

ANNO QUADRAGESIMO SEXTO

GEORGII III. REGIS.

CAP. XCVI.

An Act to amend the Laws respecting the accounting for Money presented in *Ireland* for the making, repairing, widening, or fencing of Publick Roads, and the building and repairing of Bridges, Pipes, or Gullets. [16th *July* 1806.]

WHEREAS by an Act made in the Parliament of *Ireland*, in the Thirty-sixth Year of His present Majesty's Reign, intituled, *An Act for the Amendment of Publick Roads, for directing the Power of Grand Juries respecting Presentments, and for repealing several Laws heretofore made for those Purposes*, the Grand Jury of any County, County of a City, or County of a Town in *Ireland*, is empowered at any Assizes held for the same, to present all such Sum and Sums of Money as shall be necessary for any of the Purposes following; (that is to say,) for the making, widening, fencing, or repairing any Road, or filling Trenches or Drains at the Side of any Road, or making or repairing Footways alongside thereof, or the building, rebuilding, repairing, altering, or enlarging any Bridge, Pipe, Gullet, or Arch, or the filling and gravelling over the same, or the building or repairing any Wall or Part of a Wall necessary to the Support of any Road, or to prevent any steep Banks

Irish Act 36 G. 3.

of Earth from falling upon any Road, or for erecting any Fence, Rail, or Wall for the Protection of Travellers from dangerous Precipices or Holes lying on the Sides of any Publick Road, or for the lowering of any Hill, or filling any Hollow, or both, on any Publick Road (or for making, widening, and deepening Drains on the Side of any Publick Road made through a Bog): And whereas by the said recited Act no Money can be paid by the Treasurer of the County on account of any such Presentment, until an Affidavit, made and sworn in the Form and Manner required respectively by the said Act, be first allowed by the Grand Jury and the Court at some Assizes for such County: And whereas it frequently happens from the Wetness or Lateness of the Season, or the early Appointment of the Summer Assizes, that the Money presented at the Spring, or any other Assizes preceding for the Purposes aforesaid, cannot be expended advantageously so as to be accounted for at such Summer Assizes; and it would tend much to an advantageous and economical Expenditure of all such Money, and to the Encouragement of proper Persons undertaking it, if all such Money, were allowed to be accounted for and repaid to the Overseers thereof after the Summer Assizes, without waiting until the Spring Assizes following: Be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for any Overseer appointed by the Grand Jury of any County, County of a Town, or City in *Ireland*, for expending Money to be raised for any of the Purposes aforesaid, who shall not have laid before the Grand Jury at the Summer Assizes for such County the Affidavits required by the said recited Act of the Thirty-sixth Year aforesaid, for his accounting for such Money, to lay before the Justices of the Peace at such General Sessions of the Peace held for such County in the Month of *October* in every Year, as the Grand Jury at such Summer Assizes shall fix on, an Affidavit, made and sworn by himself in the Form and Manner prescribed by Law, for his accounting for such Money at the Assizes; and it shall and may be lawful for the Court at such General Sessions to allow such Affidavit, and such Allowance shall be certified by the Signature of not less than Two Justices present at such Sessions, and countersigned by the Clerk of the Peace on the Back or at the Foot of such Affidavit; and thereupon it shall and may be lawful for the Treasurer of such County, and he is hereby required, to pay the Money so accounted for, in like Manner as if the Affidavit accounting for the same had been allowed by the Grand Jury and the Court at an Assize under the said recited Act; any Thing in the said recited Act to the contrary notwithstanding, subject nevertheless to the Conditions, Provisions, and Restrictions in this Act contained respecting the same.

Overseers of Roads may lay their Accounts before Justices at Sessions, who may allow the same as if accounted for at Assizes.

II. Provided always, and be it enacted, That it shall and may be lawful for any Person who shall have been charged with, and shall have paid any Part of the Cess levied for the Purpose of paying such Presentment, to make Affidavit at such Sessions in open Court, that he believes the Money so sworn to have been expended, has not been expended as sworn, or that he believes the Affidavit made by such Overseer is not true, stating the Particulars wherein he believes the same not to be true; and thereupon such Person shall enter into Recognizance in double the Amount

Accounts of Overseers, if disputed, may be referred to the Assizes.

Amount of the Sum ſo ſworn to have been expended (which Recognizance the Juſtices in ſuch Court are hereby empowered to take) conditioned for his Appearance at the next Aſſizes, to be there examined by the Grand Jury, touching the ſame, and to proſecute, if called upon ſo to do; and in caſe ſuch Recognizance ſhall be ſo entered into, it ſhall not be lawful for the Court at ſuch Seſſions to allow ſuch Affidavit of Account by ſuch Overſeer, nor for the Treaſurer of the County to pay to the Overſeer making the ſame any Money by virtue of this Act.

Treaſurer ſhall attend the Seſſions, and make a Return of all Queries or Preſentments unaccounted for at the preceding Aſſizes.

Clerks of the Peace ſhall deliver to the Treaſurer Copies of Affidavits, &c. allowed at the Seſſions.

III. And be it further enacted, That the Treaſurer of ſuch County ſhall attend ſuch General Seſſions of the Peace held therein in *October* in each Year, for the Purpoſe of carrying this Act into Execution, and ſhall lay before the Court a true and faithful Return of all Queries or Preſentments which have not been duly accounted for and diſcharged at the preceding Aſſizes; and that the Clerk of the Peace ſhall enter in ſuch Copy upon each Query, the Affidavit for accounting for which ſhall have been allowed by the Court in purſuance of this Act, the Word "Diſcharged," and where ſuch Affidavit ſhall not be ſo allowed, the Words "Diſallowed," or "Reſpited on Recognizance," as the Caſe may be, and ſhall make Oath at the Foot thereof that the Entries ſo made by him are true, and ſhall return ſuch Copy, with ſuch Entries, and the Affidavits ſo allowed by the Court, to the ſaid Treaſurer, within Four Days after the End of ſuch *October* Seſſions in each Year, together with the Names of the Juſtices preſent at ſaid Court, atteſted by himſelf, and the ſaid Treaſurer ſhall be allowed Credit in his Account, as Treaſurer, for the Amount of all Sums of Money paid by him in reſpect of all ſuch Queries, whereon the Word "Diſcharged" ſhall be ſo entered, and the ſaid Queries ſhall be diſcharged by the Court at an Aſſizes if it ſhall appear to ſaid Court that the Diſcharge ſo allowed at the Seſſions has been duly made; and the Clerk of the Crown at any ſuch Aſſizes ſhall not carry forward any Query ſo diſcharged and paid.

Affidavits to be preſerved among the County Records.

IV. And be it further enacted, That all Affidavits made under the Authority or in purſuance of this Act ſhall be preſerved among the Records of the County, and depoſited along with the accounting Affidavits made and allowed at the Aſſizes.

Puniſhing Perſons guilty of Perjury.

V. And be it further enacted, That the ſolemn Affirmation of a Quaker ſhall be of equal Force and Effect, to all Intents and Purpoſes, as an Affidavit under the Proviſions of this Act; and that if any Perſon ſhall wilfully and corruptly ſwear or affirm falſely in any Oath, Affidavit, or Affirmation made or taken by him by the Authority or under the Proviſions of this Act, every ſuch Perſon being thereof convicted ſhall be adjudged guilty of wilful and corrupt Perjury, and incur the Pains and Penalties againſt the ſame by virtue of any Act or Acts in force in *Ireland*.

If proved that the Money was not expended agreeably to Preſentment, the Overſeer may be ſued.

VI. Provided always, and be it further enacted, That if it ſhall appear to any Grand Jury at any Aſſizes, upon due Proof upon Oath by Two credible Perſons within Two Years after any Query ſhall have been diſcharged at any *October* Seſſions for ſuch County in purſuance of this Act, that the Money was not expended agreeable to the Preſentment, and if the Overſeer thereof ſhall be indicted and convicted of Perjury on account of having ſworn or affirmed falſely in the Affidavit accounting for the ſame, it

it ſhall be lawful for ſuch Grand Jury to direct the Treaſurer to ſue ſuch Overſeer, and ſuch Treaſurer is hereby authorized to ſue him by Action or Civil Bill for the Recovery of the Money which he ſhall have ſo fraudulently received on account of ſuch Preſentment.

Penalty on Treaſurers neglecting to pay Accounts.

VII. And be it further enacted, That if any Treaſurer ſhall neglect or refuſe to pay the Amount of any Preſentment accounted for under the Proviſions of this Act without Fee or Reward, if he ſhall have Public Money to pay the ſame, upon Demand made by the Perſon who ſhall have accounted for the ſame, at his uſual Office, which he is hereby required to keep open from the Hours of Nine of the Clock in the Morning until Three in the Afternoon, from the Sixth until the Seventeenth Day (incluſive) after the Seſſions held in *October*, or if ſuch Treaſurer ſhall neglect to keep ſuch Office open as aforeſaid, he ſhall be ſubject to the like Penalties or Puniſhment as if he had neglected or refuſed to pay the Amount of any Preſentment duly accounted for at any Aſſizes under the ſaid recited Act of the Thirty-ſixth Year aforeſaid.

Act not to extend to the County of Dublin.

VIII. Provided always, and be it further enacted, That nothing in this Act contained ſhall extend to the County of *Dublin*, nor to any Preſentment made within the ſame.

The recited Act and this Act to be conſtrued together.

IX. And be it further enacted, That all the Powers and Proviſions of the ſaid recited Act of the Thirty-ſixth Year aforeſaid, except ſo far as the ſame are expreſsly altered by this Act, ſhall be applied in the Execution of this Act; and that the ſaid recited Act and this Act ſhall be conſtrued together as one Act.

Allowances to Treaſurers and to Clerks of the Peace for their Trouble.

X. And be it further enacted, That it ſhall be lawful for the Grand Jury, at each Spring Aſſizes, to preſent to be raiſed off the County at large, and paid to the Treaſurer thereof, any Sum not exceeding Sixpence in the Pound for all Money accounted for at the preceding *October* Seſſions under the Proviſions of this Act, as they ſhall deem proper for his Trouble in its Execution, and alſo One Shilling in the Pound for all Money accounted at every *October* Seſſions for the Clerk of the Peace for his Trouble, over and above ſuch Sums as the ſaid Treaſurer and Clerk of the Peace reſpectively may be otherwiſe entitled to by Law: Provided always that the Allowance to the Clerk of the Peace does not exceed in the Whole Twenty Pounds.

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