

CHAP. 54.

An Act to amend the Act of the first and second years of Victoria, chapter fifty-six, intituled "An Act for the more "effectual Relief of the destitute Poor in Ireland." A.D. 1869.

[2d August 1869.]

WHEREAS by an Act passed in the session of Parliament holden 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," it is amongst other things enacted, that no guardian, paid officer, warden, or other person in whose hands the collection of the rates for the relief of the destitute poor, or the providing for, ordering, management, control, or direction of the destitute poor, of any union shall or may be placed shall, either in his own name or in the name of any other person, provide, furnish, or supply, for his own profit, any materials, goods, or provisions for the use of any workhouse in any union for which he or they shall be appointed or act as such during the time for which he or they shall retain such appointment, nor shall be concerned, directly or indirectly, in furnishing or supplying the same, or in any contract relating thereto, under pain of forfeiting the sum of one hundred pounds, with full costs of suit, to any person who shall sue for the same by action of debt or on the case in any of Her Majesty's Courts of Record at Dublin: 1 & 2 Vict. c. 56.

And whereas it is expedient to amend the said provisions:

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:

1. From and after the passing of this Act no action shall be commenced, or if then commenced shall be prosecuted, by any person, except the Commissioners for administering the laws for the No action to be brought under

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sect. 93. of 1 & 2 Vict. c. 56. without consent of chairman of quarter sessions, except by Poor Law Commissioners.

relief of the poor in Ireland, for the recovery of any forfeiture or penalty incurred or to be incurred by any guardian of any union, or by any person while acting as such, under the provisions of section ninety-three of the said Act, first and second Victoria, chapter fifty-six, without the consent in writing of the chairman of the quarter sessions of the county within which the workhouse of such union is situate, upon application made to him for that purpose, and cause shown in open court at any quarter sessions of such county: Provided always, that of such intended application at least fourteen days notice in writing shall be given to the guardian or guardians against whom such action is intended to be commenced by the person applying for leave to commence the same, and the said guardian or guardians shall, if he or they so desire, be heard upon such application.

Persons sued before the passing of this Act may apply to court or a judge to stay proceedings on certain conditions.

2. From and after the passing of this Act any person against whom any action shall have been brought before the passing of this Act for the recovery of any forfeiture or penalty incurred in any union by such person whilst holding the appointment of guardian of such union, or acting as such, under the provisions of section ninety-three of the said Act of the first and second years of Victoria, chapter fifty-six, may apply to the court in which such action shall have been commenced, or if such court shall not be sitting to any judge of any of the superior courts at Dublin, for an order that such action shall be discontinued upon payment to the plaintiff of all costs incurred up to the time of making such application; and every such court or judge is hereby authorized and required, upon such application, and proof that sufficient notice thereof has been given to the plaintiff or his attorney, to make such order, and upon the making of such order, and payment or tender of such costs as aforesaid, such action shall be forthwith discontinued: Provided always, that if it shall appear to the satisfaction of the said court or judge that any penalty sought to be recovered in any such action has been incurred by the fraud of the defendant, then it shall be lawful for such court or judge to refuse to make such order as to such action, and thereupon to make such other order as the said court or judge shall deem expedient: Provided also, that nothing in this section contained shall apply to any action commenced by the Commissioners for administering the laws for the relief of the poor in Ireland.

Power to judge to remit part of penalty.

3. From and after the passing of this Act, where any action shall have been brought by any person, except the Commissioners for administering the laws for the relief of the poor in Ireland, for the

recovery of any forfeiture or penalty incurred under the provisions of section ninety-three of the said Act, first and second Victoria, chapter fifty-six, and the jury shall find a verdict for the plaintiff, it shall be lawful for the judge before whom such verdict shall have been obtained, if he shall so think fit, to reduce the amount of the penalty so recovered to any sum not less than twenty-five pounds.

Not to extend to actions in which judgment has passed.

4. Nothing herein contained shall extend to any action in which judgment shall have passed before the passing of this Act.

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