ANNO SEPTIMO

# GEORGII IV. REGIS.

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## CAP. XXI.

## An Act for the better regulating Proceedings on Writs of Mandamus, in *Ireland*.

[5th *May* 1826.]

WHEREAS by an Act passed in the Parliament of *Ireland*, in the Nineteenth Year of the Reign of King *George* the Second, intituled *An Act for the better regulating of Corporations*, it is, amongst other things, enacted, that as often as any Writ of Mandamus shall issue out of the Court of King's Bench, and a Return shall be made thereto, it shall and may be lawful to and for the Person or Persons suing or prosecuting such Writ of Mandamus to plead to or traverse all or any of the material Facts contained within the said Return; whereupon such subsequent Proceedings may be taken as are in and by the said Act directed: And whereas from the Delays which occur in such Proceedings, Persons are often unreasonably obstructed in the Establishment of their Rights: Be it 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 from and after the passing of this Act, whenever any Writ of Mandamus shall issue for the Admission or Restoration of any Person to any Office, Place, Situation, or Benefit to which he may be admitted, without the Removal or Displacing of any other Person, and a Return shall be made to such Writ of Mandamus, and the Person suing or prosecuting such Writ of Mandamus, shall plead to or shall traverse all or any of the Facts of such Return,

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On Return to any Mandamus, where the Party can be admitted to Office without Removal of any other

Person, he may apply to the Court by Petition to be admitted forthwith; and the Court may make Order accordingly.

Return, as directed by the said recited Act, then and in every such Case it shall and may be lawful to and for every or any such Person to apply to the Court by Petition, praying that he may be forthwith admitted to such Office, Place, Situation, or Benefit, notwithstanding such Return, and pending the Proceedings which may be had thereon under the said recited Act; and thereupon it shall and may be lawful for the Court to appoint a Time for the Hearing of such Petition, and to direct that such Notice of such Petition, and of the Time appointed for hearing the same, shall be given, as such Court shall think proper, to the Person or Persons or Body or Bodies Politic or Corporate, making such Return, and to such other Persons as such Court shall deem proper and fitting; and upon Affidavit of the due Service of such Notice, it shall be lawful for the said Court to proceed, at the Time appointed, to hear the Matter of such Petition, and of any Answer or Answers thereto, in a summary Way, upon such Affidavits or other Documents as shall be laid before the said Court, and thereupon to ascertain and declare whether the Person or Persons so suing or prosecuting such Mandamus has or have reasonable and probable Grounds to entitle such Person or Persons to the Relief sought by such Mandamus, and to make any such Rule or Order or Rules or Orders thereon, for granting or refusing the Prayer of such Petition, and for admitting or for the delaying the Admission of such Person or Persons to the Office, Place, Situation, or Benefit, which shall be the Subject of such Application, and also for Costs, in such Manner as such Court shall think proper, and to enforce Obedience to any and every such Rule or Order, as to other Rules or Orders of the Court.

Court may direct the Payment of Costs.

II. And be it further enacted, That if it shall appear to the Court that any Person so applying, and for whose Admission to any Office, Place, Situation, or Benefit, any Rule or Order of such Court shall be made, under the Provisions of this Act, did apply to the Mayor, or other Officer or Officers, or Person or Persons, in any City, Town Corporate, Borough, or Corporation, having Authority to admit to the Office, Place, Situation, or Benefit in question, and did give Notice in Writing specifying the Nature of his Claim and of his Intention, if not admitted, to apply to the Court of King's Bench for a Writ of Mandamus, pursuant to the Provisions contained in an Act passed in the Parliament of *Ireland*, in the Thirty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for giving Relief in Proceedings upon Writs of Mandamus for the Admission of Freemen into Corporations;* and that such Mayor, or other Officer or Person, did, after such Notice, refuse or neglect to admit such Person so applying, it shall and may be lawful for the Court, if they shall see no just Cause to the contrary, to direct that such Person shall receive from such Mayor, or other Officer or Person who neglected or refused to grant such Admission, all Costs to which such Person so applying shall have been put, in applying for, obtaining, and serving such Writ of Mandamus, and in enforcing the same, together with the Costs of applying for, obtaining, serving, and enforcing any such Rule or Order of the Court under this Act; and if any such Rule or Order made under the Authority of this Act shall not be obeyed, then the same shall be enforced in such Manner

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as any other Rule or Order made by the said Court can or may be enforced by Law.

III. Provided always, and be it enacted, That every Rule or Order of such Court so made, shall be subject to be varied, altered, or annulled, by or under or in Execution of any Judgment which shall or may be given in, upon, or under such Writ of Mandamus, or such Plea or Traverse thereto; but every such Rule or Order shall be and remain good, valid, and effectual according to the Terms thereof, so long and so far as the same shall stand and remain not varied, altered, or annulled as aforesaid. Such Order subject to Alteration, but shall be valid until altered by Judgment.

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