No. 3.

Form of a Conviction for a Penalty or Forfeiture under the foregoing Act.

County of to wit. } Be it remembered, That on the Day of before me, One of the Justices of the Peace for the said County, sitting at in the said County, *C. D.* of on the Information of *A. B.* of is convicted, that he did, &c. [*here state the Offence.*] I do therefore adjudge that the said *C. D.* for his said Offence do forfeit and pay the Sum of £ Sterling, to be applied and disposed of as directed by the Statute in that Case made and provided, and that the said *C. D.* do further pay to the said *A. B.* the Sum of £ for his Costs in this Behalf.

Given under my Hand, the Day and Year first above written.

(Signed)_____

CAP. XCII.

An Act for the further Amendment of an Act for the more effectual Relief of the destitute Poor in *Ireland.*

[24th *August* 1843.]

'WHEREAS it is expedient that certain Amendments should be made in the Provisions of an Act passed in the Session of Parliament held in 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, and of an Act passed in the Second Year of the Reign of Her present Majesty, to amend the same:' 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 whenever the net annual Value of the whole of the rateable Hereditaments in any Union occupied by any Person or Persons having no greater Estate or Interest therein than a Tenancy from Year to Year, or holding under any Lease or Agreement, Leases or Agreements, made after the passing of this Act, shall not exceed Four Pounds, or, in any Electoral Division situated wholly or in part within any of the Boroughs named in the Schedule annexed to this Act, shall not exceed Eight Pounds, the Rate in respect of such Property shall, after the passing of this Act, be made on the immediate Lessor or Lessors of such Person or Persons; and if at the Time of making any Rate the Name of the immediate Lessor be not accurately known to the Persons making the Rate, it shall be sufficient to describe him therein as "the immediate Lessor," with

1 & 2 Vict. c. 56. 2 Vict. c. 1.

Lessors of Property of less Value than 4*l.*, or in certain Boroughs than 8*l.*, to be rated for the same.

with or without any Name or further Addition, and such Rate shall be held to be duly made on him by such Description, and shall be recoverable from him accordingly, notwithstanding any Error or Defect in his Name or Description, or the entire Omission of his Name therein.

Recovery of Rates from Lessors by Action or Civil Bill, or by Warrant of Distress.

II. And be it enacted, That any Rate or Rates made as aforesaid on any Lessor in respect of any Property, whether occupied by One or more Occupiers, shall be recovered from him by all or any of the Remedies, Ways, and Means herein-after mentioned; (that is to say,) by Action or Suit in the Name of the Guardians of the Union against such Lessor in any of the Superior Courts of Record in *Dublin*, or by Civil Bill in the Court of proper Jurisdiction, or where such Lessor resides within any County in which such Union or any Part thereof is situate, whether the Property in respect of which such Rate is made be or be not within such County, the Collector of the Rate may, by Direction of the Guardians, leave at the Dwelling House of such Lessor a Notice, bearing Date the Day and Year of serving the same, subscribed with the Name and Abode of such Collector, requiring Payment of the Rate within Fifteen Days from the Date of such Notice, and expressing that within Fifteen Days the Money demanded may be paid to the Collector at his House or Office; and if such Rate be not paid within such Time, then it shall be lawful for such Collector to prefer a Complaint to any Justice of the Peace of the County in which the Lessor may so reside, and such Justice shall summon the Lessor so complained against to appear before him in Petty Sessions and answer the said Complaint, and shall at the Time specified in such Summons examine into the Matter of such Complaint on Oath (which Oath the Justice is hereby empowered to administer), and shall direct the Payment to such Collector of such Sum of Money as he shall find due and payable as Rate by such Lessor, together with a Sum certain as and for such reasonable Costs and Charges as to such Justice shall seem meet; and in default of the Appearance of such Lessor, or on his Refusal or Neglect forthwith to pay the Sum or Sums so by such Justice directed to be paid, it shall be lawful for such Justice, or for any Justice of the Peace for such County, to issue his Warrant authorizing or empowering the said Collector to levy the Money thereby ordered to be paid by Distress and Sale of any Goods or Chattels of such Lessor which may be found within any Part of such County, rendering the Overplus, if any, to such Lessor, the necessary Charges and Expences of distraining being first thereout deducted, as directed by such Justice; and if sufficient Distress cannot be found within the same County, then on Oath thereof made before any Justice of the Peace of any other County in which any of the Goods and Chattels of such Lessor may be found (which Oath such Justice shall administer, and certify by endorsing in his Handwriting his Name on the Warrant granted to make such Distress), the Goods or Chattels of such Lessor shall be subject and liable to such Distress and Sale in such other

other County where the same may be found, and may by virtue of such Warrant and Certificate be distrained and sold in the same Manner as if the same had been found within such first-mentioned County; and in any such Action or Suit, or Civil Bill or Complaint before a Justice of the Peace against such Lessor as aforesaid, no Lessee or Occupier of the Property in respect of which such Lessor shall be rated shall be disabled or prevented from giving Evidence therein by reason of his being such Lessee or Occupier, or of any Liability to pay Rate in respect of such Property: Provided always, that no Action shall be brought in any of the Superior Courts of Record in *Dublin* without the Consent of the Poor Law Commissioners.

If Rate be not paid by the Lessor it may be recovered from the Occupier, who may deduct it from Rent.

III. And be it enacted, That if such Rate be not paid by such Lessor within Four Calendar Months after the making thereof it shall be lawful for the Guardians of the Union to give Notice in Writing, in the same Manner in which Summonses may be served under the said first-recited Act, to the Occupier or respective Occupiers of any such Property, to pay the Rate due in respect of the Property in his or their Occupation; and after the Expiration of One Calendar Month from the Time of giving such Notice it shall be lawful to recover such last-mentioned Rate from every such Occupier, or, in his Default, from any subsequent Occupier, according to the Provisions of the said Act; and every Occupier so paying such Rate may deduct from the Rent he may be then or next thereafter liable to pay in respect of any such Property the whole of any Rate he may have paid in respect of the same Property; and if Rent sufficient to cover such Rate be not then or do not thereafter become due from such Occupier he shall be entitled to recover the same from such Lessor by Civil Bill; and any Covenant or Agreement by which any such Occupier shall have covenanted or agreed to forego the Deduction of any such Rate shall, so far as such Rate is concerned, be of no Effect.

Where Houses are let in Lodgings, the Tenant of the whole House to be liable.

IV. And be it enacted, That where any House is let in separate Apartments or Lodgings no Tenant of any such Apartment or Lodging shall be liable to be rated in respect thereof, but the Rate shall be made in respect of the whole of such House upon the immediate Lessor under whom such Apartments or Lodgings are held; and such Rate shall be recovered from such Lessor by all or any of the Remedies, Ways, and Means herein-before provided for the Recovery of Rates where Lessors may be rated: Provided always, that if such Rate be not paid by such Lessor within Thirty-one Days after the making thereof it shall be lawful for the Collector to recover such Rate from any Person or Persons in occupation of such Apartments or Lodgings, according to the Provisions of the said first-recited Act; and every Occupier of such Apartment or Lodging so paying such Rate may deduct from the Rent he may be then or next thereafter liable to pay in respect thereof the whole of any Rate he may have paid in respect of the same; and if Rent sufficient to cover such Rate and Money

be not then or do not thereafter become due from such Occupier, he shall be entitled to recover the same from such Lessor by Civil Bill: Provided always, that nothing herein contained shall prevent the separate Valuation and rating of such Portions of a Tenement as are held separately from the Remainder, and to which there is an exclusive Right of Ingress: Provided always, that nothing herein contained shall prevent the Rate in respect of such House as last aforesaid from being made under the Provisions herein-before contained on the immediate Lessor under whom the whole of such House is held: Provided always, that nothing herein contained shall be construed to repeal or affect the Provisions of an Act of the Third and Fourth Year of the Reign of Her present Majesty, intituled *An Act for the Regulation of Municipal Corporations in* Ireland, which enables any Persons occupying any House, Warehouse, Counting-house, or Shop to claim to be rated to the Relief of the Poor in respect of such Premises respectively, whether the Landlord shall or shall not be liable to be rated to the Relief of the Poor in respect thereof, and to be enrolled as a Burgess under the Conditions provided in the said recited Act.

3 & 4 Vict. c. 108.

By Agreement Lessors of Property of any Value may be rated.

V. 'And whereas it is provided by the said first-recited Act 'that in any Case where the net annual Value of any Property 'shall not amount to Five Pounds, if the Occupier and his 'immediate Lessor by any Writing under their Hands shall 'require, and if the Guardians of the Union wherein such 'Property is situate shall by a Minute of their Board agree 'thereto, such immediate Lessor shall be rated instead of such 'Occupier: And whereas it is expedient to extend such Powers;' be it therefore enacted, That the same Powers, and all the Provisions incidental thereto, shall extend to any Case where the net annual Value of rateable Property exceeds Five Pounds.

Goods found on Premises may be distrained.

VI. And be it enacted, That in all Cases in which under the said first-recited Act or this Act it is made lawful to levy any Money by Distress and Sale of the Goods of any Person, all Goods and Chattels, to whomsoever the same may belong, found on any Premises in respect of which any Person is or shall be rated as the Occupier, or as Occupier of which he is liable to pay the Rate, shall be liable to be distrained and sold as if they were the Goods and Chattels of such Person.

Valuation to be made by a Valuator appointed or sanctioned by the Commissioners, and not to be departed from in assessing the Rate. 1 & 2 Vict. c. 56. s. 66.

VII. 'And whereas in the said first-recited Act it is enacted, 'that it shall be lawful for the Commissioners, where they shall 'see fit, either to appoint or to direct the Guardians to appoint 'a fit professional Person or Persons to make a Survey and 'Valuation of all or any Hereditaments liable to be rated in 'any Townland within a Union, or to revise and correct any 'existing Survey or Valuation: And whereas Doubts have been 'entertained whether any such Person appointed by the Commissioners may enter on Lands and Buildings in like Manner as a Person appointed by the Guardians: And whereas 'Doubts have also been entertained as to the Extent to which 'a Valuation made by a Person appointed as first aforesaid is 'binding on the Guardians, and it is desirable to remove such

'Doubts, and to extend the Provisions herein recited;' be it enacted, That the Commissioners may from Time to Time appoint a fit and proper Person to make a Survey or Valuation, or revise or correct any Survey or Valuation already made or hereafter to be made, of all or any rateable Hereditaments, whether for any Portion of a Union or for any One or more Unions, and that the Commissioners may, if they see fit, direct the Guardians of any Union to appoint a fit and proper Person to make such Survey or Valuation, or to revise or correct any Survey or Valuation now made or hereafter to be made; and every Person so appointed by the Commissioners may, for the Purpose of making or revising any Survey or Valuation, at all reasonable Times enter every Field, Garden, or other inclosed Land, and all Buildings (not being inhabited Dwelling Houses) situated within such Townland or District; and every such Valuation made or revised by the Person so appointed shall, when signed and sealed by the Commissioners, be the Valuation on which the Rates for such Townland, District, Union or Unions shall be assessed and made; and it shall not be lawful for the Guardians in making any Rate to depart from or vary the Value as stated in such Valuation of any Hereditaments contained in such Rate, but every such Rate shall be assessed on the net annual Value as set forth in the Valuation so made or revised and sealed by the Commissioners: Provided always, that on any Appeal against the Rate to any Sessions of the Peace under the said first and secondly recited Acts, it shall be lawful for the Assistant Barrister and Justices, or for the Recorder, before whom such Appeal is brought, to hear and finally determine the Matter of such Appeal, in like Manner to all Intents and Purposes as in the said Acts is provided, notwithstanding that such Valuation as herein-before mentioned has been so made or revised, and signed and sealed by the Commissioners: Provided also, that if on any Appeal against the Rate it shall be decided by such Assistant Barrister and Justices or Recorder that any Hereditament is unfairly or improperly assessed in any Rate made in pursuance of such Valuation as aforesaid, a Copy of the Order of the Court amending such Rate shall be transmitted by the Clerk of the Peace or proper Officer of the Court to the Commissioners, who shall thereupon authorize in Writing the Alteration of such Valuation in conformity with the Decision of such Court; and such Valuation so altered shall thenceforth be adhered to in making any future Rate, until the said Rate may be again amended as aforesaid on Appeal, or until the Commissioners shall see fit to appoint or sanction any Person or Persons to make a new Survey or Valuation as before, or to revise any existing Survey or Valuation.

Proviso as to Appeals.

VIII. 'And whereas by the said recited Act passed in the 'First and Second Years of Her Majesty's Reign the Power 'of Appeal against a Rate was given in certain Cases to any 'Session of the Peace to be held in the Presence of the 'Assistant Barrister in and for the County in which such Rate

Removing Doubts as to Court of Appeal against a Rate.

'should have been made, and by the said Act passed in the 'Second Year of the Reign of Her Majesty it was enacted, that 'every such Appeal should be made and heard and the Matter 'thereof determined by any General or Quarter Sessions of 'the Peace held for the County, County of a City, or County 'of a Town in which the Cause of Complaint may have arisen, 'although such Session should not be held in the Presence of 'an Assistant Barrister: And whereas certain Unions extend 'over Portions of Counties and Portions of Counties of Cities 'and Towns, and Doubts have arisen whether in such Case an 'Appeal against a Rate ought to be made to the Sessions of 'the Peace for the County or County of the City or Town in 'which the Workhouse of the Union is situate, or to the Ses-'sions of the Peace in which the rateable Hereditament in 'respect of which the Appeal is intended to be made is situate, 'and it is expedient to remove such Doubts;' be it enacted, That in case the rateable Hereditament in respect of which any Appeal against a Rate is intended to be brought shall be situate or arise wholly within any County at large, or wholly within any County of a City or Town for which a General or Quarter Sessions of the Peace shall be held, the Appeal against such Rate shall be made to the Sessions of the Peace of the County or County of the City or Town (as the Case may be) within which such Hereditament shall be situate or arise; and in case such Hereditament shall be situate or arise partly within a County at large and partly within a County of a City or Town for which a General or Quarter Sessions shall be held, then to the Sessions of such County at large or such County of a City or Town to which the Appellant shall choose to appeal.

Repeal of 1 & 2 Vict. c. 56. s. 69.

IX. 'And whereas by the said first-recited Act it is provided, 'that before the first Rate shall be made in any Union under 'the Provisions of the said Act, and also previously to the 'making of any subsequent Rate upon any new Valuation, the 'said Guardians shall give such Notice as the Commissioners 'shall direct of the Place and Period, not to be less than Twenty-'one Days, at and during which the Valuation whereon it is 'proposed that a Rate shall be made of the rateable Property 'within the Union may be seen; and such Valuation shall be 'shown at such Place and during such Period, by such Persons 'as the Guardians shall direct, and every Rate-payer within 'such Union shall be allowed at all Times between the Hours 'of Ten and Four during such Period to inspect such Valu-'ation;' be it enacted, That the same shall be and is hereby repealed; and that it shall be lawful for any Person or Persons affected by any Rate in force in any Union at all Times between Ten o'Clock in the Forenoon and Four o'Clock in the Afternoon, *Sundays* excepted, to inspect every Valuation on which such Rate shall have been made, and to take Copies thereof or Extracts therefrom, without paying any thing for the same; and in case the Person or Persons having the Custody of any such Valuation refuse to permit such Person or Persons so affected

Valuation to be inspected at reasonable Times.

affected by the Rate as aforesaid to take Copies thereof or Extracts therefrom, the Person or Persons so refusing, or not permitting any such Copy or Extract to be made, shall for every such Offence forfeit and pay any Sum not exceeding Ten Shillings, to be recovered as Penalties and Forfeitures are recoverable under the said Act.

Repeal of 1 & 2 Vict. c. 56. s. 65. as to Form of Rate and Declaration of Guardians.

X. And be it enacted, That the Provisions of the said first-recited Act by which it is required that certain Particulars set forth in a Form in a Schedule to the said Act annexed shall be inserted in the Rate Book, and that the Guardians or other Officers competent to the making of the Rate shall sign the Declaration at the Foot of the said Form, shall be and is hereby repealed; and that it shall be lawful for the said Commissioners from Time to Time to prescribe the Form in which Rates shall be made, and the Particulars which shall be contained in the Rate Book; and that hereafter the Clerk to the Guardians or other Officers as aforesaid shall at the Foot of every Rate certify that such Rate, in so far as the Value of the Hereditaments therein assessed is concerned, is in conformity with the Valuation in force for the Time being; and that after such Clerk shall have so certified, if the Board of Guardians shall adopt such Rate, the Chairman of the Day and Two or more of the Guardians present shall state at the Foot thereof that they do allow the same, and shall sign such Allowance, and such Rate shall be deemed to have been made at the Time of the Signature of such Allowance: Provided always, that in respect of all rateable Hereditaments situated in any of the Boroughs named in the Schedules (A.) and (B.) annexed to the Act passed in the Fourth Year of the Reign of Her present Majesty, intituled *An Act for the Regulation of Municipal Corporations in* Ireland, or in any other Town to which a Charter of Incorporation may under the said Act be granted, the Rate Book shall, in addition to any other necessary Particulars, contain an Account of the estimated net annual Value of such rateable Hereditaments, and an Estimate of the probable annual average Cost of the Landlord's Repairs and Landlord's Insurance.

Hereafter Clerk to certify the Value, and Guardians to allow the Rate.

3 & 4 Vict. c. 108.

Rates for the County of Dublin to be collected as in any County in Ireland.

XI. And be it enacted, That every Rate made under the Authority of this or the said 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 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 and levied in any other County in *Ireland*.

Residence defined for the Purpose of charging Relief to Electoral Divisions.

XII. And be it enacted, That, for the Purpose of charging the Expence of Relief to any Electoral Division, no Person shall after the passing of this Act be deemed to have been resident in such Electoral Division, unless during the Eighteen Calendar

Calendar Months before his Admission into the Workhouse he have occupied some Tenement within such Division for Twelve Calendar Months, or (if he have not so occupied some Tenement) have usually slept within such Division for the Period of Twelve Calendar Months; and the Expence of the Relief of all other Persons who have not so occupied a Tenement, or slept within such Division, shall be borne by and charged against the whole Union in which they are relieved; and whenever any Person, after quitting the Workhouse of any Union, is again admitted within the Space of Six Calendar Months, the Expence incurred in respect of such Person shall be borne and charged in the same Manner as before his so quitting the Workhouse: Provided always, that every Child relieved at the same Time with any Person liable under the Provisions of the said first-recited Act to maintain such Child shall be deemed to have been resident with such Person, and its Relief shall be charged to the Electoral Division or Union, as the Case may be, accordingly.

Appeal from the Decision of Guardians on the Question of Residence.

XIII. And be it enacted, That if any Person be described in the Register Book as resident in any Electoral Division who has not so occupied a Tenement or so slept in such Division as aforesaid, it shall be lawful for the Guardian or Guardians of such Electoral Division, or a Majority of them, or for any Three or more of the Ten Persons rated on the largest Amount of net annual Value within the Electoral Division, with the Consent in Writing of the Commissioners first obtained, to appeal against the Decision of the Board of Guardians, in the same Manner as any Person aggrieved by an Order or Conviction of Justices may appeal under the said first and secondly recited Acts; and if the Justices and Assistant Barrister or Recorder do not see fit to award Costs to either Party, the Guardians shall charge their Costs to the whole of the Union; and if the Justices and Assistant Barrister or Recorder see fit to award Costs to the Respondents, the Guardians of the Union shall charge their Costs to the Electoral Division on whose Behalf the Appeal is entered; and if they see fit to award Costs to the Appellant, the Guardians of the Union shall pay such Costs, and shall charge the same to the rest of the Union exclusively of such Electoral District.

Maintenance of Deaf and Dumb or Blind in Institutions approved by the Commissioners may be paid out of Rates;

XIV. And be it enacted, That the Guardians of any Union may send any destitute poor deaf and dumb or blind Child under the Age of Eighteen to any Institution for the Maintenance of the Deaf and Dumb or Blind which may be approved of by the Commissioners, with the Consent of the Parents or Guardians of such Child, and may pay the Expence of its Maintenance there out of the Rates raised under the Authority of the said first-recited Act.

as also Conveyance of Persons from Workhouse to Fever Hospital, &c.

XV. And be it enacted, That it shall be lawful for the Guardians of any Union to pay out of the Rates raised under the Authority of the said first-recited Act the Expence incurred in conveying any destitute poor Person from the Workhouse of the Union to any Fever Hospital or Lunatic Asylum, and in maintaining

maintaining any such destitute poor Person in such Fever Hospital.

Places for the Reception of Fever Patients, &c. may be provided.

XVI. And be it enacted, That it shall be lawful for the Guardians of any Union, if they shall think fit, subject to such Regulations as the Poor Law Commissioners may from Time to Time prescribe, to provide Relief for poor Persons affected with Fever or other dangerous contagious Disease, in a House or Houses hired or rented for the Reception and Medical Treatment of such poor Persons during their Illness and Convalescence, or by appropriating for that Purpose such Portion or Portions of the Union Workhouses as the Guardians, with the Consent of the Poor Law Commissioners, shall consider it safe and convenient to be so applied, and to charge the Expence so incurred on the Rates of such Union.

Expences of prosecuting Offenders under the Acts.

XVII. And be it enacted, That it shall be lawful for the Guardians of any Union to pay any Expence reasonably incurred in following, apprehending, or prosecuting any Person guilty of any Offence against the Provisions of the said first-recited Act, or of any Act or Acts to amend the same.

Guardians may assist destitute poor Persons to emigrate.

XVIII. And be it enacted, That it shall be lawful for Two Thirds of the Guardians of any Union, subject to the Regulations of the Commissioners, to be made with the Consent of Her Majesty's Principal Secretary of State for the Colonial Department, to assist any destitute poor Person who actually is and has been for Three Months an Inmate in the Workhouse of such Union, and who has been approved by the Commissioners, to emigrate to a *British* Colony, and to charge the Expences of such Emigration on the Union or Electoral Division to which such destitute poor Person has been chargeable, but the Amount of such Expences shall not in any One Year exceed Sixpence in the Pound of the net annual Value of the rateable Property in the Electoral Division or Union respectively; and it shall be lawful for Two Thirds of the Commissioners and Guardians respectively to exercise these Powers although no Meeting of the Rate-payers of such Electoral Division or Union have been held, any thing in the said first-recited Act to the contrary notwithstanding.

In case of Vacancy amongst ex-officio Guardians, the Commissioners may appoint a Day for a new Election.

XIX. And be it enacted, That in case the Number of the Justices appointed to act as *ex-officio* Guardians of any Union be reduced by the Death, Removal, or Disqualification of any such *ex-officio* Guardians during the Year for which he is appointed to serve, the Commissioners may, by Order, appoint a Day before the Expiration of the Year on which the Justices of the Peace residing in the Union may assemble at a Meeting to appoint, in the Manner provided by the said Act, another Justice to serve until the next Appointment of *ex-officio* Guardians for the same Union in the Place of every *ex-officio* Guardian who has so died, been removed, or become disqualified.

Resignation of Candidates.

XX. And be it enacted, That if any Person put in nomination for the Office of Guardian in any Electoral Division or Ward tender to the Officer conducting the Election of Guardians his Refusal, in Writing, to serve such Office, the Election of

of Guardians, so far as regards such Person, shall be no further proceeded with in such Electoral Division or Ward.

Commissioners may order fresh Election to supply Vacancies when they see fit.

XXI. 'And whereas by the said first-recited Act it is provided, that in case an Election of Guardians for any Electoral Division or for any Union shall not take place in obedience to the Orders of the Commissioners, and in pursuance of the said Act, or in case any Guardian duly elected shall neglect or refuse to act, the Commissioners shall order a fresh Election of Guardians for such Electoral Division, or shall declare the Place of such Guardian as aforesaid to be void, as the Case may be, and in such latter Case shall order a fresh Election of a Guardian in lieu of such Guardian as aforesaid: And whereas by the said secondly-recited Act the like Provision is extended to Wards formed for the Election of Guardians: And whereas it is desirable that the Power to order a fresh Election should be extended to all Cases of Vacancy in the Office of Guardian, but it is in certain Cases expedient that a fresh Election should not be ordered before the Period for the next annual Election;' be it therefore enacted, That in every Case of Vacancy in the Office of Guardian the Commissioners shall order a fresh Election, if they think fit, but not otherwise, any thing in the said Acts to the contrary notwithstanding.

Persons convicted of certain Offences incapable of being Guardians.

XXII. And be it enacted, That no Person who has been convicted of Felony, Fraud, or Perjury, nor any Person who has been adjudged to be liable to any Forfeiture for having provided, furnished, or supplied for his own Profit any Materials, Goods, or Provisions for the Use of any Workhouse, or for having been concerned in furnishing or supplying the same, or in any Contract relating thereto, shall be capable of being elected or appointed or of acting as a Guardian.

Disputes as to Elections of Guardians may be determined by the Commissioners. Certiorari.

XXIII. And be it enacted, That in case any Question arise as to the Right of any Person to act as an Elective Guardian it shall be lawful for the said Commissioners, if they see fit, to inquire into the Circumstances of the Case, and to issue such Order or Orders therein, under their Hands and Seal, as they may deem requisite for determining the Question; and no such Order shall be liable to be removed by Writ of Certiorari into the Court of Queen's Bench, unless the Application for such Writ be made during the Term next after the issuing of such Order.

Owners and Proxies to make their Claims One Month before voting.

XXIV. 'And whereas by the said first-recited Act it is provided, that no Rate-payer shall be entitled to vote, either in Person or Proxy, in respect of any Property not in his actual Occupation, or to give any Vote in addition to the Vote or Votes to which he would be entitled as an Occupier paying Rent equal to the net annual Value of the Property in his actual Occupation, unless he or his Proxy shall, One Week at the least previous to the Day on which he shall claim to vote, have given a Statement in Writing of his Name and Address, and the Description of the Property in respect of which he claims to vote, and of his Interest therein, and if such Proxy

shall

'shall claim to vote, the original or an attested Copy of the 'Writing appointing such Proxy, to the Guardians, or some 'Person acting as the Returning Officer of the Election of 'Guardians: And whereas the Period of One Week between 'the giving of such Statements, Descriptions, and Writings, 'and the Day of the voting is not sufficient for the due Ex-'amination of such Statements, Descriptions, and Writings;' be it enacted, That no Rate-payer shall be entitled to vote as aforesaid, or to give such additional Vote as aforesaid, until One Calendar Month after the said Statement and Description, and in the Case of a Proxy until One Calendar Month after the said Original or Copy of his Appointment have been given to the Guardians or other Person as aforesaid.

Penalty for making or tendering false Voting Papers, &c. and for suppressing Voting Papers, &c.

XXV. And be it enacted, That if any Person shall knowingly and fraudulently, and with the Intent of giving a greater Number of Votes than he is by Law entitled to give, tender or forward to the Returning Officer a false Statement of the Grounds on which he claims to vote or give additional Votes, or shall forge, falsify, or knowingly and fraudulently alter, after Signature, any Paper containing a Statement of Claim to vote, Proxy, Nomination, or Vote for the Election of Guardians, or Refusal to serve the Office of Guardian, or shall conspire to forge, falsify, or so alter any such Paper, or shall knowingly tender or forward to the proper Officer any such Paper forged, falsified, or so altered as aforesaid, or shall wilfully suppress, carry off, destroy, or deface any Statement of Claim to vote, Proxy, or Nomination of a Candidate for the Office of Guardian, after the same shall be duly signed, or shall in like Manner suppress, carry off, destroy, or deface any Voting Paper after the same shall have been issued by the Returning Officer, he shall forfeit not more than Ten Pounds, to be recovered as Penalties and Forfeitures under the said first-recited Act.

In what Case Returning Officer may refuse Vote.

XXVI. And be it declared and enacted, That if at any Election of Guardians the Returning Officer have reasonable Cause to doubt the Correctness of any Claim to vote made by any Person in respect of Rent received and retained by such Person, such Returning Officer shall not admit such Person to vote in such Election in respect of such Rent, until such Person produce Evidence to the Satisfaction of such Returning Officer of the Amount of such Rent.

Rate-payers and nominal Parties to be competent Witnesses.

XXVII. And be it enacted, That no Rate-payer or Person liable to be rated in any Union, and no Guardian or paid or unpaid Officer of any Union, being, as such Guardian or Officer, only a nominal Party to any Trial, Appeal, or other Proceeding, and liable only to contribute Costs in respect thereof in common with other Rate-payers of such Union, shall be disabled or prevented from giving Evidence on any Trial, Appeal, or other Proceeding, by reason only of his being such Rate-payer, or so liable to be rated, or of his being such a Party, or so liable to Costs as aforesaid.

XXVIII. And

Recited Acts and this Act to be construed as One Act.

XXVIII. And be it enacted, That the said recited Acts and this Act shall be construed as One Act, except so far as the Provisions of any one of such Acts may repeal or alter the Provisions of any previous Act.

Act may be amended, &c.

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

SCHEDULE to which this Act refers.

DUBLIN,
CORK,
LIMERICK,
BELFAST, and
WATERFORD.

CAP. XCIII.

An Act to amend an Act of the Third and Fourth Years of Her present Majesty for the Regulation of Municipal Corporations in *Ireland*.

[24th *August* 1843.]

'WHEREAS an Act was passed in the Session of Parliament holden in the Third and Fourth Years of the
3 & 4 Vict. c. 108. 'Reign of Her present Majesty, intituled *An Act for the Regulation of Municipal Corporations in* Ireland, whereby it was amongst other things enacted, that the several and respective Collectors of the Poor Rates and of all Grand Jury and Municipal Cesses, Rates, and Taxes payable within any Borough in which the said Act should come into operation shall, on or before the Third Day of *September* in every Year, make out, or cause to be made out, according to a certain Form, an alphabetical List of all Persons who shall be subject to the Payment of such Poor Rate, Cesses, Rates, or Taxes within the Limits of such Borough, and within the Collection of the Person by whom or by whose Direction the same shall be made out; and that every such Collector shall sign the List so to be made out for his Collection, and cause a true Copy of such List to be prepared, and keep the same, to be perused by any Person, without Payment of any Fee, at all reasonable Times during the Ten Days next after the said Third Day of *September*, and on the same Third Day of *September* deliver the List, so signed by him as aforesaid, to the Town Clerk of such Borough; and that such Town Clerk shall forthwith cause to be printed true Copies of every such List, and deliver One or more of such respective printed Copies to any Person applying for the same, on Payment of a reasonable Price not exceeding One Shilling for each Copy: And whereas the said Enactment has been found inconvenient