

ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

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CAP. LXXXVII.

An Act to facilitate the Recovery of Public Monies advanced for the Relief of Distress in *Ireland* by the Employment of the labouring Poor.

[22d *July* 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, and by the said recited Act Provisions were made for the holding of Extraordinary Presentment Sessions in certain Districts in *Ireland*, and authorizing them to make Presentments for Public Works within the Districts for which such Sessions were held, and authorizing the Commissioners of Public Works in *Ireland*, with the Approval of the Commissioners of Her Majesty's Treasury, and also authorizing the Commissioners of Her Majesty's Treasury, to advance Public Monies in the Manner in the said recited Act directed, for the Execution of such of the said Public Works or such Parts thereof as should be approved as in the said Act required, and providing that the said Commissioners of Public Works should cause the Execution of such Works; and it is by the said recited Act enacted, that the Monies from Time to Time to be advanced, pursuant to the Provisions of the said Act, by the Commissioners of Her Majesty's Treasury, for the Execution of any Works under the said

9 & 10 Vict. c. 107.

said Act, in any County, County of a City, or County of a Town, shall be repaid by Grand Jury Presentments, by half-yearly Instalments, not less than Four and not exceeding Twenty in Number, as the Commissioners of Her Majesty's Treasury shall direct, with Interest at the Rate of Three Pounds Ten Shillings *per Centum per Annum*, and to be raised and levied in the Manner therein-after mentioned off the respective Baronies or Half Baronies, County of a City, or County of a Town in respect whereof the Works shall have been presented; and it is also thereby enacted, that any Sum of Money so to be raised and levied 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, 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 Her present Majesty, intituled *An Act for the more effectual Relief of the destitute Poor in* Ireland, and any Act amending the same, and shall be payable by the respective Rate-payers in manner in the said recited Act provided: And whereas an Act was passed in the present Session of Parliament, intituled *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*, whereby, after reciting the said first-recited Act, and that by reason of the great Increase of Distress in *Ireland* it became necessary to provide further Means of employing the labouring Poor, and reciting that certain of the Proceedings had in relation to Presentments made at Sessions held under the said first-recited Act were not in strict Conformity with the Provisions of the said first-recited Act, it is amongst other things enacted, that such Proceedings should in certain Cases be made valid; and further, that Presentments made at Presentment Sessions after the Fifth Day of *October* One thousand eight hundred and forty-six of Works, other than Works of Drainage and Subsoiling, to be executed in the several Electoral Divisions or Parts of Electoral Divisions within the Barony, Half Barony, County of a City, or County of a Town for which such Sessions shall have been held, should be rendered valid; and that any Sum of Money mentioned in any Presentment made at any such Sessions held after the Fifth Day of *October* then last, and before the passing of the said 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, subject to such Appeal to the Lord Lieutenant, and to such Determination of the Lord Lieutenant thereupon, as in the said Act is provided, and Provision is thereby made for levying such Monies accordingly: And whereas the Failure of the Potato Crop in *Ireland* was more general and caused a greater Amount of Destitution than was anticipated at

1 & 2 Vict. c. 56.

10 & 11 Vict. c. 10.

the Time of the passing of the said first-recited Act, so that in consequence thereof Famine prevailed in many Parts of *Ireland*, and large Sums of Public Money have been advanced by the Commissioners of Her Majesty's Treasury under and for the Purposes of the said recited Acts, and it is expedient that, save as herein-after provided, the Repayment of one Moiety of the said Public Monies advanced as aforesaid, and expended in manner aforesaid for the Relief of such Distress, should, notwithstanding any thing in the said recited Acts, be remitted: And whereas it is also expedient to make further Provision for the Levy and Collection of the other Moiety of the said Sums so advanced and expended, with the Interest thereon, in manner herein-after mentioned: 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 the Commissioners of Public Works in *Ireland* shall, before the Spring Assizes in the Year One thousand eight hundred and forty-eight, and in the Case of the County of *Dublin* before the Presenting Term of the said Year, ascertain and certify to the Commissioners of Her Majesty's Treasury the total Sums of Public Money advanced and expended within each County, County of a City, and County of a Town in *Ireland*, in each Barony, Half Barony, Electoral Division, Part of an Electoral Division, or District thereof, (as the Case may be,) in or about the Execution of Works under the Provisions of the said recited Acts or either of them, save and except Works of Drainage or Subsoiling, referred to and provided for in the said secondly-recited Act, and save and except also Railway Works and other Works (if any) of a private Nature, the Expences of which are to be provided for or payable by any Company, Person or Persons, and which Expences are to be recovered under the Provisions of said recited Acts.

The total Sums expended under recited Acts shall be ascertained by Commissioners of Public Works, and certified to the Treasury.

II. And be it enacted, That one Moiety of the total Sums so ascertained, and certified to the Commissioners of Her Majesty's Treasury to have been expended under the Provisions of the said Acts or either of them, shall be deemed to be a Grant from the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and shall not be liable to be repaid thereto, any thing in the said recited Acts to the contrary notwithstanding.

One Moiety of such Sums to be a free Grant from the Consolidated Fund.

III. And be it enacted, That the other Moiety of the Sums so ascertained and certified, together with the Interest thereon, shall be repaid in the Manner herein-after mentioned, and for such Purpose the said Commissioners of Public Works shall ascertain the Amount of the Interest at the Rate of Three Pounds Ten Shillings *per Centum per Annum* on the Moiety of the Sums so ascertained and certified, calculating the same from the Fifteenth Day of *August* One thousand eight hundred and forty-seven up to the First Day of *March* One thousand eight hundred and forty-eight, and shall add such Amount of Interest in each Case to the Moiety of the Principal Sums so ascertained and certified, and the compound Sums so made up shall be by them certified to the respective Secretaries of Grand Juries as herein-after mentioned.

The other Moiety, with Interest up to 1st March 1848, shall be ascertained, and certified to Secretaries of Grand Juries.

IV. And

An Annuity of Twelve Pounds per Centum per Annum to be paid for Ten Years, in Twenty Instalments, to repay Moiety with Interest.

IV. And whereas it is expedient that the compound Sums of Principal and Interest so ascertained as last aforesaid should, with the Interest to accrue during their Repayment, be discharged and paid by equal Instalments by way of Annuity; be it therefore enacted, That for every Sum of One hundred Pounds of each such compound Sum there shall be paid as herein-after provided an Annuity of Twelve Pounds, and so in proportion for any lesser Sum during the Period of Ten Years, and such Annuity shall be charged upon 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,) in respect of which the said Commissioners shall as herein-after provided certify the same to be due, and such Annuity shall be payable by Two Instalments each Year, One such Instalment at each successive Assizes, until Twenty Instalments shall have been paid, and the first of the same being payable at the Summer Assizes in the Year One thousand eight hundred and forty-eight: Provided always, that in the Case of the County of *Dublin* such Instalments shall be payable at the successive Periods limited for the Payment of the respective Moieties of Grand Jury Cess for such County, the first of such Instalments being paid at the Period limited for the Payment of the first Moiety of such Grand Jury Cess after the Presenting Term of the Year One thousand eight hundred and forty-eight; provided also, that the whole of any such compound Sum chargeable upon any 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, may be paid off at One Payment, in any Case where the Grand Jury shall think fit to make a Presentment for that Purpose, as herein-after provided.

Commissioners of Public Works shall issue a Certificate to each Secretary of a Grand Jury at Spring Assizes 1848 of total Sum expended, the Moiety, with Interest, to be repaid, and the Annuity for Repayment of same.

V. And be it enacted, That the said Commissioners of Public Works shall, before the respective Spring Assizes in the Year One thousand eight hundred and forty-eight, and in the Case of the County of *Dublin* before the Presenting Term of the said Year, certify to the Secretary of the Grand Jury of each County, County of a City, and County of a Town within which any of the said Monies so ascertained and certified shall have been expended, under the Provisions of the said recited Acts or either of them, the total Amount of the said Principal Monies expended within such County, County of a City, or County of a Town, the Moiety thereof repayable as aforesaid, with the Amount of Interest on such Moiety so calculated to the First of *March* One thousand eight hundred and forty-eight, and the Instalment of Annuity payable at each Assizes or such Period as aforesaid, in discharge of such compound Sum of Principal and Interest; and such Certificate shall be in such Form as the Commissioners of Public Works shall, with the Sanction of the Commissioners of Her Majesty's Treasury, think fit and suitable to the Circumstances of the Case, and shall have in a Schedule thereto annexed, and to be deemed a Part of the same, a Statement of the Proportion of such respective Sums of Money which shall so have been expended in, and the Moiety thereof, with Interest as aforesaid, and the Instalment of Annuity as aforesaid, chargeable upon and payable by each or any Barony, Half Barony, Electoral Division, Part of an Electoral Division, or District (as the Case may be) within such County, County of a City, or County

County of a Town; and such Certificate, and Schedule annexed thereto, shall be signed by Two or more of the said Commissioners, and a Copy thereof shall be furnished to the Paymaster of Civil Services in *Ireland*.

Grand Jury at Spring Assizes 1848 shall present for the Moiety and Interest to be paid by Twenty Instalments, as specified in the Certificate.

VI. And be it enacted, That each such Secretary of the Grand Jury shall lay such Certificate before the Grand Jury of the County, County of a City, or County of a Town to which the same shall relate, at the said Spring Assizes, or (in the Case of the County of *Dublin*) at the Presenting Term in the Year One thousand eight hundred and forty-eight; and it shall be lawful for each such Grand Jury, and they are respectively hereby required, without any Application to Presentment Sessions, to present the total compound Sum of Principal and Interest specified in such Certificate to be payable as aforesaid by or out of such County, County of a City, or County of a Town, or any Part thereof respectively, and that the same shall be discharged by the Payment of One such Instalment of Annuity as in such Certificate specified, at each of the next succeeding Assizes or Periods limited for the Payment of the Moieties of Grand Jury Cess as aforesaid, until Twenty such Instalments shall have been paid, each such Instalment of Annuity to be raised and levied off the respective Baronies, Half Baronies, Electoral Divisions, Parts of Electoral Divisions, or Districts, as the Case may be, specified in such Certificate, in the several Proportions therein specified with respect to the same, or off the County of a City or County of a Town, as the Case may be; and in all such Cases, and also in case the Grand Jury of any such County, County of a City, or County of a Town shall fail to present the said Sums and Instalments as mentioned in such Certificate, the Treasurer of such County, County of a City, or County of a Town, and (in the Case of the County of *Dublin*) the Finance Committee, shall and is and are hereby required, at the Time of issuing the Warrants for levying Grand Jury Cess after the said Spring Assizes or Presenting Term in the Year One thousand eight hundred and forty-eight, and after each succeeding Assizes or Presenting Term until Twenty such Instalments shall have been paid, without further Presentment or Authority, to insert the Amount of such Instalment or Instalments of Annuity in a separate Warrant to be by him or them issued for the Levy of the same, such Amount of Instalment to be raised and levied in the Manner and Proportions in the said Certificate specified as aforesaid; and such Proceeding by the Treasurer or Finance Committee shall, in default of such Presentment by Grand Jury, be as good and valid as if such Sums had been duly presented by such Grand Jury: Provided always, that in the Case of the County of *Dublin* the Finance Committee of the said County shall, in each such separate Warrant to be issued by them as aforesaid, insert the Amount of Two such Instalments, one Instalment to be levied within the Period limited for the Payment of One Moiety of Grand Jury Cess in such County after each Presenting Term, and the other Instalment within the Period limited for the Payment of the other Moiety of such Grand Jury Cess; provided also, that it shall be lawful for any such Grand Jury, when they shall so think fit, to present, as herein-after mentioned, that the whole of such compound Sum so charged upon or payable by any

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, shall be paid in One Sum at the Assizes or Period limited as aforesaid next after the Assizes or Presenting Term, as the Case may be, at which such Presentment shall be made.

Each Instalment of Annuity to be raised and levied off respective Baronies, &c. as Poor Rate.

VII. And be it enacted, That any such Sum of Money to be from Time to Time raised and levied off any Barony, Half Barony, Electoral Division, Part of an Electoral Division, District, County of a City, or County of a Town as aforesaid, 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 passed in 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 aforesaid, 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 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 within the same Times as any Grand Jury Cess, and with like Powers, Authorities, Immunities, and Privileges 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, Securities, Remunerations, Proceedings, and Duties, and the obtaining Copies of Rates and

Powers of Recovery.

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.

County Treasurer to pay Instalment of Annuity at each Assizes to Paymaster of Civil Services.

VIII. And be it enacted, That the Treasurer of each such County, County of a City, or County of a Town, or the Finance Committee, (as the Case may be,) shall from Time to Time pay at each Assizes, and in the County of *Dublin* at the respective Times limited for paying in Grand Jury Cess, the Monies due in respect of each such Instalment of Annuity, to the Paymaster of Civil Services in *Ireland*, on account of Repayments under the said recited Acts and this Act, and by him shall be paid over to the said Consolidated Fund, in such Manner as the Commissioners of Her Majesty's Treasury shall direct.

Supplemental Certificate in Cases where certain Baronies have not been included in previous Certificate.

IX. And be it enacted, That in any Case in which by reason of the Pendency of any Appeal from the Decision of the Commissioners of Public Works under the Provisions of the said secondly-recited Act, or for any other Reason, the said Commissioners may be prevented from giving their Certificate to the Secretary of the Grand Jury of any County, County of a City, or County of a Town, before the said Spring Assizes or Presenting Term in the Year One thousand eight hundred and forty-eight, or from including in any such Certificate any particular Portion or Portions of the Monies required to be presented by such Grand Jury, and levied within such County, County of a City, or County of a Town, under the Provisions of the said recited Acts or either of them, it shall be lawful for the said Commissioners in their Certificate, if any, to specify the particular Barony, Half Barony, Electoral Division, Part of an Electoral Division, or District, the Expenditure for which as aforesaid is not included therein, and their said Certificate shall nevertheless be as good and valid for the Sums of Money contained therein as if it had included all the Sums of Money which might have been included therein as aforesaid; and it shall be lawful for the said Commissioners, before the Summer Assizes or Presenting Term in the Year One thousand eight hundred and forty-eight, or any subsequent Assizes or Presenting Term, to transmit to the Secretary of the Grand Jury of such County, County of a City, or County of a Town, a supplemental Certificate, containing the Residue of the Sum or Sums of Money to be presented, raised, and levied therein under the Provisions of the said recited Acts or either of them, or an original Certificate for the whole of such Monies, as the Case may be, but including therein Interest as aforesaid up to the Time when such Certificate respectively shall be given; and such Certificate or supplemental Certificate shall be laid before such Grand Jury at such Assizes or Presenting Term, who shall present for the Monies specified in the same in manner

manner herein-before provided, and the several Provisions herein-before contained shall apply and be extended to such Certificate or supplemental Certificate, and to the Monies specified therein, in like Manner as in the Case of any other Certificate under the Provisions of this Act.

Recited Act and this Act to be as one.

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

Act may be amended, &c

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

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