

ANNO QUARTO

GEORGII IV. REGIS.

CAP. XXXIII.

An Act to make more effectual Regulations for the Election, and to secure the Performance of the Duties, of County Treasurers in *Ireland*.

[30th *May* 1823.]

WHEREAS it is expedient that more effectual Provisions should be made for regulating the Election and securing the Performance of the Duties of Treasurers of Counties and Counties of Cities and Towns in *Ireland*; be it therefore enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That at any Time after the passing of this Act, whenever the Office of Treasurer of any County, or County of a City, or County of a Town, shall be and become vacant by Death, Resignation, or otherwise, Notice of such Vacancy, signed by the Secretary of the Grand Jury of the County, County of a City, or County of a Town, where such Vacancy shall happen, shall be inserted Three Times at the least in the *Dublin Gazette*, and also a Notice therein, and in some Newspaper (if there shall be any such) published in the County, County of a City, or County of a Town, that the Election of a Treasurer for such County, County of a City, or County of a Town, will be held at some Day not less than Fourteen Days distant from the Date of such Notice, at the County Town of the County, or at the

Notice to be given of Election of Treasurers on future Vacancies in manner herein mentioned.

County of a City or County of a Town, as the Case may be, and at such Hour as shall be mentioned in such Notice; and it shall be lawful for the Secretary of the Grand Jury to give Notice of such Meeting according to the Directions of any Three Magistrates, qualified to elect such Treasurer as herein-after mentioned.

Magistrates making such Election shall be qualified as required by 59 G. 3. c. 84.

II. And be it further enacted, That from and after the passing of this Act, the Election of any Person to the Office of Treasurer of any County, County of a City, or County of a Town, in *Ireland*, shall be made at a Meeting of the Magistrates to be held pursuant to such Notice as aforesaid, and that it shall not be lawful for any Magistrate to meet or vote at any such Election, who shall not be qualified in such and the like Manner as is required for Magistrates assembling and holding any Special Sessions for the Purposes of an Act made in the Fifty-ninth Year of the Reign of His late Majesty, intituled *An Act to amend the Laws for making, repairing, and improving the Roads and other public Works in* Ireland, *by Grand Jury Presentments, and for a more effectual Investigation of such Presentments, and for further securing a true, full, and faithful Account of all Monies levied under the same;* and every Magistrate assembled at such Meeting for the Election of any Treasurer shall, previous to acting or giving his Vote at such Meeting, make such Oath of his Qualification as is required by the said recited Act: Provided always, that if such Qualification shall arise from any Freehold or Leasehold Estate, the same shall be situate in the County, County of a City, or County of a Town for which such Election shall take place; and that such Meeting shall consist of not less than Seven Magistrates so qualified, in the Case of Election of a Treasurer for any County, and of not less than Three of the Magistrates appointed by Charter or otherwise, in the Case of Election of a Treasurer of a County or County of a City or County of a Town; and that the senior Magistrate, or such Magistrate as shall be elected thereto, shall preside at such Meeting.

Qualification to be situate in the County, &c. for which the Election shall take place.

Number of Magistrates required to be present.

Candidates for Treasurer to make Oath that they possess Property equal in Amount to the Sum required, specified in Schedule A., or tender Security.

III. And be it further enacted, That from and after the passing of this Act, no Person shall be permitted or allowed to be a Candidate for the Office of Treasurer of any County, County of a City, or County of a Town, in *Ireland*, who shall not make Oath, in Presence of the Magistrates at the Meeting assembled for the Purpose of such Election, and previous to their proceeding to such Election, and which Oath the presiding Magistrate at such Meeting is hereby authorized, empowered, and required to administer, that such Person so being such Candidate is possessed of Property, Real or Personal, or partly Real and partly Personal, in his own Right, equal in Amount to the Sum for which he shall be required to bind himself personally according to the Amount in the Schedule (A.) to this Act annexed, over and above all his just Debts, and all Charges by Settlement or otherwise on such Property, or that he shall tender to such Magistrates so assembled such Security as shall appear to them equal in Amount thereto.

After 1st Mar. 1824, no Treasurer

IV. And be it further enacted, That it shall not be lawful for any Person, who at the Time of the passing of this Act shall be a

Treasurer, or who at any Time after the passing of this Act shall be elected to be Treasurer of any County, County of a City, or County of a Town, to act as such Treasurer at any Time after the First Day of *March* One thousand eight hundred and twenty-four, unless such Person being such Treasurer at the Time of the passing of this Act shall, before the End of the Quarter Session which shall be held in *January* next after the passing of this Act, produce to the Magistrates assembled at such Session, or being elected to be such Treasurer at any Time after the passing of this Act, shall at the Session next after his Election to such Office, (if such Session shall take place at any Period after the Expiration of One Month next after such Election), or otherwise at the General or Quarter Sessions or Assizes next after the Expiration of such Period of One Month (as the Case may be), produce to the Magistrates assembled at such Session, or to the Grand Jury at such Assizes, the Opinion of His Majesty's Attorney or Solicitor General for *Ireland*, or of a King's Serjeant there, approving the Validity of the Securities given by such Treasurer and his Sureties, to the Amount of the Sums specified in the Schedule (A.) to this Act annexed; nor unless such Treasurer shall, previous to such Sessions or Assizes respectively, have entered into Recognizances to His Majesty with not less than Two Sureties, and with not more than Six Sureties, to the Amount specified in the Schedule (A.) annexed to this Act, conditioned for the due Performance of the Duties of his Office, and for duly accounting for all Monies received by him on account of such County, County of a City, or County of a Town; and a Certificate of such Opinions having been produced, and of such Recognizances having been entered into, signed by the Chairman of such Sessions, or by the Foreman of such Grand Jury respectively, and also a Certificate signed by the proper Officer of the Court of Exchequer in *Ireland*, that such Recognizances have been duly deposited and entered or recorded therein, as herein-after is provided, shall be laid before the Judge on the Second Day of the ensuing Assizes.

shall act without producing a Certificate of the Validity of his Sureties, &c.

V. And be it further enacted, That every such Recognizance, when duly deposited and entered or recorded in the Court of Exchequer at *Dublin*, and shall have Priority over all other Securities for Debt, and before all other Debts of any Treasurer or his Securities entering into such Recognizances, entered into or contracted after such Recognizance shall have been so entered or recorded, in like Manner to all Intents and Purposes as in the Case of any Collector or Receiver of any of His Majesty's Revenues in *Ireland*.

Recognizances of Treasurer shall have Priority over all subsequent Debts.

VI. Provided always, and be it enacted, That in lieu and instead of entering into the Recognizances to the Amount and with the Sureties required by this Act, it shall and may be lawful for any Person who at the Time of the passing of this Act shall be a Treasurer, or who at any Time after the passing of this Act shall be elected to be a Treasurer of any County, County of a City, or County of a Town, to invest in any of the Government Funds or Securities transferable at the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the Court of Chancery of *Ireland*, *ex parte*

Treasurer may invest in Government Funds any Sum equal to the Amount of Security, in the Name of the Accountant General in Chancery, and on Pro-

duction of Certificate of such Investment, the Treasurer shall be discharged from entering into Recognizance or giving Security.

parte such Person, and the County, County of a City, or County of a Town of which such Person shall be Treasurer, such Sum of Money as shall be equal to the Amount of Security required to be given by such Treasurer, to be applied under the Orders of the said Court of Chancery, and which Orders such Court is hereby authorized to make from Time to Time in a summary Manner, on the Application of any Person or Persons authorized by the Grand Jury, for the Purpose of making good any Deficiencies in accounting for any Money received by such Treasurer on account of such County, County of a City, or County of a Town; and a Certificate that such Investment has been made, signed by such Accountant General, shall be produced to the Magistrates at the Sessions or Assizes, and shall be laid before the Judge on the Second Day of the Assizes, in manner required by this Act with respect to the Opinion of the Attorney or Solicitor General on the Validity of the Securities of such Treasurer, and with respect to the Certificate of the Officer of the Exchequer in *Ireland* of the duly depositing, entering, and recording of Recognizances required by this Act; and in such Case such Treasurer shall be and is hereby discharged from entering into any Recognizances or giving any such Security as is required by this Act; and after the Death or Resignation of such Treasurer it shall be lawful for the Court of Chancery, by any summary Order or Orders, to direct the Transfer of such Securities, or any Part thereof, in the first place, in Payment of any Sum or Sums which may be due from such Treasurer in respect of his Office of Treasurer, in preference to all other Debts and to all other Claims on the Property of such Treasurer, and to direct the Transfer of the Remainder of such Securities (or in case no such Sum or Sums shall be so due, then to direct the Transfer of the Whole of such Securities) to such Treasurer, or to or among the Representatives of such Treasurer, or to or among such other Person or Persons as shall appear to such Court to be entitled thereto, or to any Part thereof: Provided always, that the Interest and Dividends of the Government Funds and Securities in which any Sum shall be so invested, shall from Time to Time be received by and be paid and payable to the Treasurer by whom the same was so invested, until some Order or Orders of the said Court of Chancery shall be made to the contrary.

Dividends to be paid to the Treasurer.

Treasurer shall keep open his Office at Assize Towns in Manner herein mentioned.

Collectors shall pay into such Office the Amount of their Collections.

VII. And be it further enacted, That from and after the passing of this Act, every Treasurer of any County, County of a City, or County of a Town, in *Ireland*, shall keep open his public Office in the Assize Town for Three Days at least before the first Day, and Six Days at least after the last Day of each of the Two Assizes, and for the last Day of the *October* Sessions and the Six subsequent Days, during Six Hours at least in each and every such Days (*Sundays* excepted), for the Transaction of the Business relating to the Duty of his Office; and that the several Collectors of the Grand Jury Assessments of every County, County of a City, or County of a Town, shall, Two Days at least before the first Day of every Assizes, pay into the Office of the Treasurer at such Assize Town, the Amount of all Assessments collected by such Collectors; and in case such Payments shall not be fully made by such Collector Two Days at least before the first Day of

of every such Assizes, such Collector shall lose and forfeit all Poundage payable to him on the Collection of such Assessments, and no Payment or Allowance of such Poundage shall in such Case be paid or allowed to such Collector, any Law, Custom, or Regulation to the contrary notwithstanding.

VIII. And be it further enacted, That from and after the passing of this Act, it shall not be lawful for the Treasurer of any County, County of a City, or County of a Town, to make any Composition for any Sum duly assessed on any Person or Persons under the Presentment of the Grand Jury, or to receive any less Sum than the Sum so duly assessed, nor to make any Deduction from any such Sum or Sums, other than such as he shall duly account for; and that every such Treasurer shall lay before the Grand Jury on the first Day of every Assizes, an exact Statement of his Accounts up to that Day, duly made up for the Examination of such Grand Jury; and that if any such Treasurer shall be guilty of any Offence or Neglect contrary to the Provisions of this Act in the Particulars last aforesaid, or if any such Treasurer shall refuse or neglect to pay and make up the Amount of all such Queries as shall have been discharged according to Law, without any Deduction in the way of Discount or otherwise, and without Fee or Reward, other than the Salary payable to him under this Act, and the Schedule (A.) thereto annexed; or if any such Treasurer shall act as such until the Validity of the Security and Sureties given or offered by him shall be approved in Manner required by this Act, or before the Recognizance or Recognizances entered into by such Treasurer and his Sureties shall be duly entered and recorded in the Court of Exchequer in *Ireland*, and a Certificate thereof be given by the proper Officer in the said Court of Exchequer, it shall be lawful for the Judge of Assizes of the County, County of a City, or County of a Town respectively, to fine such Officer in any Sum not exceeding One hundred Pounds, and to dismiss him from his Office of Treasurer; and in case of such Dismissal, such Person so dismissed shall be for ever afterwards incapable of holding the Office of Treasurer of any County, County of a City, or County of a Town, in *Ireland*.

Treasurer shall not compound for Assessments.

Treasurer to lay his Account before the Grand Jury at every Assizes.

Penalty and Forfeiture of Office for Neglect, &c.

IX. And be it further enacted, That each and every the several Grand Juries of *Ireland* shall at each and every Assizes, at the Time of delivering in their Presentments, annex to the Schedule thereof, and deliver in to the going Judge of Assize, a Certificate that they have examined into the several Particulars herein-before directed to be observed, and that the Treasurer has duly conformed thereto, or otherwise, as the Case may be.

Certificate of Examination to be delivered to Judge of Assize.

X. And be it further enacted, That from and after the passing of this Act, a complete and accurate Abstract of the Accounts of the Treasurer of every County, County of a City, and County of a Town, stating all his Receipts and Payments from the Assizes immediately preceding, and also the Balance in Hand at the Commencement of such Account, and the Balance of Public Money then remaining in the Hands of such Treasurer, which shall be stated at the Foot of such Account, shall after the Termination of every Assizes be made

Treasurer's Account shall be printed.

out by such Treasurer, and shall be printed and prefixed to the printed Copies of undischarged Queries, as the same are required by Law to be printed after the End of every Assizes.

Treasurer shall not receive any thing beyond his Salary according to Schedule annexed.

XI. And be it further enacted, That from and after the passing of this Act every Treasurer of any County, County of a City, and County of a Town in *Ireland*, shall be paid and remunerated for all Duties, Services, and Expences of his Offices by an annual Salary only, payable Half-yearly, at each several Assizes, by equal Moieties, according to the Amount mentioned in the Schedule (A.) to this Act annexed, as applicable to the County, County of a City, or County of a Town, of which he shall be Treasurer; and that it shall not be lawful for any Grand Jury of any County, County of a City, or County of a Town, in any Case to make Presentment of any Sum or Sums for any such Treasurer at the several Assizes to be held in any One Year in any such County, County of a City, or County of a Town, exceeding in the Whole the Amount of the annual Salary payable to any such Treasurer, as specified and set forth in such Table; and that such Sum or Sums so presented shall be in full and complete Satisfaction and Remuneration for all Duties and Services to be done and performed, and for all Expences incurred by such Treasurers in the Execution of their several Offices; any thing in any such Act or Acts, or any Law, Usage, or Custom to the contrary in anywise notwithstanding; save and except where any Grand Jury shall appoint a Sessions to be held in the Month of *October*, for the Purpose of accounting for any Money presented, in which Case it shall be lawful for the Grand Jury to make Presentment for a further Remuneration to the Treasurer, by Addition to his Salary of the Sum of Thirty Pounds for his Attendance at such *October* Sessions.

No Magistrate shall vote unless qualified for Twelve Months preceding, unless possessed of Qualification by Descent or Marriage.

XII. Provided always, and be it enacted, That no such Magistrate shall vote in the Election of any such Treasurer unless such Magistrate shall have been in actual Possession of the Qualification required by this Act for One Year at least preceding the Day on which such Election shall be held, unless such Magistrate shall have become possessed of such Qualification by Descent or Marriage; and that if any Magistrate shall vote at such Election who shall not have been in Possession of such Qualification for One Year as aforesaid (except in Cases aforesaid), the Vote of such Magistrate shall be actually null and void to all Intents and Purposes whatsoever.

Penalty on Treasurer resigning for Reward, and on Persons offering Reward to Treasurer to resign, or stipulating for any Proportion of the Profits.

XIII. And be it further enacted, That if any Person being Treasurer of any County, County of a City, or County of a Town, in *Ireland*, shall either by himself or by any other Person on his Behalf, directly or indirectly receive, or promise or agree to receive any Sum of Money, Gift, or Reward, upon any Engagement, Contract, or Agreement that such Person so being such Treasurer shall resign his Office of Treasurer; or if any Person shall directly or indirectly give, or shall promise or agree to give, or shall offer any Sum of Money, Gift, or Reward to any Person being such Treasurer, upon any such Engagement, Contract, or Agreement, every Person so having received or having promised or agreed to receive any such Sum of Money,

Gift, or Reward, shall forfeit the Sum of One thousand Pounds; and every such Person so having given or having promised or agreed to give, or having offered to give any such Sum of Money, Gift, or Reward, shall forfeit the Sum of One thousand Pounds, and shall be and is hereby declared and enacted to be disabled and incapacitated from being elected Treasurer of such County, County of a City, or County of a Town; or if any Person shall directly or indirectly promise or agree to pay any Proportion of the Profits of the Office of Treasurer of any County, County of a City, or County of a Town, or any Sum or Sums of Money, Gift, Reward, or Allowance whatever, in the Event of his being elected to be such Treasurer, or shall after being elected to be such Treasurer pay any Proportion of the Profits of such Office, or any Sum or Sums of Money, Gift, Reward, or Allowance to any Person or Persons whomsoever, in pursuance or Performance of any such Promise or Agreement expressed or implied; any Person who shall so promise or agree to pay, or who shall pay any such Proportion of Profits, Sum or Sums of Money, Gift, Reward, or Allowance, shall forfeit the Sum of One thousand Pounds, and shall be and is hereby declared and enacted to be disabled and incapacitated from being elected or acted as Treasurer of such County, County of a City, or County of a Town; and every Person who shall receive directly or indirectly any Portion of the Profits of such Office, or any Sum or Sums of Money, Gift, Reward, or Allowance, in pursuance of any such Promise or Agreement expressed or implied, shall forfeit the Sum of One thousand Pounds; and the said Penalties shall be forfeited and payable to any Person who will sue for the same, to be recovered, with full Costs of Suit, by Action of Debt, Bill, Plaint, or Information, in any of His Majesty's Courts of Record in *Dublin*, wherein no Essoign or Wager of Law nor more than One Imparlance shall be allowed.

Treasurer to take the following Oath.

XIV. Provided also, and be it enacted, That each and every Person elected Treasurer for any County, County of a City, or County of a Town in *Ireland*, shall, before he enter upon such Office or discharge any of the Duties thereof, take and subscribe the Oath following, in open Court before any Judge or Judges of any of His Majesty's Courts of Record in *Dublin*.

Oath.

'I *A. B.* do swear, That I have not either directly or indirectly given or promised to give, nor has any Person to my Knowledge on my Behalf given or promised to give any Money, Gift, Gratuity, or Reward to any Person or Persons whomsoever, to effect or promote my Appointment to the Office of Treasurer to the County of : And I do hereby also further swear, that this my Appointment of Treasurer for the County of , is totally unconnected with any Arrangement between me and my Predecessor in such Office, nor has any such Arrangement been made by any Person or Persons on my Behalf with my Approbation, Knowledge, or Privity. So help me GOD.'

And such Oath, when so taken and subscribed, shall be kept and deposited amongst the Records of the Court in which the same shall have been taken and subscribed.

XV. And

Former Acts repealed, so far as contrary to this Act, &c.

XV. And be it further enacted, That all and every the Clauses, Powers, and Provisions contained in any Act or Acts in force in *Ireland*, for the regulating the Office of County Treasurer, which are repugnant or contrary to the Provisions of this Act, shall be and the same are hereby repealed; and that all Clauses, Powers, and Provisions contained in any such Act or Acts, which are not repugnant or contrary to the Provisions of this Act, shall be applied in Execution of this Act, as if the same were repeated and re-enacted in this Act.

Police Constables not to be Collectors of Grand Jury Cess.

XVI. And be it further enacted, That from and after the passing of this Act, it shall not be lawful for any Grand Jury of any County, County of a City, or County of a Town, to appoint any Chief Constable or Sub-Constable of Police to be the Collector of any public Cess, or Sum or Sums of Money to be levied or received under the Presentment of the Grand Jury, within any such County, County of a City, or County of a Town, or any Barony, Half Barony, Parish, or other District or Division of any such County, County of a City, or County of a Town.

Grand Juries to divide into Two Parts Baronies exceeding 50,000 Acres, and appoint Two High Constables for levying the Grand Jury Cess.

XVII. And for the greater Security of the public Money raised under the Authority of Grand Juries, and the greater Facility of collecting the same, be it further enacted, That it shall and may be lawful to and for the several Grand Juries, when the Number of Acres in any Barony shall exceed Fifty thousand, to divide any such Barony into Two Parts, and to appoint Two High Constables or Collectors for raising and levying the Grand Jury Cess; and that such Constables so appointed shall give Security in like Manner, and be subject to all the Laws and Provisions made for the Regulation of other Baronial High Constables or Collectors.

Returns of Treasurers to Parliament to include an Account as in Schedule (B.)

XVIII. And be it further enacted, That with the Returns which the said Treasurers are directed by Law annually to make, for the Purpose of being laid before Parliament, there be, by the said Treasurers, transmitted an Account, classing and distinguishing the Amount of Presentments made during the Year then preceding, in Manner and Form as by the Schedule to this Act annexed, and marked Schedule (B.)

SCHE-

SCHEDULE (A.)

SHEWING

The Amount of Treasurers Securities and Salaries.

COUNTIES.	CLASS I.	CLASS II.	CLASS III.	CLASS IV.	COUNTY of CORK.	CITY of CORK.	CITIES, Class I.	TOWNS, Class II.
	£	£	£	£	£	£	£	£
Security for Treasurers	8,000	7,000	5,000	4,000	20,000	4,000	2,000	1,000
Salaries of Ditto	400	350	250	200	600	200	100	80

Class I. comprehends Tipperary, Down, Mayo, Galway, Antrim, Tyrone, Donegal.

Class II. comprehends Limerick, Clare, Roscommon, Kerry, Armagh, Cavan, Londonderry, Monaghan, Meath.

Class III. comprehends Wexford, Kilkenny, King's County, Fermanagh, Queen's County, Westmeath, Sligo.

Class IV. comprehends Waterford, Wicklow, Longford, Leitrim, Kildare, Louth, Carlow.

County and City of Cork are separate; and County of Dublin excluded.

Cities of Waterford, Limerick, Kilkenny, and Town of Galway, in Class I.

Towns of Drogheda and Carrickfergus, in Class II.

SCHEDULE (B.)

DESCRIPTION OF WORKS.	SPRING.	SUMMER.	TOTAL.
	£ s. d.	£ s. d.	£ s. d.
1.—New Roads, Bridges, Pipes, Gullets, Quay Walls, or cutting down Hills, and filling up Hollows and Ditches - -			
2.—Repairs of Roads, Bridges, Pipes, Gullets, or Walls - - - -			
3.—Court and Session Houses, Erection or Repair - - - -			
4.—Gaols, Bridewells, Houses of Correction, building or repairing - - -			
5.—All other Prison and Bridewell Expences; distinguishing Salaries from other Expences - - - -			
6.—Police and Police Establishments, Payments to Witnesses - - -			
7.—Salaries of all County Officers not included as above - - - -			
8.—Public Charities - - -			
9.—Repayment of Advance to Government -			
10.—Miscellaneous, not included as above -			
TOTAL - - £			

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