incurred by the said Commissioners in the Execution of the Works within any such District, in the same Manner as the other Lands within any such District.

Number of Trustees for Maintenance of Drainage Works may be any Number not exceeding Fifteen.

XXXVIII. 'And whereas by reason of the great Extent of some Drainage Districts it 'may be expedient to appoint a greater Number of Trustees for the Maintenance of the 'Drainage Works than is authorized by the said Act of the Fifth and Sixth Years of Her 'Majesty:'

The Number of Trustees to be appointed under the said Act of the Fifth and Sixth Years of Her Majesty, for the Maintenance of any Works of Drainage, may be any Number not exceeding Fifteen; and where before the passing of this Act Trustees have been appointed for the Maintenance of any such Works, the Number of such Trustees may at any Meeting, to be called in like Manner as a Meeting for the Election of new Trustees, be increased to any Number not exceeding Fifteen.

Rates for Maintenance of Drainage Works (as well as Instalments) recoverable by Civil Bill.

XXXIX. The Rates for Maintenance of the Drainage Works in any District in *Ireland* assessed by the Trustees for the Maintenance of such Works, as well as the Instalments payable under any final Award of the said Commissioners of Public Works, shall be recoverable by Civil Bill against the Proprietor for the Time being, within the Meaning of the said Act of the Fifth and Sixth Years of Her Majesty, of the Lands charged therewith, but without Prejudice to any Power now vested in the Trustees of such Drainage Works, or such Commissioners respectively, for the Recovery thereof.

Saving Rights of the Irish Society.

XL. Nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Honourable the *Irish* Society, the Governors and Assistants, *London*, of the New Plantation in *Ulster* within the Realm of *Ireland*, under or by virtue of any Charter or Charters heretofore granted to them by the Crown, or of any Statute or Statutes in anywise relating thereto.

Saving Rights of the Marquis of Donegal.

XLI. Nothing herein contained shall be deemed, construed, or taken to affect, prejudice, or diminish any Estate, Right, Title, or Interest of the Most Noble the Marquis of *Donegal*, his Heirs or Assigns.

CAP. LXIII.

An Act to amend the Acts relating to Grand Juries in *Ireland*.

[21st *July* 1856.]

15 & 16 Vict. c. 63. 16 & 17 Vict. c. 7. 17 & 18 Vict. c. 8.

'WHEREAS an Act was passed in the Session holden in the Fifteenth and Sixteenth 'Years of Her Majesty's Reign, Chapter Sixty-three, to amend the Laws relating to 'the Valuation of rateable Property in *Ireland*: And whereas the said Act was amended by 'an Act passed in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter 'Seven, and by an Act passed in the Seventeenth Year of Her Majesty's Reign, Chapter 'Eight: And whereas it is expedient to make further Provision for the Applotment of 'Grand Jury Assessments:' 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, as follows:

When General Valuation completed, Grand Jury Assessments to be assessed according to the final List of such Valuation.

I. When the General Valuation of rateable Property has been or shall be completed in any County in *Ireland*, all Grand Jury Assessments to be made in such County shall be applotted and paid upon and in respect of the Property liable thereto by a Poundage Rate according to the net annual Value of the several Tenements and Hereditaments as set forth in the final List of such Valuation so completed, and when and so often as such Valuation shall be revised under the Laws in force for the Purpose of such Revision, all such Assessments as aforesaid shall thenceforward be applotted and paid upon and in respect of such revised Valuation.

Tolls of Roads, &c. liable to Poor Rates to be liable to Grand Jury Rates and County Cess.

II. All Tolls of Roads, Bridges, Railways, Canals, Gas and Water Works, and all other Hereditaments, Tenements, Premises, and Half Rents, which are liable to Rates for the Relief of the destitute Poor in *Ireland*, shall be liable to the Payment of Grand Jury Rates and County Cess, according to the annual Value thereof or the Amount of Half Rent payable in respect thereof, as the Case may be, as contained in the final Lists of Valuation.

Applotment to be made by County Treasurer.

III. Such Applotment shall be made by the Treasurer of each County, any thing in the Act of the Sixth and Seventh *William* the Fourth, Chapter One hundred and sixteen, or the Act of the Seventh and Eighth *Victoria*, Chapter One hundred and six, or any Act amending the said Acts or either of them, to the contrary notwithstanding, and shall be entered in a Book signed by such Treasurer, and by him kept open in his Office at all reasonable Times for public Inspection; and in making such Applotment by such Poundage Rate it shall not be necessary to take into account any smaller Fraction than the One Fourth of a Penny in the Pound; and wherever it should occur that the Poundage Rate has to be applotted on a less Amount of Value than One Pound, it shall not be necessary to take into account any smaller Amount of Value than One Eighth of a Pound; and no Rate or Assessment so made or applotted shall be vitiated or affected by reason of any Excess, Deficiency, or Difference between any Sum or Sums authorized to be applotted or raised and the Sum or Sums actually applotted, provided that the same shall have arisen from such Fraction of One Fourth of a Penny, or from no smaller Value than One Eighth of a Pound being rated.

Treasurer to deliver Copy of Applotment to Collectors of County Cess, who shall pay Collections to County Treasurers.

IV. The Treasurer of each County in which the Grand Jury Assessments shall have been applotted under this Act shall, within Two Months after he shall have received from the Clerk of the Crown the Copies of the Presentments of the preceding Assizes, make out and deliver to each Collector a fair Copy of so much of such Applotment as shall relate to the Barony, Division, or other District within which such Collector shall be authorized to collect Grand Jury or County Cess, and shall annex thereto under the Hand and Seal of such Treasurer a Warrant authorizing such Collector to collect and levy the respective Sums in such Copy mentioned, and upon Receipt thereof such Collector shall and may proceed to collect, levy, and enforce Payment thereof, and shall lodge the Amount collected from Time to Time in the County Bank to the Credit of the Treasurer of the County, and shall not at any Time retain in his Hands more than One hundred Pounds, but shall lodge the same in the County Bank with all convenient Expedition; and in all Actions and Proceedings for Recovery of or in relation to any Assessment made or applotted under the Provisions of this Act the original Applotment Book, or the Copy of so much thereof as shall be delivered by any Treasurer to any Collector of Grand Jury or County Cess, shall be received and taken, without further Proof or Oath, as *primâ facie* Evidence of the due making of the Assessment and Applotment therein mentioned, and of the several other Matters and Statements therein respectively contained and set forth; and in the Absence of such Applotment or collecting Book a Copy of such Applotment Book, or of so much thereof as shall relate to the Assessment in question, certified by the Treasurer, shall be in like Manner received and taken as *primâ facie* Evidence of the several Matters aforesaid; and each Treasurer with whom such Applotment Book shall be deposited shall furnish certified Copies thereof or Extracts therefrom to any Person requiring the same, upon being paid One Shilling for the first Seventy-two Words, and Three Halfpence for every succeeding Seventy-two Words contained in such Copy or Extract.

In Actions as to Assessments, Applotment Books, &c. to be Evidence.

Copies of Applotment Book to be furnished when required.

Grand Jury to present Amount of Expenses of Applotment.

V. When the Treasurer or other Officer of any County, with the Sanction of the Grand Jury, shall have incurred or shall incur any necessary and proper Expenses in making such Applotments, for Payment of which no Provision is made by Law, it shall be lawful for the Grand Jury, without previous Application to Presentment Sessions, to present, to be raised off and paid by such County, all such necessary and proper Expenses as aforesaid, including the Expense of providing and preparing such Books and Copies as aforesaid, as such Grand Jury may deem reasonable.

Grand Jury may re-present Sums uncollected by reason of change of

VI. Where Sums have been or shall hereafter be presented by any Grand Jury in *Ireland*, and applotted on any Houses, Tenements, or Hereditaments, and where, owing to the Alteration of Boundaries or other Causes, it has been or may be found impossible to collect the Sums applotted on any such Houses, Tenements, or Hereditaments respectively, or the Occupiers

Occupiers thereof, it shall be lawful for the Grand Jury, without any previous Application to Presentment Sessions, to re-present all such Sums so remaining unpaid to be paid by the several and respective Townlands, Baronies, or Half Baronies within which the Houses, Tenements, or Hereditaments on which or in respect whereof the Sums remaining unpaid have been or shall hereafter be so applotted as aforesaid shall be situate: Provided always, that in all Cases where the Houses, Tenements, or Hereditaments so charged as aforesaid can be traced out or identified, such Sums so remaining due on such Houses, Tenements, or Hereditaments shall be re-presented thereon: Provided also, that no such Re-presentment shall in any Case be made by the said Grand Jury without previous Examination on Oath (which Oath may be administered by the Foreman of the said Grand Jury, or any Member thereof, in the Presence of the said Grand Jury,) as to the Inability of the Collector to levy same, owing to the Insolvency of the Parties chargeable therewith, or to the Difficulty of tracing out or identifying such Houses, Tenements, or Hereditaments, or other sufficient Cause, notwithstanding all reasonable Exertions having been made by the Collector of such Arrears to enforce Payment thereof, and also that a List or Schedule of such Arrears, and of the Houses, Tenements, or Hereditaments upon which or in respect whereof the Sums remaining unpaid have been applotted, and of the Names of the Parties chargeable therewith, has been duly posted by such Collector at the usual Place for posting Notices for Presentments within the Barony, Division, or other District within which such Collector shall be authorized to collect Grand Jury or County Cess Ten Days at least previous to the First Day of the Assizes at which the said Sums are intended to be re-presented; and it shall be competent for any Parties interested to object to the Re-presentment of such Sums, or any Part thereof, and the Grand Jury shall hear the Objections of such Parties upon their applying to be heard before the Re-presentment is made. Boundaries, &c.

VII. With reference to any Sums of Grand Jury Cess to be presented after the passing of this Act, it shall not be lawful to commence any Proceeding for the Recovery of any Sum in arrear or unpaid against any Person not primarily liable to pay the same after the Expiration of Two Years from the Date of the original Presentment thereof, anything in this or any former Act to the contrary notwithstanding. Certain Proceedings not to be commenced after Two Years.

VIII. In any Case in which from the Extent or other Circumstances of a Barony it may appear expedient to divide the same for the Purpose of Collection, it shall and may be lawful for the Grand Jury to make a Presentment for the Purpose of effecting such Division, setting forth in such Presentment the Parishes or Townlands constituting such Divisions or Portions of the Barony, and when such Presentment shall be fiated by the Court the Parishes or Townlands set forth therein shall, for all Purposes belonging to the Duties or Functions of the Collector, be taken to be separate Portions of the Barony; and it shall be lawful for the Grand Jury, if they shall think fit, to appoint One Collector for every such Portion of a Barony, and the Collector so appointed for a Portion of a Barony shall be subject to all the Provisions and have all the Powers in force by Law with regard to the Collector of any Barony. Grand Juries may divide Baronies for Purposes of Collection.

IX. 'Whereas Difficulties have of late attended the levying and Collection of Grand Jury 'Cess in the County of *Dublin:*' Be it enacted, That the Provisions of an Act passed in the Thirteenth and Fourteenth Years of Her present Majesty's Reign, intituled *An Act to extend the Remedies for the Collection of Grand Jury Cess in* Ireland, be extended to the said County of *Dublin.* Provisions of 13 & 14 Vict. c. 82. extended to County of Dublin.

X. It shall and may be lawful for the Grand Jury of any County from Time to Time to present to be paid to each or any of the Collectors of Grand Jury Cess in such County such Rates of Poundage for the Collection of Grand Jury Cess as they shall think fit, not exceeding One Shilling in the Pound on the Amount of the Collection, anything in any Act or Acts limiting such Poundage to a less Sum than One Shilling in the Pound to the contrary notwithstanding. Grand Jury may allow Poundage Rate for Collection, not exceeding 1s. in the Pound.

XI. It shall and may be lawful for the Grand Jury, if they shall so think fit, to accept of Two or more than Two sufficient Sureties, joining any Collector in a Bond as Securities for such Collector in the Manner and under the Terms now by Law provided, anything in the Acts relating to the giving of such Security limiting the Number of such Sureties to the contrary notwithstanding. Grand Jury may accept more than Two Securities for Cess Collector.

XII. 'Whereas

Section 32 of 10 & 11 Vict. c. cclii. repealed, and Grand Jury Cess to be henceforward levied in Rathmines District on General Valuation.

XII. 'Whereas under the Thirty-second Section of the "*Rathmines* Improvement Act, '1847," the Finance Committee of the County of *Dublin*, in apportioning the Sum payable 'by the *Rathmines* District, are required to adopt the Valuation furnished by the *Rathmines* 'Improvement Commissioners to said Finance Committee under the said before-mentioned 'Section: And whereas the General Valuation of rateable Property on the said District is 'now completed under the several Acts relating thereto, and it is desirable to repeal said 'Clause:' Be it enacted, That from and after the passing of this Act said Thirty-second Section of the *Rathmines* Improvement Act be and the same is hereby repealed; and it shall and may be lawful for the Finance Committee of the County of *Dublin* to apportion on said *Rathmines* District all future Sums assessable therefrom under the Grand Jury Presentments upon the General Valuation of rateable Property so completed as aforesaid.

Rates not to be affected by Errors, &c. in Valuation.

XIII. No Rate or Assessment made or hereafter to be made shall be in any Matter affected by reason of any Omission of the Clerk of any Board of Guardians or other Person appointed in his Place, to give or post the Notices of the making of such Valuation or Revision required to be posted or given by said several recited Statutes or any of them, or by reason of any Error, Omission, Misdescription, or Variance in the making of such Valuation or Revision, and it shall not be necessary in any Suit or other Proceeding for Recovery of or in relation to any such Rate or Assessment or any Part thereof, or in relation to such Valuation or Revision thereof, to give Evidence of the Performance of any of the Preliminaries required in the making of such Valuation or Revision.

Ridings of Counties to be deemed separate Counties.

XIV. Where any County in *Ireland* has been or shall be divided into Ridings under the Act of the Sixth and Seventh *William* the Fourth, Chapter One hundred and sixteen, or any subsequent Act, each such Riding shall, for the Purposes of this Act, be deemed a separate County.

Personal Service of Notice requiring Payment to be deemed good Service.

XV. 'Whereas Difficulties have of late presented themselves in Proceedings before 'Magistrates for Recovery of Grand Jury Cess, by reason of the Residences of Parties 'liable to the Payment thereof not being sufficiently known or capable of Proof:' Be it enacted, That in addition and without Prejudice to the Remedies provided by Law for Recovery of Grand Jury Cess, that Personal Service of Notice requiring Payment on the Party so liable shall be deemed and considered to be good and sufficient Service, anything to the contrary in anywise notwithstanding.

Vacancies in Office of Surveyor in County of Dublin may be filled up by Finance Committee in certain Cases.

XVI. Whenever the Office of Surveyor for any Road District in the County of *Dublin* shall become vacant between any Two Presenting Terms, it shall be lawful for the Finance Committee, if it shall appear to them necessary so to do, to appoint from amongst the Persons duly qualified in that Behalf a Surveyor for such District, and the Surveyor so appointed shall hold and exercise the said Office in all respects as if he had been appointed thereto under the Act of the Seventh and Eighth *Victoria*, Chapter One hundred and six, and the Acts amending the same, until a new Appointment shall have been made under said Acts.

If Contractor for Repair of Roads be guilty of Neglect Justices may make an Order for Contract to be executed within a certain Period.

Penalty for Neglect.

XVII. If, in the Opinion of the County Surveyor, the Contractor for the Repair of any Road shall be guilty of Neglect or Inattention in the Performance of his Contract, it shall be lawful for such Surveyor to summon the said Contractor and his Sureties before the Justices at Petty Sessions of the District in which such Work may be situate; and if such Charge of Neglect or Inattention be established before such Justices, it shall be lawful for them to make an Order directing the said Contractor and his Sureties to execute his Contract within a Period to be stated in such Order; and if at the Expiration of such Order the County Surveyor shall still see reason for being dissatisfied with the Manner in which such Work has been executed, it shall be lawful for him again to summon the Contractor and his Sureties before the Justices at Petty Sessions, and the Justices thereupon shall proceed to inquire into and finally adjudicate upon the Complaint; and if it shall appear that such Work has been insufficiently executed, or contrary to the Terms of the Contract, it shall be lawful for such Justices, having ascertained the Amount which it may require for the Completion of such Work according to the Contract, to authorize such Surveyor to complete the same, and to levy such Amount by Warrant of Distress upon the Goods of such

such Contractor or his Sureties, not exceeding the Amount of the Recognizance or Bond of such Sureties.

Penalty on Road Contractor, &c. cutting Sods, &c. to Injury of public Roads.

XVIII. 'Whereas by the Summary Jurisdiction (*Ireland*) Act, 1851, Provision is made 'for the Punishment of Offences on or relating to public Roads in *Ireland*: And whereas it 'is expedient to make further Provision for the Protection of such Roads from Injury:' Be it enacted, That any Road Contractor or other Person who, without the Authority of a Presentment, or the Consent of the County Surveyor, shall cut any Sods or Turf on the Sides, Fences, or any other Part of any public Road, or dig, raise, or carry away any Sods, Turf, Earth, Clay, Stones, Gravel, or other Material from the Sides, or Fences or any other Part of any public Road, Bridge, or Wall, shall be liable to a Fine not exceeding Forty Shillings, anything in Section Nine of the said Summary Jurisdiction (*Ireland*) Act, 1851, to the contrary notwithstanding.

Interpretation of certain Terms.

XIX. In the Construction and for the Purposes of this Act, if not inconsistent with the Context or Subject Matter, the following Expressions shall have the Meanings herein-after assigned to them: The Word "Assizes" shall include Presenting Term; "applot" and "Applotment" shall include "assess" and "Assessment;" and the Word "Treasurer" shall include the Finance Committee and the Secretary of the Grand Jury for the County of *Dublin*; and the Word "County" shall extend to and include all Counties, Counties of Cities and Counties of Towns in *Ireland* (except the County of the City of *Dublin*); and all the Acts and Duties by this Act required to be performed by Grand Juries and Treasurers of Counties shall and may, in the County of *Dublin*, be performed at the Presenting Terms by the Grand Jury of the said County and by their Secretary; and the Expression "Grand Jury Assessments" shall mean all County, Baronial, Parochial, Town Land, and other Rates and Assessments to be made or collected in any County by the Grand Jury thereof, or by the *Rathmines* Improvement Commissioners, or any Officers of such Grand Jury.

Repeal of the 18 & 19 Vict. c. 74.

XX. The Act of the Eighteenth and Nineteenth *Victoria*, Chapter Seventy-four, is hereby repealed, save as to any Right acquired or Thing done under the said Act.

Limitation of Act.

XXI. This Act shall not extend to the County of the City of *Dublin*.

CAP. LXIV.

An Act to repeal certain Statutes which are not in use. [21st *July* 1856.]

Acts herein-after named repealed.

BE it enacted and declared 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 the Acts herein-after mentioned, together with all Enactments (if any) confirming, continuing, or perpetuating the same or any of them, are hereby repealed: Provided always, that such Repeal shall not affect any legal Proceeding commenced under any of the said Acts before the passing of this Act.

Statute of Westminster the Second. 13 Edw. 1. c. 33.	Lands where Crosses be set shall be forfeited as Lands aliened in Mortmain.
Statute of Westminster the Second. 13 Edw. 1. c. 41.	A *Contra formam collationis* and a *Cessavit* to recover Lands given in Alms.
Articuli super Chartas. 28 Edw. 1. c. 5.	The Chancellor and the Justices of the King's Bench shall follow the King.
Articuli super Chartas. 28 Edw. 1. c. 20.	Vessels of Gold shall be essayed, touched, and marked; the King's Prerogative shall be saved.