ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

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C A P. XVII.

An Act to provide for the better Order and Government of *Ireland*, by Lieutenants for the several Counties, Counties of Cities, and Counties of Towns therein. [23d *August* 1831.]

WHEREAS His Gracious Majesty has been pleased by Letters Patent under the Great Seal of the United Kingdom of *Great Britain* and *Ireland*, and His Royal Predecessors have in like Manner used from Time to Time, to appoint, make, ordain, constitute, and depute One Lieutenant General and Governor General of that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*, commonly called "The Lord Lieutenant of *Ireland*:" And whereas by an Act passed in the Parliament of *Ireland* in the Second Year of the Reign of His
Majesty King *George* the First, intituled *An Act to make the Militia* 2 G. 1. (I.)
of this Kingdom more useful, Provision was made for the issuing forth Commissions of Lieutenancy for the several and respective Counties, Cities, and Places of *Ireland*, such Commissions to be issued by the King's most Excellent Majesty or those who should be from Time to Time appointed Chief Governor or Governors of that Kingdom: And whereas the said Act, after having been several Times continued, finally expired: And whereas by another Act of the Parliament of *Ireland* passed in the Seventeenth and Eighteenth Years of
the Reign of His Majesty King *George* the Third, intituled *An Act* 17 & 18 G. 3.
for establishing a Militia in this Kingdom, similar Provisions for the (I.)
issuing of Commissions of Lieutenancy were made; but the said Act

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has long since been repealed, and Governors and Deputy Governors have been from Time to Time appointed for the several Counties, Counties of Cities, and Counties of Towns in *Ireland*, and certain Powers and Authorities have been from Time to Time, by several Acts now in force, conferred upon such Governors and Deputy Governors: And whereas it would tend to the better Order and Government of that Part of His Majesty's Dominions, if Lieutenants were appointed for the several Counties, Counties of Cities, and Counties of Towns, to act under the said Lieutenant General and Governor General, or other Chief Governor or Governors of *Ireland*, in like Manner as may have been provided for by the said recited Acts of the Parliament of *Ireland*, and as Lieutenants are appointed for the several Counties, Ridings, and Places in *England*; and it is moreover expedient that the Powers and Authorities of the Governors and Deputy Governors of Counties and Places in *Ireland* should be transferred respectively to the Persons to be appointed to act as Lieutenants and Deputy Lieutenants for the same: 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 it shall and may be lawful, at any Time after the passing of this Act, for His Majesty's said Lieutenant General and Governor General of *Ireland*, commonly called the Lord Lieutenant of *Ireland*, or for any other Chief Governor or Governors thereof, by Letters Patent to be made under the Great Seal of that Part of the United Kingdom called *Ireland*, to substitute, assign, and appoint, under him or them, Lieutenants for the several Counties, Counties of Cities, and Counties of Towns in *Ireland*; and such Lieutenants, and their Deputies to be appointed in manner herein-after mentioned, shall have and exercise, within the Limits of their several and respective Jurisdictions, all and every such Powers and Authorities as by an Act passed in the Forty-ninth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for amending and reducing into One Act the several Laws for raising and training the Militia of* Ireland, or by any other Act or Acts in force in *Ireland*, the Governors or Deputy Governors of Counties or Places in *Ireland* may respectively have or exercise, or might have had or exercised before the passing of this Act, and shall also have full Power and Authority to do, execute, transact, and perform all and singular the Matters and Things in and by the said Letters Patent to be prescribed, declared, or contained, which to the Lieutenants of His Majesty may in anywise lawfully belong; subject always to such Exceptions, Limitations, and Restrictions as His Majesty may in His Wisdom appoint.

Lord Lieutenant may, by Letters Patent, appoint Lieutenants of Counties, Counties of Cities, and Counties of Towns; who shall have the same Powers as Governors of Counties had heretofore;

49 G. 3. c. 120.

and shall execute the Directions contained in the said Letters Patent.

II. And be it enacted, That from and after the Enrolment of such Letters Patent appointing any such Lieutenant as aforesaid for any County or Place, the Commissions of all and every the Governors and Deputy Governors of such County or Place shall wholly cease and determine, as if the same had been specifically cancelled or revoked; and all Powers, Privileges, and Authorities, Duties, Obligations, and Liabilities vested in or in any manner conferred or attaching upon such Governors and Deputy Governors by any Law, Statute, or Usage

After Issue of such Letters Patent the Powers of Governors and Deputy Governors of Counties to cease and be transferred to

Usage whatsoever, whether appertaining to the Execution of the Laws, the Appointment of inferior Officers, the assembling of the Militia, or any other Concern whatsoever, shall vest in and be transferred to such Lieutenant and his Deputies respectively, as fully and completely to all Intents and Purposes as if the same had been herein specifically mentioned. the County Lieutenants and their Deputies.

III. And be it enacted, That as often as the Office of Custos Rotulorum of any County in *Ireland* shall from and after the passing of this Act become or be vacant, it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by Letters Patent to be made under the Great Seal of *Ireland*, to appoint a fit Person to the said Office, which Person so appointed shall hold the said Office until the said Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall, by Letters Patent under the Great Seal of *Ireland*, appoint another fit Person to the said Office; and that the Person so from Time to Time to be appointed shall and may occupy and enjoy the said Office of Custos Rotulorum in like Manner, and with all such Powers and Authorities, and subject to all such Duties, as now relate or may by force of any Statute, Usage, or Patent, appertain to the said Office of Custos Rotulorum: Provided always, that nothing herein contained shall extend or be construed to extend in anywise to affect the Rights of any Person who now is or before the passing of this Act shall be in Possession of the Office of Custos Rotulorum, or to affect the Custody of the Rolls of any County or Place, or the Rights, Duties, Authorities, and Obligations of the Custos or Custodes Rotulorum, or any Appointment or Delegation which such Custos or Custodes may now lawfully make. Lord Lieutenant authorized to appoint to the Office of Custos Rotulorum, &c.

IV. And be it enacted, That for the more effectually carrying into execution the Purposes of this Act, it shall be lawful for the Lieutenant of every County and Place, or for the Chief Magistrate of a City or Town, according to the Provision herein-after contained, and he is hereby authorized and required, to appoint to be Deputy Lieutenants of such County or Place so many proper and discreet Persons duly qualified as herein-after mentioned, and living within the same County or Place or City or Town, as the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall from Time to Time determine and signify, if so many fit and discreet Persons duly qualified can be found therein, and if so many cannot be found therein, then as many as can be found therein: Provided always, that the Names of such Persons shall first be presented to and approved of by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being; and provided further, that the Commission of any Person so as aforesaid appointed a Deputy Lieutenant shall not be vacated by reason of the Vacation, Expiration, or Discontinuance of the Commission or Authority of the Person or Persons by whom any such Deputy Lieutenant has been or may be appointed, but shall nevertheless continue in full Force and Effect. The Lieutenants of each County and Place to appoint Deputy Lieutenants.

V. And be it further enacted, That all Persons appointed Deputy Lieutenants for any County or Place, save as herein-after otherwise provided, Qualification of Deputy Lieutenants.

provided, shall be qualified as follows; that is to say, every Person so to be appointed a Deputy Lieutenant shall be seised or possessed either in Law or Equity, for his own Use and Benefit, of a Real or Freehold Estate for his own Life, or for the Life of his Wife, she having a Real or Freehold Estate for her Life or for some greater Term, or shall be possessed of a Term of Years whereof Fourteen Years shall be unexpired, in Manors, Messuages, Lands, Tenements, or Hereditaments of the yearly Value of Two hundred Pounds, or shall be Heir Apparent of some Person who shall in like Manner be seised or possessed of a like Estate as aforesaid of the yearly Value of Four hundred Pounds: Provided further, that the Estate or Lands constituting the aforesaid Qualification of every Deputy Lieutenant shall be situated within the County or Place whereof he shall be appointed Deputy Lieutenant, or in some One or more of the Counties next adjoining such County or Place.

In Places which are Counties within themselves, Chief Magistrate to appoint Deputy Lieutenants.

VI. And be it further enacted, That in all Cities and Towns which are Counties within themselves, and which raise and train a Militia, either separately within their several Precincts and Liberties, or which may be for that Purpose united with any County, the Lieutenant of every such City or Town, or where there shall be no Lieutenant the Chief Magistrate of each of the said Cities and Towns respectively for the Time being, shall appoint the Deputy Lieutenants within such City or Town, and such Deputy Lieutenants shall respectively have all the Powers and Authorities vested in the Deputy Lieutenants of Counties; and all the Provisions of this Act for transferring to Lieutenants and Deputy Lieutenants the Powers and Authorities heretofore belonging to and exercised by Governors and Deputy Governors shall extend to and be alike valid and obligatory as respects such Deputy Lieutenants to be appointed by such Chief Magistrate as aforesaid: Provided always, that the respective Value of the Qualifications of such Deputy Lieutenants in Cities and Towns shall be as follows; that is to say, every Deputy Lieutenant for a City or Town shall be seised or possessed either in Law or Equity, for his own Use and Benefit, of a Real or Freehold Estate for his own Life, or for the Life of his Wife, she having a Real or Freehold Estate for her Life or for some greater Term, or shall be possessed of a Term of Years whereof Fourteen shall be unexpired, of the yearly Value of One hundred and fifty Pounds at the least, or shall be possessed of a Personal Estate alone, or seised and possessed of a Real and Personal Estate together, of the Value of Three thousand Pounds; and that the Qualification of every such Deputy Lieutenant, if the same consist of Lands or Tenements, shall be situated within the same City or Town or the Liberties thereof wherefor he shall be appointed a Deputy Lieutenant.

Qualification.

If Lieutenants neglect to appoint Deputies, Lord Lieutenant may appoint them.

VII. Provided always, and be it enacted, That if the Lieutenant of any County or Place, or any Chief Magistrate of a City or Town, shall decline, refuse, or omit to appoint and return the Names of Persons to be Deputy Lieutenants of such County or Place or City or Town, then and in such Case it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being to appoint such Persons (duly qualified as aforesaid) as

as he or they shall think fit to be Deputy Lieutenants for every such County, Place, City, or Town whereof the Lieutenant or Chief Magistrate shall have declined, refused, or omitted to appoint Deputy Lieutenants as aforesaid.

His Majesty or the Lord Lieutenant may remove Deputies.

VIII. And be it further enacted, That it shall and may be lawful for His Majesty, His Heirs and Successors, or the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, from Time to Time, as he or they shall think fit, to signify His or Their Pleasure to the Lieutenant of any County or Place, or to any Chief Magistrate of a City or Town, to displace all or any Deputy Lieutenant or Deputy Lieutenants thereof; and upon such Signification of His or Their Pleasure, such Deputy Lieutenant or Deputy Lieutenants shall be displaced accordingly.

Deputy Lieutenants to deliver their Qualifications to Clerk of the Peace.

IX. And be it further enacted, That no Person shall act as a Deputy Lieutenant of any County or Place, City or Town, until he shall have delivered to the Clerk of the Peace of the County or Place, or the Town Clerk of the City or Town, for which he shall be appointed, or, in the Absence of the Clerk of the Peace, to his Deputy, a specific Description in Writing, signed by himself, of his Qualification, stating, if the same shall consist of Lands or Tenements, the County, Parish or Parishes in which the Estate or Estates which form his Qualification is or are situate, with the Denominations of the Land; and the Clerk of the Peace or his Deputy or Town Clerk shall transmit to the Custos Rotulorum or Lieutenant of the County or Place, or to the Chief Magistrate of the City or Town, a Copy of such Description.

Clerk of the Peace to enter Qualification on the Roll, and transmit a Copy of it to the Secretary of the Lord Lieutenant, to be laid before Parliament.

X. And be it further enacted, That the Clerk of the Peace of every such County or the Town Clerk of such City or Town shall and is hereby required from Time to Time to enter the Qualifications transmitted to him according to the Directions of this Act upon a Roll to be provided and kept for that Purpose; and the said Clerk of the Peace or his Deputy or Town Clerk shall, in the Month of *January* in every Year, transmit to the Secretary of the Lord Lieutenant or other Chief Governor or Governors of Ireland for the Time being a complete Account of the Qualifications so left with him; and such Secretary receiving such Accounts shall cause Copies thereof to be annually laid before both Houses of Parliament.

Deputy Lieutenants to take the same Oaths as Officers of the Forces.

XI. And be it enacted, That every Deputy Lieutenant shall at some Quarter Sessions of the Peace, or in one of His Majesty's Courts of Record at *Dublin*, within Three Months from and after the Date of his Commission, take such Oaths or Oath, and make and sign such Declaration or Declarations, as is or shall be required to be taken, made, and signed by any Officer of His Majesty's Forces in *Ireland*.

Penalty on Deputy Lieutenants acting with-

XII. And be it further enacted, That if any Person shall execute any of the Powers hereby directed to be executed by Deputy Lieutenants, not being qualified as aforesaid, or not having delivered in such

out being qualified, 200*l.*

such specific Description of his Qualifications as is herein-before required, save in the Cases herein-after particularly mentioned, or not having taken the said Oaths and made the said Declarations within the Time herein directed for those Purposes, every such Person shall forfeit and pay the Sum of Two hundred Pounds, one Moiety whereof shall go to the Use of the Person or Persons who shall sue for the same; and in every Action, Suit, or Information brought against any Person for acting as Deputy Lieutenant, not being qualified as herein-before directed, the Proof of his Qualification shall lie upon the Person against whom the same is brought: Provided always, that nothing in this Act contained shall restrain or prevent any Peer of this Realm, or Heir Apparent of any such Peer, from being appointed or acting as Deputy Lieutenant within any County, or Place, or City or Town wherein such Peer or Heir Apparent of such Peer shall have some Place of Residence, although he may not have the Qualifications herein-before required, or to oblige any Peer of this Realm, or Heir Apparent of such Peer, who shall be appointed Deputy Lieutenant as aforesaid, to leave with the Clerk of the Peace for the County or Town Clerk of the Town or City for which he shall be so appointed any Description of Qualifications in Writing as aforesaid.

except a Peer or an Heir Apparent of a Peer.

Power of Colonels to appoint Officers of Regiments to be transferred to the Lieutenants of Counties and Places; but former Commissions to be good.

XIII. And be it enacted, That from and after the Enrolment of the Letters Patent constituting and creating a Lieutenant for any County or Place all such Power and Authority as by the said recited Act of the Forty-ninth Year of the Reign of His Majesty King *George* the Third is given to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to appoint the Colonel for any Regiment or Battalion of Militia raised and trained within such County or Place shall cease and determine, and all such Power and Authority as by the said recited Act is given to the Colonel of Militia raised and trained in such County or Place to appoint the Number respectively of Lieutenant Colonels, Majors, Captains, Adjutants, Paymasters, Surgeons, Quarter Masters, and Assistant Surgeons, and all other Officers of his Regiment or Battalion, shall likewise cease and determine; and it shall thereupon be and become lawful and competent for the Lieutenant of such County or Place appointed under Authority of this Act, in like Manner as heretofore the Lord Lieutenant or other Chief Governor or Governors of *Ireland* may have done, to appoint the Colonel for any and every Regiment or Battalion of Militia raised and trained within the County or Place whereof he shall be appointed such Lieutenant; and it shall also become lawful and competent for such Lieutenant, in like Manner as heretofore the Colonel of such Militia might have done, to nominate and appoint all and every the respective Number of Lieutenant Colonels, Majors, Captains, Adjutants, Paymasters, Surgeons, Quarter Masters, and Assistant Surgeons, and all other Officers of any and every Regiment or Battalion of Militia within the County of which he shall be Lieutenant: Provided always, that all and every Commission theretofore granted to or by any Colonel of Militia shall be good, valid, and effectual to all Intents and Purposes whatsoever, any thing in this Act contained to the contrary notwithstanding; and provided further, that nothing herein contained shall extend or be construed to extend to deprive any Colonel of Militia, acting under a Commission granted

Proviso as to Colonels of Militia acting under Com-

before the passing of this Act, of the Power and Authority to appoint such Lieutenant Colonels and other Officers of his Regiment or Battalion, in like Manner as such Colonel may have had Power and Authority to do under the said recited Act of the Forty-ninth Year of His Majesty King *George* the Third, and as if this Act had not been passed. missions granted before the passing hereof.

XIV. And be it enacted, That where any County of a City or Town shall, for the Purpose of raising and training any Regiment or Battalion of Militia, be made Part of and united with any County, then and in such Case it shall and may be lawful for the Lieutenant of such County to which such County of a City or Town shall have been united and made Part thereof for such Purpose as aforesaid, to nominate and appoint the Colonel and also the respective Number of Lieutenant Colonels, Majors, Captains, Adjutants, Paymasters, Surgeons, Quarter Masters, and Assistant Surgeons, and all other Officers of such Regiment or Battalion, in like Manner as any Lieutenant is hereby authorized to appoint the same in Cases where any Regiment or Battalion of Militia is raised and trained wholly by the County of which he shall be Lieutenant. In Cases where Counties of Cities or Places raise Militia in common with Counties at large, the Lieutenant of the County to appoint Officers.

XV. And be it further enacted, That no Commission of any Officer in the Militia shall be vacated by reason of the Vacation, Repeal, Revocation, or other Discontinuance of the Authority of the Lieutenant or Vice Lieutenant by whom he may be or have been appointed. Commissions not to be vacated by Discontinuance of Authority.

XVI. And be it enacted, That all and every the Provisions of the said recited Act of the Forty-ninth Year of the Reign of King *George* the Third, and of any and every other Act or Acts in force before the passing of this Act for regulating the Appointment and Qualification of Persons to be appointed Officers of Militia, and prescribing the Duties, Obligations, and Authorities of such Persons, shall be alike valid and effectual as respects all Persons to be or who shall be at any Time appointed Officers of Militia under or by Authority of this Act, or any Commission derived therefrom, and apply to all such Persons, as if the same had been herein specifically mentioned and re-enacted, save only as respects the Power and Authority of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to appoint the Colonels of Militia, and of the Colonels of Militia to appoint the Lieutenant Colonel and other inferior Officers. Provisions of 49 G. 3. c. 120. to extend to Persons appointed under this Act, except as to the Appointment of Officers by Colonels.

XVII. And be it enacted, That when any Lieutenant for any County or Place appointed under the Authority of this Act shall be absent from *Ireland*, or in case of the Sickness or other Disability of any such Lieutenant, it shall and may be lawful for the said Lord Lieutenant or other Chief Governor or Governors of *Ireland*, if he or they shall deem it expedient, by Warrant under his Hand or their Hands, to appoint a Vice Lieutenant to act within the same County or Place for the Lieutenant thereof during the Absence or Disability of such Lieutenant, and until the Appointment of such Vice Lieutenant shall be rescinded in manner herein-after mentioned; and from Lieutenant General to appoint a Vice Lieutenant during the Absence of Lieutenant of County, &c.

and

and after the issuing of such Warrant as aforesaid all Powers and Authorities, whether as regards the Appointment of Deputy Lieutenants or granting Commissions to Officers of the Militia, or any other Matter or Thing which might have been exercised by the Lieutenant of the same County or Place, shall be vested in and exercised by the Vice Lieutenant appointed as aforesaid, and all Acts, Matters, and Things which might or ought to be transacted or done by or with such Lieutenant shall be transacted or done by or with such Vice Lieutenant, and be alike good, valid, and effectual as if transacted or done by or with such Lieutenant: Provided always, that so soon as the Lieutenant of the County or Place for which any Vice Lieutenant shall be appointed shall have notified to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by Writing under his Hand, his Return to *Ireland*, or his Capability to resume the Duties of such Lieutenancy, as the Case may be, the said Lord Lieutenant or other Chief Governors of *Ireland* shall forthwith issue his or their Warrant to the said Vice Lieutenant rescinding the Appointment of the said Vice Lieutenant, and thereupon all the Powers and Authorities of the said Vice Lieutenant shall wholly cease and determine, and the same shall be revested in and exercised by such Lieutenant as if the same had never been divested or ceased to be exercised by him; provided further, that all Appointments and Acts of the said Vice Lieutenant shall nevertheless remain in full Force and Effect.

This Act not to abridge or alter the Powers or Privileges of the Lord Lieutenant.

XVIII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed in anywise to abridge or alter the Powers, Privileges, Authorities, or Duties of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* now or at any Time hereafter to be constituted and deputed by virtue of His Majesty's Prerogative; and such Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall, any thing herein contained to the contrary notwithstanding, have and enjoy full Right, Title, and Authority to require and receive, as well from and of Lieutenants, Vice Lieutenants, and Deputy Lieutenants of Counties and Places, as from all other Subjects of His Majesty in *Ireland*, such Attendance, Assistance, Aid, and Obedience as by any Letters Patent or other Instrument nominating and deputing such Lord Lieutenant or other Chief Governor or Governors of *Ireland* he or they would or might have been entitled to before the passing of this Act.

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