

ANNO PRIMO

GEORGII IV. REGIS.

CAP. LXXXI.

An Act to amend several Acts made in the Fifty-seventh and Fifty-eighth Years of His late Majesty, for the Advance of Money for carrying on Public Works, and for other Purposes, so far as the said Acts relate to *Ireland*.

[24th *July* 1820.]

WHEREAS an Act was made in the Fifty-seventh Year of the Reign of His late Majesty King *George* the Third, 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 the Employment of the Poor in* Great Britain, *in Manner therein mentioned:* And whereas the said recited Act was amended by Two Acts, the one passed in the said Fifty-seventh Year and the other in the Fifty-eighth Year of the Reign of His said late Majesty: And whereas by the said first-recited Act it is among other Things enacted, that any Two of the Commissioners to be appointed for *Ireland* as therein mentioned should, before they should act as such, take an Oath therein set forth before One of the Barons of the Exchequer of *Ireland*, and that every other of such Commissioners should take the same Oath before such Two Commissioners so sworn:

57 G. 3. c. 34.

57 G. 3. c. 124.
58 G. 3. c. 88.

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 from and after the passing of this Act every Commissioner who shall be nominated and appointed for the Purposes of the said recited Acts and of this Act, by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, shall, before he shall enter on the Execution of any of the said recited Acts or of this Act in *Ireland*, take an Oath before any Two or more of the Commissioners for the Time being for the Execution of the said recited Act or of this Act, and that the Tenor of such Oath shall be as follows; (that is to say),

Commissioner, on his Appointment by the Lord Lieutenant, shall take the following Oath before Two or more of the Commissioners under recited Act.

'I *A. B.* do swear, That I will faithfully and impartially execute the several Powers and Trusts vested in me by an Act intituled '[*here set forth the Title of the said first-mentioned Act of the Fifty-seventh Year of His late Majesty's Reign,*] and by the several Acts made for amending the said Act, according to the best of my Judgment, and according to the Purport of the said several Acts.'

Which said Oath the Commissioners for the Time being, or any Two or more of them, are hereby authorized and required to administer.

Money advanced before the passing of this Act to be repaid at the Bank to the Account of the Teller of the Irish Exchequer, with Interest, by such Instalments as shall have been directed by the Commissioners.

II. And whereas it is by the said first-recited Act among other Things enacted, that the Principal Sum which should be advanced in *Ireland* under the Certificates of the said Commissioners there, the Payment whereof should not be otherwise provided for pursuant to the said Act, should be paid, with Interest at the Rate of Five Pounds *per Centum* by the Year, into the Receipt of the Exchequer in *Ireland*, in Manner in the said recited Act mentioned; be it enacted, That all Principal Sums which shall or may have been advanced or lent in *Ireland* out of the Consolidated Fund at any Time before the passing of this Act, under and in pursuance of the Certificates of the Commissioners for the Execution of the said recited Acts, or of any or either of them, in *Ireland*, shall be paid without any Deduction or Abatement, together with Interest for the same after such Rate as shall have been directed and appointed with respect to such Sums respectively, into the Bank of *Ireland*, to the Account of the Teller for the Time being of His Majesty's Exchequer in *Ireland*, by such Instalments, and in such Proportions, and at such Periods and Times as the said Commissioners shall or may have directed and appointed at any Time before the passing of this Act; any thing in the said recited Acts or either of them, or any thing in the Contracts made for the Repayment of the said Sums respectively, or the Securities for the same, to the contrary in anywise notwithstanding.

Money so advanced after the passing of this Act shall be repaid in like Manner,

III. And be it further enacted, That all Principal Sums which at any Time after the passing of this Act shall be advanced or lent in *Ireland*, under and by virtue of the said recited Acts or of this Act, shall be paid without Deduction or Abatement, together with Interest for the same at the Rate of Six Pounds or Five Pounds, as shall or may

may be directed by the said Commissioners, for every One hundred Pounds, by the Year, into the Bank of *Ireland*, for the Account and to the Credit of the Teller for the Time being of His Majesty's Exchequer in *Ireland*, by such Instalments and in such Proportions and at such Periods and Times as the said Commissioners shall, by and with the Consent of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, direct and appoint, and as shall be specified in the Securities to be taken by the said Commissioners for the Repayment of such Money.

with Interest after the Rate of 6l. or 5l. as shall have been directed.

IV. Provided always, and be it enacted, That it shall and may be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to order, if he or they shall, either on the Recommendation of the said Commissioners or otherwise, think proper so to do, that the Interest payable on any Sum or Sums of Money which shall have been advanced or lent as aforesaid, shall be reduced from the Rate of Interest at or upon which the same shall have been so lent to any lesser Rate of Interest which shall be specified in such Order; and also to order that any such Sum so to be hereafter advanced or lent in *Ireland* shall be so advanced or lent at any lesser Interest than Five Pounds *per Centum*, which shall be specified in such Order; and the same shall be so lent or advanced accordingly, and so repaid as aforesaid in all respects, save that such lesser Interest, and no more, shall be received thereon or paid therewith.

The Lord Lieutenant may reduce the Interest.

V. And be it further enacted, That all Acts, Matters, and Things which the Commissioners in *Ireland* for the Execution of the said recited Acts and of this Act are required or authorized to do or execute by virtue of the same respectively, shall and may, unless otherwise specially provided, be done and executed by any Five or more of such Commissioners in *Ireland*; any thing in the said recited Acts, or any of them, requiring the Assent of the Majority of such Commissioners in anywise notwithstanding.

Five Commissioners may act, unless where otherwise specially provided.

VI. And be it further enacted, That it shall and may be lawful to and for the said Commissioners in *Ireland* for the Time being, or any Three or more of them, to receive Applications in Writing from any Person or Persons whomsoever, for the Loan and Advance of Money by Exchequer Bills or otherwise, for the making or improving any public Road, Railway, Bridge, Canal, or Harbour in *Ireland*, or for the making or executing any Work whatsoever, whether of a public or private Nature, in *Ireland*; and that it shall and may be lawful to and for the said Commissioners, or any Five or more of them, to grant such Loan or Loans, in pursuance of such Applications, as they shall think fit, out of the Sum of Two hundred and fifty thousand Pounds in the said first-recited Act mentioned, provided it shall sufficiently appear to the said Commissioners that such Works respectively will give Employment to the labouring Classes of People where such Works are to be carried on, and having due Regard to the Security proposed for the Repayment of the Money or Exchequer Bills to be so advanced, and the Interest thereof.

Three Commissioners may receive Applications for Advances of Money for Public Works; and Five Commissioners may grant the Loan required, having due Regard to the Security.

VII. And

No Bond or other Instrument shall be liable to Stamp Duty.

VII. And be it further enacted, That no Bond, Mortgage, or other Security or Instrument to be executed or taken in *Ireland* under the said recited Acts 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 the Payment of any Exchequer Bills or Money advanced to any Principal by virtue of the said recited Acts or this Act, nor any Receipt or other Document which may be taken or made under and by virtue of the said recited Acts or this Act, and for the Purpose of carrying the said Acts and this Act into Execution in *Ireland*, shall be liable to any Stamp Duty whatsoever; any thing in any Act or Acts in force in *Ireland* to the contrary in anywise notwithstanding.

The Lord Lieutenant may appoint Civil Engineers to act without Salary.

VIII. And whereas a considerable Part of the said Sum of Two hundred and fifty thousand Pounds remains still undisposed of, and it would be useful to apply and employ on certain Conditions a Portion thereof in Aid of divers public Works herein-after mentioned, which are likely to be undertaken if so encouraged, but not otherwise, and which would tend greatly to promote the useful Objects above mentioned; be it therefore enacted, That it shall and may be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to appoint and remove at his or their Pleasure Two or more Civil Engineers in *Dublin*, who shall act without Salary, Fee, or Reward in the several Matters herein-after directed.

Maps and Estimates of new Roads, Harbours, Canals, and other Public Works, may be laid before such Engineers.

IX. And be it further enacted, That it shall and may be lawful to and for any Person or Persons who shall be desirous of applying to any Grand Jury or Grand Juries in *Ireland* for any Presentment or Presentments for any new Line of Road; or to and for the Trustees of any Turnpike Road, who shall be desirous of altering the Line or any Part of the Line thereof; or for the Trustees or Proprietors of any Harbour, Canal, Railway, or other public Work whatever, to procure at his or their own Expence a Map, Section, and Estimate of such proposed Road or Work, to be made by such Surveyor or Surveyors, Person or Persons, as he or they shall think proper, and lay the same before the said Engineers so to be appointed by the said Lord Lieutenant or other Chief Governor or Governors of *Ireland*.

Engineers to inspect the same, and certify thereon to the Lord Lieutenant.

X. And be it further enacted, That it shall and may be lawful to and for such Engineers to be appointed, by Examination on Oath before them, or any Two or more of them, of the Person or Persons who shall have so prepared such Map, Section, and Estimate respectively, or of such other Person or Persons as shall be produced for that Purpose before them, or as they shall think proper to summon for that Purpose, or by making or causing to be made any new Survey, Section, or Estimate of such Road or Work, or of any Part thereof, or by such other Ways or Means as they shall think proper, to examine into the Merits of such Road or Work, and of the proposed Plan so laid before them for the Execution thereof, and to certify under their Hands and Seals their Opinion thereon fully and particularly to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being.

IX. And

XI. And be it further enacted, That as soon as any such Proposal, whether with or without Alteration, shall have been approved of by such Engineers, it shall and may be lawful to and for the Grand Jury of any County through which any such new Line of Road, or any Part thereof, shall run, if such Road shall be a Presentment Road, and they are hereby required, to make a Presentment for One Moiety of the Expences of making such Road, and to direct that such Plan and such Approbation thereof, and a Copy of such Presentment duly certified, shall be laid before the Commissioners for the Time being for the Execution of the said recited Acts and this Act; or in case such Road shall be a Turnpike Road, then such Plan and the Approbation thereof, and the Estimate of the Expence thereof, may be laid before the said Commissioners by the Trustees of such Turnpike Road; and in case of any Harbour, Canal, or other Public Work, then such Plan and Estimate so approved shall be laid before the Commissioners for the Execution of this Act by the Trustees or Proprietors of such Harbour, Canal, or other Public Work; and thereupon it shall and may be lawful for the said Commissioners, and they are hereby required to certify to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* under their Hands and Seals, or the Hands and Seals of any Three of the said Commissioners, the Amount of such Presentment; or in case of a Turnpike Road, Harbour, Canal, or other Public Work, the Amount of such Estimate; and thereupon it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, to direct by his or their Warrant, if he or they shall think fit, that a Sum equal to the whole of such Presentment, or equal to the Half Part of such Estimate for any Turnpike Road, Harbour, Canal, or other Public Work, shall be paid out of the said Sum of Two hundred and fifty thousand Pounds in the said first-recited Act mentioned, in Aid of such Road or Work, in Manner hereinafter mentioned, (that is to say), that as soon as it shall be ascertained to the Satisfaction of the said Engineers or any Two or more of them, by Examination on Oath before them respectively, that One Moiety or Half Part of the Amount of any such Presentment or Estimate hath been well and *bonâ fide* expended in, upon, and towards the Execution and Completion of the Road or Work therein mentioned, or any Part or Parts thereof, and that Two or more of the said Engineers shall have certified under Hand and Seal that the same hath been so ascertained to their Satisfaction, then and thereupon One Moiety of the Sum so ordered by the Lord Lieutenant or other Chief Governor or Governors to be paid as aforesaid, shall be paid by Warrant of such Lord Lieutenant or other Chief Governor or Governors to the Treasurer of the County, or to his Order, if such Road shall be a Presentment Road; and if such Road shall be a Turnpike Road, then to the Trustees thereof or to their Order; or in case of a Harbour, Canal or other Public Work, then to the Trustees or Proprietors thereof or to their Order; and as soon as and whenever it shall be in like Manner certified that the Residue of the Amount of such Presentment or Estimate hath or have been expended in and upon the Road therein mentioned, and that the same hath or have been completed, then and thereupon the Residue of the Sum so ordered to be paid by the Lord Lieutenant or other Chief Governor or Governors shall be paid to such Treasurer or Trustees in Manner aforesaid respectively.

When Plans and Estimates of such Public Works are approved, the Lord Lieutenant shall direct by Warrant Money in the Proportion herein mentioned to be issued for completing them.

Money so to be issued not to exceed 100,000l. out of Sum granted by recited Act.

XII. Provided always, and be it enacted, That the Sums so to be paid for such Purposes, under the Order of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, shall not in the whole exceed the Sum of One hundred thousand Pounds, and shall be paid out of the said Sum of Two hundred and fifty thousand Pounds in the said first-recited Act mentioned, and not out of any other Fund.

Estimates for Roads may include Bridges, &c.

But Price of Ground shall not be admitted for any Public Work.

XIII. And be it further enacted, That it shall and may be lawful to include, in any such Presentment or Estimate for any Road, not only the Road so to be made, but also all and every Bridges, Gullets, Parapets, and all other Works, Matters, and Things necessary or proper for making such Road, or for safely and conveniently using the same; but that it shall not be lawful to include in any such Estimate for any Road, Harbour or Public Work, the Value or Price of any Ground which shall be taken or required for the same, or the Amount of any Traverse for Damages or Compensation in respect thereof, or of the Sum found or presented under any such Traverse, but that all such Matters shall be paid and discharged respectively as if this Act had not been made.

Limitation to Five Years.

XIV. Provided also, and be it enacted, That no such Order for the Payment of any Money under any such Presentment or Estimate, shall be made after the Expiration of Five Years from the passing of this Act.

Engineers may administer Oaths.

XV. And be it further enacted, That it shall and may be lawful to and for the said Engineers to be appointed in Manner aforesaid under this Act, or any Two or more of them, to administer any Oath required in the Execution of their Duty under this Act; and that if any Person shall knowingly swear falsely therein, such Person being thereof duly convicted shall be deemed guilty of wilful and corrupt Perjury, and shall be punished accordingly.

Act may be altered this Session.

XVI. And be it enacted, That this Act may be amended, altered, or repealed by any Act to be passed in this present Session of Parliament.

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