

ANNO SEPTIMO

GULIELMI IV. REGIS.

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CAP. II.

An Act to amend an Act passed in the Seventh Year of His present Majesty, for consolidating and amending the Laws relating to the Presentment of Public Money by Grand Juries in *Ireland*. [24th *February* 1837.]

WHEREAS by an Act passed in the last Session of Parliament, intituled *An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in* Ireland, it is, amongst other things, enacted, that it shall not be lawful for any Grand Jury of any County, County of a City, or County of a Town (except the County and City of *Dublin*), at any Assizes, to make any Presentment (save and except in the Cases in the said Act specially reserved and excepted) for the Execution of any Public Work whatsoever, or for raising any Money, unless under the Authority and by virtue of the Provisions of the said Act: And whereas since the passing of the said Act Doubts have been entertained whether certain Presentments can be legally made by the several Grand Juries in *Ireland* at the next Spring Assizes, the Presentment Sessions at which Application should have been made for such Presentments not having been appointed or held under the said recited Act: And whereas it is expedient that such Doubts should be removed, and that the said Act should in other respects be amended: 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, 6 & 7 W. 4. c. 116.

Presentments may be made at the next Spring Assizes, and such Presentments, and the Proceedings of previous Sessions to be valid.

and by the Authority of the same, That it shall and may be lawful for the Grand Juries of each County, County of a City, and County of a Town in *Ireland*, at the next Spring Assizes, to make Presentments in the same Manner as they would have been authorized to do in case the several previous Presentment Sessions for their respective Counties, necessary in that Behalf, had been appointed and held and the several Applications thereat made under the Provisions of the said recited Act; and all such Applications, and all Presentments of such Grand Juries, and the several Proceedings of the previous Presentment Sessions and of preceding Grand Juries thereon, *bonâ fide* made and entered into, either according to the said Act or to any Law in force immediately before the passing thereof, shall be good and valid to all Intents and Purposes whatsoever.

For removing Doubts respecting the Operation of the recited Act in the County and in the City of Dublin.

II. And whereas Doubts have arisen how far the County of *Dublin* and the County of the City of *Dublin* are within the Operation of the said Act, and it is expedient to remove such Doubts; be it therefore and it is hereby declared and enacted, That the said Act shall not be construed to affect or extend to the said Counties or either of them, save and except only in so far as Provision is by the said Act made requiring the Grand Juries of such Counties to transact their fiscal Business in open Court, and for the more speedy and effectual Repair by the Commissioners for the Extension and Promotion of Public Works in *Ireland*, upon the Application of His Majesty's Postmaster General, of Roads upon which His Majesty's Mails are carried, which Provisions shall remain in full Force and Effect.

Posting and delivering of Notices.

III. And be it enacted, That a Notice in Writing of every Application for any Work intended to be made at any Presentment Sessions holden under the Provisions of the said recited Act shall be affixed, by or on behalf of the Person or Persons intending to make such Application, on or immediately adjacent to the Doors of every Police Station or Barrack within such Parish or Parishes wherein the Work to which such Applications shall relate is proposed to be executed, and at the Places (if any) appointed by the Grand Jury for posting Notices therein; and such Notices shall be so affixed at the Time in the said Act directed; and a Copy of every such Notice shall be delivered to the Clerk of the Petty Sessions of the District where the Work for which such Application is intended to be made, or the greater Portion thereof, is to be performed, instead of to the Clerk of the Petty Sessions of the District off which it is proposed that the larger Portion of the Expence of such Work is to be raised, as by the said Act is directed; and the Notice of every such Application shall be delivered to the County Surveyor Ten Days before the Day appointed for holding the first Presentment Sessions in each County after every Assizes: Provided always, that the Delivery of any such Notice to the Baronial Constable Fifteen Days before the Day appointed for holding such Sessions shall be deemed to be due Notice to the said County Surveyor; and any Baronial Constable to whom any such Notice may be delivered shall transmit the same to the said County Surveyor within Five Days after he shall have received the same; and it shall not be necessary to deliver any such Notice other than the Application itself to the Secretary of the Grand Jury.

Proviso.

IV. And

IV. And be it enacted, That all Applications for Works the Expence whereof is by the said Act directed to be levied, one Half off the County and the other Half off any Barony or Baronies in which such Works or any Part thereof may be situate, shall be made at the Presentment Sessions to be holden for the Barony in which such Work or the greater Portion thereof is locally situated. Applications for Works to be made at Presentment Sessions.

V. And whereas by the said recited Act of the last Session of Parliament it is amongst other things enacted, that no Presentment for any Fever Hospital or Dispensary established by private Subscriptions or Donations shall be made in case it shall appear that the Salary of the Medical Attendant during the last Year amounted to One Half of the Sum to which the Subscriptions, Donations, and the Sum presented would amount: And whereas the said Enactment hath been found inconvenient; be it therefore enacted, That the said Enactment shall be and the same is hereby repealed. Enactment in recited Act respecting Grant to Dispensaries, &c. repealed.

VI. And be it enacted, That it shall and may be lawful for any Two Magistrates, who, in the Absence of the Coroner of any County, may have held any Inquest relative to the Death of any Person, and before whom any Physician, Surgeon, Apothecary, Chemist, or other Person practising Medicine or Surgery shall, in obedience to a Summons from such Magistrates, attend and be examined as a Witness at such Inquest, to grant such Witness an Order, signed by such Magistrates, upon the Treasurer of the County wherein such Inquest shall be held, for such Sum, not exceeding Three Pounds, as to such Magistrates shall seem fit; and the Amount of all such Payments shall be presented in the same Manner as any Sums which Coroners are by the said recited Act authorized to grant to Medical Witnesses; provided that such Magistrates shall certify, as the Coroner is directed, the Amount and Particulars of all such Sums to the Presentment Sessions, and that such Payment shall have been approved thereat. Remuneration to Medical Witnesses.

VII. And be it enacted, That the Power of any Judge of Assize to order and of Grand Juries to present, under the Provisions of the said Act, any Sum not exceeding Five Pounds for the Maintenance of deserted Children, shall extend to Cases where any Child shall have been left exposed and deserted before the passing of the said Act: Provided always, that such Presentment shall be applied for and levied and paid in the Manner by the said Act particularly directed. Presentment for Maintenance of deserted Children.

VIII. And be it enacted, That the County Treasurers of the Cities and Towns in the Fifth and Sixth Classes of the Schedule marked (S.) to the said recited Act annexed shall (except in those Cases where the Grand Juries of such Cities and Towns shall, with the Consent of the Court, determine on paying such Officers by a Poundage on their Receipts,) be paid and remunerated for their respective Duties, Services, and Expences by annual Salaries only, payable half-yearly at each Assizes by equal Moieties, and not exceeding the Amount respectively limited in the said Schedule as the Salary of the Clerks of the Peace in the same Cities and Towns in each of the said Classes; and Presentment for Salaries of Treasurers in Towns and Cities.

and the Grand Juries of such Cities and Towns at each Assizes shall and may present (without previous Application to Presentment Sessions) for each such Treasurer, to be raised off the County at large, the Moiety of such annual Salary: Provided always, that in case of any negligent or insufficient Discharge of Duty by any such Treasurer, it shall and may be lawful to and for the Grand Jury of any such City or Town, with the express Sanction of the Court, but not otherwise, to present any Sum or Sums less in the whole than the Moiety of the annual Salary hereby specified to be paid to such Treasurer, or to withhold or refuse to make any Presentment whatever for such Treasurer.

Proviso.

One Freeholder or Leaseholder from each Barony or Half Barony to be placed first on Grand Jury Panel in Counties having less than Ten Baronies or Half Baronies.

IX. And be it enacted, That the Sheriff of each County in *Ireland*, in which there are not Ten Baronies or Half Baronies, shall, in framing the Panel of Persons summoned to serve on the Grand Jury of such County at each Assizes, after the passing of this Act, observe the Rule herein-after following; (that is to say,) he shall place first on such Panel for each Barony or Half Barony in such County the Name of some Person having in such Barony or Half Barony Freehold Lands of the yearly Value of Fifty Pounds and upwards, or Leasehold Lands of the yearly Value of One hundred Pounds over and above the Amount of Rent payable out of or for such Leasehold Lands, so that as far as can be One fit and competent Person, having Lands of the Value aforesaid, and resident in each Barony, if the same can be found therein respectively, shall be placed upon such Panel; and having in such Manner selected such One fit and proper Person for each Barony and Half Barony, the Sheriff shall complete the said Panel as now by Law authorized and directed, and the Persons taken from the Panel so framed shall be and constitute the Grand Jury or Inquest of such County; any thing in any Writ, Precept, or Venire facias expressed or directed, or any Law, Statute, Usage, or Custom, to the contrary notwithstanding, and as if such Grand Jury were altogether composed of Freeholders: Provided always, that no Presentment or Indictment made or found by any Grand Jury shall be liable to be traversed, quashed, or in any Manner impeached by reason of the Grand Jury not being selected as aforesaid; but any Sheriff of such County who shall wilfully omit or neglect to follow the Rule hereby made for the Selection of the Grand Jury shall be liable, on a Complaint made to the Judge of Assize, to be fined such Sum as to such Judge shall seem proper.

Proviso.

Sheriff liable to Fine for Neglect.

Commissioners of Public Works may execute certain Works, or permit the Grand Jury to execute them.

X. And be it further enacted, That in all Cases in which, under the Powers vested in them by Law in that Behalf, the Commissioners of Public Works in *Ireland* shall agree with any Grand Jury to grant One Moiety of the Expence of any Road or other Public Work, on such Grand Jury securing the Payment of the other Moiety thereof by Presentment, it shall and may be lawful to and for the said Commissioners either to execute the said Work by Persons employed by them, or to permit such Grand Jury to execute the same in the Manner required by the said recited Act for other Public Works of the like Nature: Provided always, that it shall not be lawful for such Grand Jury in any Case to make a Presentment for Payment of such Moiety, except after and upon an Application for such Work duly made

made to and approved at a Presentment Sessions in the Manner required by the said Act.

Commissioners of Public Works may exercise the Powers now vested in County Surveyors, &c. 1 & 2 W. 4. c. 33.

XI. And be it further enacted, That whenever the said Commissioners of Public Works in *Ireland* shall, under the Provisions of the said Act of the Sixth and Seventh of *William* the Fourth, or of the Act of the First and Second of *William* the Fourth, intituled *An Act for the Extension and Promotion of Public Works in* Ireland, have undertaken the Repair or Maintenance of any public Road, it shall and may be lawful for the said Commissioners at all Times thereafter to exercise all and every the same Powers and Authorities which are now vested in the Surveyor of any County, or the Contractor for any Road, under and by virtue of the said Act of the Sixth and Seventh of *William* the Fourth, or otherwise howsoever, or as the said Commissioners by the Act of the Sixth of *George* the Fourth, Chapter One hundred and one, intituled *An Act to provide for the repairing, maintaining, and keeping in repair certain Roads and Bridges in* Ireland, as far as the said Commissioners may consider the same or any of them necessary for the Preservation and good Order of such Roads, and the Removal of all Nuisances thereon, as also for the Purpose of obtaining Materials for such Repairs or Maintenance which they shall have so undertaken. 6 G. 4. c. 101.

Collectors to include Occupiers of Houses in their Returns in Cases where Grand Jury Cess is applotted.

XII. And whereas Doubts have existed whether in Counties where the Grand Jury Cess is applotted upon both Lands and Houses, the High Constables or other Collectors of Grand Jury Cess, in preparing certain Returns to be by them made and delivered to the Secretary of the Grand Jury, pursuant to the Directions of the said recited Act, ought to include in such Returns the Names of Persons occupying Houses; be it enacted, for the Removal of such Doubts, That in such Counties as aforesaid the High Constables or other Collectors of Grand Jury Cess shall, in preparing said Returns, include therein the Names of Persons in actual Occupation of Houses, in the same Manner in all respects as by the said recited Act they are directed to proceed in framing such Returns with respect to other Persons chargeable with Grand Jury Cess on account of other Property.

Collector not necessarily resident within the Barony.

XIII. And whereas by the said recited Act it is amongst other things enacted, that the Grand Jury of every County shall at each Assizes appoint a proper Person resident in the Barony to be High Constable or Collector thereof: And whereas the said Enactment has been found inconvenient, so far as it requires that the High Constable or Collector shall reside within the Barony; be it therefore enacted, That it shall not be necessary that the Person so appointed to collect shall actually reside within the Barony, provided it shall appear to the Magistrates and Rate-payers assembled at the Sessions of the Barony, and to the Grand Jury, that his usual Place of Residence is sufficiently contiguous thereto; any thing in the said recited Act to the contrary in anywise notwithstanding.

Place for holding last Meeting of Sessions to be

XIV. And whereas in the said recited Act it is enacted, that it shall be lawful for the several Grand Juries in *Ireland* and they are thereby required at each Assizes to appoint by Presentment certain Places within

at Discretion of Grand Jury.

within their respective Counties, *viz.*, One in each Barony or Half Barony, where, and certain Times when, Presentment Sessions shall be successively holden previous to the next Assizes for such Counties respectively, for the Purposes set forth in said recited Act; and said recited Act enacts, that such Presentment shall appoint the last Meeting of such Sessions to be holden in the County Court House: And whereas in many Counties in *Ireland* the County Court House is not centrally situated in regard to the County; be it enacted, That it shall be lawful for the several Grand Juries and they are hereby required to appoint by Presentment the last Meeting of such Sessions to be holden either in the County Court House or such other Court House or Place as they may deem most conveniently situated for the Purpose; and the Presentment Sessions for the County at large shall be holden there; any Words in the said recited Act to the contrary notwithstanding.

Grand Jury enabled to re-present Arrears to be levied from the Lands on which they accrued.

XV. And be it enacted, That it shall be lawful for any Grand Jury to re-present any such Sums of Money as now are or at any Time hereafter shall be unpaid or in arrear out of any Denomination Barony, County of a City or Town, to be raised and levied on such Denomination Barony, County of a City or Town, or on any Part or Portion thereof, upon which the same was originally required by the Treasurer's Warrant to be levied; and such Sums of Money so re-presented shall be levied in the same Manner, and subject to the same Rules, Regulations, Provisions, and Powers, as any other Sums of Money presented by any Grand Jury.

Contractors to produce Certificates of County Surveyor as to due Execution of Contracts at the Sessions at which they apply for Payment.

XVI. And whereas the Time limited by the said recited Act for lodging with the Secretary of Grand Jury the Certificates of the due Execution of Works contracted for, or of the Performance of Contracts, which Contractors are by the said Act required to obtain from the County Surveyor previous to applying for Payment, has been found inconvenient; and it is expedient to amend the said Act in that respect; be it therefore enacted, That it shall be sufficient for such Contractors, and they are hereby required, to produce such Certificates as aforesaid at the Sessions at which they may apply for Payment; any thing in the said Act requiring such Certificates to be procured and lodged at any previous Time to the contrary notwithstanding.

Repeal of so much of former Act as requires the Necessity of Repairs in Cases of Accident to be notified by County Surveyor.

XVII. And whereas by the said recited Act Two Justices of the Peace at Petty Sessions are empowered to order Sums not exceeding a certain Amount to be expended in repairing any Bridge or Road or Pier or Quay which may be suddenly damaged, and the Repairs of which cannot be delayed until the next Assizes without Prejudice to the Public, as in the said Act mentioned, but it is by the said Act required that the Necessity of such Repairs should be notified to such Justices by the County Surveyor: And whereas it is expedient to dispense with such previous Notification; be it therefore enacted, That so much of the said Act as requires a previous Notification of the Necessity of such Repairs as aforesaid on the Part of the County Surveyor to such Justices shall be and the same is hereby repealed:

Proviso.

Provided that nothing herein contained shall be construed to dispense with the Certificate of the County Surveyor, to be given after the

Execution of the Work, that the Money appears to have been faithfully and honestly expended pursuant to the Order made by such Justices.

XVIII. And be it enacted, That the said recited Act of the last Session of Parliament, for consolidating and amending the Laws relating to the Presentment of Public Money by Grand Juries in *Ireland*, shall continue in full Force and Effect, save and except so far as the same is expressly repealed or altered by this Act; and that the said recited Act and this Act shall be construed together as One Act to all Intents and Purposes whatsoever.

Recited Act 6 & 7 W. 4. c. 116. (except as hereby altered) and this Act to be construed together.

XIX. And be it enacted, That this Act shall only extend to that Part of the United Kingdom called *Ireland*.

Act to extend only to Ireland.

XX. And be it further enacted, That this Act may be amended, altered, or repealed by any Act to be passed in the present Session of Parliament.

Act may be altered.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE, Printers to the King's most Excellent Majesty. 1837.