ANNO QUINQUAGESIMO SEPTIMO

GEORGII III. REGIS.

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C A P. CXXIV.

An Act to amend an Act made in the present Session of Parliament, for authorizing the Issue of Exchequer Bills, and the Advance of Money for carrying on Public Works and Fisheries, and Employment of the Poor. [11th *July* 1817.]

WHEREAS by an Act made in this present Session of Parliament, intituled *An Act to authorize the Issue of Exchequer Bills, and the Advance of Money out of the Consolidated Fund, to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor in* Great Britain, *in Manner therein mentioned*, it is among other Things enacted, that at any Time after the passing of the said Act, by or out of such Monies as shall at any Time or Times remain in the Receipt of the Exchequer of *Ireland*, or out of the growing Produce of the Consolidated Fund of the United Kingdom, arising in *Ireland* (after paying or reserving sufficient to pay all such Sum and Sums of Money as have been directed by any former Act or Acts of Parliament to be paid in *Ireland* out of the said Consolidated Fund), there shall and may be issued, by Order of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, from Time to Time, in Manner and under the Regulations in the said Act mentioned and contained, any Sum or Sums of Money not exceeding in the Whole the Sum of Two hundred and fifty thousand Pounds, to be applied to the Purposes of the said Act in Manner and under the Regulations therein mentioned:

57 G. 3. c. 34.

And whereas the preſent diſtreſſed State of the Poor in ſome Parts of *Ireland* may require more ſpeedy Relief than could be afforded under the Regulations of the ſaid recited Act: 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 after the paſſing of this Act it ſhall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, and he and they is and are hereby authorized to nominate and appoint ſo many and ſuch Perſons as he or they ſhall think fit, not exceeding Seven in Number, to be ſpecial Commiſſioners for the Purpoſe of receiving Applications for Relief in Caſes of extreme Neceſſity; and upon the Report and Recommendation of ſuch Commiſſioners, or any Three of them, it ſhall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, to direct that any Part or Portion of the ſaid Sum of Two hundred and fifty thouſand Pounds ſhall be paid and advanced in Aid of any private or local Contribution or Subſcription for the Relief and Employment of the Poor in any Part or Parts of *Ireland*, to any Perſon or Perſons whatever, and at any ſuch Time or Times, and in any ſuch Manner and Proportion, and under any ſuch Regulations and Directions as ſhall be ſuggeſted and recommended by ſuch Commiſſioners, and as ſhall be approved of and authorized by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being; any Thing in the ſaid recited Act of this Seſſion of Parliament to the contrary in anywiſe notwithſtanding.

Lord Lieutenant of Ireland may appoint Special Commiſſioners for receiving Applications for Relief; and upon their Recommendation Sums may be advanced for the Employment of the Poor.

II. And be it further enacted, That the Commiſſioners ſo to be appointed under the Authority of this Act, ſhall, whenever they ſhall be thereto required by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or his or their Chief Secretary, tranſmit an Account or Accounts in Writing of all their Proceedings under this Act, to the Office of ſuch Chief Secretary, and the ſame ſhall be laid before both Houſes of Parliament.

Commiſſioners to give an Account of their Proceedings.

III. And whereas many Public Works of Drainage are to be executed, or are in the Courſe of Execution, under the Authority of Parliament, by Commiſſioners or Truſtees, out of Taxes upon Land, or other Funds or Revenues raiſed or charged to pay the Expences of ſuch Works; and Doubts have ariſen whether the ſaid recited Act authorizes the Advance of Money to ſuch Commiſſioners or Truſtees for ſuch Works, without perſonal Security, upon Conditions which are properly applicable to ſuch Works of Drainage: Be it therefore enacted, That it ſhall and may be lawful for the Commiſſioners for carrying the ſaid recited Act into Execution, to make any Advance of Money by Exchequer Bills, under the ſaid recited Act, in Aid of any Work or Works of Drainage, either with or without Navigation, to be executed, or in the Courſe of Execution, by Commiſſioners or Truſtees under the Authority of Parliament; ſuch Advances to be made to ſuch Commiſſioners or Truſtees without perſonal Security, upon the Credit of any Rates or Taxes payable from any Lands or Grounds, or upon any other Funds or Revenues for ſuch Works: Provided always, that in every ſuch Caſe of Advance for Works of Drainage under this Act or the ſaid recited Act, the Commiſſioners for carrying the ſaid recited Act into Execution ſhall be ſatisfied of the Utility

Advances may be made for Drainage on the Credit of the Rates.

of the Work, and that the Rates, Taxes, Funds, and Revenues to be mortgaged and aſſigned according to the Proviſions of the ſaid recited Act, ſhall be an adequate Security for the ſaid Advances.

Exchequer Bills when payable.

IV. And be it further enacted, That all Exchequer Bills whatever which ſhall be made out in purſuance of the ſaid recited Act, and ſhall be advanced for any of the Purpoſes in the ſaid recited Act or this Act mentioned, ſhall be made payable on the Tenth Day of *October* One thouſand eight hundred and twenty, and at no other Time; any Thing in the ſaid recited Act to the contrary notwithſtanding.

Regulating Advances to Pariſhes.

V. Provided always, and be it enacted, That no Advance ſhall be made under the Proviſions of the ſaid recited Act for the Uſe of any Pariſh, Townſhip, or Place in *Great Britain*, in which the Amount of the Money actually expended for the Relief of the Poor, in the Year ending at *Eaſter* One thouſand eight hundred and ſeventeen, or ending at the uſual Quarter Day immediately preceding *Eaſter* One thouſand eight hundred and ſeventeen, ſhall not exceed by Three Fourths the average annual Amount of the Money expended for the Relief of the Poor for the Three Years preceding *Eaſter* One thouſand eight hundred and ſixteen, or ſhall not exceed by One Half the Amount ſo expended for the Year ending *Eaſter* One thouſand eight hundred and ſixteen; any Thing in the ſaid recited Act to the contrary in any wiſe notwithſtanding.

Repayment of Exchequer Bills.

VI. And be it further enacted, That the Principal Sums contained in the Exchequer Bills which ſhall be advanced or lent by the ſaid Commiſſioners for the Execution of this Act in *Great Britain*, under the Authority of the ſaid recited Act, the Payment whereof ſhall not be otherwiſe provided for purſuant to the ſaid recited Act, ſhall be repaid without Deduction or Abatement, together with Intereſt for the ſame, at and after the Rate of Five Pounds *per Centum per Annum*, to the Caſhier or Caſhiers of the Bank of *England*, at their Office, by the Space of Fifteen Days at leaſt before the Time when each ſuch Exchequer Bill ſhall become payable according to the Proviſions of this Act; ſuch Intereſt to be computed on the ſaid Principal Sum from the Date of ſuch Exchequer Bill to the Time of the Payment thereof.

Claims of Commiſſioners on Bankrupts Eſtates in Scotland to have the Preference.

VII. And be it further enacted, That all the Claims of the Commiſſioners under the ſaid recited Act ſhall be paid and ſatisfied out of the Eſtate and Effects of any Perſon or Perſons who ſhall become Bankrupt, and againſt whoſe Eſtate Sequeſtration ſhall be awarded in *Scotland*, out of the Eſtate and Effects of ſuch Bankrupt or Bankrupts, and in preference to the Claim of any other Creditor or Creditors; nevertheleſs, without Prejudice to Preference duly obtained according to the Law in *Scotland*, upon the Real Eſtates of Perſons who ſhall become Bankrupt.

Advances may be made to Truſtees of Roads, Harbours, &c. not acting under Authority of Parliament.

VIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners named in and appointed by the ſaid recited Act, and their Succeſſors for the Time being, or any Three or more of them, to receive Applications in Writing from the Truſtees of any Road or Roads, Railway or Railways, or the Truſtees or Commiſſioners of any Harbour or Drainage, whether acting under the Authority of Parliament or otherwiſe, or from any Perſon or Perſons for the Encouragement of the Fiſheries,

or

or the Support of any Collieries or Mines, or from any Perſon or Perſons propoſing to employ the Poor of any Pariſh or Pariſhes in *Great Britain* in any beneficial Object or Work, for the Loan and Advance of Money by Exchequer Bills or otherwiſe, according to the ſaid recited Act; and the ſaid Commiſſioners ſhall proceed to take ſuch Applications into their Conſideration in ſuch and the like Manner as any other Applications mentioned and referred to in the ſaid recited Act, and to grant ſuch Loan or Loans in purſuance thereof as the ſaid Commiſſioners may think fit, having regard, in conſidering all ſuch Applications as are mentioned in the ſaid recited Act and this Act, to the Benefit which may ariſe in affording Employment for the labouring Claſſes of People and the Numbers to be employed, and to the Validity of the Security propoſed for the Repayment of the Money or Exchequer Bills advanced.

Commiſſioners may take Mortgages or Aſſignments of Freehold, Copyhold, or Leaſehold Property, as further Security for Advances made.

IX. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners named in and appointed by the ſaid recited Act, and their Succeſſors for the Time being, or any Three or more of them, in all Caſes where they ſhall ſee Occaſion, in Addition to the Security required by the ſaid recited Act and this Act, and as a further Security for any Loan to be made of any ſuch Exchequer Bills mentioned in the ſaid recited Act, or for Part of ſuch Loan from any Principal or Surety in ſuch Loan, to require and take Security by Mortgages, Aſſignments, Surrenders, or other competent Aſſurance, upon the Freehold, Copyhold, or Leaſehold Eſtate or Eſtates of ſuch Principal or Surety, or other Perſon or Perſons by whom ſuch Loan ſhall be required, or to or for whoſe Uſe ſuch Loan ſhall be granted; ſuch Mortgages, Aſſignments, Surrenders, or other Security to be reſpectively granted and made to and in the Name of the Secretary to the ſaid Commiſſioners for the Time being, in Truſt for the ſaid Commiſſioners, and upon ſuch Terms, Proviſoes, and Conditions as the ſaid Commiſſioners, or any Three or more of them, ſhall direct and appoint with reſpect to ſuch Loan, or any Part thereof.

Commiſſioners may take, as additional Security, Heritable Securities on Eſtates in Scotland, and Aſſignments thereof.

X. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners, or any Three or more of them, in all Caſes where they ſhall ſee Occaſion, to accept and take as a further and additional Security for any Loan to be made of any Sum in ſuch Exchequer Bills as aforeſaid, under the ſaid recited Act or this Act, or Part of ſuch Loan, from any Principal or Surety in ſuch Loan, or other Perſon or Perſons having Lands, Heritages, or other Real Eſtates in *Scotland*, or any heritable Security whatever, which may affect, incumber, or charge the ſaid Real Eſtates of ſuch Principal or Sureties, or ſuch other Perſons as aforeſaid by the Laws of *Scotland*; and alſo to accept and take as a like further and additional Security from any ſuch Principal or Surety, or other Perſon or Perſons poſſeſſed of any heritable Security, affecting, incumbering, or charging any Real Eſtates in *Scotland*, any Aſſignment of ſuch heritable Security propoſed, according to the Forms preſcribed by the Laws of *Scotland*; and that every ſuch heritable Security which ſhall be ſo granted and conſtituted, and every Aſſignment of any heritable Security which ſhall be ſo made as any ſuch further and additional Security for ſuch Loan as aforeſaid, ſhall reſpectively be granted, conſtituted, and made, to and in the Name of the Secretary of the ſaid Commiſſioners for the Time being, in Truſt for the ſaid Commiſſioners, in Terms of the Loan, for which the ſame ſhall be a Security; and the ſaid Secretary for the Time being ſhall,

under the Directions of the ſaid Commiſſioners, or any Three or more of them, have full Power and Authority to perform, execute, and carry into Effect any Acts, Matters, and Things whatſoever, which ſhall be requiſite for the further and better aſſuring and validating any ſuch heritable Security or Aſſignment thereof as aforeſaid, and for enforcing, proſecuting, and purſuing the ſame, for the Recovery of the Sums for which ſuch Securities were reſpectively granted, conſtituted, and made, in all Courts of competent Juriſdiction in *Scotland*, as fully and effectually to all Intents and Purpoſes as if the ſame Securities reſpectively were granted, conſtituted, and made to the Secretary for the Time being, as a Security for his own proper Debt in *Scotland*; and that on Payment or Satisfaction of the Principal Sums for which ſuch Security ſhall be given, with Intereſt for the ſame, and all Coſts incurred in recovering the ſame, the ſaid Secretary for the Time being ſhall and he is hereby authorized, under the Direction of the ſaid Commiſſioners, or any Three or more of them, to execute on Behalf of the ſaid Commiſſioners a Diſcharge or Renunciation of the ſaid Money ſo paid and ſatisfied, to be prepared at the Coſts of the Party or Parties making ſuch Payment or Satisfaction, according to the Forms preſcribed by Law for diſcharging and renouncing any heritable Debt or Incumbrance upon a Real Eſtate in *Scotland*; and that ſuch Diſcharge ſhall be good and valid in Law to all Intents and Purpoſes whatſoever.

Commiſſioners may take, as a further Security, Depoſits of India Bonds, Exchequer Bills, Bills of Exchange, &c. or other negociable Securities.

XI. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners named in and appointed by the ſaid recited Act, and their Succeſſors for the Time being, or any Three or more of them, in all Caſes where they ſhall ſee Occaſion, to accept and take as a farther and additional Security for any Loan to be made of any ſuch Exchequer Bills mentioned in the ſaid Act, or any Part of ſuch Loan, over and above the Security required by the ſaid recited Act or this Act, any Exchequer Bills, *India* Bonds, or any transferrable Share or Shares in any Corporation, Company, or Public Work carried on under the Authority of Parliament, Bills of Exchange, or other negociable Securities for Money whatever, which ſhall be aſſigned, transferred, or depoſited for that Purpoſe, as the ſaid Commiſſioners, or any Three or more of them, ſhall direct; and all ſuch Exchequer Bills, *India* Bonds, Share or Shares in any ſuch Corporation, Company, or Public Works, Bills of Exchange, or other negociable Securities for Money ſo aſſigned, transferred, or depoſited, ſhall, in Default of Payment of ſuch Loan in the Manner directed and appointed by the ſaid Commiſſioners under and by virtue of the ſaid recited Act or this Act, or any Three or more of them, become and be veſted in the ſaid Commiſſioners, and ſhall and may be ſold and diſpoſed of, or the Monies due or payable by virtue thereof ſhall and may be ſued for in due Courſe of Law, in the Name of their Secretary for the Time being, for the Uſe of the ſaid Commiſſioners under the ſaid recited Act.

Obligations not to be liable to Stamp Duty.

XII. And be it further enacted, That no Bond to His Majeſty, nor any heritable Securities, nor any Aſſignment of any heritable Securities, nor any Mortgage, Surrender, Aſſignment, or other Inſtrument or Aſſurance taken by the ſaid Commiſſioners in the Name of their Secretary for the Time being, or otherwiſe, under the ſaid recited Act or this Act, nor any Examination, Affidavit, Depoſition, Receipt, or Conſent by Sureties or Surety to an Extenſion of Time granted by the ſaid Commiſſioners for Payment of any Exchequer Bills advanced to any Principal by virtue of

the ſaid recited Act or this Act, or any Receipt or other Document that may be taken or made under and by virtue of the ſaid recited Act or this Act, and for the Purpoſe of carrying the ſaid Acts and each of them into Execution, ſhall be liable to any Stamp Duty whatever; any Thing in any Act or Acts in force in *Great Britain* or *Ireland* to the contrary in anywiſe notwithſtanding.

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

XIII. And be it further enacted, That it ſhall be lawful for the ſaid Commiſſioners under and by virtue of the ſaid recited Act and this Act, in every Caſe in which it may become neceſſary, to 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 the ſaid recited Act or 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 His Majeſty's Court of Exchequer in *England*, *Scotland*, or *Ireland* reſpectively, and with the Leave of ſuch Courts reſpectively firſt had and obtained, and upon ſuch Terms and Conditions as the ſaid Courts ſhall direct.

Advances may be made at different Times on certain Conditions.

XIV. And be it further enacted, That it ſhall be lawful for the Commiſſioners under the ſaid recited Act and this Act, in every Caſe in which they are empowered to make any Advance under the Proviſions of the ſaid recited Act, upon the Depoſit of any Proportion ſpecified in the ſaid Act of the Money eſtimated as the Coſts of the Completion of the Whole of any Public Works, to make ſuch Advances in different Sums at different Periods, and without requiring the Whole of any ſuch Proportion to be provided by the Body Corporate or Politic, or Company of Proprietors, or Perſons intereſted in ſuch Public Works, to be expended or depoſited as required by the ſaid recited Act: Provided always, that in every ſuch Caſe the Whole of ſuch Proportion ſhall be actually ſubſcribed for, and made ſubject to Calls under the Proviſions of ſome Act or Acts of Parliament relating to ſuch Work, or be otherwiſe ſecured to the Satisfaction of the ſaid Commiſſioners, and Twenty-five Pounds *per Centum* thereon actually paid and depoſited; and provided always, that no ſuch Advance to be from Time to Time made by the ſaid Commiſſioners ſhall exceed Twice the Money actually from Time to Time raiſed, paid, expended, or depoſited upon any ſuch Subſcription; any Thing in the ſaid recited Act to the contrary notwithſtanding.

Advances may be made to Truſtees of Railways or Roads, or Commiſſioners for Drainage, on an adequate Fund for Re-payment being ſecured.

XV. Provided always, and be it further enacted, That it ſhall be lawful for the Commiſſioners for the Execution of the ſaid recited Act in *Great Britain*, or any Three or more of them, upon any Applications which ſhall be made to them under the ſaid Act from the Truſtees of any Roads or Railways, or the Commiſſioners for any Drainage, for the Advance of any Money by Exchequer Bills under the ſaid recited Act, to grant ſuch Applications, upon having an adequate Fund for Repayment of the Money ſo advanced, ſecured to the Satisfaction of the ſaid Commiſſioners, being not leſs in annual Amount than ſhall be ſufficient to pay an Intereſt after the

Rate of Five Pounds *per Centum per Annum* on the Principal Money advanced, and a farther annual Sum of Five Pounds *per Centum* to be applied as a Sinking Fund for the Redemption of the Principal ſo advanced, within ſuch Time as the ſaid Commiſſioners for the Execution of the ſaid Act ſhall direct and appoint, and as ſhall be ſpecified in the Mortgage or Aſſignment to be made of the Rates or Tolls of ſuch Roads, Railways, or Drainage; and that in all Caſes in which Security ſhall be given in Manner aforeſaid, it ſhall not be required of the Party or Parties applying for ſuch Advance, to give or enter into any perſonal Security; any Thing in the ſaid Act contained to the contrary thereof notwithſtanding.

Letters, &c. addreſſed to Secretary of Commiſſioners to paſs free of Poſtage.

XVI. And whereas it is expedient that all Letters and Packets addreſſed to the Secretary to the ſaid Commiſſioners ſhould paſs free of the Duty of Poſtage; be it therefore enacted, That all Letters and Packets addreſſed to the Secretary of the ſaid Commiſſioners at their Office, ſhall paſs free of the Duty of Poſtage.

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