ANNO DECIMO & UNDECIMO

# VICTORIÆ REGINÆ.

*****************************************************

## C A P. LXXX.

**An Act to amend an Act of the last Session, for facilitating the Employment of the labouring Poor in the distressed Districts in *Ireland*, so far as relates to Compensation for Damages.**

[22d *July* 1847.]

WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act to facilitate the Employment of the* 9 & 10 Vict.
*labouring Poor for a limited Period in the distressed Dis-* c. 107.
*tricts in* Ireland: And whereas another Act was passed in the present Session of Parliament, intituled *An Act to render valid certain Pro-* 10 & 11 Vict.
*ceedings for the Relief of Distress in* Ireland, *by Employment of the* c. 10.
*labouring Poor, and to indemnify those who have acted in such Proceedings:* And whereas under the Provisions of the said Acts the Commissioners of Public Works in *Ireland* were authorized to execute the Works therein provided to be executed for the Relief of the Poor, and for that Purpose, by themselves and their Officers and Persons employed by them, to take and acquire any Ground that might be necessary for the making of such Works, Satisfaction being rendered to the Proprietors or Occupiers in the Manner by the said first-recited Act provided: And whereas under the Provisions of the said recited Acts the Cost of executing such Works (save Works of

9 M Drainage

Drainage and Subsoiling in the said secondly-recited Act mentioned) were directed to be charged upon the respective Baronies, Half Baronies, Electoral Divisions, or Parts of Electoral Divisions, Districts, Counties of Cities, or Counties of Towns, as the Case may be, for which such Works were presented, and to be levied in like Manner as Poor Rate, and it is expedient that the Compensation for Damages caused by taking of Land for the Execution of such Works should be charged upon the same respective Places, and in the same Manner respectively: And whereas, owing to the great Extent of the Failure of the Potato Crop, and the Number of such Works required to be executed for the Employment of the Poor, the Compensation claimed for Damages is likely to amount to a considerable Sum, and it is therefore expedient to make other Provision for the Levy and Payment thereof than is by the said first-recited Act provided, and to empower Grand Juries, if they shall so think fit, to postpone such Levy and Payment for a limited Time: Be it therefore 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 after the passing of this Act it shall be lawful for the Grand Jury of any County, County of a City, or County of a Town, at the Summer Assizes of this Year, in Cases of Claims for Compensation for Damages to any Land or Premises taken or occupied for the Purpose of any Works under the Provisions of the said recited Acts, to postpone the making of Presentments in such Cases as to them shall seem expedient, from the said Summer Assizes to the Spring Assizes of the Year One thousand eight hundred and forty-eight, at which last-mentioned Assizes it shall be lawful for the Grand Jury to make Presentment for such Damages in Cases where the Amount of the same shall have been determined on the Trial of Traverses at the said Summer Assizes pursuant to the said recited Acts, without further Notice or Trial, in the same Manner as such Presentments could be made at the said Summer Assizes; and in all other Cases of Claims for such Damages where Presentments shall not have been made as hereby last authorized, or at such Summer Assizes, or, in the Case of the County of *Dublin* at the Presenting Term of this Year (whether or not Application shall have been made for such Damages at such Summer Assizes or Presenting Term), it shall and may be lawful for the respective Persons claiming such Compensation for Damages to any Land or Premises in respect of which Certificates shall have been given by the proper Officers of the said Commissioners of Public Works, or the County Surveyor, as the Case may be, under the Provisions of the first-recited Act or this Act, upon giving such Notice as in the said first-recited Act required, to make any such Application to the Grand Jury, or to enter any such Traverse for Damages, and for the respective Grand Juries to present for such Damages at the Spring Assizes or Presenting Term, as the Case may be, of the Year One thousand eight hundred and forty-eight, but not at any subsequent Assizes or Presenting Term, unless some Order of the Court shall be made at such Spring Assizes or Presenting Term for the Adjournment of any such Application, Traverse, or Presentment respectively, the Sums so presented to be paid in the Manner hereinafter mentioned; and such Applications, Traverses, or Presentments, and the several Matters relating to the same, shall be subject to like Provisions

Grand Jury may postpone Traverses, &c. for Damages under the recited Acts not already tried to the Spring Assizes 1848.

visions as in the said first-recited Act contained as such Provisions are amended by this Act: Provided always, that the Claims of the several Parties interested in the same Premises, and claiming such Compensation, shall, so far as conveniently may be, be heard, considered, or tried together.

Provisions as to Compensation for Damages to apply to Works under secondly-recited Act.

II. And be it enacted and declared, That Applications for Compensation as aforesaid, and Traverses for Damages, may be made, entered, or presented for in respect of Damages caused by the taking of Land for Works executed under the Provisions of the said secondly-recited Act (save Works of Drainage and Subsoiling as aforesaid) in like Manner as in the Case of Works executed under the Provisions of the said first-recited Act; provided that Certificates shall be obtained from the respective Officers of the said Commissioners of Public Works or the County Surveyor, as the Case may be, pursuant to the Provisions of the said first-recited Act as amended by this Act.

Certificates from Officers of the Board of Works.

III And be it enacted, That, any thing in the said first-recited Act to the contrary notwithstanding, any Certificate of the Amount of Damage sustained, or of other Matters in the said Act specified and therein required to be given, by the Officer or County Surveyor by whom any such Works shall have been or shall be executed, may be given by any Officer of the said Commissioners of Public Works by them appointed for that Purpose, and that in such Certificate the total estimated Amount of the Damage or Injury done to all Parties interested in the same Premises may be stated, the Officer making due Allowance in fixing such Amount for any Advantages conferred by such Work upon such Parties: Provided always, that nothing herein or in the said recited Acts contained shall be construed to prevent the Grand Jury, or any Jury before whom such Claim shall be tried upon a Traverse, from increasing or lessening the Amount of Compensation mentioned in such Certificate.

The Amount of Damages presented to be paid to Occupiers shall be levied after the Assizes at which the Presentment is made.

IV. And be it enacted, That in all Cases of Presentments made at the Summer Assizes of this Year, or at any subsequent Assizes, or future Presenting Term, for the Payment of any Sum or Sums of Money to any Person or Persons as the Occupier or Occupiers of any such Land, such Sum or Sums of Money shall be inserted in and levied under the Warrant of the Treasurer, to be issued at the Time of issuing such Treasurer's Warrant for the Levy of Grand Jury Cess after such Assizes or Presenting Term; and such Sum or Sums, when the same shall be levied under such Warrant, shall be paid over to such respective Person or Persons entitled thereto.

Sums awarded for Damages to other Persons than Occupiers may be presented to be raised and paid after the Summer

V. And be it enacted, That any Sum of Money which shall have been presented at the said Summer Assizes of this Year, or which shall hereafter be presented at any Assizes or Presenting Term, for such Damages to be paid to any Person or Persons other than the Occupier of any Land, shall not be levied or inserted in the Treasurer's Warrant for such Levy until after the Summer Assizes or Presenting Term of the Year One thousand eight hundred and forty eight; and in all Cases of such Presentments to be made after the passing

Assizes 1848 or by Ten Instalments.

passing of this Act for such Damages to be paid to such Person or Persons other than Occupiers, it shall be lawful for the respective Grand Juries, if they shall so think fit, to present that the same shall be paid to such Person or Persons other than the Occupier either in One Sum or by any Number of Instalments, not exceeding Ten, after the said Summer Assizes or Presenting Term of the Year One thousand eight hundred and forty-eight, and each succeeding Assizes or Time limited for the Payment of Grand Jury Cess, as the Case may be, till the same shall be fully raised and levied, and such Sum or Instalments shall be accordingly raised and levied, and shall, when so levied, be paid over to the Person or Persons so entitled.

Sums presented for Damages to be raised and levied off respective Baronies, &c. as Poor Rate.

VI. And be it enacted, That any such Sum of Money which shall have been or shall be presented at the said Summer Assizes of this Year, or at any subsequent Assizes, or which hereafter shall be presented at any Presenting Term, for Damages as aforesaid, under the Provisions of the said recited Acts or either of them, shall be raised and levied off the Barony, Half Barony, Electoral Division, Part of an Electoral Division, District, County of a City, or County of a Town, as the Case may be, upon which same shall be chargeable under the Provisions of the said recited Acts, and shall be levied under the Warrant of the Treasurer, which he is hereby required to issue, and shall be charged upon and applotted, raised, and levied upon and from the Occupiers of and other Persons rateable in respect of Lands and Hereditaments within such Barony, Half Barony, Electoral Division, Part of an Electoral Division, District, County of a City, or County of a Town respectively, and rated under the then last preceding Rate or Rates made or from Time to Time made in respect of the same under the Provisions of an Act of the First and Second Years of the Reign of Her present Majesty, for the more effectual Relief of the destitute Poor in *Ireland*, and the several Acts amending the same, and shall be payable by the respective Rate-payers who, under the said last preceding Rate or Rates, shall have paid or contributed or been liable to pay or contribute Rate in respect of Property in such Barony, Half Barony, Electoral Division, Part of an Electoral Division, District, County of a City, or County of a Town, according to the several Valuations and Proportions according to which respectively such last preceding Rate or Rates shall have been so made, charged upon, and payable by the Rate-payers in respect of such Land or Hereditaments respectively; and any such Sum of Money shall be applotted, assessed, and levied by the respective High Constable or Collector of Grand Jury Cess for or in such Barony, Half Barony, or Place, as a Poundage Assessment, equally upon the net annual Value of the several Lands and Hereditaments within such Barony, Half Barony, Electoral Division, Part of an Electoral Division, District, or County of a City or County of a Town respectively, rated as aforesaid, as such net annual Value shall have been stated in such last preceding Rate or Valuation as aforesaid; and on Receipt of the respective County Treasurer's Warrant as aforesaid such High Constable or Collector is hereby authorized and required to levy the Money therein mentioned, and to give to the Parties paying the same separate

Powers of Recovery.

Duplicate Receipts therefor, which shall not be subject to Stamp Duty; and such Money shall and may be collected and levied, sued for and recovered, by such and the same Ways and Means as any Grand Jury Cess, or the Money applotted on the several Persons liable to pay any Grand Jury Cess, or any Rate for the Relief of the destitute Poor, may be collected and levied, and with like Powers, Poundage, Authorities, and Privileges and Immunities to any such Collector as in case of the levying of any Grand Jury Cess, or any Rate for the Relief of the destitute Poor in *Ireland*; and the several Clauses, Provisions, Powers, and Authorities in the said first-recited Act contained with respect to the Monies to be raised and levied under the same, and the Collectors thereof, and their Powers, Proceedings, Securities, and Duties, and the obtaining Copies of Rates and Valuations, and any Penalty in respect of the same, and with respect to any Deduction to be made from any Rent in respect of any Assessment under the said Act, and also the several Provisions and Powers of the said Acts, for the more effectual Relief of the destitute Poor in *Ireland*, with respect to any such Deduction to be made from Rent or Tithe, shall be extended and applied to the Monies to be assessed, raised, or levied under the Provisions of this Act; and the several Words and Expressions to which an extended Meaning is given in the said first-recited Act shall include the like Significations in this Act.

Judge of Assize to certify the Number of Days on which the Court was occupied in trying Traverses for Damages under recited Acts, and to order the Treasurer to pay the Clerk of the Crown Three Guineas for each such Day.

VII. And be it enacted, That it shall be lawful for any Judge at the Assizes or Presenting Term to certify under his Hand the Number of Days on which the Court at such Assizes or Presenting Term shall have been occupied in the hearing or trying of any such Traverses for Damages under the said recited Acts or either of them; and thereupon such Judge shall make out an Order under his Hand, directing the respective Treasurer of the County, County of a City, or County of a Town, or the Finance Committee in the Case of the County of *Dublin*, as the Case may be, to pay to the respective Clerk of the Crown for such respective County, County of a City, or County of a Town a Sum not exceeding the Rate of Three Guineas for each Day, and so in proportion for any Part of a Day, on which it shall appear by such Certificate that the Court was occupied in the hearing or trying of any such Traverses for Damages; and such Treasurer or Finance Committee, as the Case may be, is hereby authorized and required, out of any public Money in his or their Hands, forthwith to pay to such Clerk of the Crown any such Sum of Money so ordered, and such Treasurer or Finance Committee shall be allowed the same in his or their Accounts; and the Grand Jury of such respective County, County of a City, or County of a Town shall, at such Assizes, or the next following Assizes or Presenting Term, as the Case may be, present all Sums so paid to the Clerk of the Crown, to be raised off the respective County, County of a City, or County of a Town, without any previous Application to Presentment Sessions; and it shall not be lawful for any Clerk of the Crown, Crier, or Officer of the Court to demand or take any Fee for or in respect of any such Traverse for Damages, or Presentment of the same, under the said recited Acts or either of them, other than is herein-before provided.

No other Fees to be taken.

Interpretation as to the County of Dublin.

VIII. And be it enacted, That in the Construction of this Act, in the Case of the County of *Dublin*, unless the Context and the Nature of the Case shall require a different Construction, the Word "Assizes" shall include the Presenting Term; the Word "Treasurer" shall include the Finance Committee; and the Periods for the Levy and Payment of Monies under this Act shall, as regards the said County, be deemed to be the respective Periods for the Levy and Payment of the respective Moieties of Grand Jury Cess in such County.

Act may be amended, &c.

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

LONDON: Printed by GEORGE E. EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1847.