

ANNO TRICESIMO & TRICESIMO PRIMO

VICTORIÆ REGINÆ.

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CAP. XLVI.

An Act to amend the Law relating to the Office of County Treasurer in *Ireland*.

[15th *July* 1867.]

WHEREAS it is expedient that Banking Companies should be appointed as Treasurers of Counties in *Ireland*:

Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Interpretation of Terms.

1. The Words "Lord Lieutenant in Council" mean the Lord Lieutenant or other Chief Governor or Chief Governors of *Ireland* for the Time being acting by and with the Advice of Her Majesty's Privy Council in *Ireland*; and the Word "County" includes County of a City and County of a Town.

Upon Vacancy in Office of Treasurer of County, Grand Jury shall appoint Banking Company as Treasurer.

2. At the Assizes following the next Vacancy in the Office of Treasurer of any County in *Ireland* the Grand Jury of such County shall appoint a Banking Company to act as Treasurer, and shall fix with such Banking Company the Amount of Interest to be allowed for Money from Time to Time lying to the Credit of the County; and any succeeding Grand Jury of such County may accept the

 Resignation

Resignation or revoke the Appointment of any Banking Company, and appoint another such Company as Treasurer.

All Monies payable to Treasurer to be lodged in the Bank appointed Treasurer.

Receipt of Officer of Banking Company to be a Discharge to the Person paying them as Treasurer.

3. From and after such Appointment, all Monies payable to the Treasurer of any County which should be lodged to his Credit in the County Bank of such County shall be paid into the Bank appointed Treasurer for such County; and the Receipt of an Officer for the Time being authorized to give Receipts of any Banking Company acting as Treasurer for any County under this Act, expressing that the Sum therein mentioned has been received by such Banking Company as such Treasurer, shall be a sufficient Discharge to the Party lodging the same.

Payments to be made by Banking Company on Drafts drawn by Secretary of Grand Jury, and countersigned by the Clerk of the Crown;

or by an Order of a Judge of Assize in case of Refusal of these Officers.

4. A Banking Company acting as Treasurer of a County shall pay no Money received by them as such Treasurer, or allowed by them as Interest on Balances to the Credit of such County, except on a Draft payable to a Person named therein or Order, and having endorsed thereon a Receipt expressing the Purpose for which the Amount of the Draft was paid, such Draft to be signed by the Secretary of the Grand Jury of such County, or by such Officer as may lawfully supply his Place during Illness, Absence, or the Vacancy of his Office, and countersigned by the Clerk of the Crown of such County, or by such Officer as may lawfully supply his Place during his Illness, Absence, or the Vacancy of his Office; or upon an Order of a Judge of Assize, in case any of such Officers shall refuse or neglect to sign or countersign a Draft, which in the Opinion of such Judge such Officer might lawfully sign or countersign.

Power to Judge of Assize to make such Order, and to award Costs.

5. Judges of Assize are hereby authorized, upon the Application of any Party interested, and upon hearing the Case in open Court, to make such an Order, and to award Costs against the Party making or against the Officer or Grand Jury opposing such Application.

Banking Company to keep Accounts of Receipts and Payments, classified as ordered by Auditor of County Treasurer's Accounts.

6. A Banking Company acting as Treasurer of a County shall keep the Accounts of Receipts and Payments classified in such Manner as may be ordered by the Auditor of the County Treasurer's Accounts appointed under Statute First *Victoria*, Chapter Fifty-four, for the Time being, and shall forward a Copy of such Accounts to the Secretary of the Grand Jury of such County from Time to Time as such Secretary shall require, and shall at the First Day of each Assizes present to the Grand Jury a complete Copy in Duplicate of such Accounts up to but not inclusive of such First Day.

7. Whilst

Other Duties, except actual Receipts and Payments, and Accounts thereof, to devolve on Secretary of Grand Jury.

7. Whilst a Banking Company is acting as Treasurer of any County, all the Duties which devolve on the Office of Treasurer, except the actual Receipt and Payment of Money, and the keeping Accounts of such Receipts and Payments, as herein-before provided, shall devolve on the Secretary of the Grand Jury, and he shall keep all such Accounts of Balances outstanding, and of Presentments not claimed, and other Accounts, and shall do all such other Acts as shall be obligatory on a Treasurer other than a Banking Company to do.

Statutory Provisions as to Payments obligatory on Treasurer shall not apply to a Bank acting as Treasurer, but shall make it obligatory on Secretary to sign Drafts.

8. All Statutable Provisions making it obligatory on the Treasurer of a County to pay Money shall not apply to a Bank acting as Treasurer, but shall apply to the Secretary of a Grand Jury of such County, and shall make it obligatory on him to sign Drafts for the Payment of Money, and on the Clerk of the Crown to countersign such Drafts, if such Payments are duly authorized by the Statute under which they are demanded; provided that the Secretary of the Grand Jury or Clerk of the Crown may postpone the signing or countersigning of any Draft, with a view to bring a Question of Fact as to the Amount claimed before the Grand Jury at the next Assizes, or a Question of Law before the Judge of Assize at such next Assizes.

Grand Jury may dispense with Security in the Case of a Banking Company being Treasurer.

9. A Grand Jury may, on appointing a Banking Company as Treasurer, entirely dispense with Security from such Company, or require such lesser Security than what would be required from a Treasurer if not a Banking Company as the Grand Jury shall determine.

In case a Banking Company stops Payment, &c., the Court of Chancery may restrain its acting as Treasurer, and appoint another Banking Company till next Assizes.

10. In case any Banking Company, while acting as Treasurer of any County shall stop Payment, or in case any Step shall be taken for winding up the Company, or transferring its Business to another Banking Company, the Secretary of the Grand Jury of such County shall apply to the Court of Chancery for an Injunction to restrain such Banking Company from further acting as Treasurer until the next Assizes, which Order and Injunction the Court is empowered to make; and the Secretary of the Grand Jury may, with the Sanction of the Court of Chancery, take such Proceedings, in the Name of the Secretary of the Grand Jury and Clerk of the Crown for the Time being, as Trustees on behalf of the County, as may be necessary, against a Banking Company so removed by Injunction, to secure an Account and recover any Balance in their Hands, and the Costs of such Proceedings properly and necessarily incurred shall be chargeable in like Manner as the Costs of Law Proceedings by Direction of the Grand Jury.

11. The

Powers of Lord Lieutenant in Council extended to fix Security to be given by Secretary of Grand Jury when Banking Company Treasurer, and also Increase of Salary of Secretary of Grand Jury for Increase of Duty.

11. The Powers of the Lord Lieutenant in Council under Statute First *Victoria*, Chapter Fifty-four, shall extend to the following Matters:

1st. To fix the Nature and Amount of Security to be given by the Secretary of the Grand Jury in each County where a Banking Company is nominated or appointed Treasurer;

2nd. Upon the Petition of the Secretary of a Grand Jury of any County where a Banking Company is appointed Treasurer, and a Report of the Grand Jury of such County thereon, to appoint the Increase of Salary to be made to such Secretary, in consideration of the Increase of the Duties imposed on him by this Act; and the Lord Lieutenant in Council may, in estimating the Increase of Salary to be allowed, take into consideration any other Changes in the Office of Secretary of a Grand Jury made or to be made since the Salaries of those Officers were fixed by Statute Sixth and Seventh *William* the Fourth, Chapter One hundred and sixteen; and all Increase of Salary under this Clause shall continue until further Order of the Lord Lieutenant in Council, and shall be payable in like Manner as the Salary of the said Officer is now payable; provided that no Increase of Salary of the Secretary of any County under this Clause shall exceed One Third of the Salary fixed for the Treasurer of such County by Statute Sixth and Seventh *William* the Fourth, Chapter One hundred and sixteen, or Statute Seventh *William* the Fourth and First *Victoria*, Chapter Two.

6 & 7 W. 4. c. 116. s. 110.

Grand Jury to regulate Amount to be paid for Expenses of Applotment of County Cess.

12. It shall be lawful for the Grand Jury in any County where a Banking Company acts as Treasurer to appoint a fixed Sum to be paid to the Secretary of the Grand Jury for the Expenses of the Applotment of the County Cess as regulated by Statute Nineteenth and Twentieth *Victoria*, Chapter Sixty-three, Section Five, and beyond such fixed Sum such Secretary shall have no Claim for Expenses incurred under that Act.

Emoluments attached to the Office of Treasurer to revert to Benefit of the County when Banking Company appointed Treasurer.

13. The Emoluments now attached to the Office of Treasurer of a County shall, on the Appointment of a Banking Company as Treasurer of such County, revert to the Benefit of the County, and neither the Banking Company nor the Secretary of the Grand Jury shall receive any Part of such Emoluments, nor shall the Secretary of the Grand Jury be entitled to receive any Payment for any Duty of Treasurer devolving on him under this Act, save such as provided for in the preceding Sections.

Grand Jury may nominate beforehand a

14. A Grand Jury may nominate in anticipation a Banking Company to act as temporary Treasurer between the Occurrence of

of the next Vacancy in the Office of Treasurer and the Appointment of a Treasurer by the Grand Jury; and in case the Grand Jury of any County omit to make such Nomination, the Secretary of the Grand Jury of such County, immediately upon a Vacancy in the Office of Treasurer of such County occurring, shall apply in a summary Way to the Lord Chancellor to appoint a Banking Company to act as temporary Treasurer until a Treasurer is appointed by the Grand Jury; and the previous Nomination of the Grand Jury of such County, or the Order of the Lord Chancellor, as the Case may be, shall constitute the Banking Company named therein Treasurer of such County.

Banking Company to act as temporary Treasurer between Vacancy and Appointment by Grand Jury.

In default, Lord Chancellor may appoint temporary Treasurer.

15. The Treasurer of a County or the Secretary of a Grand Jury may, during temporary Illness or unavoidable Absence, appoint any Person, approved of by the Lord Lieutenant, to act as Deputy, for whom such Treasurer or Secretary respectively shall be responsible. Every such Appointment, and the Period during which the Deputy acted, shall be notified to the Grand Jury of the County at the next Assizes; and such Power to appoint a Deputy shall not authorize any joint Tenure of the Office of Treasurer or Secretary, nor shall such Deputy continue to act after the meeting of the Grand Jury, unless with the Sanction of that Body.

The Treasurer or Secretary may during Illness or Absence appoint a Deputy, approved of by Lord Lieutenant.

16. From and after the passing of this Act, the Power of Magistrates to elect a County Treasurer for any County in *Ireland* shall cease and determine.

Magistrates Power of electing Treasurer to cease.

17. Any County Treasurer may present a Memorial to the Lord Lieutenant in Council, offering to resign, in order to facilitate the Abolition of his Office, or asking for Superannuation; and the Lord Lieutenant in Council is hereby authorized to make an Order, charging, in like Manner as the Treasurer's Salary is now charged, Compensation for the Abolition of his Office, or Superannuation, not exceeding Two Thirds of the Salary and Emoluments of such Treasurer, as fixed by Statutes Sixth and Seventh *William* the Fourth, Chapter One hundred and sixteen, and First *Victoria*, Chapter Fifty-four, or by Statute Sixth and Seventh *William* the Fourth, Chapter One hundred and sixteen, such Compensation or Superannuation to be chargeable and payable in like Manner in all respects as such Treasurer's Salary is now chargeable and payable; and in estimating the Compensation or Superannuation to be awarded the Lord Lieutenant in Council shall observe the like Rules, and may exercise the like Discretion, as the Lords Commissioners of Her Majesty's Treasury are required to observe, and may exercise, in respect of Compensations and Superannuations granted under the General Superannuation Act, 1859.

Provision for County Treasurers' resigning, and obtaining up to Two Thirds of their Salary as Compensation for Abolition of Office or as Superannuation.

18. This

Act extends to all Counties except Dublin, Dublin City, Cork City, and Limerick City.

18. This Act shall extend to all Counties in *Ireland*, except *Dublin*, and to all Counties of Cities and of Towns in *Ireland*, except *Dublin*, *Cork*, and *Limerick*.

Treasurers Oath not required from Banking Companies.

19. The Provisions of Statute Fourth *George* the Fourth, Chapter Thirty-three, Section Fourteen, as to the Treasurers Oath, shall not apply to Banking Companies appointed Treasurers.

Provisions of 1 Vict. c. 54. and 1 & 2 Vict. c. 53. for Audit to extend to other Accounts.

20. The Provisions of Statute First *Victoria*, Chapter Fifty-four, and First and Second *Victoria*, Chapter Fifty-three, shall extend to all Accounts kept by Secretaries of Grand Juries or Banking Companies under the Provisions of this Act.

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