

ANNO PRIMO

VICTORIÆ REGINÆ.

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CAP. XXI.

An Act to amend the Acts for the Extension and Promotion of Public Works in *Ireland*.

[30th *June* 1837.]

WHEREAS by an Act passed in the First and Second Years of His present Majesty's Reign, intituled *An Act for the Extension and Promotion of Public Works in* Ireland, the Provisions whereof were amended and extended by an Act passed in the last Session of Parliament, the Commissioners acting under and in execution thereof were authorized to make Advances by way of Loan, to a certain Amount in the said Acts limited, in aid of the Execution of Public Works in *Ireland*, and were also authorized to make Advances for the like Purpose by way of Grant in aid of the Construction of certain Works to an Amount not exceeding in the whole the Sum of Fifty thousand Pounds: And whereas it is expedient, with a view to the further Promotion of Public Works in *Ireland*, and the Employment of the labouring Population, that the said Commissioners should be enabled to make Advances to an additional Amount by way of Grant, and that Provision should be made for making Advances for the Execution of 1 & 2 W. 4. c. 33.

of Public Works under certain Circumstances partly by way of Loan and partly by way of Grant; that is to say, by Loan to the Extent of one Moiety of such Advances, and by Grant to the Extent of the other Moiety thereof: Be it therefore 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 it shall and may be lawful for the said Commissioners, under the like Conditions and Regulations, and for the Purposes of the said Acts and this Act, to make additional Advances by way of Grant to an Amount not exceeding in the whole the Sum of Fifty thousand Pounds, and for the Commissioners of His Majesty's Treasury, or any Three or more of them, to cause to be issued from Time to Time as they may find necessary, out of the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* arising in *Ireland*, in addition to the said Sum of Fifty thousand Pounds, to which the Issues for the Purposes of the Grants to be made under the said Acts were thereby limited, any further Sum or Sums of Money not exceeding in the whole the said Sum of Fifty thousand Pounds, to be applied to the Purposes of the said Acts and this Act accordingly.

The Commissioners of Public Works may make additional Grants to the Extent of 50,000*l.*

II. And be it enacted, That all and every the Provisoes, Powers, Privileges, Advantages, Forfeitures, and Disabilities contained or expressed in the said recited Acts, in respect of the Grants authorized to be made thereunder, shall be applied and extend to the Grants to be made under Authority of this Act, as fully and effectually to all Intents and Purposes as if the same were herein repeated and enacted.

Provisions of former Acts shall apply to Grants under this Act.

III. And be it enacted, That if any Three or more Justices of the Peace, not being stipendiary Magistrates, in and for any County, County of a City, or County of a Town in *Ireland*, shall think it expedient to make Application for the Construction of any Public Work, on the Terms and under the Regulations herein-after contained for the Repayment of a Moiety of the Expence of executing such Work, it shall and may be lawful for them, by Notice under their Hands, to be posted on the Places appointed for posting Notices of Applications to Presentment Sessions in the Barony or Half Barony or Place in which such Work is proposed to be executed, to convene a Special Meeting of the Justices and Cess Payers associated with such Justices at the last Special or Presentment Sessions held in such Barony or Half Barony or Place for the Purposes of an Act passed in the last Session of Parliament, intituled *An Act to consolidate and amend the Laws relating to the Presentment of Public Money by Grand Juries in* Ireland; and such Meeting shall be held at the Place appointed for the holding of such Special or Presentment Sessions at such Time as shall be specified in such Notice, not being sooner than Seven Days from the Time of posting such Notice; and the senior Justice present at such Meeting shall preside thereat, and shall have in addition to his Vote

Applications for the Execution of Public Works with Money, partly by way of Loan and partly by way of Grant, may be made by Presentment Sessions.

6 & 7 W. 4. c. 116.

Vote a casting Voice in case of an Equality of Voices; and if a Majority of such Justices and Cess Payers assembled at such Special Sessions shall so think fit, the Chairman shall apply by Memorial to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, on behalf of the Justices and Cess Payers assembled at such Sessions, praying that the Work described in such Memorial may be executed, and that a Sum not exceeding the Amount in such Memorial mentioned may be advanced for that Purpose; a Moiety thereof to be repaid by Grand Jury Presentment, as herein-after mentioned.

Lord Lieutenant may refer such Applications to the Board of Public Works for their Report, and such Report may be laid before the Lords of the Treasury, who shall have Authority to direct the Execution of the Works so applied for.

IV. And be it enacted, That upon any such Application by Memorial as aforesaid it shall be lawful for the said Lord Lieutenant or other Chief Governor or Governors, if he or they shall so think fit, to authorize and direct the said Commissioners acting under and in execution of the said Acts to inquire into the Nature of the said proposed Work, and the Utility thereof, and the Benefit which may arise therefrom in affording present Employment for the labouring Population, and the permanent Demand for Labour likely to grow thereout, and the Sum necessary for the Execution thereof; and it shall be lawful for the said Commissioners, if they shall be so directed or think necessary, to appoint and employ the County Surveyor, or any other competent Surveyor or Surveyors, to make a Survey and Estimate of the said proposed Work, and to prepare such Map, Plan, Section, or Specification thereof as may be necessary, and to report thereon to the said Lord Lieutenant or other Chief Governor or Governors, who shall take the same into his or their Consideration, and, if he or they shall so think fit, transmit the same to the Commissioners of His Majesty's Treasury, for their Sanction and Approval; and if the said Commissioners of the Treasury shall think fit to authorize the Work specified in the said Application, or any Modification thereof which they may think proper, to be undertaken, they shall, by Warrant under their Hands, or under the Hands of any Three or more of them, direct the said Commissioners acting under and in execution of the said Acts to execute such Work at and for an Amount not exceeding a Sum to be specified in such Warrant, not exceeding the Sum mentioned in the said Application for the Execution of such Work, and shall also in and by such Warrant specify when and how the Moiety of the Money to be expended in the Execution of such Work shall be repaid, and if by Instalments the Periods and Amount thereof, and the Rate of Interest (if any) to be paid on the Amount from Time to Time remaining due: Provided always, that it shall and may be lawful for the said Commissioners of the Treasury, or any Three or more of them, by any like Warrant or Warrants from Time to Time to make void such Directions, and to give other Directions as they may think fit in respect of the Repayment of the said Moiety, or the Rate of Interest chargeable thereon, or any Part thereof at any Time remaining unpaid.

V. And

The Board of Works shall proceed with such Works, if sanctioned by the Treasury.

V. And be it enacted, That the said Commissioners acting under and in execution of the said Acts shall upon the Receipt of such Warrant forthwith cause the Construction of the Work mentioned therein to be proceeded with, and shall for such Purpose have and use all such Powers and Authorities as they are by the said Acts invested with for the Construction of any Road, Bridge, or other Work for the Construction whereof a Grant shall have been sanctioned by the said Commissioners of the Treasury.

A Moiety of the Money required for the Execution of the Work shall be issued out of the Consolidated Fund.

VI. And be it enacted, That one Moiety of the Monies required for the Execution of Works undertaken upon such Applications as herein-before mentioned shall be advanced out of the Produce of the said Consolidated Fund arising in *Ireland;* and the said Commissioners of the Treasury shall cause the same to be issued thereout accordingly from Time to Time as they shall think fit, upon the Application of the said Commissioners acting under and in execution of the said Acts; and the Monies so to be from Time to Time issued for the Purpose last aforesaid shall be accounted to be Part of the Money by the said Acts and this Act authorized to be issued by way of Grant.

The other Moiety shall be supplied out of the Loan Funds by way of Exchequer Bills.

VII. And be it enacted, That the other Moiety of the Monies required for the Execution of the said Works shall be supplied by the Issue of Exchequer Bills in like Manner as in the Case of Advances by way of Loan under the said recited Acts: Provided always, that the Amount of the Exchequer Bills so issued shall be deemed and accounted to be a Part of the Sum to which the Issue of Exchequer Bills for the Purposes of the said Acts is thereby limited.

A Moiety of the Money so advanced shall be raised by Grand Jury Presentment off the Barony in which the Work may have been executed, or off the County at large, as the Grand Jury shall determine.

VIII. And be it enacted, That a Moiety of the Monies so from Time to Time advanced for the Execution of Public Works in any County, pursuant to the Application of the Justices and Cess Payers assembled at Special Sessions as aforesaid, shall be repaid by Grand Jury Presentment at such Time and in such Manner, and with such Interest, as the said Commissioners of the Treasury shall appoint and direct; and the said Commissioners acting under and in execution of the said Acts shall from Time to Time, as they may be directed by the said Commissioners of the Treasury, certify to the Secretary of the Grand Jury of each such County the Money so to be repaid; and each such Secretary shall lay such Certificate before the Grand Jury of such County at the next Assizes after he shall receive the same; and it shall be lawful for such Grand Jury and they are hereby required to present the Sum mentioned in every such Certificate to be raised either off the County at large or off the Barony or Half Barony or other Division in which the Work to which such Certificate may relate shall have been executed, as they may think fit; and the Treasurer of such County shall pay the Sum so presented, when and as by him received, to such Bank or Person as the said Commissioners of the Treasury shall direct, to be by them carried to the same Account as other Monies received in payment

of Loans under the said Acts: Provided always, that if the Grand Jury of any County shall fail to present the Sum mentioned in any such Certificate, the Treasurer of such County shall and he is hereby required to insert such Sum in his Warrant for raising the Monies presented at the same Assizes, as if such Sum had been presented by such Grand Jury to be raised off the County at large, and the same shall be raised and levied off such County accordingly, as if the same had been so presented; and the said Treasurer shall pay over the Amount, when by him received, as herein-before provided in the Case of such Money being presented.

If Grand Jury shall not present, the Money shall be raised, without any Presentment, off the County at large.

IX. And whereas it has been found that certain Exchequer Bills which by an Act of the last Session of Parliament were made applicable to the Purposes of the said recited Acts, and now in the Custody of the Teller of His Majesty's Exchequer in *Ireland*, are of an inconvenient Date and Amount; be it therefore enacted, That it shall and may be lawful for the said Commissioners of His Majesty's Treasury to cause any Exchequer Bills heretofore made out and applicable to the Purposes of the said recited Acts to be cancelled, and in lieu of the Exchequer Bills so cancelled to cause other Exchequer Bills to be made out for such Sum or Sums of Money not exceeding in the whole the Amount of the Exchequer Bills so cancelled as the said Commissioners of the Treasury shall think fit; and such Exchequer Bills shall be made out according to the Provisions contained in the said first-recited Act in respect of the Exchequer Bills thereby authorized to be made out; and all Exchequer Bills from Time to Time made out under the Authority of the said Acts and of this Act shall be delivered to such Officer as shall be nominated and appointed by the said Commissioners of the Treasury to receive and transmit the said Bills to *Dublin*, to be there applied for the Purposes of the said Acts.

Treasury may cancel certain Exchequer Bills now in existence and applicable to the Purposes of the said Acts, and cause others to be made out in lieu thereof.

X. And whereas an Act was passed in the First Year of the Reign of His present Majesty, intituled *An Act to revive, continue, and amend several Acts relating to the Fisheries:* And whereas the Powers heretofore vested in the Commissioners of the *Irish* Fisheries are now vested in the Commissioners for executing the said first-recited Act for the Extension and Promotion of Public Works in *Ireland*, and it is expedient that any Money which may have been received by the Commissioners of the *Irish* Fisheries or by the Commissioners of Public Works in *Ireland* by virtue of the said recited Act should be applied to any of the Purposes of the said several Acts; be it therefore enacted, That any Monies now in the Hands of the Commissioners of Public Works in *Ireland* which may have arisen under or by virtue of the said last-recited Act relating to the Fisheries shall be applied in defraying the Expences of executing the said Act, and otherwise in carrying the same and the several Purposes of the said several Acts and of the Acts therein recited into execution, in such Manner as the said Commissioners of the Treasury may from Time to Time direct.

Application of Monies arising under 1 W. 4. c. 54.

This Act may be altered this Session.

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

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