ANNO QUINQUAGESIMO PRIMO

GEORGII III. REGIS.

CAP. XXXV.

An Act to secure to the Bank of *Ireland*, the Repayment of all Monies advanced by them for the Purposes and in the Manner therein mentioned.

[25th *May* 1811.]

WHEREAS His Grace the Lord Lieutenant of *Ireland*, at the Recommendation of His Majesty's Privy Council for *Ireland*, did, in the Month of *July* One thousand eight hundred and ten, nominate *John Patrick*, *Alexander Jaffray*, *Randall Mac Donnell*, *Francis Beggs*, *Richard Litton*, *John Lindsay*, *John Carleton*, *Richard Darling*, *John Orr*, *Joseph Hone*, and *William Alexander Shaw*, Esquires, to receive Applications from and look into the Securities of such Persons in Trade, possessed of Funds ultimately more than sufficient to answer all Demands on them, who had not the Means of converting such Funds into Money or negociable Securities in sufficient Time to answer their Engagements, and were thereby incapacitated to carry on their Trade; and the Governor and Company of the Bank of *Ireland* agreed to advance to the said Persons, so nominated, such Sums, not exceeding in the Whole the Sum of Two hundred thousand Pounds, as might enable them to give Relief to such Persons in Trade as aforesaid, and accordingly advanced to them several Sums; and the said Persons so nominated, or the Majority of them, did, out of the said Sum of Two hundred thousand Pounds, lend various Sums to various Persons circumstanced as above described, who

ſecured the Repayment thereof by Bonds or Obligations with Sureties, payable to the Governor and Company of the Bank of *Ireland*, by certain Inſtalments, with Intereſt at the Rate of Six Pounds *per Centum per Annum*, with Warrants of Attorney to confeſs Judgement thereon, or by Bills of Exchange or Promiſſory Notes drawn on that Occaſion, and for that Purpoſe, whereof the Perſons to whom the ſaid Sums were ſo lent were Drawers, Acceptors, or Indorſers reſpectively; and ſome of the ſaid Perſons depoſited Goods, Wares, and Merchandizes with the ſaid Perſons ſo nominated, which by Inſtruments in Writing executed by the Perſons to whom ſuch Monies were lent, are to be ſold for Payment and Satisfaction of the Monies lent, with the Intereſt thereof as aforeſaid, in caſe Default ſhall be made in the Payment thereof at the Times therein mentioned, and for all Coſts and Charges attending ſuch Sale; and other ſpecial Contracts and Agreements in Writing have been made, in reſpect of ſome Parts of ſuch Goods, by the Parties who depoſited the ſame with the ſaid Perſons ſo nominated, or with their Secretary: And whereas the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament aſſembled, having taken the ſaid Proceedings into Conſideration, have reſolved, that whatever Sum or Sums have been or may be advanced by the Bank of *Ireland* to the Perſons herein-after named, not exceeding Two hundred thouſand Pounds, ſhall be made good by that Houſe, together with Intereſt, from the Date at which ſuch Sums have been or may be advanced reſpectively: May it therefore pleaſe Your Majeſty that it may be enacted; and be it enacted by the King's moſt Excellent Majeſty, by and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons, in this preſent Parliament aſſembled, and by the Authority of the ſame, That the ſaid *John Patrick*, *Alexander Jaffray*, *Randall Mac Donnell*, *Francis Beggs*, *Richard Litton*, *John Lindſay*, *John Carleton*, *Richard Darling*, *John Orr*, *Joſeph Hone*, and *William Alexander Shaw*, Eſquires, ſhall be and they are hereby conſtituted Commiſſioners for the Purpoſe of carrying the Proviſions of this Act into Execution and Effect; and the ſaid Commiſſioners are hereby reſpectively required to execute the Powers and Authorities given to them by this Act, without any Fee, Reward, Emolument, or Gratuity whatever.

Commiſſioners.

II. And be it further enacted, That all Acts done by the ſaid Perſons ſo nominated as aforeſaid, and hereby appointed to be Commiſſioners as aforeſaid, or by the Majority of them, in Execution of the Truſts repoſed in them by the Lord Lieutenant of *Ireland*, in Manner and for the Purpoſes herein-before mentioned, at any Time before the paſſing of this Act; and all Bonds or Obligations, Contracts, Agreements, Warrants of Attorney, Bills of Exchange, Promiſſory Notes, or other Securities, taken by the ſaid Perſons for ſuch Sums as have been advanced by the ſaid Governor and Company of the Bank of *Ireland*, under the Orders of the ſaid Perſons, for the Purpoſes and in Manner aforeſaid, or for the Purpoſe of ſecuring, declaring, or confirming any Contract or Agreement made with the ſaid Perſons, ſhall be and the ſame are hereby declared to be good, valid, and effectual in the Law, to all Intents and Purpoſes whatſoever; and that the Appointment of any Secretary, Solicitor, Clerks, Brokers, Meſſengers, or Officers, heretofore made by the ſaid Perſons, and all Acts and Matters done by ſuch Secretary, Solicitor, Clerks, Brokers, Meſſengers, or Officers, in the Service of the ſaid Perſons, in the neceſſary

Acts of Commiſſioners before paſſing this Act valid.

neceſſary Execution of the Purpoſes aforeſaid, ſhall be and the ſame are hereby declared to be good, valid, and effectual, to all Intents and Purpoſes whatſoever.

Commiſſioners to be ſworn.

III. And be it further enacted, That any Two of the ſaid Commiſſioners in this Act named, ſhall forthwith after the paſſing of this Act, and in purſuance or performance of the ſame, take an Oath before the Chancellor, or One of the Barons of the Exchequer of *Ireland*, which they or any of them are and is hereby authorized and required to adminiſter, the Tenor whereof ſhall be as follows; (that is to ſay),

'I *A. B.* do ſwear, That, according to the beſt of my Judgement, I will faithfully and impartially execute the ſeveral Powers and Truſts veſted in me by an Act of the Fifty-firſt Year of His preſent Majeſty's Reign, intituled, [*here ſet forth the Title of this Act*] according to the Tenor and Purport of the ſaid Act.'

And every other of the ſaid Commiſſioners in this Act named ſhall likewiſe take the ſame Oath before the ſaid Two Commiſſioners, who are hereby authorized and required to adminiſter the ſame, after they ſhall themſelves have taken the ſaid Oath as aforeſaid.

Commiſſioners may appoint Officers.

IV. And be it further enacted, That the ſaid Commiſſioners appointed by this Act ſhall have Power to meet and ſit from Time to Time, in ſuch Place and Places as they ſhall find moſt convenient, with or without Adjournment, to proceed in the Execution of this Act; and they, or the Majority of them, ſhall and may appoint and employ a Secretary and a Solicitor, and ſo many Clerks, Brokers, Meſſengers and Officers, as they ſhall find neceſſary; and ſhall and may, with the Conſent and Approbation of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, pay to ſuch Secretary, Solicitor, Clerks, Brokers, Meſſengers and Officers, and alſo to all ſuch Perſons as they may have heretofore employed in any of the ſaid Offices, ſuch reaſonable Compenſations or Rewards as the ſaid Commiſſioners ſhall think meet; and ſhall and may give and adminiſter to ſuch Secretary, Solicitor, Clerks, Brokers and Officers reſpectively, an Oath for their faithful Demeanor in all Things relating to the due Performance of the Truſts repoſed in them by the ſaid Commiſſioners, and in all other Things touching the Premiſes; and from Time to Time, at their Diſcretion, diſmiſs and diſcharge ſuch Secretary, Solicitor, Clerks, Brokers, Meſſengers and other Officers, and appoint others in their Place; and ſuch Secretary, Solicitor, Clerks, Brokers and Officers, are hereby required faithfully to execute and perform the ſaid Truſts in them ſeverally and reſpectively repoſed, without taking any Reward or Gratuity whatſoever for ſuch Service, other than ſuch Salaries or Reward as the ſaid Commiſſioners ſhall direct and appoint in Manner aforeſaid.

Commiſſioners to examine upon Oath.

V. And be it further enacted, That it ſhall and may be lawful to and for the ſaid Commiſſioners, or any Three or more of them, and they are hereby authorized and empowered, to examine upon Oath, or on Affirmation if the Perſon to be examined be a Quaker, which Oath or Affirmation they or any One or more of them are and is hereby authorized to adminiſter, to all Perſons who ſhall be willing to be examined, touching all ſuch Matters and Things as ſhall be neceſſary for the Execution of

the Powers veſted in the ſaid Commiſſioners by this Act; and alſo to receive any Affidavits or Depoſitions in Writing upon Oath or Affirmation, touching ſuch Matters or Things as aforeſaid, which ſhall be made before any Juſtice of the Peace of any County, or any Magiſtrate of any City, Borough, or Town Corporate in *Ireland*, where or near to which the Perſon making ſuch Affidavit or Depoſition ſhall reſide, and certified and tranſmitted to the ſaid Commiſſioners, under the Hand and Seal of ſuch Juſtice or Magiſtrate, which Oath or Affirmation every ſuch Juſtice or Magiſtrate ſhall be and is hereby authorized and empowered to adminiſter; provided that in every ſuch Affidavit or Depoſition there ſhall be expreſſed the Addition of the Party making ſuch Affidavit or Depoſition, and the particular Place of his or her Abode.

Oaths taken in particular Cities to be before a Magiſtrate approved by Commiſſioners.

VI. Provided always, That all ſuch Oaths to be taken by any Perſon reſident in the Cities of *Cork*, *Waterford*, *Limerick*, and *Londonderry*, or in the Towns of *Galway*, *Belfaſt*, *Drogheda*, and *Wexford*, ſhall be taken before and certified by ſome Magiſtrate, named and approved for the Purpoſe by the ſaid Commiſſioners or the Majority of them.

Perſons ſwearing or affirming falſely, deemed guilty of Perjury.

VII. And be it further enacted, That if any Perſon or Perſons, upon Examination upon Oath or Affirmation before the ſaid Commiſſioners reſpectively, or if any Perſon or Perſons making any ſuch Affidavit or Depoſition as before mentioned, ſhall wilfully or corruptly give falſe Evidence, or ſhall in ſuch Affidavit or Depoſition wilfully and corruptly ſwear, affirm, or alledge any Matter or Thing which ſhall be falſe or untrue, every ſuch Perſon or Perſons ſo offending, and being thereof duly convicted, ſhall be and is and are hereby declared to be ſubject and liable to ſuch Pains and Penalties as by any Law now in being Perſons convicted of wilful and corrupt Perjury are ſubject and liable to.

Proceedings on Bonds, &c. ſhall be in the Name of His Majeſty.

VIII. And be it further enacted, That all Bonds or Obligations, and all Bills of Exchange and Promiſſory Notes, and Contracts whatſoever, taken or made either in the Name of the Governor and Company of the Bank of *Ireland*, or in the Name of the Secretary of the Perſons ſo nominated, and hereby appointed to be Commiſſioners, ſhall have the ſame Force, Authority and Effect, in every reſpect, as Obligations made to our Sovereign Lord the King; and ſuch Proceſs as is hereinafter directed to be iſſued, and all Proceedings thereon, ſhall be in the Name of His Majeſty, His Heirs and Succeſſors, in like Manner as on any Obligation made to His Majeſty.

No Writ of Scire Facias in proceedings againſt Obligors.

IX. Provided always, and be it further enacted, That where any Proceedings ſhall be directed by the ſaid Commiſſioners againſt any Obligors or Obligor named in any ſuch Bond or Obligation, or againſt any Drawer, Acceptor, or Indorſer, of any ſuch Bill of Exchange, or Promiſſory Note, or Party to any ſuch Contract in Writing as aforeſaid, no Writ or Writs of *Scire Facias* ſhall be required to be iſſued; but that upon the Production of a Certificate or Warrant under the Hands and Seals of the ſaid Commiſſioners, ſtating the Amount of the Money due from ſuch Obligors or Obligor, Drawer, Acceptor or Indorſer reſpectively, before any of the Barons of the ſaid Court of Exchequer; and in caſe ſuch intended Proceedings ſhall be againſt any Sureties or Surety, or any Perſon or Perſons

Againſt Sureties.

ſo liable other than the Perſon or Perſons to whom or for whoſe uſe the Money was actually lent or advanced, then upon Proof of Notice having been ſerved upon ſuch Party or Parties, or left at his, her, or their uſual Place or Places of Abode reſpectively, Ten Days at leaſt before ſuch Application ſhall be made to ſuch Baron, an Extent, in the Name of His Majeſty, ſhall and may iſſue in the Firſt Proceſs upon the Fiat of ſuch Baron, without any Affidavit or other Verification or Proof of the Cauſe of ſuch Proceeding than ſuch Certificate or Warrant as aforeſaid.

Obligations to be cancelled after Payment of Principal and Intereſt.

X. And be it further enacted, That after the due Payment of the Sums ſo advanced, with the Intereſt as aforeſaid, at the Times and in the Manner ſpecified in the Bond or Obligation, Bill of Exchange, Promiſſory Note, or other Security taken for the ſame, every ſuch Obligation, Bill of Exchange, Promiſſory Note or other Security, being fully ſatisfied according to the true Intent or Meaning of this Act, ſhall be forthwith delivered up to be cancelled; and in caſe any ſuch Obligation, Bill of Exchange, Promiſſory Note, or other Security, ſhall have been proſecuted according to the Directions of this Act, the ſaid Commiſſioners or any Two or more of them ſhall, by a Warrant or Warrants under their Hands and Seals, direct the proper Officer or Officers of the ſaid Court of Exchequer to enter up Satisfaction on ſuch Obligation, Bill of Exchange, Promiſſory Note, or other Security ſo being ſatisfied as aforeſaid, upon the Record, or otherwiſe to deliver up the ſame to be cancelled, as the Caſe may require.

Where Sums have been paid by Sureties, Obligations ſhall ſtand againſt the Principals as Security for Reimburſement.

XI. And be it further enacted, That every Obligation, Bill of Exchange, or Promiſſory Note, which has been or may be taken as aforeſaid, and whereby any Perſon or Perſons ſhall have engaged for the Repayment of any Sum of Money, other than the Perſon or Perſons to whom or for whoſe Uſe ſuch Sum has been or may be advanced, after Payment or Recovery thereupon by the ſaid Commiſſioners of the Sums advanced or lent, with all Intereſt and Coſts, in the Manner required by this Act, ſhall ſtand and remain as a further Security, for the Purpoſes and in the Manner herein-after mentioned; that is to ſay, if any ſuch Perſon or Perſons ſo being merely a Surety or Sureties therein, his, her, or their Executors or Adminiſtrators, ſhall have paid or ſatisfied any Part of ſuch Sums, Intereſt or Coſts, then ſuch Obligation, Bill of Exchange or Promiſſory Note, as againſt the Principal, his or their Executors or Adminiſtrators, ſhall ſtand as a Security as aforeſaid for the Reimburſement of ſuch Sureties reſpectively, their Executors or Adminiſtrators, of the Whole of the Sums ſo paid or ſatisfied, and ſo from Time to Time until ſuch Reimburſements ſhall be fully made according to the Intent of this Act; and if any ſuch Sureties or Surety, their or his Executors or Adminiſtrators, ſhall have paid or ſatisfied any Sum which ſhall bear a greater Proportion to the Whole of the Sums recovered upon ſuch Obligation, Bill of Exchange or Promiſſory Note, than the Sum for which ſuch Surety reſpectively ſhall have been ſo engaged ſhall bear to the total Amount of all the ſeveral Sums of Money for which all the ſeveral Sureties ſhall have been engaged by ſuch Obligation, Bill of Exchange or Promiſſory Note, then ſuch Obligation as againſt every of the Sureties who ſhall not have paid or ſatisfied an equal Proportion of the whole Sum recovered, according to the Sum for which he ſhall have been reſpectively engaged, their and every of their Heirs, Executors, and

Where one Surety ſhall have paid more than a Proportion, the Obligation againſt the others ſhall ſtand over as a Security for their Proportion.

Adminiſtrators reſpectively, ſhall ſtand as a Security for the Benefit of ſuch Sureties or Surety, their Executors or Adminiſtrators reſpectively, who ſhall have paid or ſatisfied any ſuch Sums as aforeſaid, for the Purpoſe of enforcing a Contribution amongſt ſuch Sureties in an equal Proportion to the ſeveral Sums for which they ſhall have been reſpectively engaged, and ſo from Time to Time until ſuch Contribution ſhall be fully made, according to the Intent of this Act; and that in every ſuch Caſe, upon the Application of any Sureties or Surety to the ſaid Commiſſioners for any of the Purpoſes aforeſaid, the ſaid Commiſſioners ſhall cauſe the reſpective Claims of ſuch Sureties or Surety reſpectively, and the Sums to be recovered from ſuch Principals or Sureties reſpectively, their and every of their Heirs, Executors or Adminiſtrators, to be adjuſted and ſettled as herein is mentioned, ſo that the whole Sum recovered ſhall be diſtributed in an equal Proportion according to the Sums for which each Surety reſpectively hath been engaged in the ſame Obligation, Bill of Exchange or Promiſſory Note, and ſo from Time to Time as the Caſe ſhall require; and thereupon the ſaid Commiſſioners, or the Majority of them, by Warrant or Warrants in Writing under their Hands, ſhall from Time to Time direct Proceſs to iſſue for the Recovery of ſuch Sums as they ſhall have ſo adjuſted and ſettled, to be reſpectively recovered from and paid to ſuch Perſons reſpectively as they ſhall ſpecify in ſuch Warrant or Warrants, under and ſubject to the ſeveral Regulations and Directions in this Act contained as aforeſaid.

On Application of Sureties, the Commiſſioners ſhall cauſe their Claims to be adjuſted and ſettled, &c.

XII. And be it further enacted, That ſuch Proceſs as aforeſaid ſhall and may lawfully iſſue on any ſuch Obligation, Bill of Exchange, or Promiſſory Note as aforeſaid, againſt any ſuch Principals or Principal, their or his Heirs, Executors, or Adminiſtrators, for the Benefit of any ſuch Sureties or Surety, their or his Executors or Adminiſtrators, and againſt any ſuch Sureties or Surety, their or his Executors or Adminiſtrators as aforeſaid, for the Benefit of any Co-ſureties or Co-ſurety, their or his Executors or Adminiſtrators, notwithſtanding the whole Sum which has been advanced to ſuch Principals or Principal ſhall have been repaid; and in caſe Two or more Sureties ſhall have become bound by diſtinct Inſtruments for the ſame Perſons or Perſon, and for or on account of the ſame Advance, all and every the Proviſions aforeſaid ſhall be applied in like Manner, as well for the Benefit of as againſt ſuch Sureties or Surety, and againſt ſuch Principals or Principal, as if all ſuch Sureties and Principals reſpectively were named in the ſame Inſtrument.

Proceſs may iſſue againſt Principals for Benefit of Sureties, and againſt Sureties for Benefit of Co-Sureties, although whole Sums paid. Proviſions applied where Sureties are bound by diſtinct Obligations as if in one.

XIII. And be it further enacted, That all Goods, Wares, and Merchandizes, which at any Time before or after the paſſing of this Act, ſhall have been or ſhall be depoſited with the Commiſſioners appointed by this Act for the Purpoſes aforeſaid, ſhall be for ſuch Purpoſes veſted in the ſaid Commiſſioners, by the Name of "The Commiſſioners for diſtributing "the Sums advanced by the Bank of *Ireland*," and ſhall and may be ſold, applied, and diſpoſed of, for Payment and Satisfaction of the Sums lent thereon, with the Intereſt thereof, and all Coſts and Charges attending ſuch Sale, whenever Default ſhall be made in Payment of ſuch Sums, in ſuch Manner and at ſuch Times as ſhall have been or ſhall be ſpecified in the Inſtruments made and entered into at the Time of the depoſiting of ſuch Goods, Wares, and Merchandizes reſpectively; and that the ſaid Commiſſioners

Goods depoſited veſted in Commiſſioners, and to be ſold in default of Payment of Sum advanced.

Commiſſioners ſhall and may ſue and be ſued in the Name of their Secretary for the Time being; and that no Action or Suit in Law or Equity, to be brought or commenced by or againſt the ſaid Commiſſioners on account of this Act, in the Name of their Secretary for the Time being, ſhall abate or be diſcontinued by the Death or Removal of ſuch Secretary, or by the Act of ſuch Secretary, without the Conſent of the ſaid Commiſſioners, but the Secretary to the ſaid Commiſſioners for the Time being ſhall always be deemed the Plaintiff or Defendant in ſuch Action or Suit, as the Caſe may be; and no Action or Suit ſhall be brought againſt the ſaid Commiſſioners collectively or individually, or againſt their Secretary, except in the ſaid Court of Exchequer in *Ireland*, and with the Leave of ſuch Court firſt had and obtained, and upon ſuch Terms and Conditions as the ſaid Court ſhall direct.

Commiſſioners ſhall ſue and be ſued in the Name of their Secretary.

XIV. And be it further enacted, That the ſaid Commiſſioners ſhall from Time to Time at their Diſcretion, or as often as they ſhall be thereunto required during their carrying on any Proceedings by virtue of this Act, and as ſoon as poſſible after the Determination of ſuch Proceedings, without any further Requiſition, give an Account of their Proceedings in Writing to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, and alſo to the Lord High Treaſurer of *Ireland*, or the Commiſſioners for executing the Office of Lord High Treaſurer of *Ireland* for the Time being.

Commiſſioners to give Account of Proceedings to Lord Lieutenant and the Treaſury.

XV. And be it further enacted, That the ſaid Commiſſioners ſhall, whenever the Sums advanced or lent by them to any Perſon or Perſons, or any Proportion or Inſtalment thereof ſhall be repaid, deliver to the Perſon or Perſons to whom the ſame ſhall have been advanced or lent, at his or their Requeſt, a Receipt or Receipts under the Hands of the ſaid Commiſſioners, or any Three of them, ſpecifying the Amount of the Sum or Sums ſo received, and the Sum or Sums originally advanced or lent, and the Times of lending thereof, and the Times appointed for the Repayment thereof, and the Amount of the Principal then due, together with Intereſt, to be computed at the Rate of Six Pounds *per Centum per Annum*, from the Time of the Advance to the Time of Payment as aforeſaid; and that whenever the ſaid Commiſſioners ſhall by their Warrant or Order direct any ſuch Monies to be raiſed or levied by Sale of any Goods, Wares, or Merchandizes depoſited as a Security for ſuch Sum ſo lent and advanced, or by any Proceedings on any Securities taken as aforeſaid, the ſaid Commiſſioners, or any Three of them, ſhall deliver to the Officer or Officers executing the ſame reſpectively a like Receipt as aforeſaid, and further ſpecifying therein the Amount of the Monies ſo raiſed or levied, and the Subſtance of the Warrant or Order of the Commiſſioners to raiſe or levy the ſame; and the Particulars of every ſuch Receipt ſhall, by the Secretary or ſworn Clerk to the ſaid Commiſſioners, be entered in proper Books to be provided and kept for that Purpoſe at the Office of the ſaid Commiſſioners; and the ſaid Commiſſioners, or any Two or more of them, ſhall at the Foot of ſuch Receipt atteſt ſuch Entry under their Hands, and deliver the ſaid Receipt or Receipts to the Perſon or Perſons requiring the ſame; and every ſuch Receipt ſo atteſted, and every ſuch Entry in any of the ſaid Books, ſhall reſpectively from thenceforth be an Acquittance and Diſcharge for the Sums expreſſed therein to have been received, as againſt the ſaid Commiſſioners and every of them, their and every of their Executors and Adminiſtrators, as well to the

Receipts to be given for the Money repaid, &c.

Perſon or Perſons to whom ſuch Receipt ſhall be given, as to all and every Perſons and Perſon who ſhall have entered into any Security in reſpect of the Money mentioned in ſuch Receipt, their and every of their Executors and Adminiſtrators reſpectively; and the ſaid Commiſſioners ſhall, within Ten Days after the Receipt of any ſuch Sum and Sums of Money, pay over to the ſaid Governor and Company of the Bank of *Ireland*, ſo much of every Sum ſo received by the ſaid Commiſſioners, as ſhall be equal to the principal Sum received, with Intereſt after the Rate of Five Pounds *per Centum* on ſuch Sum, from the Time when the ſame was advanced by the ſaid Governor and Company to the ſaid Commiſſioners, up to the Time of the Payment thereof; and the Caſhier of the ſaid Bank ſhall from Time to Time accept and receive ſuch Sums from the ſaid Commiſſioners, and give to the ſaid Commiſſioners Receipts and Acquittances for the ſame if required, which Receipts and Acquittances ſhall be entered in the proper Books of the ſaid Commiſſioners, and ſhall be an Acquittal to the ſaid Commiſſioners for ſo much and ſuch Sums as ſhall be ſpecified therein; and all the Exceſs of Intereſt which ſhall be received by the ſaid Commiſſioners on ſuch Sum or Sums as ſhall be repaid to them, exceeding the Rate of Five Pounds *per Centum per Annum*, ſo paid by them to the Governor and Company of the ſaid Bank, ſhall by the ſaid Commiſſioners be retained and employed as a Fund to defray all Coſts and Expences which ſhall have been, or may be incurred under the Direction of the ſaid Commiſſioners, in the Execution of the Truſts ſo repoſed in them as aforeſaid, and which ſhall be approved of by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, and the Surplus of ſuch Exceſs of Intereſt (if any) ſhall be paid into the Receipt of His Majeſty's Treaſury in *Ireland*, by the ſaid Commiſſioners, and be applied, in the Firſt Place, to make good any Loſs which may accrue by the Inſufficiency of any Security taken by the ſaid Commiſſioners, and the Remainder be made a Part of the Conſolidated Fund.

Making good Money iſſued by the Bank.

XVI. And be it further enacted, That in caſe it ſhall happen that any Part of the ſaid Sum of Two hundred thouſand Pounds, lent and advanced by the ſaid Governor and Company of the Bank of *Ireland* to the ſaid Commiſſioners, ſhall not be fully paid and ſatisfied to the ſaid Governor and Company, on or before the Eleventh Day of *July* One thouſand eight hundred and twelve, with Intereſt, after the Rate of Five Pounds *per Centum per Annum*, from the Time when the ſame ſhall have been reſpectively advanced to the ſaid Commiſſioners, then and in ſuch Caſe ſuch Deficiency ſhall and may be ſupplied and made good in Manner herein-after mentioned; (that is to ſay) that the Commiſſioners under this Act ſhall certify, by Writing under their Hands and Seals, or the Hands and Seals of any Six of them, to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, the Amount of the Principal and Intereſt ſo remaining unpaid by them, to the ſaid Governor and Company, after the Time when the ſame ought to have been paid and ſatisfied as aforeſaid; and it ſhall and may be lawful for the ſaid Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, to direct the Lord High Treaſurer or the Commiſſioners for executing the Office of Lord High Treaſurer, to iſſue one or more Treaſury Bill or Bills to the Amount of

ſuch Deficiency, to paſs current at the Receipt of His Majeſty's Exchequer of *Ireland*, at the End of One Year after the Date thereof, payable to the ſaid Governor and Company of the Bank of *Ireland*, with Intereſt from the Date thereof at Five Pounds *per Centum per Annum*, and that it ſhall be lawful for the ſaid Governor and Company to receive the ſame: Provided always, that whatever Monies ſhall be afterwards received by the ſaid Commiſſioners from the Parties liable, on Account of the Sum or Sums ſo deficient, ſhall be paid by the ſaid Commiſſioners into the Receipt of the Exchequer of *Ireland*, and ſhall be carried to and make Part of the Conſolidated Fund of *Ireland*.

When Commiſſioners decline to act, or die, others may be choſen by remaining Commiſſioners with Conſent of Lord Lieutenant.

XVII. And be it further enacted, That if any of the ſaid Commiſſioners appointed by this Act ſhall decline to act in the Execution of the Powers and Truſts hereof, or having begun to act ſhall decline to act any further therein, or ſhall die during the Continuance of this Act, it ſhall and may be lawful to and for the remaining Commiſſioners, or the major Part of them acting as aforeſaid, by any Writing under their Hands and Seals, by and with the Conſent and Approbation of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, to conſtitute and appoint ſuch Perſon or Perſons to be a Commiſſioner or Commiſſioners for the Purpoſes aforeſaid, in the Place of the Commiſſioner or Commiſſioners ſo refuſing to act, or declining further to act, or dying as aforeſaid, as the ſaid acting Commiſſioners or the major Part of them, with ſuch Conſent and Approbation as aforeſaid ſhall think fit; and ſo often as ſuch Caſe ſhall happen, and the Perſon or Perſons ſo conſtituted and appointed by the ſaid Commiſſioners, with ſuch Conſent and Approbation as aforeſaid, having firſt qualified to act by taking and ſubſcribing the Oath herein-before provided and directed, ſhall be inveſted with the ſame Powers and Authorities as are given or delegated by this Act unto the ſaid Commiſſioners or Commiſſioner conſtituted by this Act reſpectively.

Notice of Actions and Tender of Amends.

XVIII. And be it further enacted, That no Action or Suit ſhall be commenced againſt any Perſon or Perſons for any Thing done by virtue of or in purſuance of this Act, or in the Performance of any Matters authorized by this Act, until Fourteen Days Notice thereof in Writing ſhall have been given to the Secretary for the Time being of the ſaid Commiſſioners, nor after a ſufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed, or cauſe of Action accrued, and every ſuch Action ſhall be brought in the ſaid Court of Exchequer, and ſhall be laid in the County of the City of *Dublin*, and not elſewhere; and the Defendant or Defendants in ſuch Action or Suit ſhall and may plead the General Iſſue, and give this Act and the ſpecial Matter in Evidence on any Trial to be had thereupon, and that the ſame was done in purſuance and by the Authority of this Act, or in performance of any Matters authorized by this Act, and if the ſame ſhall appear to have been ſo done, or if ſuch Action or Suit ſhall be brought after the Time herein-before limited for bringing the ſame, or ſhall be brought without Fourteen Days Notice thereof, or ſhall be brought in any other County or Place, or after a ſufficient Satisfaction made or tendered as aforeſaid, that then the Jury ſhall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs ſhall become non-

ſuited, or ſuffer a Diſcontinuance of his, her, or their Action or Actions, or if a Verdict ſhall paſs againſt the Plaintiff or Plaintiffs, the Defendant or Defendants ſhall have Treble Coſts, and ſhall have ſuch Remedy for recovering the ſame as any Defendant or Defendants hath or have for Coſts of Suit in any other Caſes by Law.

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