

ANNO PRIMO

GULIELMI IV. REGIS.

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CAP. LXI.

An Act to regulate the Applotment of County Rates and Cesses in *Ireland*, in certain Cases.

[23d *July* 1830.]

WHEREAS by an Act passed in the Parliament of *Ireland* in the Thirty-sixth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for the Amendment of public Roads, for directing the Power of Grand Juries respecting Presentments, and for repealing several Laws heretofore made for that Purpose*, it is enacted, that the Clerk of the Crown of every County in *Ireland* shall, within Four Days after every Assizes, deliver to the Treasurer of such County Copies of all Presentments made at such Assizes, and that such Treasurer shall, within One Month after he shall have received such Copies of the Presentments, issue his Warrants to the several Persons who under the Provisions of the said Act are to be the Collectors for levying and collecting the Sums to be raised off each Barony and Half Barony of such County, and that every Person empowered to receive such Warrants, to whom the same shall be sent, shall, within Ten Days after he shall have received such Warrant, deliver or send to the Seneschal or Churchwardens of each Manor, Parish, or Denomination of Land contained in such Warrant, (or in case there shall be no Seneschal or Churchwarden of the same, then to any principal residing Inhabitant, if he shall be required so to do by any Two Landholders of any such Manor, Parish, or Denomination of Land, or if he shall deem 36 G. 3. (I.)

deem it necessary so to do,) an Account in Writing, signed by himself, of the Sum he is required by the said Warrant to levy upon such Manor, Parish, or Denomination, and to desire that such Sum may be applotted thereon; and every Person receiving such Account is required to convene a Meeting of the Landholders and Inhabitants of such Manor, Parish, or Denomination, to choose Two or more Persons to applot the said Sum fully and justly, which Applotment shall be delivered within Thirty Days to the Person who shall have been empowered to collect the same; and such Collector is authorized to collect the Sum so applotted by Sale and Distress of the Goods and Chattels of the Persons who shall appear by the said Applotment to be liable to pay the same: And whereas the Applotters so chosen have in some Instances applotted on barren Lands, which never had within the Memory of Man, previous to such Applotment, paid any County Cess or Rates, an acreable Sum at as high a Rate as the most fertile and valuable Lands were assessed to: 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 no barren Lands which never have been assessed to the County Rates within the Memory of Man, previous to the First Day of *January* One thousand eight hundred and twenty-six, shall be liable thereto, save and except so much of such Parts thereof as shall have been or shall be, since the said First Day of *January* One thousand eight hundred and twenty-six, brought into Cultivation, (and also save and except as is herein-after further excepted,) until the County Cess on the Barony or Half Barony in which such Manor, Parish, or Denomination is situate, shall be imposed under the Provisions of an Act passed in the Seventh Year of the Reign of His late Majesty, intituled *An Act to make Provision for the uniform Valuation of Lands and Tenements within the several Baronies, Parishes, and other Divisions of Counties in* Ireland, *for the Purpose of the more equally levying the Rates and Charges upon such Baronies, Parishes, and Divisions respectively.*

Barren Lands, that were not assessed previous to 1st Jan. 1830, shall not be liable to the County Cess.

7 G. 4. c. 62.

Penalty for applotting such Lands.

II. And be it further enacted, That if any Applotter or Applotters so appointed shall, after the passing of this Act, wilfully applot any County Rate or Cess to be raised and levied off such barren Lands as aforesaid, every Person so offending shall for every such unlawful Applotment forfeit the Sum of Five Pounds, to be recovered and applied in like Manner as the Penalties imposed by the said recited Act passed in the Thirty-sixth Year of the Reign of His Majesty King *George* the Third.

III. And whereas by an Act passed in the Forty-ninth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for amending the* Irish *Road Acts*, and by another Act passed in the Sixth Year of the Reign of His late Majesty, intituled *An Act to repeal an Act of the last Session of Parliament, relative to the forming Tables of Manors, Parishes, and Townlands in* Ireland, *and to make Provision for ascertaining the Boundaries of the same*, Provisions have been enacted to enable Grand Juries to form Tables and present them as the Tables by which the several Manors, Parishes, and

49 G. 3. c. 84.

6 G. 4. c. 99.

Denominations in Baronies and Half Baronies should be proportionably rated for the Purpose of levying all Money to be raised thereon by Presentments of Grand Juries: And whereas, in pursuance of the said Acts respectively, certain Tables have been formed or are now in progress, but Presentments of the same have not been made by any Grand Juries; and it is deemed expedient that further Enactments should be made for the Purpose of fairly assessing and applotting the County Levies; and it is expedient to amend the said Acts for the Purpose of affording the Benefit thereof to such County or Counties in *Ireland* as have had Tables of the Names of the several Baronies, Parishes, Manors, Denominations, or other Divisions of Lands within such County, with the Contents thereof, formed pursuant to the Provisions of the said Acts passed in the Forty-ninth Year of the Reign of His Majesty King *George* the Third and the Sixth Year of the Reign of His late Majesty, containing the relative annual Value as well as the Names and Contents of the several Baronies, Parishes, Manors, Denominations, or other Divisions of Lands from which such Levies should be collected; be it therefore enacted, That in any County, County of a City, or County of a Town in *Ireland*, where Funds have been raised by and under Presentments of Grand Juries to provide for the Expences of forming County Books, for the Purpose of equalizing the County Levies, and that Tables have been formed of the Names of the several Baronies, Parishes, Manors, Denominations, or other Divisions within such County, for such Purpose, pursuant to the Provisions of the said Act of the Forty-ninth Year of the Reign of His said Majesty King *George* the Third, together with the acreable Contents and relative annual Value thereof respectively, it shall and may be lawful for the Grand Juries of each and every County, County of a City, and County of a Town in *Ireland*, so circumstanced, and they are hereby required, at the Summer or Spring Assizes next ensuing the passing of this Act, or at any subsequent Assizes, to present such County Books, Barony Books, and Tables so formed as aforesaid, to be the County Books and Tables by which the several Baronies, Parishes, Manors, Denominations, or other Divisions of Land, Borough Towns, and Towns Corporate therein contained and set forth shall in future be proportionably rated, until it shall be found necessary or expedient to alter or amend the same as herein-after provided, for the Purpose of levying all Money to be raised thereon under Presentments of Grand Juries, according to their respective acreable Contents, relative annual Value, and Scale or Scales of Proportions of such Sums to be raised as are set forth and recorded in such County Books and Tables aforesaid, as well for the Applotment of the due Proportion which each Barony, Half Barony, Parish, Manor, Denomination, Division, Borough Town, and Town Corporate should pay off the gross Levy on the County at large, as for the Applotment of all Baronial and Parochial Presentments.

Where Funds have been raised to provide for the Expence of forming Books and Tables, the Grand Jury may present them to be used for making the Rates.

IV. And be it further enacted, That it shall and may be lawful for the Treasurer of each County, County of a City, or County of a Town, and he is hereby required, to applot or cause to be applotted the Amount of the several Grand Jury Presentments of each and every future Assizes, subsequent to the Presentments of such County Books

Treasurers of Counties to applot the Amount of the several Grand Jury Presentments

according to the aforesaid Tables.

Books and Tables as aforesaid, upon the several Baronies, Manors, Parishes, Denominations, and Divisions of Lands, Borough Towns, Towns Corporate, or Liberties, in the said County Books contained and set forth, in the Proportion and according to the Tables, Scale and Scales of the Applotments laid down and recorded in such County Books and Applotment Tables aforesaid, as the same apply to the several Denominations and Divisions therein contained respectively; and that it shall and may be lawful for any Grand Jury to present any Sum which shall be in arrear and unpaid of any Grand Jury Levy to be raised at any Time after the passing of this Act by or out of any Barony or Half Barony, Division, Townland, or Denomination, Borough Town or Town Corporate, or by or out of any Part or Portion thereof respectively, or out of the Liberties thereof, to be levied therefrom distinctly, and according to the Tables aforesaid, upon just Cause being shown and due Diligence used to collect the same, in the first instance, by the High Constable or Collector to whom the Treasurer's Warrant had been directed to levy and collect the same, or by his Deputy or Deputies duly authorized by him to act on his Behalf.

Applotters to applot Lands according to their relative annual Value.

V. And be it also further enacted, That in Counties where such County Books shall have been made and presented as aforesaid, the several Persons who shall be chosen Applotters according to the Provisions of the Act of the Thirty-sixth Year of the Reign of King *George* the Third, herein-before recited, shall applot the several Sums so to be levied upon such Manors, Parishes, or Denominations fairly and justly, according to the relative annual Value of the several Subdivisions of the Lands therein contained.

Collectors may levy by Distress, if necessary, the Sums required to be collected.

VI. And be it further enacted, That it shall and may be lawful for every High Constable and Collector to whom such Treasurer's Warrant shall be directed, and for his Deputy and Deputies duly authorized to act on his Behalf, to levy by Distress, if Need be, all Sums of Money which he shall be by said Warrant required to collect from the several Denominations in such Warrant contained, and as the same shall be therein applotted, according to the Provisions herein contained, giving the regular Notices, and performing the Requisites prescribed by Law for his Government in the due Execution of his Office, and also giving Notice in Writing of the Time and Place of Sale Twenty-four Hours at the least before such Sale shall take place, to expose such Distress to public Auction and Sale at any Time and Place he shall find convenient, within Four Days from the Period of the Seizure thereof, and to proceed to sell, during the Day-time only, to the best Bidder, such Distress, or a competent Part thereof to provide for the Amount in arrear and unpaid of the Sum he has been required to collect, together with One Shilling in the Pound for his Fees thereon, rendering the Overplus, if any, to the Owner or Owners of such Distress or Distresses: Provided always, that every High Constable, Collector, or other Person duly authorized, who shall receive or levy Money under the Provisions of this Act, shall and he is hereby required to give a Receipt for the same, if demanded, which Receipt shall specify the Amount paid, the Name of the Person paying the same, and also the Denomination

nation or Subdivision of Land out of or on account of which such Payment shall be made.

In Actions the Defendant may plead the General Issue.

VII. And be it further enacted, That in any Action arising out of or in consequence of or for the Defence of any Distress taken by or under the Authority of any High Constable acting in obedience to the Treasurer's Warrant, the Defendant or Defendants may plead the General Issue, or, in any Suit in Replevin arising out of or in consequence thereof, avow the taking of such Distress by virtue of the Treasurer's Warrant, and that such Avowry shall be deemed and is hereby declared to be a valid Plea in Law, whereupon the Parties shall join Issue, without further Plea or Demurrer or Form whatever, and proceed to Trial on the Merits only.

Grand Jury may levy Expences incurred in making and defending Distresses.

VIII. And be it further enacted, That it shall and may be lawful for all Grand Juries in *Ireland* to present, to be levied on the County at large, County of a City, or County of a Town, or on any Barony or Half Barony, as shall appear just and expedient to such Jury and to the Judge of Assize, all Costs and Expences incurred in making and defending such Distress and Distresses so taken under the Treasurer's Warrant as aforesaid, and in defending all Suits and Actions in which the Officers of the County may be involved in the due Execution of their respective Duties, and also to present thereon any Sum that may be necessary for completing and carrying into execution the Equalization of the County Levies, for the Purpose of which County Books have been as aforesaid framed, provided the Expence thereof shall not exceed in the whole Three-pence for every Statute Acre on the gross acreable Contents of the County, as recorded therein.

Tables and Books to be signed by the Foreman of the Grand Jury.

IX. Provided always, and be it enacted, That the several and respective Tables and Books so to be formed and presented as aforesaid shall have the Presentment of the Grand Jury of each County, County of a City, or County of a Town, written at the Bottom of the Tables and in the Books so to be presented, and signed by the Foreman of the Grand Jury on behalf of himself and his fellow Grand Jurors, which Presentment shall state the Assizes at which such Table or Book is presented and fiatted, and that the Grand Jury have presented the same respectively to be the Tables of the County and Barony for the Purpose of levying the several Sums presented thereon; and such Books and Tables shall be kept by the Clerk of the Crown among the Records of such County, County of a City, or County of a Town, as the Case may be; and that a Copy or Copies of any Part or Parts of the said Books or Tables, duly compared and attested by the Clerk of the Crown or his Deputy, or by the Treasurer of the County, County of a City, or County of a Town, as also said original Books or Tables, shall be received as Evidence in all Courts of Law and Equity.

Grand Juries may alter Books and Tables when necessary.

X. And be it further enacted, That it shall and may be lawful for the Grand Juries of such Counties, Counties of Cities, or Counties of Towns respectively, as shall be provided with such County Books, Barony Books, and Tables as aforesaid, to alter and amend the same,

as it may be deemed necessary or expedient by such Grand Jury so to do, at any Period after the Lapse of Seven Years succeeding the first Levy to be made conformably thereto, and at such subsequent Periods after the Lapse of every Twenty-one Years from the Period at which every such subsequent Alteration or Amendment shall be so made: Provided always, that Notices of such Alteration or Amendment shall be duly published, and all Objections thereto heard and determined, as prescribed by the aforesaid Act of the Forty-ninth Year of His Majesty King *George* the Third; and such County Books, Barony Books, and Tables, when so altered or amended, shall be presented to be the Books and Tables by which such County, County of a City, or County of a Town shall be thenceforth proportionably applotted for the Purpose of levying all Money to be raised under the Presentments of Grand Juries, until such further Alteration or Amendment shall be made therein as by this Act is provided.

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