

ANNO NONO & DECIMO

VICTORIÆ REGINÆ.

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CAP. CVII.

An Act to facilitate the Employment of the labouring Poor for a limited Period in the distressed Districts in *Ireland*. [28th *August* 1846.]

WHEREAS by reason of an apprehended Failure of a Portion of the Potato Crop of the present Season in *Ireland* it is expedient to make Provision for facilitating and encouraging the Employment of the Poor in Districts where Distress may prevail: 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 whenever, on Representation of the Existence of Distress in any District, it may seem expedient to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* that an Extraordinary Presentment Sessions for any Barony, Half Barony, County of a City, or County of a Town in *Ireland*, the County of the City of *Dublin* excepted, should assemble and make Presentments for the Execution of public Works in such District, it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, from Time to Time, by a Notice to be published in the *Dublin Gazette* and also in One or more Newspapers circulating

On Representation of Existence of Distress in any District, Lord Lieutenant may require an Extraordinary Presentment Sessions to be assembled, for the Pre-

sentment of Works under this Act.

circulating in the respective District, and of which Notice Copies shall be posted in the usual Places for posting public Grand Jury Notices in such District, to direct and require that an Extraordinary Presentment Sessions for such Barony, Half Barony, County of a City, or County of a Town, as the Case may be, shall meet and assemble at such Place or Places in such District, for the Purposes of this Act, on such Day or Days and Hours as shall be specified in such Notice, not being sooner than Ten nor later than Fifteen Days after the Publication of such Notice in the Gazette as aforesaid; and it shall and may be lawful for every Justice of the Peace for the County, County of a City, or County of a Town respectively, not being a Stipendiary Magistrate, to attend, and such Justices respectively, and the Cess-payers associated with them respectively, as herein-after mentioned, are hereby required to assemble and to hold such Extraordinary Presentment Sessions respectively, for the Purposes of this Act, in such Place or Places and at such Time or Times as shall have been so appointed.

Justices to hold Sessions for the Purposes of this Act at the Times and Places appointed.

How Sessions are to be constituted.

II. And be it enacted, That the Justices or Justice present at every such Extraordinary Presentment Sessions, together with the Number of the Cess-payers appointed by the Grand Jury at the then preceding Assizes of the County, County of a City, or County of a Town in which such Sessions shall be held, to be associated with the Justices at the Ordinary Presentment Sessions to be holden next after such Assizes, for the Purposes of an Act passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Presentment of public Money by Grand Juries in* Ireland, for the Barony, Half Barony, or the County of a City, or County of a Town, as the Case may be, for which such Extraordinary Presentment Sessions shall be holden, shall constitute such Extraordinary Presentment Sessions; and the Provisions contained in the said recited Act of the Sixth and Seventh Years of the Reign of King *William* the Fourth, relative to the Selection of a Chairman, and of the Cess-payers to be associated with the Justices or Justice at Presentment Sessions, and to the casting Voice of such Chairman, shall, so far as the same are applicable, extend to such Extraordinary Presentment Sessions under this Act, and the Secretary of the Grand Jury and the County Surveyor or Surveyors shall attend thereat, and also an Officer or Person appointed by the Commissioners of Public Works in *Ireland*, if the said Lord Lieutenant or other Chief Governor or Governors shall so think fit to direct.

6 & 7 W. 4. c. 116.

Extraordinary Presentment Sessions may make Presentments for public Works.

III. And be it enacted, That any such Extraordinary Presentment Sessions are hereby authorized and required to make Presentments for public Works within the District for which such Sessions shall be held, specifying in all such Presentments the maximum Amount which shall be raised for the Execution of any such Work; and the said Extraordinary Presentment Sessions shall sit from Day to Day until

until all the Business which may come before them of the Nature hereby described be despatched, or may adjourn for any Period not exceeding Three Days; and every such Presentment so made by such Sessions shall be as valid and effectual for the Purposes of this Act as if the same had been duly presented by the Grand Jury, and fiated by the Court at any Assizes or Presenting Term.

A Schedule of Works presented shall be signed by the Chairman, and transmitted to the Lord Lieutenant for his Sanction, and the Approval of the Treasury.

IV. And be it enacted, That the Chairman at such Sessions shall cause to be made out, and shall sign with his Name, a Schedule of all Works which shall have been duly approved and presented at such Sessions respectively, and the Sums presented for the same, and shall deposit such Schedule with the Secretary of the Grand Jury of such County, County of a City, or County of a Town, who within Three Days shall transmit to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* a Copy, signed by himself, of such Schedule of Works so presented at such Presentment Sessions; and it shall be lawful for the said Lord Lieutenant or other Chief Governor or Governors, if he or they shall so think fit, to cause the same to be reported upon by the Commissioners of Public Works, and to be afterwards transmitted to the Commissioners of Her Majesty's Treasury, for their Sanction and Approval.

Treasury may make Advances for such Works to the Board of Works, and authorize the Board of Works to execute them, and render an Account to the Treasury.

6 & 7 Vict. c. 44.

V. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury from Time to Time to authorize the Commissioners of Public Works in *Ireland* to execute the said Works so presented and specified in any such Schedule of Works, or such of the said Works, or such Part of them, as the said Commissioners of the Treasury shall think fit, at and for an Amount not exceeding the Amount so presented for each such Work respectively, or proportionate Part of it; and it shall be lawful for the said Commissioners of Public Works in *Ireland*, with the Approval of the Commissioners of Her Majesty's Treasury, to advance out of any Monies applicable to Loans at the Disposal of the said Commissioners of Public Works under the Provisions of the Act of the Seventh Year of the Reign of Her present Majesty, intituled *An Act to amend the Act for carrying on Public Works in* Ireland, or any Act or Acts to amend the same, the several and respective Sums of Money so presented for each and every such Work, or proportionate Part of it, so authorized to be by them executed, to be by the said Commissioners of Public Works applied and expended respectively to and for and in the Execution of the said several and respective Works so to be executed by them, and to be accounted for to the said Commissioners of the Treasury, or for the said Commissioners of Her Majesty's Treasury to direct, if they shall so think fit, the Advance of the said several and respective Sums out of the Produce of the Consolidated Fund.

The Board of Works shall proceed to execute such

VI. And be it enacted, That the said Commissioners of Public Works shall, upon the Receipt of any such Warrant of the said Commissioners

Works as are authorized to be proceeded with, subject to Approval of the Lord Lieutenant.

Commissioners of the Treasury, cause the Execution or Construction of any such respective Works therein authorized to be proceeded with, subject nevertheless to such Directions as they may from Time to Time receive from the said Lord Lieutenant or other Chief Governor or Governors of *Ireland*, and shall for such Purpose have and use all such Powers and Authorities as they are by any of the Acts now in force for the Extension and Promotion of Public Works in *Ireland* invested with for the Construction of any Road or Bridge or other Work for the Construction whereof a Grant shall have been sanctioned by the said Commissioners of the Treasury, and also all Rights, Powers, Authorities, and Privileges of any County Surveyor or Contractor acting under and by virtue of the said Act passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth; intituled *An Act to consolidate and amend the Laws relating to the Presentment of public Money by Grand Juries in* Ireland.

6 & 7 W. 4. c. 116.

County Surveyors to assist in such Works, as directed by the Lord Lieutenant or Commissioners of Public Works.

VII. And be it enacted, That the several County Surveyors in *Ireland*, and their Assistants, do and shall, from and after the passing of this Act, in addition to all their other Duties, obey, perform, and execute, either alone or conjointly with or subject to the Direction of any other Person or Persons to be appointed for that Purpose by the said Commissioners of Public Works, all such Orders and Directions as the Commissioners of Public Works shall from Time to Time issue and transmit to them or any of them respecting the planning, laying out, superintending, or overseeing any such Work or Works within their respective Counties, as shall be specified in and by such Orders or Directions; and all and every the Powers and Authorities or Provisions given or contained in the Acts for consolidating and amending the Laws relating to the Presentment of public Money by Grand Juries in *Ireland*, with reference to the Execution of Works thereunder, shall, as far as the same are applicable, extend and apply to the executing of such Works as aforesaid by the County Surveyor or his Assistants; and any such County Surveyor or Surveyors or Assistants (in addition to his or their usual Salary) shall, in consideration of such Employment for the Purposes of this Act, receive such further Remuneration as the said Lord Lieutenant or other Chief Governor or Governors shall deem fit and sufficient.

Advances from the Treasury to be repaid by compulsory Presentment by half-yearly Instalments.

VIII. And be it enacted, That the Monies from Time to Time to be advanced, pursuant to the Provisions of this Act, by the Commissioners of Her Majesty's Treasury, for the Execution of any Works under this 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 the Commissioners of Public Works shall from Time to Time certify to the Secretary of the Grand Jury of each such

County, County of a City, or County of a Town in which respectively such Works shall have been executed the Amount of the Instalment or Instalments so to be repaid; and each such Secretary of the Grand Jury shall lay such Certificate before the Grand Jury of such County, County of a City, or County of a Town, at the next Assizes or Presenting Term after he shall receive the same; and it shall be lawful for every such Grand Jury, and they are hereby required, to present the Sum mentioned in every such Certificate relating to such County, County of a City, or County of a Town to be raised and levied in the Manner herein-after mentioned off the respective Baronies or Half Baronies, County of a City, or County of a Town in respect whereof the Works for which any such Monies shall be so advanced by the said Commissioners shall have been presented; and the Treasurer of such County, County of a City, or County of a Town shall pay the Sum so presented by the Grand Jury, when and as by him received, into the Bank of *Ireland*, to the Credit of the Paymaster of Civil Services, on account of Loans under this Act, or in such other Manner as the said Commissioners of the Treasury shall direct; provided always, that such Treasurer shall issue a separate Warrant for the Levy of the Sum mentioned in any such Certificate; and if the Grand Jury of any County, County of a City, or County of a Town shall fail to present the Sum, or any Part thereof, contained in any such Certificate, relating to such County, County of a City, or County of a Town, the Treasurer of such County, County of a City, or County of a Town shall and he is hereby required to insert such Sum, or such omitted Part thereof, in such separate Warrant for raising such Monies as if such Sum had been duly presented by such Grand Jury to be raised in manner herein-after mentioned off the respective Baronies or Half Baronies properly chargeable therewith as aforesaid, or County of a City, or County of a Town, (as the Case may be,) and the same shall be raised and levied off such Barony or Half Barony, County of a City, or County of a Town, (as the Case may be,) accordingly, as if the same had been so presented; and the said Treasurer shall pay over the Amount, when by him received, as herein-before provided in the Case of such Money being presented by the Grand Jury.

In case the Grand Jury fail to present, Treasurer may insert such Sum in the Warrant, which shall be levied as if it had been presented.

IX. And be it enacted, That any Sum of Money so to be raised and levied off any Barony, Half Barony, County of a City, or County of a Town, under the Provisions of this Act, 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 who under the said last preceding

Such Sums to be assessed and levied like the Poor Rate, according to 1 & 2 Vict. c. 56. &c.

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, 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 Lands 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 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, 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 Receipts, 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, may be collected and levied, and with like Powers, Authorities, and Privileges to any such Collector as in case of the levying of any Grand Jury Cess.

Condition of Bond to be entered into by Collectors of Grand Jury Cess.

X. And be it enacted, That the Condition of every Bond of a Collector of Grand Jury Cess, to be hereafter given or executed by way of Security for duly collecting and paying public Money, shall contain a Condition for his duly collecting and paying to the Treasurer of the County, County of a City, or County of a Town in which such Collector shall act, on or before the first Day of the next Assizes, all such Money as he shall be authorized to levy under this Act; and such Bond shall be exempt from Stamp Duty, and shall be subject to all Provisions now applicable to any Bond to be given or executed by any Collector of Grand Jury Cess.

Copies of Rate may be taken for Purposes of this Act.

XI. And be it enacted, That for the Purpose of ascertaining the rateable Property, and the Rate-payers, within any such Barony, Half Barony, County of a City, or County of a Town as aforesaid, it shall and may be lawful for the respective Collector of Grand Jury Cess to apply to the Guardians of the Union or respective Unions within which such respective Lands shall be situate; and such respective Guardians are hereby required to permit and suffer such Collector, or any Person authorized by him, in Writing and under his Hand, to take a Copy or Copies of so much of any such last preceding Rate or Rates or Valuation as aforesaid as relates to any of such respective Lands or Hereditaments within any such District; and in case any Person or Persons having the Custody of any such Rate or Rates, or Valuation, refuse to permit or shall not permit such Collector, or Person so

authorized by him, to take such Copy or Copies thereof or Extracts therefrom respectively as aforesaid, the Person or Persons refusing or not permitting such Copy or Extract to be made shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Proportion of Assessment to be deducted from Rent.

XII. And be it enacted, That when any Person occupying such Lands or Hereditaments within any such District shall be liable to pay a Rent in respect of the same, he may deduct from such Rent, for each Pound of the Rent which he shall be liable so to pay, One Half of the Sum which he shall have paid as such Assessment in respect of each Pound of the net annual Value (whether such Rent shall be greater or less than such net annual Value), and so in proportion for any less Sum than a Pound.

Where more than One Rent is paid.

XIII. And be it enacted, That where any Person receiving Rent in respect of any such rateable Property within such District shall also pay a Rent in respect of the same, he shall be entitled to deduct from the Rent so paid by him a Sum bearing such a Proportion to the Amount of such Assessment deducted from the Rent received by him as the Rent paid by him bears to the Rent received by him: Provided always, that every Lessor assessed instead of any Occupier of rateable Property shall be entitled to deduct from any Rent paid by him in respect of such Property a Sum bearing such a Proportion to One Half of the Assessment on such Property as the Rent paid by him bears to the net annual Value of such Property.

Receipts to be accepted by Persons entitled to Rents, in lieu of Sums authorized to be deducted.

XIV. And be it enacted, That in all Cases the Receipt for any such Sum of Money so to be levied as aforesaid shall be accepted by every Person entitled to receive Rent in respect of the same Property, in lieu of such a Sum of Money, and in full consideration of such Portion of Rent, as the Person tendering such Receipt is hereby entitled to deduct from such Rent by reason of his Payment of the Sum for which such Receipt shall be given: Provided always, that no such Deduction shall be held to prejudice the Right of any Landlord to recover the Possession of any Hereditaments by Ejectment for Nonpayment of the Rent thereof, in any Case where the remaining Portion of the Rent shall be unpaid.

Expences of Secretary of Grand Jury in attending Sessions, and Remuneration to Collector, to be presented by Grand Jury.

XV. And be it enacted, That the Grand Jury of any County, County of a City, or County of a Town in which any such Extraordinary Presentment Sessions shall be held as aforesaid shall, without Application to the Presentment Sessions, present, to be levied off the County at large, County of a City, or County of a Town, to be paid to any such Secretary of the Grand Jury of the same, such Sums of Money as shall be actually expended or incurred by him for Expences out of Pocket in or in respect of Attendance at any such Extraordinary Presentment Sessions, and shall likewise present, to be paid to any such Collector as aforesaid, such Remuneration for the Collection of such

such Assessment as is payable in the Case of the Collection of Grand Jury Cess, and such further Sum as he may have reasonably incurred for the Expence of obtaining Copies of any such Rate or Valuation, and also a reasonable Remuneration for making such Applotment as aforesaid.

Board of Works empowered to take Lands, &c. rendering Satisfaction in manner herein mentioned.

XVI. And be it enacted, That the said Commissioners of Public Works shall and may and they are hereby empowered, themselves, their Agents, Surveyors, Workmen, and all other Persons by them employed and authorized, at all such Times as to the said Commissioners may seem fit and convenient, to enter into and upon any Lands or Grounds whatsoever which it may be deemed proper or necessary to survey for the Purpose of making any Road or other Work under the Provisions of this Act; and that the said Commissioners shall have Power and Authority to take and acquire all such Ground as may be necessary for making the said Roads or other Works, such Satisfaction to be rendered therefor to the Proprietor or Proprietors, Occupier or Occupiers, as may be determined in manner herein-after mentioned.

When any Ground shall be taken for Works under this Act, Owners, &c. of Land taken to obtain from the Board of Works or County Surveyor a Certificate of the Value, &c. of the same, upon Production of which Grand Jury to present a Sum of Money for Damage sustained.

In case Owner, &c. shall not make Application to Grand Jury, he may apply to the Assizes, and traverse for Damages.

XVII. And be it enacted, That when any public Work shall be presented or executed under the Provisions of this Act it shall be lawful for any Occupier or Owner of any Ground taken and occupied for the Purpose of such Work to demand and obtain from the Officer of the said Commissioners of Public Works, or the County Surveyor, as the Case may be, by whom such Work shall have been or shall be executed, a Certificate under his Hand, which such Officer or Surveyor is hereby required to give, stating the Quantity of Ground belonging to such Occupier or Owner which shall have been so taken and occupied for the Purpose of such Work, and an Estimate of the average annual Value of such Ground, the Tenure of such Occupier or Owner thereof, and an Estimate of the total Damage sustained by him or either of them by the taking and occupying of such Ground for the Purpose of such Work; and upon giving or tendering such Certificate it shall be lawful for such Officer or Surveyor as aforesaid to proceed in the Execution of such Work, without the Interruption of any Person; and it shall be lawful for any such Owner or Occupier, or either or each of them, at the Assizes next following the giving of the said Certificate, or at the next subsequent Assizes, upon giving Ten Days Notice, previously to such Assizes respectively, to the Secretary of the Grand Jury, of the Amount of Damages intended to be claimed, to have a Traverse for Damages entered in the Crown Book in respect of such Damage sustained by him; and thereupon such Traverse shall be tried in like Manner, and like Proceedings shall be had, and like Presentment made in respect of the same, and subject to like Provisions, as far as the same can be applied, as in the Case of Traverses entered for Damages under the Acts for consolidating and amending the Laws relating to the Presentment of public Monies by Grand Juries in *Ireland*: Provided always,

always, that whenever the Sum mentioned in the said Certificate shall not exceed the Sum of Ten Pounds it shall and may be lawful for the Person and Persons to whom such Certificate shall be given, either to make Application to the Grand Jury at the Assizes next following the giving of such Certificate, or the next subsequent Assizes, for the Amount of Damages specified in such Certificate, not exceeding the Extent aforesaid; and thereupon it shall be lawful for the Grand Jury to present, without previous Application to Presentment Sessions, such Sum or Sums of Money, not exceeding the Amount aforesaid, for the Use of such Owner or Occupier, or each of them, as the Case may be, in respect of the Damage sustained by him or them, as they, upon Inspection of such Certificate, shall deem reasonable, to be raised off the Barony or Half Barony in which such Ground shall be situated, and to such Presentment no Traverse shall be allowed or received; but in case such Owner or Occupier shall not think fit to make such Application to the Grand Jury, it shall be lawful for him, at the Assizes next following the giving of the said Certificate, or at the next subsequent Assizes, upon giving Ten Days Notice previously to such Assizes to the Secretary of the Grand Jury of the Amount of Damages intended to be claimed, to have a Traverse for Damages entered in the Crown Book in respect of such Damage sustained by him; and thereupon such Traverse shall be tried in like Manner, and like Proceedings shall be had, and like Presentment made in respect of the same, and subject to the like Provisions, as far as the same can be applied, as in the Case of Traverses entered for Damages under the Acts for consolidating and amending the Laws relating to the Presentment of public Monies by Grand Juries in *Ireland*.

Lord Lieutenant may, in certain Cases, constitute Districts less than Baronies or Half Baronies, with the same Powers as to Baronial and Half Baronial Presentments.

XVIII. And whereas from the large Size of Baronies and Half Baronies in Parts of *Ireland* it may in some Cases be expedient that Presentment Sessions as aforesaid should be held for less Districts than a Barony or Half Barony; be it enacted, That the Lord Lieutenant or Chief Governor or Governors of *Ireland* for the Time being, by and with the Advice of the Privy Council of *Ireland*, may, if he or they shall think fit, constitute any Number of Parishes in any Barony or Half Barony into a District for the Purposes of this Act, and may direct a Presentment Sessions to be held in and for any such District so to be constituted; and the Justices of the Peace resident in such District so constituted, and Five Cess-payers to be chosen by Ballot out of the Twenty Cess-payers resident within such District who shall be rated to the highest Amount to the County Cess, shall constitute such Sessions; and all the Powers to be exercised for any Barony or Half Barony by the Baronial or Half Baronial Presentment Sessions under this Act shall be exercised by such Sessions so constituted as aforesaid within any such District, and all the Powers, Clauses, and Provisions of this Act in respect of any Baronial or Half Baronial Presentment Sessions shall be extended and applied to such Sessions so held in and for any such District constituted as aforesaid,

so far as the same may be applicable, in respect to all Applications for Works to be executed within such District, in the Manner provided for by this Act, and for the Execution of such Works, and for a Payment of the Sums to be advanced for the Execution thereof, in the same Manner as if such Sessions were held for a Barony or Half Barony under this Act.

Interpretation of Act.

XIX. And be it enacted, That in the Construction of this Act, as regards the County of *Dublin*, the Word "Treasurer" shall include the "Finance Committee;" and the Word "Assizes" shall include the "Presenting Term;" and the Expressions "Collectors" and Collector of Grand Jury Cess shall include the High Constable.

No Presentment Sessions to be held after 15th August 1847.

XX. And be it enacted, That no Presentment Sessions shall be holden, nor shall any such Work as aforesaid be commenced, under the Provisions of this Act, after the Fifteenth Day of *August* One thousand eight hundred and forty-seven.

Act may be amended, &c.

XXI. 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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