

ANNO DECIMO

VICTORIÆ REGINÆ.

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CAP. X.

An Act to render valid certain Proceedings for the Relief of Distress in *Ireland*, by Employment of the Labouring Poor, and to indemnify those who have acted in such Proceedings.

[18th *March* 1847.]

WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act to facilitate the Employment of the Labouring Poor, for a limited Period, in the distressed Districts in* Ireland, authorizing Presentments for the Execution of Public Works in *Ireland*: And whereas by reason of the Increase of Distress in *Ireland* it became necessary to provide further Means of employing the Labouring Poor, and thereupon the Lord Lieutenant of *Ireland*, on the Fifth Day of *October* last, by a certain Letter, a Copy of which is contained in the Schedule annexed to this Act, written and signed by his Direction by the Chief Secretary to the Lord Lieutenant, and addressed to the Chairman of the Commissioners of Public Works in *Ireland*, announced that he would sanction Presentments that should be made at any Sessions held under the said Act, for Works of a re-productive Character and permanent Utility, subject to the Regulations specified in the said Letter, in the same Manner as if they had been strictly Public Works, and presented 9 & 10 Vict. c. 107.

as such in the Manner required by the said Act: And whereas Extraordinary Presentment Sessions have been called and held under the Provisions of the said Act, and the Justices and Cess-payers constituting such Sessions have made Presentments for various Works of a public Nature, and also for various Works of a re-productive Character and permanent Utility: And whereas in certain Cases the Justices and Cess-payers, by reason of such Announcement, apportioned on the several Electoral Divisions or Parts of Electoral Divisions of Poor Law Unions in the Barony, Half Barony, County of a City, or County of a Town for which such Sessions were held, the Sum to be assessed on such Barony, Half Barony, County of a City, or County of a Town respectively, and presented for Works to be executed in such respective Electoral Divisions, or Parts thereof: And whereas, for the immediate Employment of the Labouring Poor, it became necessary that the Execution of the Works so presented as aforesaid should be commenced forthwith after the making of such Presentments, the same having been approved by the Lord Lieutenant, although in certain Cases such Presentments, or the Proceedings taken before or after the making thereof, were not in strict Conformity with the Provisions of the said Act or the said Announcement: And whereas it is necessary and expedient that all Presentments made at any such Sessions before the passing of this Act, which have been approved of, or shall be approved of as herein-after mentioned, and the Advances which have been made or shall be made thereon, and the several Proceedings had and taken or which shall be had and taken thereunder, should be ratified and confirmed, and made as valid and effectual as if the same had been made, done, and carried on pursuant to the Provisions of the said recited Act, and that the Sums of Money therein presented for should be raised, levied, and paid in manner herein-after mentioned, and that all Persons who have acted in any Manner, by reason of such Announcement, in making such Presentments or in taking such Proceedings as aforesaid, should be indemnified and saved harmless from all Penalties and legal Proceedings in consequence thereof: Be it enacted by the Queen'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 all Presentments which have been made at any Presentment Sessions in *Ireland*, called and held under the Provisions of the said recited Act, at any Time before the passing of this Act, and which have been or shall be approved by the Lord Lieutenant of *Ireland* and by the Commissioners of Her Majesty's Treasury, and all Works consequent upon such Presentments, the Execution of which has been or shall be commenced or carried on by or under the Direction of the Commissioners of Public Works in *Ireland*, and all Advances of Public Money for the Execution of the said Works which shall have been or shall be made, and all things done or to be done in Execution of such Presentments, shall be ratified and confirmed, and be as valid and effectual as if the same had been presented and approved and such Advances had been made strictly in accordance with the Provisions of the said recited Act; and the said Commissioners of Public Works shall be authorized to begin, execute, and complete the Works so presented for and approved, in the same Manner

All Presentments made at Presentment Sessions held under recited Act, and approved by Lord Lieutenant and the Treasury, declared valid.

Manner as if the Execution thereof had been or were duly authorized by the said recited Act.

All Persons who have acted in making Presentments, &c. indemnified.

II. And be it enacted, That all Persons who shall have acted in any Manner in making any Presentment under the said Act, or by reason of the said Announcement, or in any Proceeding for giving Effect to any such Presentment, or in making any Advance of Money by reason thereof, shall be freed, acquitted, and indemnified from and against all Penalties and legal Proceedings in consequence thereof.

Where Persons have, under 5 & 6 Vict. c. 89., obtained Presentments for Works of Drainage, &c., and have given Undertakings that the Monies shall be expended upon the Lands specified, the same shall be ratified, &c.

III. And whereas divers Persons, representing themselves to be Proprietors of Land within the Terms of an Act passed in the Sixth Year of the Reign of Her Majesty, intituled *An Act to promote the Drainage of Lands, and Improvement of Navigation and Water Power in connexion with such Drainage, in* Ireland, and divers other Persons, representing themselves to be the Agents of and acting for and on behalf of such Proprietors, have at such Sessions applied for and obtained Presentments for Works of Drainage or Sub-soiling of Lands, and have given Undertakings agreeing that so much of the Monies for which such Presentments were made as should by an Award to be made by the Commissioners of Public Works in *Ireland*, or any Two of them, appear to have been expended upon the Lands specified in the said Undertakings respectively, with Interest thereon at the Rate of Three Pounds Ten Shillings *per Centum per Annum*, should be a Charge on the said Lands exclusively, and should and might be levied out of the same exclusively, which Undertakings have in many Cases been accepted and acted upon by the said Commissioners of Public Works; be it therefore enacted, That all Undertakings which have been or shall be so accepted and acted upon, and all Presentments for Works mentioned and referred to in such Undertakings respectively, made at any Sessions called and held before the passing of this Act, under the Provisions of the said recited Act, in whatever Form or at whatever Time or Times such Undertakings respectively may have been or shall be so given or accepted and acted upon, and in whatever Form or at whatever Time or Times such Presentments respectively may have been made, shall be ratified and confirmed to all Intents and Purposes; and such Undertakings respectively shall be valid and binding upon the Person or Persons respectively giving the same, and upon the Lands therein respectively specified; and the Money mentioned in any such Undertaking, or so much thereof as by an Award to be made by the said Commissioners of Public Works, or any Two of them, and which said Award the said last-mentioned Commissioners, or any Two of them, shall be authorized and required to make, shall appear to have been expended upon any of the Lands specified in any such Undertaking, shall be a Charge on the Lands specified in such Undertaking and Award; and the Money mentioned in any such Award, with Interest thereon at the Rate of Three Pounds Ten Shillings *per Centum per Annum*, shall be charged upon, raised, and levied from and out of the Lands so specified in such Award and shall be payable, at the Time or Times appointed in such Award, by the Person or Persons who, under the Provisions of the said Act passed in the Sixth Year of the Reign of Her Majesty, and of the several Acts for the Amendment thereof,

Money mentioned in such Undertaking shall be a Charge on the Lands.

thereof, would be liable for the Repayment of the same, provided the same had been expended and charged on the said Lands for Works of Drainage executed under the Provisions of the said last-mentioned Acts, and shall be raised, levied, and recovered, by such Persons as the Commissioners of the Treasury shall from Time to Time appoint, in the same Manner, and by the like Remedies, and with the like Powers and Authorities, and subject to the like Provisions, as by the said last-mentioned Acts is provided for the Recovery of Money for Works of Drainage, in so far as the same may be applicable to the Purposes of this Act.

Occupiers paying Money on Demand of Landlord may deduct the same out of his Rent.

IV. And be it enacted, That every Occupier of Land who, not being a Proprietor thereof within the Terms of the said Act passed in the Sixth Year of the Reign of Her Majesty, shall pay any Sum of Money for the Land in his Occupation, charged thereupon under and by virtue of such Award under this Act, shall and is hereby authorized to deduct from and out of his Rent the Amount of the Sum of Money which he shall so pay as aforesaid; and the next immediate Landlord of such Occupier, if not himself such Proprietor of such Land, shall and he is hereby authorized to make the like Deduction from the Rent payable by him, and so on, each Sub-Lessee and Sub-Lessor of such Land, not being such Proprietor, being entitled to deduct the Sum so charged upon such Land under or by virtue of such Award from and out of the Rent payable to his next immediate Landlord, until such Deduction shall be made from the Rent payable to a Person being the Proprietor, within the Terms of the said Act passed in the Sixth Year of the Reign of Her Majesty, who shall not be entitled to make any such Deduction from the Rent (if any) payable by him; and every such Occupier, Sub-Lessee, or Sub-Lessor, as the Case may be, paying any such Sum of Money, shall be acquitted and discharged of the Sum so paid by him, as fully and effectually as if the same had been actually paid to his Landlord, except where there shall be any Lease or Agreement to the contrary, made after the passing of this Act; but nothing herein contained shall extend or be construed to enable any such Occupier, Sub-Lessee, or Sub-Lessor to deduct from his Rent any Costs or Expences incurred by the Nonpayment of the Monies charged and to be levied under and by virtue of this Act.

In case Land so drained being in the Occupation of Persons not Proprietors of the same, Commissioners of Public Works shall fix the Amount of increased Rent the Occupier ought to pay.

V. And be it enacted, That in case any Land which shall be drained or sub-soiled as aforesaid shall at the Time of making any Award under this Act be in the Occupation of any Person who shall not be the Proprietor thereof within the Terms of the said Act passed in the Sixth Year of the Reign of Her Majesty, then and in every such Case the said Commissioners of Public Works shall determine the Amount of increased Rent, if any, which the Occupier of such Lands ought to pay by reason of the draining and sub-soiling thereof, and shall signify their Determination by Indorsement in Writing on the Lease or other Instrument by which such Lands may be held, or by a separate Instrument under their Hands and Seals, or under the Hands and Seals of any Two of them (in which Determination the said Commissioners shall be bound to have regard, and as far as possible to give Effect, to any Agreement which shall

shall be shown to their Satisfaction to have been entered into by the Proprietor and any Person or Persons having an immediate or derivative Title from him in the said Lands respecting the said draining and subsoiling thereof); and the Occupier of such Lands shall pay to his next immediate Landlord the said increased Rent, and the immediate Landlord of such Occupier, if not himself such Proprietor as last aforesaid, shall pay the said increased Rent to his immediate Landlord, and so successively each Sub-Lessor and Sub-Lessee of such Land, not being such Proprietor as last aforesaid, shall pay the same to his immediate Landlord, until such Payment shall be made to the Proprietor of such Lands within the Terms of the said Act passed in the Sixth Year of the Reign of Her Majesty; and the said increased Rent shall be due and payable at the same Times as the Rent originally reserved would be due and payable between the respective Parties and the Landlord of such Occupier; and every intermediate Landlord shall have the same Remedies for the Recovery of such increased Rent as he or they might have or were entitled to have for the Rent originally reserved.

Increased Rent payable at the same Time as original Rent.

VI. And whereas at certain of such Sessions held after the said Fifth Day of *October* Presentments were, by reason of the said Announcement, made for Works other than those of Drainage and subsoiling, but the Proceedings at such Sessions were in many Cases not taken in strict Conformity with the Provisions of the said first-recited Act, nor with the Regulations contained in the said Announcement, and it is necessary to define whether the Cost of Works executed or to be executed in pursuance thereof should be charged upon the Barony, Half Barony, County of the City, or County of the Town for which such Sessions were held, or upon any and what Electoral Divisions or Parts thereof contained within the Limits of such Barony, Half Barony, County of a City, or County of a Town respectively; be it therefore enacted, That any Sum of Money mentioned in any Presentment made at any such Sessions held after the said Fifth Day of *October* last, and before the passing of this Act, or so much thereof as has been or shall be expended in or about the Works executed or to be executed under such Presentments, shall be charged upon the Barony, Half Barony, County of a City, or County of a Town for which such Sessions were held, or upon the Electoral Division or Part thereof situate within such Barony, Half Barony, County of a City, or County of a Town respectively within which such Work shall have been or shall be executed, as shall be determined by the Commissioners of Public Works, by an Instrument under the Hands and Seals of any Two of them: Provided always, that, One Calendar Month at least before executing any such Instrument, the said Commissioners shall cause a Schedule of the Presentments, and of their Determination respecting the Manner of charging the several Sums for which such Presentments were made, to be lodged with the Secretary of the Grand Jury, for the Purpose of being laid before the next Presentment Sessions holden for the Barony or Half Barony, or County of a City or County of a Town in which such Presentments were made; and that if the Justices, and Cess-payers associated with them in the Business of such Presentment Sessions, shall be dissatisfied with the Determination of the said Commissioners respecting the Manner of charging any such Sum, it shall be lawful for

Presentments made after 5th Oct. 1846, and before the passing of this Act, may be assessed either on the Barony at large or on the Electoral Divisions, as shall be determined by the Commissioners of Public Works.

If Justices, &c. be dissatisfied with the Determination of Commis-

sioners, they may present a Memorial to the Lord Lieutenant, who shall inquire into the same, &c.

for them, by Resolution, to appoint any of their Number to prepare and present to the Lord Lieutenant, within Fourteen Days after the holding of such Presentment Sessions, a Memorial, signed by the Chairman of such Presentment Sessions, setting forth the Grounds of their Objections thereunto; and a Copy of every such Memorial, signed by the Chairman of such Presentment Sessions, shall be lodged within the said Fourteen Days in the Office of the said Commissioners; and thereupon the Lord Lieutenant shall inquire into and revise the Determination of the said Commissioners, and if he shall be of opinion that such Determination ought to be altered shall direct in what Manner the Sum referred to in the Memorial shall be charged, and the Decision of the Lord Lieutenant shall be final, and the Commissioners shall execute the said Instrument conformably to such Decision.

As to the raising of Money charged upon the Barony at large.

VII. And be it enacted, That if in such last-mentioned Instrument the said last-mentioned Commissioners shall determine that any such Sum of Money therein mentioned shall be charged upon any such Barony, Half Barony, County of a City, or County of a Town, then the Amount thereof, with Interest at the Rate of Three Pounds and Ten Shillings *per Centum per Annum*, shall be charged upon such Barony, Half Barony, County of a City, or County of a Town, and shall be applotted, raised, levied, recovered, paid, and applied in the like Manner, and by the same Remedies, and with the like Powers and Authorities, and subject to the like Provisions, as by the said first-recited Act is provided with respect to any Monies charged and recoverable by and under that Act.

As to the raising of Money charged upon the Electoral Divisions.

VIII. And be it enacted, That if in such last-mentioned Instrument the said last-mentioned Commissioners shall determine that any such Sum of Money therein mentioned shall be charged upon any Electoral Division, or Part thereof, as aforesaid, then the Amount thereof, with such Interest as last aforesaid, shall be charged exclusively upon the said Electoral Division, or such Part thereof as aforesaid, and shall be applotted, raised, levied, and recovered from and shall be payable by the Occupiers and other Persons rateable and rated for the Relief of the Poor in respect of Lands and Hereditaments within such Electoral Division, or such Part thereof as aforesaid, and shall be applotted, raised, levied, recovered, paid, and applied in the like Manner, and by the same Remedies, and with the like Powers and Authorities, and subject to the like Provisions, so far as the same can be applied, as is by the said first-recited Act provided with respect to any Sum of Money presented under that Act to be raised and levied off any Barony, Half Barony, County of a City, or County of a Town; and all Proceedings with respect to such Presentments shall be deemed to be as valid as if such Electoral Divisions or such Parts thereof as aforesaid respectively were Baronies or Half Baronies, or Counties of Cities or Counties of Towns, and all the Provisions of that Act with reference to any Sum of Money presented to be raised off any Barony, Half Barony, County of a City, or County of a Town shall be in force and be applicable, as far as the Case will admit, to the Money to be raised and levied off such several Electoral Divisions or Parts thereof respectively.

IX. And

IX. And be it enacted, That the said Commissioners shall, within Three Weeks next after the next Meeting of Parliament, and also within Three Weeks next after the Beginning of every following Session of Parliament, until all the Accounts arising out of the Proceedings under the first-recited Act and this Act shall be closed, send to the Commissioners of Her Majesty's Treasury an Account of the several Sums which they shall have certified to the Secretary of the Grand Jury of each County in *Ireland*, or which, by any Award or Instrument as aforesaid, they shall have charged on any County, or County of a City or County of a Town, Barony, Half Barony, or Electoral Division, or the Lands of any Proprietor, in such Form and with such Particulars as shall be directed by the said Commissioners of the Treasury, and a Copy of every such Account shall be laid before both Houses of Parliament.

Accounts of Sums certified to be transmitted to the Treasury, and laid before Parliament.

X. And be it enacted, That the said first-recited Act and this Act shall be construed together as One Act.

This Act and 9 & 10 Vict. c. 107. to be as One Act.

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

Act may be amended, &c.

SCHEDULE.

SIR, Dublin Castle, 5 October 1846.

I AM directed by the Lord Lieutenant to inform you, that his Excellency has had under his Consideration the various Representations which have been made to him of the Operation of the Poor Employment Act, and of the Difficulty of finding in the greater Number of Baronies "Public Works" upon which it would be expedient or beneficial to expend Money to the Extent requisite for affording Employment to the People during the Existence of the present Distress, and with a view of obviating the bad Effects of a great Expenditure of Money in the Execution of Works comparatively unproductive, he desires that the Commissioners of Public Works will direct the Officers acting under them in the respective Counties to consider and report upon such Works of a re-productive Character and permanent Utility as may be presented in the Manner herein-after mentioned at any Sessions held under the above Act; and his Excellency will be prepared to sanction and approve of such of those Works as may be recommended by the Board, and so presented, in the same Manner as if they had been strictly "Public Works," and presented as such in the Manner required by the Act:

1. The Presentment Sessions will estimate the Sum which it may be necessary to raise off the Barony for the Purpose of affording Employment:

2. They

2. They will also ascertain the Proportion of such Assessment which, according to the last Poor Law Valuation, may be chargeable upon each Electoral Division of an Union, or Portion of an Electoral Division (if the whole shall not be included), in the Barony, and they shall obtain for this Purpose, from the Clerk of each Poor Law Union, a Copy of such Valuation:
3. They will present for such useful and profitable Works to be executed in each Electoral Division, to the Amount of its Proportion of the Assessment, ascertained as above:
4. In case of Drainage, however, and sub-soiling so far as it shall be connected with Drainage, an Undertaking shall be given in Writing, and transmitted with the Presentment by the Person or Persons whose Lands are proposed to be drained (being "Proprietor" in the Terms of the Act 5 and 6 Victoria, Chapter 89.), stating that the Money so to be expended shall be a Charge exclusively on the Lands so to be improved, and be levied from the same, according to an Award to be made by the Commissioners, as under the last-mentioned Act and its Amendments.

His Excellency wishes it to be further understood, that in case these Regulations are not acted upon, and the Portions of the Assessment which would be leviable from each Electoral Division are not presented to be expended on some Work within such Division, the Proceedings at such Sessions must be considered with strict reference to the Provisions of the 9th and 10th Victoria, Chapter 107.

His Excellency, considering also that many Baronies have already held Sessions under that Act, to which Baronies the Opportunity of making Applications in the Manner now prescribed has not been afforded, it is his Desire that all Works already sanctioned in those Baronies, or applied for and which it may become requisite to sanction, in order to afford continued Employment, shall be proceeded with until other Sessions may be conveniently held in such Baronies.

His Excellency, in taking upon himself the Responsibility, under the urgent Circumstances of the Case, of inviting the Magistrates and Cess-payers to provide Employment for the People by the Execution of useful and re-productive Works, confidently trusts, with their Assistance, and the Blessing of the Almighty on their united Exertions, that the Calamity with which it has pleased Providence to afflict Ireland may yet in its Results become conducive to the Production of a greater Abundance of human Food from the Soil, and to the future permanent Improvement of the Country.

I have the Honour to be,
Sir,
Your obedient Servant,
H. LABOUCHERE.

The Chairman of the Board
of Public Works.

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