

ANNO OCTAVO & NONO

VICTORIÆ REGINÆ.

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CAP. LXXXI.

An Act to amend an Act of the last Session, for consolidating and amending the Laws for the Regulation of Grand Jury Presentments in the County of *Dublin*. [4th *August* 1845.]

WHEREAS by an Act passed in the Session of Parliament holden in the Seventh and Eighth Years of Her Majesty's Reign, intituled *An Act to consolidate and amend the Laws for the Regulation of Grand Jury Presentments in the County of* Dublin, after reciting that it was expedient that Provision should be made for the more speedy and effectual Repair of Roads in the County of *Dublin* upon which Her Majesty's Mails are carried, it is enacted, that it should be lawful for the Commissioners acting under and in execution of an Act passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Extension and Promotion of Public Works in* Ireland, or any other Act for amending the same, upon the Application of Her Majesty's Postmaster General for the Time being, setting forth and describing the Line of any such Road, or the Portion of any such Road, in the said County of *Dublin*, which might stand in need of Repair, by and with the Consent of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, to cause

7 & 8 Vict. c. 106.

1 & 2 W. 4. c. 33.

cause such Road, or such Portion thereof as should be described in such Application, and any or every Bridge, Arch, or Pipe, Gullet or Wall thereon, to be forthwith put into good and sufficient Repair accordingly, under the Superintendence of one of the County Surveyors; and that upon the Application of the said Commissioners, setting forth what Sum would be requisite and necessary from Time to Time for the Purposes aforesaid, it should and might be lawful for the Lord Lieutenant of *Ireland* to direct, by his Warrant, that the Sum or Sums of Money so required by the said Commissioners should be advanced and paid to the said Commissioners out of the Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to be applied, under the Directions of the said Commissioners, in manner aforesaid: And whereas it is expedient to alter and amend the said Enactment, in so far as it empowers the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to direct, by his Warrant, that the Sum or Sums of Money so required by the said Commissioners should be advanced and paid to the said Commissioners out of the Produce of the Consolidated Fund of *Great Britain* and *Ireland*, and to substitute new Provisions in lieu thereof: 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, save and except as to Matters and Things heretofore done under the said recited Enactment, so much thereof as empowers the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to direct, by his Warrant, that the Sum or Sums of Money so required by the said Commissioners shall be advanced and paid to the said Commissioners out of the Produce of the Consolidated Fund, shall be and the same is hereby repealed.

So much of recited Act as empowers the Lord Lieutenant to direct Sums required by the Commissioners to be advancedout of the Consolidated Fund repealed, except as to Things heretofore done.

II. And be it enacted, That from and after the passing of this Act, upon Application of the said Commissioners, setting forth what Sum will be requisite and necessary from Time to Time for the Purposes in the said recited Enactment mentioned, it shall be lawful to and for the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or any Three of them, by and with the Approbation of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, by his or their Warrant in Writing, to direct that the Sum or Sums of Money so required by the said Commissioners appointed or acting under the said Act passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth shall be paid and advanced to the said last-named Commissioners, out of the Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to be applied, by and under the Direction of the said last-mentioned Commissioners, in the Manner and for the Purposes in the said recited Enactment mentioned.

The Commissioners of the Treasury, with the Approbation of the Lord Lieutenant, empowered to direct Advances to be made for such Purposes;

III. Pro-

and to declare the Terms upon which such Advances shall be made, &c.

III. Provided always, and it is hereby declared and enacted, That it shall and may be lawful to and for the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury, or any Three of them, in and by any Warrant authorizing or directing such Advance as aforesaid, to declare on what Terms the same shall be made, and to fix and appoint how, and in what Manner, and at what Time or Times, and by what Instalments, and with what Rate of Interest, if any, the same is to be levied and repaid to the Consolidated Fund.

Before each Presenting Term the Lord Lieutenant shall cause an Estimate to be made of Sums payable to the Exchequer by the said County during the ensuing Year;

IV. And whereas divers Sums of Money have been from Time to Time heretofore and may hereafter be advanced from Her Majesty's Exchequer, by Direction or Authority of the Commissioners of Her Majesty's Treasury, or the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, for the public Purposes of the said County of *Dublin*; and it is expedient that the Repayment thereof should be made with as little Delay as possible, and should not be postponed by reason of any Preference given to local Claims over those of Her Majesty's Exchequer; be it therefore enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, at any Time previous to each Presenting Term, to cause an Estimate to be made of the probable Sum which in the course of the then ensuing Year will become due and payable by the said County of *Dublin*, or any Barony, Portion of a Barony, Parish, or other Denomination of Land in the said County, to the Consolidated Fund, or to Her Majesty's Exchequer, for or on account of any such Advances, together with any Arrears or Sums then remaining due and payable for or on account of any such Advances during the preceding Year;

and upon Production of the Certificate of the Chief or under Secretary of the Amount, the Grand Jury shall present the same;

and it shall and may be lawful for the Grand Jury of the said County, at each Presenting Term, and they are hereby required, on the Production of the Certificate of the Chief Secretary or Under Secretary of such Lord Lieutenant or other Chief Governor or Governors of the Amount so estimated as aforesaid, to present, without previous Application to Presentment Sessions, to be levied off the said County, or any Barony or Baronies, Portion of a Barony, Parish, or other Denomination of Land thereof, the Amount of the Sum or Sums stated in such Certificate; and in default of such Presentment being made by the Grand Jury, it shall be lawful for the Court of Queen's Bench in *Ireland* to order the Clerk of the Crown to add such Amount to the Amount presented for other Purposes by such Grand Jury; and the Amount so presented or added shall form a Portion of the Sum to be raised on the County, or any Barony, Portion of a Barony, Parish, or other Denomination of Land thereof, and shall be apportioned, applotted, and levied together with and in the Manner directed by the said recited Act in reference to other County Charges.

to be levied together with and as other County Charges.

Certificate of Sums so payable shall

V. And be it enacted, That the Amount of all Sums payable to the Consolidated Fund, or Her Majesty's Exchequer, in respect of such

be sent to Finance Committee half-yearly;

such Advances, for or on account of the said County of *Dublin*, or any Barony, Portion of a Barony, Parish, or other Denomination of Land thereof, shall be ascertained and made up half-yearly; and a Certificate of the Amount so payable for each Half Year, with a Statement of the Accounts, and the Particulars thereof, signed by the proper Officer, shall be transmitted to the Finance Committee of the said County; and such Amount, so certified, shall, to all Intents and Purposes whatsoever, be a Charge upon all Monies, Rates, or Cesses levied or collected for the Purposes of the said County of *Dublin*, in priority and preference to any other Lien, Claim, Charge, or Demand whatsoever upon the same or any Part thereof; and such Amount shall be set apart and appropriated by the Finance Committee for the Time being acting in execution of the said recited Act, out of such public Money, Rates, or Cesses, for the Repayment to the Consolidated Fund, or Her Majesty's Exchequer, of the Sum so certified, in priority and preference to any other Lien, Charge, or Demand, and shall not be applied to any other Purpose; and the said Finance Committee shall pay over the said Amount in such Manner and to such Bank or Person as the Commissioners of Her Majesty's Treasury shall direct.

and the Amount shall be paid by the Finance Committee.

County Officers shall be paid by Finance Committee out of any surplus Funds of the present Year.

VI. And whereas Doubts have arisen whether, under the Authority of the said recited Act, the Grand Jury of the said County of *Dublin* are authorized to make Presentments in advance for the Payment of the Salaries of the several County Officers to whom Salaries are payable by half-yearly Instalments under the said Act, so that Funds may be available for such half-yearly Payments, and no Presentment has consequently been made at the last Presenting Term for the Salaries of such County Officers; for Remedy whereof be it enacted, That it shall and may be lawful for the said Finance Committee, out of any Surplus or Balance of the Funds of the said County which may accrue during the present Year, to pay and discharge in half-yearly Payments, commencing from the First Day of *January* One thousand eight hundred and forty-five, so far as such Surplus or Balance may enable them so to do, the Salaries when due of all or any of the said Officers, as also the Sum of Eight Pounds Eight Shillings, being the Salary of the Housekeeper of the County Court-house at *Green Street* in the City of *Dublin*, and to take Credit for such Payments in their current Accounts.

The Grand Jury shall present the Amount so paid.

VII. And be it enacted, That it shall be lawful for the Grand Jury of the said County of *Dublin*, and they are hereby required, at the next ensuing Presenting Term, to present a Sum sufficient to replace in the Bank of *Ireland*, to the Credit of the said Finance Committee, the Amount of all Sums so paid by them to the said County Officers for or on account of their Salaries during the present Year, as also to meet and discharge any Balance which may be then still due to any of the said Officers.

VIII. And

And at each Presenting Term the Grand Jury shall present in advance for Salaries of County Officers.

VIII. And be it enacted, That at the said Presenting Term, and at each succeeding Presenting Term, it shall be lawful to and for the Grand Jury of the said County to present in advance, and without previous Application at Presentment Sessions, such Sum as shall be estimated to be sufficient to pay the Salaries payable under the said Act to the several County Officers, as well those specified in the Schedule to the said Act annexed as the District Surveyors appointed for the said County, and also a Sum not exceeding Eight Pounds Eight Shillings a Year as Salary for the House-keeper of the County Court-house at *Green Street* in the City of *Dublin*; and it shall be lawful for the Finance Committee for the Time being to pay to the said County Officers respectively, by half-yearly Instalments as the same shall respectively become due, the Amount of such Salaries, according to the true Intent and Meaning of the said Act.

Finance Committee may repay Sums expended in Repair of sudden Damage to Bridges, &c.

IX. And be it enacted, That it shall be lawful to and for the Finance Committee of the said County of *Dublin*, if they shall deem it expedient, out of any Balance or County Funds at their Disposal, from Time to Time to repay and discharge any Sums expended by any Person in repairing any sudden Damage to Bridges, Roads, or other County Works under the Provisions of the said Act in reference to such sudden Damage, on the Production to them of the Magistrate's Order duly authorizing such Repairs, and the Certificate of the District Surveyor that a Sum not exceeding the Sum specified in such Order hath been faithfully and honestly expended pursuant thereto; and the Grand Jury of the said County is hereby empowered to present all Sums so paid by the Finance Committee at the next Presenting Term, without previous Application at Presentment Sessions.

Repeal of Part of recited Act as to withholding Salaries, &c. of County Officers, for Neglect, &c.

X. And be it enacted, That so much of the said recited Act as empowers the Grand Jury, with the Sanction of the Court of Queen's Bench, to present, in case of negligent or insufficient Discharge of Duty on the Part of any County Officer, any Sum less than the annual Salary specified therein to be paid to such Officer, or to withhold or refuse to make Presentment for such Officer, shall be and is hereby repealed.

The Grand Jury, with the Sanction of the Court, may suspend Salaries of County Officers, and make Regulations as to Payments, &c.

XI. And be it enacted, That from and after the passing of this Act it shall and may be lawful for the Grand Jury of the said County, at any Presenting Term, by a Resolution, to be signed by the Foreman, with the express Sanction of the Court of Queen's Bench in *Ireland*, to direct that the Payment of any Salary of any County Officer who may be guilty of any negligent or insufficient Discharge of his Duty shall be either wholly or in part withheld, or to make such Regulations for the paying or suspending the

Payment of the whole or any Part of the Salaries of any of such County Officers, as the said Grand Jury, with the express Approval of the said Court of Queen's Bench, may deem expedient.

This Act to be read in conjunction with recited Act.

XII. And be it enacted, That this Act shall be read and interpreted in conjunction with the said recited Act, in such and the same Manner as if the same was incorporated therein and Part thereof.

Alteration of Act.

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

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