

ANNO UNDECIMO & DUODECIMO

VICTORIÆ REGINÆ.

****

CAP. XXVI.

An Act to remove Difficulties in the Appointment of Collectors of Grand Jury Cess in *Ireland* in certain Cases, and to remove Doubts as to the Jurisdiction of the Divisional Justices of the Police District of *Dublin* Metropolis relating to the Recovery of Poor Rates, and other Cases.

[30th *June* 1848.]

WHEREAS by an Act of the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, 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 provided, that the Grand Jury of each County in *Ireland* shall at each Assizes appoint a proper Person to be High Constable and Collector for each Barony in such County, to collect all Monies presented to be raised on such Barony, or a County of a City, or County of a Town, in manner therein particularly specified; and that if any such High Constable or Collector shall happen to die before he shall have collected the whole of the Money presented to be raised, or if any Case of Vacancy shall occur, it shall be lawful for the Justices of the Peace at any General Quarter Sessions, or Adjournment thereof, to appoint another Person to be High Constable or Collector *pro tempore* 6 & 7 W. 4. c. 116.

tempore until a High Constable or Collector shall be appointed by the Grand Jury; and it is also provided that no Person shall act as High Constable or Collector unless he shall have given Security, as therein mentioned, at the Assizes before the Grand Jury by whom he shall have been appointed, or before the Justices of the Peace at the General Quarter Sessions, if he shall have been appointed at such Sessions, as therein in certain Cases provided; and on his producing the Treasurer's Certificate as therein mentioned it shall be lawful for the Grand Jury to present a Sum not exceeding Nine-pence in the Pound on the Amount of the Collection to be paid to such High Constable or Collector for his Trouble therein: And whereas it has sometimes happened that properly qualified Persons could not be duly appointed at the Assizes to act as High Constables or Collectors for certain Baronies or Places, by reason of such Persons not presenting themselves at the Assizes to accept such Appointment, or by reason of Persons appointed to such Office not being able to perfect their Securities at the Assizes; and it may also happen that a Vacancy in the Office of High Constable or Collector may occur in the Interval between the General Quarter Sessions which takes place next before the Assizes and the first Day of such Assizes, whereby the Public Cess then unpaid cannot be collected on or before such ensuing Assizes; and it is expedient to make Provision in such Cases, and to enable the Grand Jury to increase the Amount of the Collector's Poundage to the Extent and in the Cases herein-after mentioned: Be it therefore 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, That in every Case in which for any of the Reasons aforesaid, or for any other Cause, it shall have happened or shall hereafter happen that any Grand Jury of any County, County of a City, or County of a Town in *Ireland*, shall not have at any Assizes appointed a High Constable or Collector of Cess for each Barony of such County, or for such County of a City, or County of a Town, or if any Case of Vacancy shall occur or exist after the Assizes and before the first ensuing General Quarter Sessions of the Peace, or in case it shall happen that a Vacancy in the Office of High Constable or Collector shall take place or exist in the Interval between the said first General Quarter Sessions of the Peace and the first Day of the then next ensuing Assizes, as the Case may be, it shall be lawful for the Justices of the Peace of the said County, County of a City, or County of a Town, at any General Quarter Sessions of the Peace or Adjournment thereof, or in case of a Vacancy occurring or existing between the said first General Quarter Sessions and the first Day of the ensuing Assizes as aforesaid, then at a Special Sessions of the Peace to be called by the Clerk of the Peace in Two Days after the Receipt of the written Requisition of the Treasurer for the Purpose, at the County or Assize Town or Sessions Town of the Division in which such Barony is situate (giving Six Days Notice thereof to such Justices resident in such Division), to appoint a fit and proper Person to be High Constable or Collector of Cess as aforesaid for any Barony of such County, County of a City, or County of a Town for which no such High Constable or Collector of Cess shall have been appointed at the Assizes by the Grand Jury, or for which such Vacancy shall occur or

Whenever a Grand Jury at the Assizes shall not have appointed Collectors of Cess for each Barony, &c., or when the Persons appointed shall not have given Security at the Assizes, the Quarter Sessions may appoint Collectors, or take the Security.

or exist in manner aforesaid, as the Case may be; and it shall be lawful for any such Person so appointed to give such Security as aforesaid before such Justices, in like Manner as directed by the said recited Act; and in case any Person appointed as aforesaid by the Grand Jury at the Assizes shall not have given Security before such Grand Jury, as by the said recited Act required, it shall be lawful for such Person so appointed to give such Security before the Justices of the Peace of such County, County of a City, or County of a Town, at the next General or Quarter Sessions of the Peace for the Division of the County in which such Barony is situate; or in default thereof it shall be lawful for such Justices, at any General or Quarter Sessions of the Peace, or Adjournment thereof, for such County, or at such Special Sessions as aforesaid, to appoint some other fit and proper Person to act as High Constable or Collector for such Barony or Place in lieu of the Person so appointed by the Grand Jury; and it shall be lawful for the Person so appointed by such Justices to give such Security as aforesaid before such Justices at such Sessions in the like Manner as if the same were given at the Assizes before the Grand Jury; and all the Provisions of the said recited Act, or any Act amending the same, or of any other Act or Acts relating to any such High Constables or Collectors of Cess, shall be extended and applied to any High Constable or Collector of Cess appointed and giving Security as aforesaid, or only giving Security as aforesaid, under the Provisions of this Act, as fully and effectually as if he were a High Constable or Collector of Cess duly appointed by and giving Security before the Grand Jury at the Assizes under the Provisions of the said recited Act.

Personal Representatives of deceased High Constable or Collector to deliver last Warrants to the Treasurer of the County, together with the Applotments made.

II. And be it enacted, That if any such Vacancy as aforesaid shall have occurred by the Death of the High Constable or Collector, the personal Representatives of the deceased High Constable or Collector shall, previous to such General or Special Sessions, as the Case may be, deliver over to the Treasurer of the County the Warrants issued by him to the said Collector, together with all Applotments that may have been made of the Sum or Sums specified in the said Warrant; and the Deputies appointed by the said High Constable or Collector are hereby required to attend at such General or Special Sessions, as the Case may be, and to produce and deliver to the said Justices Accounts of the several Sums received by them respectively under and by such Warrants and Applotments, specifying the Sum paid by each Person named in such Applotments, and the Sum still remaining due and unpaid, and the Names of the Persons by whom the same are owing; and each Deputy shall make an Affidavit before the said Justices (who are hereby authorized to take the same) of the Truth of such Accounts, which Accounts and Affidavits the said Justices shall also transmit to the Treasurer of the County; and in case any such personal Representative of such deceased High Constable or Collector, or any such Deputy or Deputies, shall neglect or refuse to deliver over the said Warrants and Applotments, and any Money or Monies received by them, and all Applotments or other Documents relating to the Collection of such Public Cess, or refuse to make the Affidavit, as directed by this Act, such personal Representative or Representatives, and Deputy or Deputies, shall forfeit the Sum of Fifty

Fifty Pounds, to be recovered, in the Name of the Treasurer of the County, by Civil Bill, before the Assistant Barrister of such County, for the Use of such County.

When Monies collected have been duly paid over by personal Representative, Grand Jury may allow them Poundage on the Amount.

III. And be it enacted, That the personal Representatives of such High Constable or Collector, duly paying such Sum or Sums of Money as have been collected into the County Bank on or before the first Day of the next Assizes, and on his or their producing to the Grand Jury the Treasurer's Certificate of such Sum or Sums of Money having been so paid, it shall be lawful for the Grand Jury to present, without any previous Application to Presentment Sessions, a Sum not exceeding the Sum allowed by Law as Poundage on the Amount so paid into the County Bank, to be paid to the personal Representatives of such High Constable or Collector.

Grand Jury may present increased Poundage where Difficulties occur in the Collection.

IV. And whereas in certain Baronies and Portions of Baronies in some Counties of *Ireland* there is now considerable Difficulty in the Collection of the Public Money, and the said Sum of Nine-pence in the Pound has been found in certain Cases not to be sufficient Remuneration to the High Constable or Collector for his Trouble in collecting the same, and it is expedient, for a limited Time, to enable the Grand Jury, in Cases where such Difficulties occur, to present a larger Rate or Sum than Nine-pence in the Pound as Remuneration to such High Constable or Collector for such additional Trouble as aforesaid; be it therefore enacted, That it shall and may be lawful for the Grand Jury at any Assizes held after the passing of this Act, and before the End of the Year One thousand eight hundred and forty-nine, if they shall think fit, in Cases where such Difficulties shall occur in the Collection of the said Monies as aforesaid, to present, without previous Application to Presentment Sessions, a Sum not exceeding One Shilling in the Pound on the Amount of the Collection of such Monies from such Barony or Baronies where such Difficulties shall occur, to be paid to any such High Constable or Collector for his Trouble in collecting the same.

Bonds, &c. deemed good against Sureties as well as against High Constables or Collectors.

V. And be it enacted, That any Bond and Warrant of Attorney to confess Judgment of any High Constable or Collector, executed or purporting to be executed pursuant to the said recited Act or this Act, and any Judgment entered up on the same, shall be good and valid to all Intents and Purposes, as well against the said High Constable or Collector as his Sureties, whether the said Bond and Warrant shall have been given at the Assizes before the Grand Jury by whom such High Constable or Collector shall have been appointed, or before the Justices of the Peace at any General Quarter Sessions of the Peace, or any Adjournment thereof, or such Special Sessions as aforesaid, and whether such High Constable or Collector shall have been appointed by the Grand Jury at any Assizes, or at any Quarter Sessions, or Adjournment thereof, and shall have subsequently qualified and given such Security at a subsequent Quarter Sessions, or Adjournment thereof, or at such Special Sessions as aforesaid.

6 & 7 W. 4. c. 116.

VI. And whereas by the said recited Act of the Sixth and Seventh Years of His said late Majesty it is amongst other things enacted,

that it shall be lawful for every Person duly authorized to collect and levy any Grand Jury Cess off any Barony, County of a City, or County of a Town, in default of Payment of any such Grand Jury Cess by the Party chargeable therewith within the Time therein specified, to prefer a Complaint to any Justice of the Peace of the County in which such Party may reside; and such Justice is empowered to summon such Party, and to direct Payment of such Money to such Collector, or to issue his Warrant for the Levy thereof by Distress and Sale of the Goods and Chattels of the Party complained against, as in the said recited Act more particularly mentioned: And whereas by an Act of the First and Second Years of the Reign of Her present Majesty, intituled *An Act for the more effectual Relief of the destitute Poor in* Ireland, it is amongst other things enacted, that every Rate made under the Authority of the said Act now in recital on each Electoral Division shall and may be collected and levied, sued for and recovered, by such and the same Ways and Means as the Grand Jury Cess, or the Money applotted on the several Persons liable to pay the same, may be collected and levied: And whereas by an Act of the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act for the further Amendment of an Act for the more effectual Relief of the destitute Poor in* Ireland, it is amongst other things enacted, that any Rate or Rates made as therein mentioned on any Lessor in respect of any Property, whether occupied by One or more Occupiers, should be recovered by the Ways and Means therein mentioned, and, amongst others, that it should be lawful for the Collector to prefer a Complaint to any Justice of the Peace of the County in which such Lessor may reside; and such Justice is empowered to summon such Lessor so complained against to appear before him in Petty Sessions, and is also empowered to direct Payment of such Money to such Collector, and in default of Payment that it should be lawful for such Justice, or any Justice of the Peace for such County, to issue his Warrant for the Levy thereof by Distress and Sale of the Goods of such Lessor, as in the said Act more particularly mentioned; and it is by the said last-recited Act also enacted, that every Rate made under the Authority of the said Act now in recital, or the therein first-recited Act, on any Electoral Division in the County or the County of the City of *Dublin*, and any Money authorized and directed to be levied under any Warrant for the levying of Poor Rate in the said County or the County of the City of *Dublin*, shall and may be collected and levied, sued for and recovered, by such and the same Ways and Means, and with the like Remedies and Powers in case of Nonpayment, as the Grand Jury Cess, or the Money applotted on the several Persons liable to pay the same, may be collected in any other County in *Ireland*: And whereas Doubts exist whether the Divisional Justices of the Police District of *Dublin* Metropolis can be deemed to be Justices of the Peace of the County of the City of *Dublin* or for the County of *Dublin* within the said Police District so as to have or exercise Jurisdiction for the hearing of Complaints as to Nonpayment of Poor Rates or for the Recovery of Poor Rates within the said Police District, within the Meaning of such said recited Provisions; and Doubts also exist whether the several Police Offices at which such Divisional Justices preside and officiate within the said Police District can be deemed to be Petty Sessions within the Meaning of the said

1 & 2 Vict. c. 56.

6 & 7 Vict. c. 92.

last-recited Act or of the several Acts authorizing or directing any Proceedings to be taken by or before a Justice or Justices of the Peace at Petty Sessions, or before Justices of the Peace of a County, County of a City, County of a Town or Place, or before Two or more Justices when met or assembled; for the Removal of such Doubts be it therefore enacted, That the several Divisional Justices of the Police District of *Dublin* Metropolis shall, for the Purposes of the said Acts of the First and Second Years of Her Majesty's Reign and of the Sixth and Seventh Years of Her Majesty's Reign, and of all and every other Act or Acts heretofore made or hereafter to be made with respect to the raising, levying, or enforcing Payment of any Rate for the Relief of the Destitute Poor in *Ireland*, have and exercise the same Powers, Authorities, and Jurisdiction within the Police District of *Dublin* Metropolis as any Justice or Justices of the Peace of any County has or have or can have or exercise within his or their respective County in respect to any Rates made or to be made for Relief of the Destitute Poor in *Ireland*; and that wherever, in any Act now in force or which shall hereafter be in force in *Ireland*, any Proceeding, Matter, or Thing is or shall be authorized or directed to be taken, entertained, inquired into, or done by a Justice or Justices of the Peace at Petty Sessions, or by Justices of the Peace of any County, County of a City, County of a Town or Place, or by Justices of the Peace, or any Two or more of them met and assembled, the said Divisional Justices of the Police District of *Dublin* Metropolis, or any One or more of them, shall have and shall and may exercise all such Powers and Authorities and Jurisdictions at the several Divisional Police Offices within such Police District of *Dublin* Metropolis at which such Divisional Justices or Justice shall at the Time be respectively presiding or officiating as any Justice or Justices at Petty Sessions, or any Justice or Justices as aforesaid, are or shall be authorized or directed to have or exercise within their respective Jurisdictions.

The Divisional Justices of Dublin to have like Jurisdiction relating to Recovery of Poor Rates as other Justices of the County.

Such Justices to have Power to act at their respective Offices in all Cases as Justices at Petty Sessions.

Powers for the Recovery of Grand Jury Cess in Dublin.

VII. And be it enacted, That from and after the passing of this Act it shall and may be lawful for the several Collectors of Grand Jury Cess in the County of the City of *Dublin* to collect, levy, sue for, and recover the Grand Jury Cess of such County of the City of *Dublin*, or any Part of the same, from all and every Persons and Person who now are or is or hereafter shall be liable to pay the same, by all the Ways and Means, and with the like Remedies and Powers in case of Nonpayment, as the Grand Jury Cess, or the Money applotted on the several Persons liable to pay the same, may be collected and levied in any other County in *Ireland*.

Divisional Justices in Dublin to have same Powers to collect Grand Jury Cess as other Justices in Ireland.

VIII. And be it enacted, That the Divisional Justices of the Police District of *Dublin* Metropolis shall, for the Purposes of all and every Act or Acts heretofore made or hereafter to be made with respect to the raising, levying, or enforcing Payment of Grand Jury Cess in the County of the City of *Dublin*, have and exercise the same Powers, Authorities, and Jurisdiction within the Police District of *Dublin* Metropolis as any Justice or Justices of the Peace of any County in *Ireland* has or have or can or shall lawfully have or exercise within his respective

respective County with respect to any Grand Jury Cess to be raised within the same.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be amended, &c.

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