recover, receive, and take of and from all and every Person and Persons who shall sell any Corn within the said City or the Suburbs thereof any Sum or Sums of Money not exceeding the Rates following; that is to say, for and upon every Twenty Stone of Wheat, the Sum of Three-pence; for and upon every Sixteen Stone of Barley, the Sum of Three Halfpence; and for and upon every Fourteen Stone of Oats, the Sum One Penny, and so in proportion for any lesser Quantity of such respective Articles; and for and upon every other Description of Corn, such Rate as shall from Time to Time be appointed by the said Trustees, not exceeding a due Proportion between the said Rates herein-before imposed on Wheat, Barley, and Oats, and the Rates to be appointed for such other Descriptions of Corn respectively.

Rates to be paid on Sale of Corn.

XXV. And be it further enacted, That it shall be lawful to and for the said Trustees, and they are hereby authorized and empowered, to ask, demand, collect, recover, receive, and take of and from all and every Person and Persons who shall sell within the said respective Markets to be established for the Sale of Hay, Straw, green Food for Cattle, and dead Pigs respectively, any Hay or Straw, green Food for Cattle, or any dead Pig or Pigs, any Sum or Sums of Money not exceeding the Rates following; that is to say, for and upon every Ton of Hay, Straw, or green Food for Cattle,

Rates.

Cattle, the Sum of One Shilling *British*, and so in proportion for a less Quantity than a Ton; and for every dead Pig, the Sum of Twopence.

Mode of
recovering
Rates.

XXVI. And be it further enacted, That if any Person or Persons hereby made subject to the Payment of any of the said Sums shall, after Demand made by the Officer or Officers of the said Trustees appointed to receive the same, neglect or refuse to pay the same or any Part thereof, it shall and may be lawful to and for the said Officer or Officers, by himself or themselves, or taking such Assistance as he or they shall think necessary, to seize and detain any Goods or Articles upon or in respect of which any such Sums are imposed or made payable, and either to detain such Goods or Articles so seized and distrained until such Sums, with the reasonable Charges of such Distress, and of detaining and keeping the same, shall be paid, or otherwise, at any Time after Forty-eight Hours after the Day of making such Seizure and Distress, at the Election of the Person or Persons so seizing and distraining, to sell all or any of the Goods or Chattels so seized and distrained, returning the Overplus of the Money to arise by such Sale, and what shall remain unsold, if any, upon Demand, to the Owner or Owners thereof, after such Sum or Sums of Money, and all reasonable Charges occasioned by such Distress and Sale, and of detaining and keeping such Goods or Articles, shall be deducted.

Power to
reduce
Rates.

XXVII. Provided always, and it is hereby enacted, That it shall be lawful for the said Trustees to reduce all or any of the said Rates herein-before granted and made payable to the said Trustees and their Successors, and also to advance such Rates again, in such Manner as to the said Trustees shall from Time to Time seem meet and expedient, so as the said Rates when so advanced again do not exceed the Rates herein-before granted, and the Rates so reduced or advanced shall and may from Time to Time be collected, recovered, and received by such Ways and Means as the said original Rates herein-before granted.

Providing
Weighing
Places.

XXVIII. And be it further enacted, That the said Trustees shall erect and appoint Weighing Places within the said Market or Markets for weighing such Corn, Hay, Straw, green Food for Cattle, and dead Pigs, as shall be bought or sold therein, and shall keep good and sufficient Weights and Scales, and appoint a Clerk or Clerks of the said Market or Markets, or some other sufficient Person or Persons, to attend therein; and that all Corn, Hay, Straw, and dead Pigs sold in the said Markets shall be weighed in or by the said Weights and Scales, if required by the Buyer or Buyers, Seller or Sellers thereof, to be so weighed.

Bye Laws to
be made for
Regulation
of Markets.

XXIX. And be it further enacted, That it shall be lawful for the said Trustees from Time to Time to direct and appoint what particular respective Parts of the said Market or Markets shall be occupied and made use of for exposing to Sale any particular Matter, and to direct the Order and Arrangement thereof; and also from Time to Time to make, constitute, and appoint, establish and ordain, such Rules, Orders, and Bye Laws for the better Regulation and Government of the said Markets respectively, and for preventing Horses and Carriages from travelling or going through the same or remaining there, or for preventing any other Nui-

sances

sances or Obstructions therein, or in the Approaches to the same; and also to fix and ascertain the Time or Times at which the Goods to be sold therein shall respectively begin to be offered or exposed to Sale therein, and how long the same shall continue exposed to Sale; and from Time to Time to alter, vary, revoke, or make void any such Rules, Orders, Regulations, and Bye Laws, and to impose reasonable Fines and Penalties for the Breach and Nonperformance of such Orders, Regulations, and Bye Laws, so as no One Penalty do exceed Five Pounds; which Fines and Penalties shall be recovered and levied as other Fines, Penalties, and Forfeitures by this Act imposed are hereby directed to be recovered and levied; and all Rules, Orders, and Bye Laws so to be made as aforesaid, being reduced to Writing and entered in a Book to be kept for that Purpose, shall be binding upon and be observed by all Persons, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act upon the same: Provided that no such Bye Law or Bye Laws so to be made or changed shall be valid unless Thirteen of the said Trustees shall be present at the Time of making or changing the same; and provided also, that such Bye Laws be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain and Ireland* called *Ireland*, or to any of the Provisions and Directions in this Act contained; and all such Bye Laws shall be painted on Boards in White Letters on a Black Ground, or in Black Letters on a White Ground, and put up or affixed in some conspicuous Place in the said Markets respectively, and from Time to Time shall be removed and replaced when and as often as the same shall be altered, obliterated, or defaced.

XXX. And be it further enacted, That if any Person or Persons shall at any Time hereafter wilfully pull down, destroy, obliterate, or deface the Copy or Copies of such Rules, Orders, Regulations, or Bye Laws as shall be so affixed as aforesaid, or any of them, such Person or Persons shall for every such Offence forfeit and pay to the Use of the said Trustees any Sum not exceeding Five Pounds.

Penalty for defacing Copy of Bye Laws.

XXXI. And be it further enacted, That it shall and may be lawful to and for the said Trustees to provide within the said Markets respectively such Place or Places for the safe keeping of any Corn, Hay, Straw, Green Food for Cattle, and dead Pigs which may remain unsold, as to the said Trustees shall seem fit and proper, and to permit the Owner or Owners of any such Corn, Hay, Straw, and dead Pigs to deposit the same in such Place or Places for such Time or Times as may be found necessary or convenient; and there shall be paid to the said Trustees for the Use of such Place or Places such Sum or Sums as shall be mutually agreed upon between the said Trustees, their Officer or Officers, and the Person or Persons so depositing the said Corn, Hay, Straw, Green Food for Cattle, or dead Pigs in such Place or Places; and the Sum or Sums so to be paid shall be recoverable and recovered in like Manner as is herein-before appointed with respect to the Tolls or Duties payable to the said Trustees, and shall be applied by the said Trustees to the like Purposes as are herein-after appointed for the Application of Tolls or Duties.

Places to be provided for unsold Corn to remain in.

XXXII. And be it further enacted, That in case any Officer or Officers to be employed by the said Trustees for any of the Purposes of this Act shall exact or demand from any Person or Persons whomsoever any Fees,

Officers of Trustees exacting Fees subject to Penalty.

[Local.]

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Emolu-

Emoluments, or other Perquisites in the Execution of the Duties of his Office, other than the Salary or Emoluments allowed to him by the said Trustees, every such Officer shall repay the Sum or Sums so unlawfully received to the Person or Persons who shall have paid the same, and shall be for ever incapable of serving or being employed under this Act in any Office or Employment of Emolument, and shall over and above forfeit and pay any Sum not exceeding Fifty Pounds by way of Penalty for every such Offence.

How Difference respecting Rates shall be settled.

XXXIII. And be it further enacted, That if any Dispute or Difference shall arise about the Quantity of the Rates due, or respecting the Costs and Charges of distraining, keeping, or selling any Distress, such Dispute shall be settled and determined by any One or more Justice or Justices of the Peace for the County of the City of *Cork*, who, upon Application made to him or them for that Purpose, shall examine the said Matter by Oath of the Parties or Witness or Witnesses, and shall determine the Quantities of Rates due, and shall also assess the Costs and Charges of such Distress and Sale, and all other reasonable Costs and Charges, all which Sum or Sums of Money so determined and assessed shall be paid to the Collector before he shall be obliged to return the Distress or the Overplus after the Sale thereof, or any Part thereof.

Trustees may lease Tolls.

XXXIV. And be it further enacted, That it shall and may be lawful for the said Trustees and they are hereby empowered to let or farm the said Tolls or Duties respectively payable under this Act, or any of them, for the best Rent that can be got for the same, to any Person or Persons whomsoever, provided that the Leases, Contracts, or Agreements for the same be in Writing, and be duly executed by the Person or Persons taking or farming them, and also by the said Trustees or any Five or more of them, and the same shall not be let for more than Three Years at any one Time, and the Rent or Rents which shall be agreed to be paid for the said Tolls shall be made payable and be paid to the Treasurer of the said Trustees, so that One Quarter's Payment of such Rent or Rents shall be always in advance, or sufficient Security shall be given for the Payment of such Rents to the Satisfaction of the said Trustees, or in default thereof every such Lease, Contract, or Agreement shall be null and void to all Intents and Purposes whatsoever.

Lessees to have same Powers to collect as Trustees.

XXXV. And be it further enacted, That during such Times as the said Tolls, or any Part or Parts thereof, shall be demised, leased, or in farm to any Person or Persons whomsoever, it shall be lawful for the Lessee or Lessees, Farmer or Farmers thereof, or such other Person or Persons as he, she, or they shall by Writing or Writings under his, her, or their Hand or Hands authorize or appoint to demand and take the said Tolls so to be demised, leased, or farmed, with the like Powers for the Recovery thereof to all Intents and Purposes whatsoever as any Collector of the said Tolls appointed by the said Trustees is hereby authorized and empowered, to demand, take, and receive the same; and the said Lessee or Lessees, and the Person or Persons so authorized by such Lessee or Lessees, Farmer or Farmers, shall be subject to the like Pains, Penalties, and Forfeitures, and shall be liable to the like Actions and Prosecutions, as any Collector of the said Tolls appointed by the said Trustees would be subject or liable to.

XXXVI. And

XXXVI. And be it further enacted, That it shall and may be lawful to and for the said Trustees and they are hereby authorized and empowered to contract and agree with the Owners and Occupiers of and other Persons interested in any Houses, Buildings, Messuages, Lands, Tenements, or Hereditaments within the said City or Suburbs thereof, which they shall think necessary and proper for the Purpose of erecting such Markets or any of them, Sheds, Stands, Offices, and other Buildings, Erections and Conveniences as aforesaid, or for Approaches or Avenues leading thereto, or for enlarging the same, or rendering the Avenues or Approaches thereto, or towards the same, more convenient, direct, or commodious, or for the Purchase or taking at Rent all or any Part or Parts of such Houses, Buildings, Messuages, Lands, Tenements, or Hereditaments.

Trustees may purchase Ground, or take it at Lease.

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

Bodies Politic and others may sell.

XXXVIII. And be it further enacted, That if any such Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Trustees, Feoffees, Guardians, Committees, Executors, Administrators, or any Owners, Proprietors, or Occupiers, or any other Person or Persons having or claiming to have any Estate, Title, Term, or Interest in or to such Messuages, Lands, Tenements,

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

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

When Deficiency of Jurors, others to be impanelled.

XXXIX. And be it further enacted, That in all Cases of Trials by Juries before the said Trustees, or any Three or more of them, where a full Jury shall not appear before them, or where after the Appearance of a full Jury it shall so happen, either by means of Challenges or otherwise, that there shall be a Default of Twelve Jurors for such Trial, it shall and may be lawful to and for the said Trustees, or any Three or more of them, to command the Sheriffs of the County of the City of *Cork* to impanel so many other Persons as shall make up a full Jury of Twelve, which Persons so to be impanelled shall be added to the former Pannel; and all Parties interested in such Trials shall have their Challenges to the Jurors so added to the former Pannel, as if they had been originally summoned; and the said Trustees, or any Three or more of them, are hereby authorized and empowered by Precept or Precepts from Time to Time, as Occasion shall require, to call before them all and every Person and Persons whatsoever who shall be thought proper or necessary to be examined as a Witness or Witnesses before them on their Oath or Oaths touching or concerning the Premises; and the said Trustees, or any Three or more of them, (if they shall think fit,) shall and may authorize and require the said Jury, or any Six or more of them, to view the said Messuages, Lands, Tenements, Grounds, Hereditaments, or Premises intended to be valued; and the said Trustees and their Successors, or any Three of them, shall have Power to adjourn such Meeting from Day to Day, and Place to Place,

as

as Occasion shall require, and to command such Juries, Witnesses, and Parties to attend until the Business for which they shall be so summoned by virtue of this Act shall be concluded, and the said Jury shall upon their Oaths (which Oaths, as also the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Trustees, or any Three or more of them, are hereby required and empowered to administer,) fairly, truly, and impartially enquire of the Value of such Messuages, Lands, Tenements, Grounds, Hereditaments, or Premises, and of the respective Estate, Right, Title, Term, and Interest of every Person or Persons seised or possessed thereof or interested therein, or of or in any Part thereof, and shall assess or award the Sum or Sums to be paid to every such Person or Persons for the Purchase of such their respective Estates, Rights, Titles, Terms, and Interests therein; and if it shall not be made to appear to the said Jurors who is or are entitled to the respective Estates, Rights, Titles, or Interests which may be subsisting therein respectively, then it shall and may be lawful to and for the said Jury to enquire, ascertain, and find the Value of such Messuages, Lands, Tenements, Grounds, Hereditaments, or Premises, or any of them, as of an Estate in Fee Simple, without specifying the Person or Persons entitled to the same, or to ascertain and find the Value of any other Estate or Interest therein which shall be claimed or appear to the said Trustees, without specifying the Person or Persons entitled to the same respectively; and the said Trustees, or any Three or more of them, shall and may give Judgment for such Sum and Sums so to be assessed, awarded, ascertained, or found, as and for the Value of the said several Estates, Rights, Titles, Terms, and Interests in the said Messuages, Lands, Tenements, Grounds, Hereditaments, or Premises, or any of them, and for the Payments thereof respectively, in manner herein-after mentioned, which said Verdict or Verdicts, and the said Judgments thereupon respectively, (Notice in Writing being first given to the Person or Persons interested at least Fourteen Days before the Time of the First Meeting of the said Jury, declaring the Time and Place of such Meeting of the Trustees and Jury, by leaving such Notice at the Dwelling-house of such Person or Persons, or at his, her, or their several Place or Places of Abode, or with some Tenant or Occupier of the said Messuages, Lands, Tenements, Grounds, Hereditaments, or Premises intended to be valued or assessed, if the same be occupied, and if the same be not occupied, and that the Person or Persons having or claiming to have any Estate or Interest therein, or any Right or Title thereto, shall not be known or cannot be found by the said Trustees, then such Notice being published in the *Dublin Gazette*,) shall be binding and conclusive to all Intents and Purposes whatsoever, against all Bodies Politic or Corporate, Infants, Lunatics, Idiots, Feme Coverts, and Persons under any legal Disability, and against all and every Person or Persons whatsoever, his, her, or their Heirs, Successors, Executors, and Administrators, having or claiming to have any Estate, Right, Trust, Use, or Interest in, to, or out of the said Messuages, Lands, Tenements, Grounds, Hereditaments, or Premises, either in Possession or Reversion, Remainder or Expectancy, or in any Manner whatsoever, or any Charge, Lien, or Incumbrance thereon, which said Judgments respectively of the said Trustees, or their Successors, being fairly written on Parchment, and signed by Five of the said Trustees, and sealed with their respective Seals, and being entered in the Rolls of His Majesty's High Court of Chancery in *Ireland*, or true Copies thereof, shall be deemed and taken to be good Evidence

Judgments
to be enrolled
in the Court
of Chancery.

of the several Matters therein set forth in any Court of Law or Equity whatsoever.

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

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

Trustees may discharge Juries.

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

Persons swearing falsely may be indicted for Perjury.

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

How Expences of Jury to be paid.

XLIII. And be it further enacted, That in case any Jury shall give in and deliver a Verdict or Assessment for more Money as a Recompence for the Right, Interest, or Property of any Person or Persons in any Messuages, Lands, Tenements, Grounds, Hereditaments, and Premises, or for any Loss or Damage to be by him, her, or them sustained, than what shall have been agreed to and offered by the said Trustees, or their Treasurer, Clerk, Surveyor, or other known Agent, before the summoning and returning of the Jury, as a Recompence and Satisfaction for any such Right, Interest, Property, Loss, or Damage as aforesaid, that then and in such Case the Costs and Expences of summoning and maintaining the Jury and Witnesses shall be borne and paid by the Treasurer to the said

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

XLIV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Messuages, Lands, Tenements, Grounds, Hereditaments, or Premises, or for any other Matter, Right, or Interest, of what Nature or Kind soever, purchased, taken, or used by virtue of the Powers of the said recited Acts or any of them, or of this Act, for the Purposes thereof, which shall belong to any Corporation, Feme Covert, Infant, Lunatic, or other Person or Persons under any Disability or Incapacity as herein-before mentioned, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the High Court of Chancery, to be placed to his Account, *ex parte* the "Trustees for Markets in the City of *Cork* and Suburbs thereof," to the Intent that such Money shall be applied under the Direction and with the Approbation of the said Court, to be signified by an Order made upon a Petition to be preferred in a

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

summary

summary Way, if the Person or Persons who would have been entitled to the Rents and Profits of the said Messuages, Lands, Tenements, Grounds, Hereditaments, and Premises shall so desire, towards the Discharge of any Debt or Debts, or such other Incumbrance, or Part thereof, as the said Court shall authorize to be paid, affecting the same Messuages, Lands, Tenements, Grounds, Hereditaments, or Premises, or affecting other Messuages, Lands, Tenements, Grounds, Hereditaments, or Premises standing settled to the same or the like Uses, Intents, or Purposes; or where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the said Court, in the Purchase of other Messuages, Lands, Tenements, Grounds, Hereditaments, or Premises, which shall be conveyed to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Messuages, Lands, Tenements, Grounds, Hereditaments, or Premises which shall be so purchased, taken, or used as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime, and until such Purchase shall be made, the said Money shall, by Order of the said Court of Chancery upon Application thereto, be invested by the said Accountant General, in his Name, in the Purchase of Government Stock; and in the mean time, and until the said Stock shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce thereof shall from Time to Time be paid, by Order of the said Court, to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Messuages, Lands, Tenements, Grounds, Hereditaments, or Premises so hereby directed to be purchased, in case such Purchase or Settlement were made.

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

XLV. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Messuages, Lands, Tenements, Grounds, Hereditaments, or Premises purchased, taken, or used for the Purposes aforesaid, and belonging to any Corporation, or to any other Person or Persons under any Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Messuages, Lands, Tenements, Grounds, Hereditaments, or Premises so purchased, taken, or used, or of his, her, or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *Ireland* in the Name and with the Privity of the said Accountant General of the Court of Chancery, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed, or otherwise the same shall be paid, at the like Option, to Three Trustees, to be nominated by the Person or Persons making such Option, and approved of by Seven or more of the Trustees appointed under this Act (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties), in order that such Principal Money and the Dividends arising thereon may be applied in manner herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the Court of Chancery.

XLVI. Pro

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

Where less than 20l.

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

In case of not making out good Titles.

XLVIII. Provided always, and be it further enacted, That when any Question shall arise touching the Title of any Person or Persons to any Money to be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the Court of Chancery in pursuance of this Act, for the Purchase of any Messuages, Lands, Tenements, Grounds, Hereditaments, or Premises, or of any Estate, Right, Title, or Interest in any Messuages, Lands, Tenements, Grounds, Hereditaments, or Premises to be purchased in pursuance of this Act, or to any Government Stock to be purchased with any such Money, or to the Dividends or Interests of any such Stock, the Person or Persons who shall have been in Possession of such Messuages, Lands, Tenements, Grounds, Hereditaments, or Premises at the Time of such Purchase, and all Persons claiming under such Person or Persons, or under the Possession of such Person or Persons, shall be deemed and taken to have been lawfully entitled to such Messuages,

In case of disputed Titles, Persons in Possession to be deemed lawfully entitled.

suages, Lands, Tenements, Grounds, Hereditaments, or Premises, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court of Chancery, and the Dividends or Interest of the Stock to be purchased with such Money, and also the Capital of such Stock, shall be paid, applied, and disposed of accordingly, unless it shall be made appear to the said Court that such Possession was a wrongful Possession, and that some other Person or Persons was or were lawfully entitled to such Messuages, Lands, Tenements, Grounds, Hereditaments, or Premises, or to some Estate or Interest therein.

Court may order reasonable Expences to be paid by Trustees.

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

Form of Conveyance.

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

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

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

Form of Law; any Law, Statute, Usage, or Custom to the contrary thereof notwithstanding.

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

On Payment or Tender of Money, Trustees may enter.

LII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to authorize or empower the said Trustees, or any Person or Persons, to take, injure, use, or damage any House or other Building, or any Ground actually used as a Garden, Orchard, Yard, Park, or Planted Walk, or Avenue to a House, Lawn, or Pleasure Ground inclosed or adjoining to a Dwelling House, without the Consent in Writing of the respective Owners and Occupiers thereof first had and obtained for that Purpose.

Houses, &c. not to be taken without Consent of Owners.

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

Premises vested in Trustees.

LIV. And

Trustees
may sell
Ground not
wanted.

LIV. And be it further enacted, That it shall be lawful to and for the said Trustees, by Indenture, to sell, grant, and convey, by Way of absolute Sale, all such of the Houses, Buildings, Messuages, Lands, Tenements, or Hereditaments which shall be purchased by and conveyed to the said Trustees as shall not be wanted for the said Works or any Part or Parts thereof, for such Sum or Sums of Money as in such Conveyances shall be expressed, and that all such Grants and Conveyances shall be valid and effectual, any thing to the contrary notwithstanding; and upon Payment of the Money which shall arise by such Sale or Sales of such Houses, Buildings, Messuages, Lands, Tenements, or Hereditaments, or any Part or Parcels thereof, or of any Land, by virtue of this Act, it shall and may be lawful for the Treasurer or Treasurers of the said Trustees for the Time being to sign and give Receipts for the Money for which the same shall be sold (which Receipts shall be sufficient Discharges to the Purchaser or Purchasers for the Money for which such Premises shall be sold, or for so much thereof as in such Receipts shall be acknowledged or expressed to be received), and such Person or Persons shall not be answerable or accountable for any Losses, Misapplication or Non-application of such Purchase Money or any Part thereof, which said Money shall be applied by the said Trustees for the same or for the like Purposes as the Money hereby authorized to be raised is to be applied; provided that the said Trustees before they shall contract for the absolute Sale and Disposal of any such Houses, Buildings, Messuages, Lands, Tenements, or Hereditaments shall first offer to resell the same to the Person or Persons from whom the said Trustees shall have purchased such Premises, or his, her, or their Heirs, at a Price to be fixed on by the said Trustees, but in case of Difference in that respect then the Price at which the same shall be resold shall be adjusted and settled by a Jury in like Manner as the Price for any Land to be taken in pursuance of this Act is herein directed to be settled in case of Difference or Dispute as to the Value thereof; and in case such Person or Persons, or his, her, or their Heirs, to whom such Offer shall be made, shall not then and thereupon agree or shall refuse to purchase the same, or shall not be known or found within the said City or Suburbs thereof, on an Affidavit being made and sworn before a Master Extraordinary in the High Court of Chancery, or before One of His Majesty's Justices of the Peace for the County, City, or Place in which such Houses, Buildings, Messuages, Lands, Tenements, or Hereditaments shall be or be situate, by some Person or Persons no way interested in the said Premises, stating that such Offer was made by or on behalf of the said Trustees, and that such Offer was not then and thereupon agreed to or was refused by the Person or Persons to whom the same was so made, or that the Person or Persons entitled to the Premises was not known, or could not after diligent Inquiry be found within the said City or Suburbs thereof, such Affidavit 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 Person or Persons to whom it was made, or that the Person or Persons entitled to the said Premises was not known, or could not after diligent Inquiry be found within the said City or Suburbs thereof.

Markets and
all Matters
connected
therewith.

LV. And be it further enacted, That the said respective Markets, Sheds, Stands, Offices, Buildings, Erections, Conveniences, and all other Matters and Things which shall be purchased or provided by the said Trustees for
the

the Purposes of this Act, shall belong to and be the Property of and are hereby vested in the said Trustees and their Successors, which Trustees shall be known by the Name of "The Trustees for Markets in the City of *Cork* and Suburbs thereof," and the said Trustees shall or may cause to be brought any Action or Actions, Suit or Suits, or direct the preferring of any Bill or Bills of Indictment, as the Case may require, touching or concerning any Matter or Thing vested in the said Trustees hereby; and in all Actions and Bills of Indictment respectively it shall be deemed and taken to be sufficient to state generally that the Article or Articles, Thing or Things, for and on account of which such Action or Actions shall be brought, or Bill or Bills of Indictment preferred, is or are the Property of "The Trustees for Markets in the City of *Cork* and Suburbs thereof," without particularly stating or specifying the Name or Names of all or any of the said Trustees.

Name to be used in Action or Indictment.

LVI. And be it further enacted, That if at any Time hereafter any Person or Persons shall assault, hinder, or obstruct any Collector of the said Tolls, or other Person authorized to receive the same, or any other Officer of the said Trustees employed to superintend the said Markets, or if at any Time hereafter any Collector or other Person authorized to receive the said Tolls herein-before made payable, or any of them, shall knowingly take or demand of or from any Person or Persons any greater or less Toll than shall be justly due for the same, every Person offending in any of the Cases aforesaid shall forfeit and pay such Sum or Sums of Money, not exceeding the Sum of Five Pounds, as any Justice or Justices of the Peace for the said County of the City of *Cork* shall in that Behalf direct; and that if at any Time hereafter any Person or Persons shall take away, remove, destroy, deface, injure, or pull down any Building, Wall, Gate, or Fence, Pier, Post, Rail, or Erection, Flagging or Pavement, in, upon, or within the Limits of the said Market Places or any of them, or any Board, Notice, or Inscription which shall be fixed or set up in or near to the same by the Order of the said Trustees, or destroy, damage, or injure any of the Standings, Sheds, Bulks, or other Conveniencies to be erected, set up, or used in the said Market Places, or any of them, or the Limits thereof, or belonging to the said Trustees, every Person offending in any of the Cases last aforesaid shall forfeit and pay such Sums of Money, not exceeding the Sum of Five Pounds, as any Justice or Justices of the Peace for the said County of the City of *Cork* shall in that Behalf direct, and also such further Sums of Money, as a Compensation for the Damage which shall have been occasioned by such Offence, as the said Justice or Justices shall in that Behalf award.

Any Person obstructing Collector, subject to Penalty.

Persons demanding more than legal Toll liable to Penalty.

LVII. And be it further enacted, That the said Trustees may and they are hereby authorized and empowered from Time to Time to contract with any Person or Persons for doing or performing all or any of the Works hereby authorized or directed to be done or performed, in such Manner, and under such Penalties for the due Performance of such Contracts, as the said Trustees shall think fit, and every such Contract shall be good, valid, and binding, as well upon the said Trustees as upon the other Party or Parties thereto; and in case any Person or Persons who shall enter into any Contract or Contracts with the said Trustees shall at any Time be guilty of any Breach or Non-performance thereof, or of any Stipulation or Agreement therein, it shall and may be lawful to

Trustees may contract for Execution of Works.

and for the said Trustees, in case they shall deem it proper and expedient, to declare such Contract or Contracts to be null and void, and the same shall thereupon be null and void accordingly; or it shall and may be lawful to and for the said Trustees to compound for such Sum or Sums of Money with the Person or Persons who shall have so entered into such Contract or Contracts for such Breach or Non-performance of such Contract or Contracts, and for all Costs, Charges, and Expences which shall be occasioned thereby, as to them the said Trustees shall appear proper and expedient; or it shall and may be lawful to and for the said Trustees to sue for and recover the full Penalty and Penalties contained and expressed in any such Contract or Contracts, or in any Bond or Bonds given and executed for the due Performance of such Contract or Contracts, by Action of Debt or on the Case, in any of His Majesty's Courts of Record in *Dublin*, in which Action or Actions no Essoign, Protection, or Wager of Law, nor more than One Impar lance, shall be allowed.

Actions to be brought and defended in the Name of Treasurer or Clerk.

LVIII. And be it further enacted, That all Actions which shall or may be brought by or against the said Trustees or any of them for any thing done touching or relating to the Execution of or for the Purposes of this Act, shall and may be brought or instituted in any of His Majesty's Courts of Record, in the Name of any One of the said Trustees, or of the Clerk or Treasurer to the said Trustees; and that no such Action shall abate or be discontinued by the Death or Removal of such Trustee, or of such Clerk or Treasurer, but any of the said Trustees, or the Clerk or Treasurer for the Time being to the said Trustees, shall be deemed the Plaintiff or Defendant in every such Action, as the Case may be: Provided always, that every such Trustee, Clerk, and Treasurer in whose Name any Action or Suit shall be commenced, prosecuted, or defended in pursuance of this Act, shall always be reimbursed and paid out of the Monies to arise by virtue of this Act all such Expences, Damages, Costs, and Charges as by the Event of any such Proceeding he shall be put to, or become chargeable with, by reason of his being so made Plaintiff or Defendant therein.

Application of Rates.

LIX. And be it further enacted, That One Sixth Part, Share, and Proportion of the Produce and Profits of the said Rates and Tolls payable to the said Trustees as aforesaid shall from Time to Time, after Deduction of One Sixth Part of the Costs, Charges, and Expences attending the obtaining and passing of this Act, with legal Interest thereon, which is to be paid to the Person or Persons who shall advance the same, be by them handed over and paid to the Mayor, Sheriffs, and Commonalty of the City of *Cork*, and their Successors, to the Use of the said Mayor, Sheriffs, and Commonalty, and their Successors; and that out of the remaining Five Sixth Parts, Shares, and Proportions of such Rates and Tolls, and of all Money to be borrowed on the Credit thereof, or advanced thereupon as aforesaid, and also of all other Money which shall come to the Hands of the said Trustees, or their Treasurer, by virtue or for the Purposes of this Act, the said Trustees shall in the first place pay and discharge the Residue of the Costs, Charges, and Expences attending the obtaining and passing of this Act, and of all Sum and Sums of Money which shall be advanced by any Person or Persons whatsoever for that Purpose, together with legal Interest for the same, to be computed from the Time or respective Times of paying or advancing such Sum or Sums of Money up to the Periods of the Payment respectively, and afterwards from Time to Time pay and discharge

discharge the Purchase Monies of such Houses, Buildings, Messuages, Lands, Tenements, or Hereditaments as may be purchased as aforesaid, and the Rents of such Houses, Buildings, Messuages, Lands, Tenements, or Hereditaments as may be rented, and the Interest and Principal of the Money to be borrowed (as shall be agreed upon between the said Trustees and the Lenders of such Sum and Sums); and the Annuities to be granted as aforesaid, and the Charges and Expences of carrying this Act into execution, in such Manner as the said Trustees shall think proper; and shall from Time to Time pay over unto the Commissioners for making wide and convenient Streets, Ways, and Passages in the City of *Cork* and the Suburbs thereof, to be by them applied towards the Improvement of the said City and Suburbs, such Portion of the Residue in the Hands of the said Trustees as shall not be by the said Trustees considered necessary to be retained by them for the Purpose of carrying this Act into execution.

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

Trustees to account annually.

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

Trustees may borrow Money at Interest.

WE the Trustees appointed by or in pursuance of an Act made in the Third Year of the Reign of King *George* the Fourth, intituled *An Act [here set forth the Title of this Act]*; in consideration of the Sum of _____ advanced and lent by _____ of _____ upon the Credit and for the Purposes of the said Act, do hereby grant and assign unto the said [or to his Trustee or Trustees, as the Case may be,] his Executors, Administrators, and Assigns, such Proportion of the Duties payable to

Form of Assignment.

us

‘ us by virtue of the said Act as the said Sum of
 ‘ doth or shall bear to the whole Sum which may at any Time be borrowed
 ‘ or become due and owing, or be charged upon the Credit of the said
 ‘ Act, to be holden from this Day of
 ‘ until the said Sum of with Interest at the Rate
 ‘ of *per Centum per Annum* for the same, shall be repaid
 ‘ and satisfied. In witness whereof we the said Trustees have hereunto
 ‘ set our Hands and Seals the Day of in the Year

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

Money may
be raised on
Interest.

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

‘ **WE** the Trustees appointed by or in pursuance of an Act of Parlia-
 ‘ ment made in the Third Year of the Reign of King *George* the
 ‘ Fourth, intituled [*here set forth the Title of this Act*], in consideration
 ‘ of the Sum of paid by of
 ‘ for the Purposes of the said Act, do hereby
 ‘ grant unto the said an Annuity or yearly Sum
 ‘ of out of the Duties payable to the said
 ‘ Trustees by virtue of the said Act, which Annuity or yearly Sum of
 ‘ shall be paid to the said
 ‘ or his Assigns, during the Term of his natural Life [*or to the said*
 ‘ his Executors, Administrators, or Assigns,
 ‘ during the natural Life of [*as the Case may be*],
 ‘ by equal half-yearly Payments upon the Day of
 ‘ and Day of in every
 ‘ Year, during the natural Life of him the said
 ‘ the first Payment thereof to be made on the Day of
 ‘ next ensuing the Date hereof. In witness whereof
 ‘ we the said Trustees have hereunto set our Hands and Seals, the
 ‘ Day of in the Year

Scale of
Annuities.

LXIII. And for preventing any improvident Grant of Annuities under this Act, be it further enacted, That no Annuities shall be granted by virtue

empowered by the Authority of Parliament or otherwise to lend the same, upon a Security or Securities of a different Form or Description from the Securities herein-before set forth, it shall and may be lawful to and for the said Trustees to seal, execute, and deliver such other Security or Securities, and they and each of them shall be good, valid, and effectual in the Law.

Fines and
Forfeitures.

LXVI. And be it further enacted, That all Complaints and Informations of Offences against this Act, or any Rule, Order, or Bye Law to be made in pursuance thereof (except in Cases where the Manner of hearing and determining thereof is herein-before otherwise directed), shall and may be made before One or more Justice or Justices of the Peace for the County or Place wherein the Offence shall be committed, and such Justice or Justices is and are hereby authorized and empowered to take Cognizance thereof, and to summon the Person or Persons complained of to appear before him or them, or upon Complaint upon Oath or Affirmation to issue his, her, or their Warrant or Warrants for the Apprehension of any such Person or Persons, and upon the appearing or not appearing of such Person or Persons pursuant to such Summons, and upon such Person or Persons being apprehended with such Warrant, to hear the Matter of every such Complaint and Information by Examination of any Witness or Witnesses upon Oath or Affirmation, and to make such Determination thereon as such Justice or Justices shall think proper, and upon Conviction of any Person or Persons, such Justice or Justices shall and may issue a Warrant under his or their Hand and Seal or Hands and Seals for levying the Fine, Penalty, or Forfeiture by virtue of this Act, or of any Bye Law made in pursuance thereof, imposed for such Offence, by Distress and Sale of the Goods and Chattels of the Person so convicted; and it shall and may be lawful to and for any Justice or Justices to order any Person so convicted to be detained and kept in Custody of any Constable or other Peace Officer until it can be ascertained whether such Person hath any Goods and Chattels whereon such Fine, Penalty, or Forfeiture can be levied; and in case sufficient Goods or Chattels of any Person liable to pay any such Fine, Penalty, or Forfeiture cannot be found whereon to make such Distress, and such Fine, Penalty, or Forfeiture shall not be forthwith paid, it shall be lawful for such Justice or Justices, and he and they is and are hereby authorized and required, by Warrant under his and their Hand and Seal or Hands and Seals, to commit such Offender to the Common Gaol or House of Correction for any Term not exceeding Three Months, unless such Penalty or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied; and all such Fines, Penalties, and Forfeitures, when recovered, shall, when the Application is not otherwise directed by this Act, be paid into the Hands of the Treasurer of the said Trustees, and shall be applied and disposed of for the Purposes of this Act, and the Overplus (if any) arising from such Distress and Sale, after Payment of the Penalty, and the Costs and Charges attending the same, shall be returned, upon Demand, to the Owners of the Goods and Chattels so distrained.

Justices may
compel At-
tendances of
Witnesses.

LXVII. And be it further enacted, That if any Person or Persons who shall be summoned as a Witness or Witnesses to attend and give Evidence before any Justice of the Peace touching any Matter of Fact contained in any Information or Complaint for any Offence committed against this Act,
I
either

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

LXVIII. Provided always, and be it further enacted, That any Person or Persons thinking himself, herself, or themselves aggrieved by any Order or Judgment made or given in pursuance of any Rule, Bye Law, or Order of the said Trustees, or by the Order or Determination of any Justice or Justices of the Peace in pursuance of this Act, may, within Three Calendar Months after such Order shall be made or given, complain to the Justices of the Peace at the General Quarter Sessions of the Peace to be held in and for the County wherein the Offence shall be alleged to be committed, the Person or Persons appealing having first given at least Ten Days clear Notice of such Appeal, of the Nature and Matter thereof, to the Person or Persons appealed against, or to the Clerk of the said Trustees, and forthwith after such Notice entering into a Recognizance before some Justice of the said County, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the said Court thereupon; and the said Justices, Recorder, or Deputy Recorder, upon due Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Complaint at such General Quarter Sessions of the Peace to be held for the said County, or, if they or he think proper, adjourn the Hearing thereof until the next General Quarter Sessions of the Peace to be held for the said County, and if they or he see cause may mitigate any Forfeitures or Fines, and may order any Money to be returned which shall have been levied in pursuance of such Rule, Bye Law, Order, or Determination, and shall and may also award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as they or he shall adjudge reasonable and proper; and all such Determinations of the said Justices, Recorder, or Deputy Recorder shall be final, binding, and conclusive upon all parties to all Intents and Purposes. Appeal.

LXIX. And be it further enacted, That it shall and may be lawful for any of the said Trustees, or their Collectors or other Officers respectively, and such Person or Persons as they or any of them shall call to their Assistance, without any Warrant or other Authority than this Act, to seize and detain any Person or Persons (being unknown to such Trustees, Collectors, or other Officers,) who shall commit any Offence or Offences against this Act, and take him, her, or them before any Justice or Justices of the Peace for the County or Place where the Offence or Offences shall be committed, or such Offender or Offenders shall be seized and apprehended; and such Justice and Justices shall and is and are hereby required to proceed and act with respect to such Offender or Offenders according to the Provisions of this Act. For securing transient Offenders.

LXX. And

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

Form of
Conviction.

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

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

Form of
Warrant for
levying Pe-
nalties.

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

‘ County of } To and each of them, and their
‘ to wit. } and each of their Assistants.
‘ **WHEREAS** on the Day of now last past
‘ of was duly convicted before
‘ me [*or us, as the Case may be,*] of His Majesty’s Justices
‘ of the Peace for the County of by virtue of an Act passed in
‘ the Third Year of the Reign of King *George* the Fourth, intituled [*here*
‘ *insert the Title of this Act*], of having [*specifying the Offence, and the Time*
‘ *and Place when and where the same was committed, as the Case may be,*]
‘ contrary to the said Act; and thereupon the said
‘ hath become liable to a Fine or Penalty of
‘ I [*or we, as the Case may be,*] do therefore by these Presents authorize
‘ and command you and each of you to take into your Possession the
‘ Goods of the said , or a Sufficiency thereof for the
‘ levying the said Sum thereout, wherever you shall find the said Goods,
‘ in the County aforesaid; and if the Goods shall not be redeemed by the
‘ Payment of the said Sum within Days from the Day of
‘ taking the same, you are by Public Sale thereof to levy the said Sum,
‘ rendering the said the Overplus, if any; and
‘ the

‘ the said Sum so levied you shall bring to me [*or us, as the Case may be,*] without Delay, to be disposed of according to Law. Given under my Hand and Seal [*or our Hands and Seals, as the Case may be,*] this Day of

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

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

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

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

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

Distresses not to be unlawful for Want of Form.

LXXIII. And be it further enacted, That no Order, Verdict, Assessment, Judgment, or other Proceeding made touching or concerning any of the Matters aforesaid, or touching or concerning the Conviction of any Offender or Offenders against this Act, shall be quashed or vacated for Want of Form only, or be removed or removable by Certiorari, or by any other Writ or Process whatsoever, into any of His Majesty’s

Proceedings not to be quashed for Want of Form.

[Local.]

29 C

Courts

Courts of Record in *Dublin*; any Law or Statute to the contrary thereof in anywise notwithstanding.

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

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

Limitation of Actions.

LXXV. And be it further enacted, That no Action or Suit shall be brought against any Person or Persons for any thing done in pursuance of this Act, or in relation to the Matters therein contained, after Six Calendar Months from the Fact committed, and every such Action or Suit shall be brought and tried in the County where the Cause of Action shall have arisen, and not elsewhere; and the Defendant and Defendants in every such Action or Suit shall or may at his and their Election plead specially or the General Issue, and give this Act and the special Matter in Evidence at any Trial, and that the same was done in pursuance and under the Authority of this Act; and if the same shall appear to have been done, or if such Action or Suit shall have been brought before the Expiration of Fourteen Days next after such Notice shall have been given as aforesaid, or after sufficient Satisfaction made or tendered as aforesaid, or after the Time limited for bringing the same, or shall be brought in any other County or Place than as aforesaid, then and in every of the said Cases the Jury shall find a Verdict for the Defendant or Defendants; and upon such Verdict, or if the Plaintiff or Plaintiffs shall be nonsuited, or discontinue his, her, or their Action or Suit after the Defendant or Defendants shall have appeared, or upon any Demurrer Judgment shall be given against the Plaintiff or Plaintiffs, then and in every such Case the Defendant or Defendants shall recover Double Costs, and have such Remedy for recovering the same as any Defendant or Defendants hath or have in other Cases by Law.

Informers of Offences against the Act to be rewarded.

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

Penalty for Perjury.

LXXVII. And be it further enacted, That in all Cases where Cognizance is given to any Justice or Justices of the Peace by this Act, it shall
and

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

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

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