Crown Debts (Ireland) Act 1781

Chapter 20

An Act for the more speedy and effectual Recovery of the King's Debts.[1]

Difficulty in recovering His Majesty's debts, the laws insufficient.

WHEREAS much difficulty and delay have attended the recovery of debts due to your Majesty, and your royal predecessors, by collectors of the revenue, and other publick accountants: and whereas from the insufficiency of the laws of this kingdom in that behalf, the crown and the publick have not had such security in, or title to the estates of publick debtors, as are legally enjoyed in similar cases in Great Britain; by which defects much injury has accrued to your Majesty's subjects, and to the revenue of this kingdom:

Ss.I, II rep. by 1947 c.44 s.39 sch.2; SI 1949/1836 (I. p.1261)

And if any lands, &c. chargeable with debts to your Majesty, &c. and possession of divers persons other than your Majesty's debtor, the whole of said lands shall be liable to said debt and not severally.

III. PROVIDED always, That if any manors, lands, tenements, or hereditaments, which are, or at any time hereafter shall be charged, or chargeable with any debt due to your Majesty, your heirs or successors, by obligation or other specialty are, or shall be in the seizin and possession of divers and sundry persons, other than the obligor or obligors, that then, all and singular the said manors, lands and tenements, and every parcel of them, in the seizin or possession of such other divers and sundry persons, shall be wholly and entirely, and in no ways severally liable and chargeable to, and with the payment of the said debt.

And if any suit commenced or process awarded for your Majesty, &c. for the recovery of any debt, your Majesty shall have

IV.[2] AND further if any suit be commenced or prosecuted, or any process be hereafter awarded for your Majesty, your heirs or successors, for the recovery of any of your Majesty's or their debts, that then the same suit and process shall be preferred, and that your Majesty, your heirs and successors, shall have first execution against any defendant or defendants of and for the said debts due to your Majesty, your

first execution against any defendant so as such suit commenced or process awarded before execution begun for other persons, and if other persons claim against any officer accountant to your Majesty, &c. in every such case your Majesty, &c. shall have first execution against such officer tho' execution begun by other persons.

heirs or successors, before any other person or persons, so always, that such suit of your Majesty, your heirs or successors, be commenced, or process awarded for the said debt, at the suit of your Majesty, your heirs and successors, before execution begun for the said other person or persons; and if said other person or persons shall claim under, or by virtue of any judgment obtained, or to be obtained by default, confession, or nil dicit, against any officer or officers accountant to your Majesty, your heirs or successors, that then, and in every such case, such suit and process of your Majesty, your heirs and successors, shall be preferred, and your Majesty, your heirs and successors, shall have first execution against such defendant or defendants, notwithstanding such judgment obtained, and execution begun for such other person or persons; any thing herein, or in any other law or statute contained to the contrary hereof notwithstanding.

Ss.V, VI rep. by 1947 c.44 s.39 sch.2; SI 1949/1836 (I. p.1261)

His M. &c. not barred from recovering his debts by omission of the word heirs in the obligation, &c.

VII. And further your Majesty, your heirs and successors, shall not at any time hereafter, be barred, delayed, foreclosed, or excluded to demand, have, and receive the just and lawful debts, and duties of your Majesty, your heirs or successors, against any of the subjects of your Majesty, your heirs and successors, as heir or heirs to any person or persons indebted to your Majesty, your heirs or successors, albeit this word "heirs" be not, or shall not be comprized in such recognizance, obligation, or specialty as aforesaid; or that any such person or persons shall say or alledge, that he or they has or have not any manors, lands, tenements, or hereditaments, to him, her, or them descended, but only such manors, lands, tenements, or hereditaments, as be, or shall be entailed or given to them by any of their ancestors, to whom they be heirs.

But if lands recovered from his M.'s debtor without fraud, such lands discharged.

VIII. Provided also, That if any manors, lands, tenements, or hereditaments, shall hereafter be recovered or evicted by any just or former title, without fraud or covin, out of, or from the possession of any such person or persons, whose manors, lands, tenements, or hereditaments, have been, or shall be charged or chargeable as is above said, that then, all and every such manors, lands, tenements, and hereditaments, so evicted and recovered, shall be clearly acquitted and discharged of and from the payment of the same debts, and of every part thereof.

Ss.IX–XXII rep. by 1947 c.44 s.39 sch.2; SI 1949/1836 (I. p.1261)

Any treasurer, &c. detaining money six months after time it should be paid,

charged 12 per cent, for such detention,

XXIII. And further if any treasurer, vice-treasurer, under-treasurer, teller, . . .[3] of any duties, impositions, taxes, or sums of money, or other officer accountant and chargeable with publick money as herein before mentioned, shall, contrary to his duty, detain all or any part of the monies . . .[3] for the space of six months after he should have paid off the same, then he or they for such detention, shall be charged with interest for the moneys so by him or them detained, after the rate of

twelve pounds per centum per annum, for such time as he shall detain the same, to be recovered by action, [4or suit]. to be recovered by action, &c.

S.XXIV rep. by 1947 c.44 s.39 sch.2; SI 1949/1836 (I. p.126)
S.XXV rep. by SLR (I) 1879

References

1. Short title "The Crown Debts (Ireland) Act 1781", 1951 c.1 (NI)
2. App., 1977 NI 28 art.9
3. Rep., SLR 1953
4. Subst., 1969 c.30 (NI) s.130 sch.4 Pt.II