

24 May 1833.



(Ireland.)



B I L L

[AS AMENDED BY THE COMMITTEE]

To amend the Laws relating to Grand Juries in *Ireland*.

[N. B.—The Clauses marked (A.) to (Q.) were added by the
Committee.]

5 **W**H E R E A S an Act was passed in the Fifty-ninth year of
his Majesty King GEORGE the Third, intituled, “ An Act
to amend the Laws for making, repairing and improving the Roads
and other Public Works in *Ireland* by Grand Jury Presentments,
and for a more effectual investigation of such Presentments; and for
further securing a true, full and faithful Account of all Monies levied
under the same;” whereby it was enacted, That from and after the
passing thereof, no Affidavit should be necessary to empower any
Grand Jury in *Ireland* to make any Presentment for the making or
10 repairing or improving any Road or Footpath, or, for the several
other purposes therein recited, the provisions of any Act or Acts
theretofore in force in *Ireland* prescribing such Affidavit, to the con-
trary notwithstanding; and instead of such Affidavit, it was by the
said Act of the Fifty-ninth year of the reign of his said Majesty King
15 GEORGE the Third, enacted, that certain Applications made in certain
forms in a Schedule to the said last recited Act annexed, accompanied
with such Estimates, Specifications, Maps, Plans, Sections or Eleva-
tions as by the said Schedule required, should, after having been
previously taken into consideration by the Magistrates assembled in
20 Special Sessions, in manner by the said Act directed, be the only autho-
rity for empowering any Grand Jury to make Presentments for the
said

Preamble:
59 Geo. 3.
c. 84.

said purposes ; and divers provisions were by the said Act made for the appointment of the times and places for holding such Special Sessions, and for regulating the qualifications of the Magistrates presiding thereat, and for regulating the proceedings thereat and consequent thereon : AND whereas it has not been found that the said provisions for the consideration of Presentments are adequate to secure the needful investigation of the disbursement of the Public Monies, and the due and economical performance of the Works to be carried into execution by virtue of Grand Jury Presentments, pursuant to the several Acts now in force in *Ireland* : AND whereas it has been found that Grand Juries impanelled as heretofore, on the first day of the Assizes, in each County, County of a City or Town, have not sufficient time to deliberate upon and examine into the several Presentments laid before them, nor to transact the other functions of the Grand Inquest, and it is expedient to enlarge such time ;

1.
59 Geo. 3.
c. 84. repealed,
with certain
exceptions.

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 from and after the commencement of this Act, the said recited Act of the Fifty-ninth year of his Majesty King GEORGE the Third shall and the same is hereby Repealed, (save and except so far as the said recited Act repeals any other Act or Acts ; and also save and except the provisions made therein with respect to Affidavits for Presentments in the County of *Dublin*, or County of the City thereof, and the preparation and printing of Schedules thereof, and duty of Inspectors in relation thereto ; and also save and except the provisions made therein with respect to the Town and Liberties of *Kinsale* ; and also save and except as is hereinafter saved and excepted with respect to Presentments and Contracts made before the commencement of this Act, and the duties and powers of Supervisors and their deputies, and the executors of such supervisors, and Overseers of roads, bridges and other works presented or made, or begun and entered upon before the commencement of this Act ; and also save and except as the provisions of the said Act now regulate and appoint, the qualification of Magistrates entitled to vote at elections of Treasurers of Counties in *Ireland*, under and by virtue of an Act made in the Fourth year of his late Majesty King GEORGE the Fourth, intituled, " An Act to make more effectual Regulations for the Elections, and to secure the performance of the Duties of County Treasurers in *Ireland*," referring to and adopting such provisions.)

4 Geo. 4.
c. 33.

2.
Justices to
hold a Special
Sessions for
purposes of
this Act.

And be it Enacted, That from and after the commencement of this Act it shall and may be lawful to and for every Justice of the Peace in and

and for any county in *Ireland* who shall be seised of a freehold estate in fee simple or in fee tail or for life, of the annual value of Three hundred Pounds at the least, situate in such county, or who shall be heir apparent to any Person so seised or who shall be seised or
 5 possessed of a leasehold estate or estates for life or for a term of years, whereof not less than Fourteen years shall be unexpired, of the yearly value of Five hundred Pounds at the least, situate in such county, or who being seised of a leasehold estate for life not being of such value, shall also be possessed of a leasehold estate or estates for
 10 a term of years as aforesaid, which together with such estate for life shall amount to the clear yearly value of Four hundred Pounds at the least, situate in such county, or who shall be Rector or Vicar of any Rectory or Vicarage of the clear yearly value of Three hundred Pounds, and resident therein, to attend, and all such Justices
 15 are hereby required to assemble from time to time, and to hold a Special Sessions for the purposes of this Act, in such place and places, and at such time and times, within any and every such county or place for which they shall be such Justices, as the Grand Jury of the same shall have appointed pursuant to the provisions hereinafter following.

20 And be it Enacted, That it shall be lawful for the several Grand Juries in every county in *Ireland*, and they are hereby required, at each Assizes to appoint by Presentment certain places within their respective counties (not being more than one in each barony or half
 25 barony) where, and certain times when, Special Sessions shall be successively holden previous to the next Assizes for such counties respectively, for the purposes of this Act, as hereinafter set forth; and such Presentment shall appoint the last Meeting of such Special Sessions to be holden at the County Court-house, and direct
 30 all Applications for Works, the expense whereof it may be by such applications proposed to levy off the county at large, or off the barony or half barony or any portion thereof, in which such County Court-house may be situate, to be made thereat; and all Applications for Works, the expense whereof it may be proposed as aforesaid to
 35 levy off any other barony or half barony, or portion thereof, to be made at such previous Meeting of Special Sessions as shall be holden in and for the same barony or half barony; and such Presentment shall appoint and define such baronies and half baronies accordingly; and it shall also be lawful for the Grand Jury at every such
 40 Assizes to direct, by Presentment, what number of Copies of the Schedules of Applications to be made at such Sessions shall be printed.

And be it Enacted, That the Grand Jury for any County of a City or County of a Town, or City and County, shall appoint one such

318.

A 2

Special

3.
Grand Juries
to fix Times
and Places for
Special Ses-
sions.

4.
Only one such
Session to be
appointed in
Counties of
Cities and
Towns.

Special Sessions to be holden in the same for the purposes aforesaid, and that all Applications to be levied off such County of a City or Town, or City and County, shall be made thereat.

5.
Grand Jury to determine Number of Rate Payers to be associated with Justices at Special Sessions.

And be it Enacted, That every such Grand Jury as aforesaid shall at each Assizes fix and determine the number of Persons, not being more than Twelve, nor less than Five, paying Grand Jury Cess, and resident within such barony or half barony, baronies or half baronies respectively, or in the actual occupation of land therein proper with reference to the extent and circumstances thereof, to be associated with the Justices at the Special Sessions to be holden therein for the purposes of this Act, and shall make out a List of double the same number of persons, with their additions and abode, who, not being Justices of the Peace, qualified under this Act, shall have paid the highest amount of Grand Jury Cess under the last previous applotment thereof, in each such barony or half barony respectively, and the Secretary of the Grand Jury shall deliver or cause to be delivered to each of the persons included in such List, a Copy thereof, and shall also deliver a Copy thereof to the Justices assembled at each Special Sessions to be held under the provisions of this Act.

6.
The like in Cities and Towns.

And be it Enacted, That the Grand Jury of each County of a City or Town, or County and City, shall in like manner determine the number of Cess Payers proper to be associated with the Justices at the Special Sessions to be holden therein, and prepare a List of double the same number, not being Justices qualified under this Act, of persons having paid the greatest amount of Grand Jury Cess as aforesaid, and that such List shall be delivered and dealt with in all respects as Lists prepared in any County at large.

7.
Magistrates to choose a Chairman, and then to select by lot the number of Cess Payers to be associated with them.

And be it Enacted, That at every Meeting of such Special Sessions the majority of the Justices qualified under this Act present thereat shall choose one of their number to preside thereat, and that when only two Justices shall be present, the senior of them shall preside, and that when only one Justice shall be present, such Justice shall preside; and such Chairman shall have a casting voice in case of an equality of voices, but shall not vote except in case of such equality; and immediately after the appointment of such Chairman, and before entering upon any other business, the name of every person included in the List of Cess Payers, prepared in manner before appointed for each barony or half barony in which such Sessions shall be held, or in the case of any county of a city or town, or county and city, prepared for the same, written upon separate pieces of parchment or card as nearly as may be of equal size, with his respective additions and abode, shall be put into a box,

to be, as well as the said pieces of card or parchment, for that purpose provided by the Secretary of the Grand Jury, and the Chairman appointed to preside at each such Sessions shall in open Court draw out, one after another, such number of the said cards or pieces of parchment as the said Grand Jury may have fixed and determined to be the proper number of Cess Payers to be associated with the said Justice or Justices at each such Sessions respectively; and if any of the men whose names shall be so drawn, shall not appear, then such and so many more of such cards or pieces shall be drawn as may be necessary, until the number of Cess Payers appointed as aforesaid to be associated with the said Justice or Justices, shall be completed; and such number of the said Cess Payers so first drawn and appearing, or such lesser number of them as shall appear when drawn, shall be associated with the said Justice or Justices, and have and exercise jointly with such Justice or Justices all such power and authority in the business of such Special Sessions, as by this Act conferred upon any Meeting of such Special Sessions: Provided always, That the Cess Payers associated in manner aforesaid with the Justice or Justices at the Special Sessions holden in the County Court-house, shall, save and excepting the Cess Payer first drawn and appearing as hereinafter mentioned, have no voice, power or authority in respect of any Applications the expense whereof it may be proposed to levy off the county at large, but only in respect of those Applications the expense whereof it may be proposed to levy off the barony or half barony, or portion thereof, wherein such Court-house may be situate: And provided further, that the Cess Payer first drawn and appearing at each of the divisional Special Sessions to be holden in and for each barony or half barony, shall be associated with the Justices at the Special Sessions holden in the County Court-house, and have and exercise jointly with such Justices all such power and authority as by this Act conferred upon such Special Sessions in respect of so much of the business of such Special Sessions as shall relate to the county at large, but no further; and every Justice and Cess Payer associated with such Justice or Justices in manner aforesaid, shall, previously to acting at any such Sessions as aforesaid, take and subscribe in open Court the Oath hereinafter following, which Oath any one of such Justices, or the Secretary of the Grand Jury, is hereby authorized and required to administer; (that is to say)

“ I, A. B. of [*here insert the name and addition, and place of abode, of the Justice or Cess Payer taking such Oath*] do swear, That I will truly, faithfully and impartially do and perform all such acts, matters and things as I am authorized to do and perform by and under the provisions of an Act passed in the Third year of the reign of His Majesty King WILLIAM the Fourth, intituled, [*here set*

Magistrates
and Cess
Payers to take
an Oath.

out the *Title of this Act*] and that I will, without favour, affection, hatred or malice or ill will, diligently inquire into and impartially and indifferently judge and determine according to the evidence and to the best of my judgment and ability, upon the several Applications and other matters which may be brought before me under the authority of the said Act. 5

“ So help me GOD.”

And the Chairman at each such Special Sessions shall and is hereby required to make out and deliver to the Secretary of the Grand Jury of the same county, a List of the Names of all the Justices and Cess Payers who shall have taken and subscribed such Oath at the Sessions where he had presided; and every such Secretary shall from time to time, without unreasonable delay, deliver the said List, and all the Oaths so made and subscribed, to the acting Clerk of the Peace, to be by him preserved among the records of the same county. 10 15

8.
CLAUSE (A.)
Where Cess
paid by Land-
lord occupier
not eligible to
be associated
with Justices.

Provided, and be it Enacted, That no Person who under the provisions hereinafter contained may be or become entitled to deduct the Grand Jury Cess payable in respect of the land occupied by such Person from the immediate Landlord thereof, shall be eligible to be associated with the Justices at Special Sessions in manner aforesaid, in right of the payment or liability to pay any such Cess or Cesses so to be deducted as aforesaid. 20

9.
High Con-
stables and
Collectors to
make Returns
to be laid
before Grand
Jury.

AND for the purpose of enabling the Grand Jury to prepare such List; BE it further Enacted, That every High Constable, or other Collector of Money levied by Grand Jury Presentment, shall make a Return, on the day when the Grand Jury shall be first impanelled at each Assizes, to the Secretary of the Grand Jury, of a List containing the names and places of residence of the One hundred Persons in each barony or half barony in each county, who shall have been charged with and shall have paid the highest sum or sums for the County Cess Charge or Grand Jury Rates, for and in respect of any Lands within such barony or half barony, and stating the arrears, if any, which shall be due by each individual; and that on the receipt of such Return by the Treasurer, the said Treasurer shall immediately lay the same before the Grand Jury. 25 30 35

10.
59 Geo. 3.
c. 84. s. 5.
Places for
fixing Notices.

And be it Enacted, That all Notices required by this Act shall be promulgated by advertisements affixed on or immediately adjacent to the doors of every Church, Chapel and Roman Catholic and Presbyterian house of worship, and at the usual places of posting Notices within each and every Parish. 40

And

11.

59 Geo. 3.
c. 84. s. 7.
Notices of
Applications
to Special
Sessions.

And be it Enacted, That a Notice in writing of every Application intended to be made at any such Special Sessions as aforesaid, shall be posted, by or on behalf of the person or persons intending to make such Application, at the places appointed in manner aforesaid, within such parish wherein the Work to which such Application shall relate is proposed to be executed, between the hours of Eight of the clock in the Forenoon and Four of the clock in the Afternoon, on the Saturday next but one previous to the first day appointed for holding such Special Sessions.

12.

Applications
for Present-
ments for
Bridges, Gul-
lets, lowering
Hills, filling
up Hollows,
shall be made
at the Divi-
sional Special
Sessions, and
if not exceed-
ing 20 l. in
amount, may
be raised off
the Barony or
Half Barony.

And be it Enacted, That all Applications for the purposes hereinafter mentioned shall, any thing hereinbefore contained to the contrary notwithstanding, be made at the Special Sessions holden for the barony or half barony in which the Works included in such Applications may be locally situate; (that is to say) All Applications for lowering any Hill or filling up any Hollow, or both, on any Post or other Road leading directly from one market town to another market town, or from any market town to the sea, and for making the Road thereon with stones and gravel; or for building, rebuilding, repairing, altering or enlarging any Bridge, Pipe, Arch or Gullet built of stones or bricks or wood, under or on any road, or filling or gravelling over any such Bridge, Arch, Pipe or Gullet; or in building or repairing any Wall or part of a Wall necessary to the support of any Road, or to prevent any steep banks of earth from falling upon any Road; or in erecting any Fence, Railing or Wall for the protection of travellers from dangerous precipices or holes lying on the side of any public Road; any Act or Acts directing such sum or sums of Money for the purposes aforesaid to be raised off the county at large, to the contrary hereof notwithstanding: And provided further, That in case the amount of the sum or sums of Money required for any such purposes as aforesaid shall not exceed Twenty Pounds, it shall, from and after the commencement of this Act, be lawful for the Grand Jury to present the same to be raised off any barony or half barony in which the same may be locally situate.

13.

Estimates of
annual Repairs
or making of
Roads, &c., to
be made by
Surveyors,
and to be
dealt with as
Applications.

And be it Enacted, That it shall and may be lawful for the Justice or Justices and Cess Payers at any Special Sessions held under this Act, to direct the County Surveyor to prepare an Estimate of the expense of making any Road or executing any public Work, or putting and keeping in repair for one year any Road or public Work in respect whereof no subsisting contract shall have been made by the Grand Jury of the same county; and every such Estimate shall be taken into consideration by the Justice or Justices and Cess Payers at the same Special Sessions, or any subsequent Special Sessions, and if approved thereat, the same shall be inserted in the Schedules of

318.

B 2

Applications

Applications to be prepared in manner afore directed; and such Estimate, so approved, shall be deemed and taken to be for all the purposes of this Act an Application for the purpose aforesaid, and dealt with accordingly, save as hereinafter provided; that is to say, that the Justice or Justices and Cess Payers at such Special Sessions assembled under this Act, shall also limit and appoint a time for the receiving of tenders and proposals for the execution of such work, or the making or putting and keeping in repair any Road, for which an estimate shall have been prepared by the County Surveyor, pursuant to the directions of the Justice or Justices and Cess Payers as aforesaid, such time not to be less than Fourteen nor more than Twenty-one days from the first day of holding such Sessions; and such tenders and proposals shall be received by the Secretary of the Grand Jury, and opened at some subsequent Special Sessions, to be held at such time and place within the same county, and previous to the next Assizes, as such Justice or Justices and Cess Payers shall appoint, and which they are hereby authorized to appoint; and the tenders and proposals so opened shall be dealt with in all respects in like manner as the tenders and proposals opened at the Special Sessions to be holden after any Assizes in manner hereinafter directed, and the lowest bidder in like manner ascertained; and such lowest bidder shall, in case the said Work shall be presented by the Grand Jury, be entitled to execute the same on the terms stated in his said tender and proposal, upon entering into a reognizance for the due execution of the same, in like manner as other Persons contracting for the execution of Works under this Act; and the Secretary of the Grand Jury shall return to the Grand Jury a Schedule of all Works, for the execution whereof tenders and proposals may have been previously made as aforesaid; and it shall be lawful for the Grand Jury, if they shall so think fit, to present the Sum for which the lowest Bidder as aforesaid shall have agreed to execute such Work or Repairs, provided it shall not exceed the estimate made by the County Surveyor as aforesaid, to be raised off the barony or half barony of the county in which the Special Sessions by which the same may have been approved shall have been held; and all such and the like proceedings as by this Act directed to be taken for the execution of public Works by contract, shall be had in respect of the Presentment so made, and subject to the like regulations in respect of traverse, and to the obtaining payment and all other matters whatsoever.

14.
Applications
for Works to
be made at
Special Ses-
sions.

And be it Enacted, That the Applications for any Works which it is proposed to charge upon Two or more baronies or half baronies or any portion thereof, of any county, but not upon the county at large, shall and may be made at the Special Sessions holden for the barony or half barony off which, or off any portion of which, it is proposed

proposed that the larger portion of the expense of such Work is to be raised, without making the same at the Special Sessions for each of such baronies or half baronies.

And be it Enacted, That every such Application, together with the Estimates, Specifications, Maps, Plans, Sections and Elevations severally annexed to the same, shall be lodged with the Secretary of the Grand Jury Ten Days at least before the day appointed for the holding of the Special Sessions whereat such Application is to be made; and such Secretary is hereby required to keep an office open for the purpose of receiving such Applications, during Fifteen Days immediately preceding the last day upon which such Applications are required to be lodged with the Secretary; and such Secretary shall, on the receipt of each Application, indorse or cause to be indorsed thereupon the time when the same is lodged, and number and arrange all such Applications, as the Works therein comprised may be proposed to be defrayed by the county at large, or by any barony or half barony or portion thereof, and shall make an Abstract thereof, and an Index thereto, referring to the Numbers which he shall mark on each Application; and such Secretary shall at every such Sessions produce and deliver all the Applications and Estimates and other papers relating thereto respectively which shall have been lodged with him or delivered at his office as aforesaid, respecting the execution of any Work which it may be proposed to defray at the expense of the county, or barony or half barony or portion thereof, defined as aforesaid, for the consideration of the Applications for Works chargeable upon which such Sessions shall be held, together with the Abstract thereof and the Index thereto.

15.
59 Geo. 3.
c. 84. s. 8.
Application
to belodged
with the
Secretary.

Secretary to
arrange and
number them.

And be it Enacted, That from and after the commencement of this Act no Affidavit shall be necessary (save as by this Act otherwise provided) to enable any Grand Jury to make any Presentment for any Public Work, and that Applications made and approved in the manner hereinafter mentioned, shall have the like force and effect as such Affidavits to empower any Grand Jury to make Presentments for the purpose therein respectively specified, any Act or Acts to the contrary hereof notwithstanding: Provided always, That such Applications shall be for such Public Works or other matters as it now is, upon such Affidavits, or may hereafter become, lawful or competent for any Grand Jury to make Presentment; and that each such Application be made in manner hereinafter appointed; (that is to say) Such Application shall be made by Two persons paying Grand Jury Cess, and shall set out the title of the Act authorizing such Presentment, with the year of The King's reign, chapter and section, as printed by His Majesty's Printer, and shall specify whether the Money proposed to be raised thereunder is to be levied off the County at

16.
Manner in
which all Ap-
plications are
to be made.

large, or some and what barony or half barony or other denomination of Land thereof, and shall be printed (the blanks alone being filled up in writing,) and stamped with such stamp as may be by any Act or Acts in force in *Ireland* required to be imposed upon any Affidavit or Affirmation, according to the amount of the money therein proposed to be raised or contained, and shall be made in some one of the Forms marked (A.) (B.) (C.) (D.) and so forth in the Schedule to this Act annexed, when any of such Forms may be found fitting and suitable, and shall be signed by the Two Persons making such application, with their own proper hands, and accompanied by such Estimates, Specifications, Maps, Plans, Sections or Elevations, as by law now are or may be by this Act required: Provided always, That in any Application for a Presentment for gravelling or repairing with small stones any Road, or part thereof, the quantity of the materials per perch which it is proposed to make use of in such repairs shall be set forth in such Application, and the quantity of such materials per perch expended in such repairs shall be likewise set forth in the Accounts which each Contractor is required to keep and render under the provisions hereinbefore contained; and it shall not be lawful, save as hereinafter provided, for the Secretary to the Grand Jury to receive any Application which shall not be made in manner and form herein appointed.

17.
To be furnished by
Commissioners of Stamps.

And be it Enacted, That His Majesty's Commissioners of Stamps in *Ireland* shall and they are hereby required to furnish their Distributors of Stamps throughout *Ireland*, in due time, with such printed Forms of Applications, pursuant to this Act.

18.
Proviso in
case no printed
Form can be
procured.

Provided, and be it Enacted, That where any person desirous of lodging any such Application shall make an affidavit before a Justice of the Peace for the same county, setting forth that such person had made application for a printed Form of such Application at the office of the Distributors of Stamps within such county, Three Days previous to the last day appointed for lodging such Application, previous to the Special Sessions at which the same ought to be made, and that he was not then and there able to procure a printed Form upon a proper Stamp, then and in such case it shall and may be lawful for such Secretary to receive such Application in writing, together with such affidavit, so as the same be free from erasure or interlineation, and duly stamped, and in terms conformable to the proper Form in the Schedules to this Act annexed; and such written Application shall be alike valid and effectual to all intents and purposes as if the same had been printed.

19.
59 G. 3. c. 84:
s. 9.
Applications

And be it Enacted, That at the Special Sessions to be holden as hereinbefore provided, the Justice or Justices and Cess Payers associated

associated with such Justices in the business of such Special Sessions shall and they are hereby authorized and required to take into consideration all such Applications as may be made and laid before them by the Secretary of the Grand Jury in manner aforesaid, and to examine into the posting or serving of the Notices of all such Applications, and the lodging of all Estimates, Maps, Plans, Sections, Elevations and other papers by this Act required, and for that purpose to examine upon oath every person making or signing any Application, or any Estimate, Specification, Map, Plan, Section or Elevation in respect thereto, and every other person whom such Justice or Justices or Cess Payers shall think it proper or requisite to examine on oath; and it shall be lawful for any person paying County Cess, so to examine (with the approbation of the Court) any such persons; and the said Justice or Justices and Cess Payers shall, after such examination, decide by majority of voices upon every such Application, and whether the same ought to be approved or disapproved, and whether wholly or in part; and the Chairman shall indorse the same accordingly, distinguishing, if need be, the parts approved or disapproved respectively, and sign his name thereto; and if such Justice or Justices and Cess Payers shall approve of any proposed Work, but disapprove of the Estimate, they shall cause the amount of the Estimate proper in their judgment for such Work to be indorsed on the Application therefor; and such Chairman shall deliver all such Applications, whether approved or disapproved, with the several Estimates and all other papers relating thereto, to the Secretary of the Grand Jury, to be by him laid before such Grand Jury at the next Assizes.

to be examined and approved or rejected at Sessions.

20.

Provided, and be it Enacted, That in case satisfactory proof be given upon oath that any person who shall have signed any Application, Estimate, Specification, Plan or Map or Section, in pursuance of this Act, has since died, or is prevented by sickness or any unavoidable necessity from appearing at such Sessions, it shall be lawful for the Justice or Justices and Cess Payers thereat to examine upon oath any other person or persons who shall have knowledge of the matter, and to decide upon such Application; any thing herein contained to the contrary notwithstanding.

59 G. 3. c. 84. s. 13. In case of death of Applicant, another Person may be examined.

21.

And be it Enacted, That so soon as may be possible after the Special Sessions shall have been holden at all the places and times appointed therefor in each county, the Secretary of the Grand Jury shall prepare and make Schedules of the contents of all Applications approved of wholly or in part, and which may have been delivered to him by the Chairman at each Sessions, including in one Schedule all such Applications for Works proposed to be charged and raised on the county at large, and in other separate Schedules

59 G. 3. c. 84. s. 10. Schedules of Application to be prepared by the Secretary, and delivered to Grand Jury.

(videlicet, one for each barony or half barony) all such Applications for Works proposed to be levied upon each barony and half barony, arranging all such Applications in alphabetical order, and noting on the face of each Schedule the particulars of the Opinion of the Justice or Justices and Cess Payers on each Application; and such Secretary shall forthwith cause copies of such Schedules to be printed and distributed in such manner as shall have been authorized and directed by Grand Jury Presentment at the Assizes immediately preceding; and the said Secretary shall deliver a copy of such Schedules to each High Sheriff of the county for the time being, and to each County Surveyor, and shall on the day when the Grand Jury shall be next impanelled, as hereinafter directed, deliver one copy of the said printed Schedules, together with the several Applications, Estimates, Plans and other papers and matters annexed to each Application, to the Foreman of such Grand Jury, and shall also deliver another copy of the said Schedules to the Judge of Assize upon his arrival; and the said Secretary shall keep another copy of the said Schedule in his office, for the inspection of the public, during Three complete Days at least immediately before the day when such Grand Jury shall be first impanelled as hereinafter provided.

22.

36 G. 3. c. 55.
s. 61.
Treasurer to
applot the Sum
required, and
return the
Applotment
on Oath to the
Grand Jury.

And be it Enacted, That so soon as the Secretary of the Grand Jury of each county shall have made such Schedules, and totted up the amount of the Sums required by the several Applications to be raised at such Assizes on the county at large, the Treasurer of such county shall apportion the same according to the usual mode of assessment on the respective baronies or half baronies; which Apportionment, together with a copy of the Presentments made at the preceding Assizes, he shall return to the Foreman of the Grand Jury, at the time when they shall be first impanelled as hereinafter provided.

23.

High Sheriff
to impanel
Grand Jury
not more than
Five and not
less than
One clear
Day before
the Day ap-
pointed for
opening the
Commission
at each As-
sises.

And be it Enacted, That every Sheriff shall immediately on receiving the Precept appointing the day for opening the Commission at the next Assizes in his Bailiwick, inspect the Schedules to be delivered to him as aforesaid, and confer thereon with the Surveyor or Surveyors to be appointed pursuant to this Act, and thereupon, having regard to the quantity of business which it shall appear likely that the Grand Jury may be called upon to transact, shall fix and appoint for impanelling the Grand Jury under the provisions of this Act hereinafter set forth, such day previous to the day for opening the Commission of Assize as in his discretion may seem fit, such earlier day not being more than Five clear Days, and not less than One clear Day before the day appointed for opening the said Commission; and such Sheriff is hereby authorized and required in manner heretofore practised according to law for summoning persons

persons to serve on Grand Juries in *Ireland*, to summon and return a sufficient number of persons qualified according to law to serve as Grand Jurors in *Ireland*, to attend at the usual place of holding Assizes upon the day by such Sheriff so fixed and appointed, and the persons so to be summoned are hereby required to come and appear agreeably to the exigency of said summons, under like penalties and subject to like forfeiture of issues as persons heretofore summoned to appear and serve on Grand Juries at any Assizes throughout *Ireland*, and to serve under and subject to the like penalties and liabilities until discharged from such attendance in due course of law; and on the day appointed for such attendance, such Sheriff shall attend with his Sub-Sheriff and assistants, and, in the necessary absence of the Sheriff, the Under-sheriff shall proceed to impanel the said Grand Jury in all respects, so far as may be possible, and with like solemnities as heretofore practised according to law for the impanelling of Grand Juries at the several Assizes in *Ireland*; and the Clerk of the Peace shall attend at the time and place aforesaid, and shall in such manner and form as hath heretofore been used in the swearing of Grand Jurors before the Judge of Assizes, administer to each of the Grand Jurors to be impanelled as aforesaid the Oath following; (that is to say)

“ YOU shall diligently inquire, on behalf of the County [*or*, county of city, county of town, or city and county] of and true Presentment make of all such Matters and things as shall be lawfully given to you in charge, or as shall come before you in anywise relating to the raising of any Money upon the said County [*or*, county of city, county of town, or city and county] of or upon any barony, half barony or parish therein, or relating to the expenditure of any such Money: You shall not present, nor allow nor disallow, any matter or thing through hatred, malice or ill-will, nor through fear, favour or affection.

“ So help you GOD.”

And it is hereby Declared and Enacted, That it shall and may be lawful for any Grand Juror so impanelled, to disclose any matter or thing relative to the making or refusing any Presentment, or the expenditure of any money raised thereby; and that the Oath taken by Grand Jurors in *Ireland* before the Judge of Assize, in manner and form heretofore accustomed, and which Oath the said Judge is hereinafter authorized and required to administer in the same manner and form as before the passing this of Act, shall not be construed or held to extend or relate to any of the functions of Grand Jurors in

24.
This Oath not
to bind Grand
Jury to Sec-
recy.

or concerning Presentments or Public Works or Monies, or any fiscal concerns of the county whatsoever, nor to any office or function of a Grand Juror, other than the functions of such Grand Juror in matters of a criminal nature.

25

Grand Jury so
impanelled to
be the Grand
Inquest of the
County.

And be it Enacted, That the said Grand Jury so impanelled as
aforesaid shall be and be decreed to all intents and purposes to be,
and shall constitute, the Grand Inquest of the same county, county
of a city, county of a town, or city and county, at and for the
Assizes then or thereafter to be holden, and shall, save as hereinafter
otherwise provided, perform and discharge and be bound to perform
and discharge all the duties, offices and functions which any such
Grand Jury might have performed and discharged, or would have
been bound to perform and discharge, if the same were impanelled
before the Judge of Assize in manner heretofore practised according
to law, and subject to the like forfeitures, penalties and liabilities,
and shall possess and exercise all and every the powers, privileges
and authorities which Grand Juries impanelled before the Judge of
Assize in manner hitherto accustomed have possessed and exer-
cised or ought to possess or exercise under and by virtue of the
laws in force in *Ireland*, save as may be by this Act otherwise pro-
vided; and such Grand Jury shall not depart, save in case of ad-
journment as hereinafter mentioned, until discharged by the Judge
of Assize in due course of law; and the Assizes of each county shall
for the purposes of this Act, but only as respects matters connected
with Presentments for raising or accounting for or paying Money, or
relating to Public Works, be deemed to commence from the impanel-
ling of such Grand Jury as aforesaid.

26.

Grand Jury
not to enter
on Criminal
business until
Commission
opened.

And be it Enacted, That the Grand Jury impanelled as aforesaid
shall not be competent to receive any Bill of Indictment, or to pre-
sent any Nuisance or Offence, or to enter upon any Criminal Business
whatsoever, or to perform any functions appertaining to Grand
Jurors, other than those relating to Presentments for raising Money
or accounting therefor, or Public Works, and the general fiscal con-
cerns of the county, until the Judge of Assize shall open the com-
mission, and the whole of such fiscal business shall be concluded by
such Grand Jury at or before the opening of such commission, and
all the Presentments for raising Money, or any how respecting
Public Works, shall be delivered to the Clerk of the Peace at or
before such time; and after opening such commission with the
accustomed formalities, the Judge shall at the usual time direct
the Grand Jury to attend in court, and cause to be administered, in
manner and form heretofore practised according to law, to each of
the persons composing the same, such Oath, other than that which
the

the Clerk of the Peace has been hereinbefore directed to administer, as has been or ought to have been heretofore administered to such persons by the Judge of Assize; and the said Grand Jury shall then and thereupon be and become to all intents and purposes fully competent to the exercise of all functions of Grand Jurors whatsoever, save the making any Presentment for raising Money or respecting Public Works, or auditing Accounts, or such other business of a fiscal nature as has been hereinbefore directed to be concluded before opening the Commission as aforesaid.

10 Provided always, and be it Enacted, That it shall and may be lawful for such Judge of Assize, upon a special application to be to him for that purpose made, and upon cause shown for granting the same, to order and direct that the Grand Jury shall and may trans-
 15 act, after and notwithstanding the commission shall have been opened, any such matter relating to Presentments for raising or accounting for Money, or Public Works, or the fiscal concerns of the county, as may be stated in such application, and by force of such order such Grand Jury shall be and become competent to transact the same, any thing hereinbefore contained to the contrary notwith-
 20 standing.

And be it Enacted, That each Grand Jury shall, for the whole period during which they shall sit, be called over each morning at sitting by the Foreman of such Jury, and again each evening at rising; and any Grand Juror who shall make default in his attendance at any of
 25 such times shall for every such default incur a penalty of Five pounds, and such default shall be reported by the Foreman to the Judge of Assize, and unless the same shall be excused on the ground of illness or other good and substantial reason to the satisfaction of such Judge, such fine and penalty shall be by the said Judge confirmed and
 30 declared absolute, and recovered and applied in the same manner as fines and penalties imposed on Jurors for any defaults or misbehaviour may now by law be recovered and applied; and if the Foreman shall fail to call over the Jury at the times heretofore appointed, or to report the absence of any Juror upon such call, he shall
 35 incur a penalty of Ten Pounds for each such default, to be in like manner recovered and applied; and of the Jurors present, the next in order upon the panel shall, under like penalty to be in like manner recovered and applied, forthwith report to the Judge such default on part of the Foreman, and the Judge of the Assize shall there-
 40 upon direct the said Jury to be called over at such time as aforesaid.

27.

Proviso in case of Special Application made to Judge of Assize, upon Cause shown.

28.

Grand Jury to be called over at stated times after opening of the Commission.

29.

Grand Jury, so soon as impanelled,

to proceed
with fiscal
business, and
to make or
refuse Present-
ments on all
Applications
approved by
Special
Sessions.

transact in open court all such business relating to Presentments, for raising Money, Public Works, Contracts, and the fiscal concerns of the county, as may be appointed for them, and to consider and decide upon all Applications which shall be made for Presentments as hereinbefore provided, in the order in which the same shall be entered in the Schedules thereof, to be prepared as aforesaid, beginning with the Applications for Works to be defrayed by the county at large, and examining all Maps, Plans, Estimates and Specifications relating to each Application; and the said Grand Jury shall be attended by their Secretary, and by the Surveyor or Surveyors to be appointed as hereinafter provided, and shall hear and receive and direct to be read aloud in open court the several Reports and Certificates of such Surveyor or Surveyors, and shall have power and authority at their discretion to receive and obtain all legal and pertinent evidence which shall be tendered to them for or against the making any Presentment, or in anywise relating thereto, or concerning any Public Work, or the execution of the same, if made wholly or in part at the expense of the county or any portion of the county, or to any contract of or in respect of any of the matters aforesaid; and in case of a difference of opinion, such Grand Jury may retire to a private room for the purpose of conferring together, and shall afterwards publicly notify their decision in open court; and the said Grand Jury shall sit de die in diem until all the business which may come before them of the nature hereby directed to be despatched before the opening the commission shall be concluded, or until the day appointed for opening the commission shall arrive; and if the whole of such business shall be concluded before such day, then the said Grand Jury may adjourn to such commission day; and every such Grand Juror who shall not attend pursuant to such adjournment shall be fined by the Judge of Assize for such non-attendance, in any sum not exceeding the sum of Fifty pounds, at the discretion of the said Judge.

30.

CLAUSE (B.)
Panel shall
consist of One
Freeholder or
Leaseholder at
the least from
each Barony
or Half Ba-
rony having
Lands therein
of certain
value.

And be it further Enacted, That from and after the commencement of this Act, the Sheriff of each county shall and he is hereby required, in framing the Panel of persons summoned to serve on the Grand Jury of such county at each Assizes, to observe the rule hereinafter following; (that is to say) he shall place first on such panel the name of some person having Freehold Lands of the yearly value of Fifty Pounds and upwards, or Leasehold Lands of the yearly value of One hundred Pounds and upwards, within any one barony or half barony of the same county; and secondly, the name of some Freeholder or Leaseholder having Lands of the like yearly value respectively, within any other barony or half barony of the same county, and shall proceed in such manner throughout all the baronies and half baronies of such county, so that as far as can be one fit and competent

competent person shall be taken from each barony and half barony, if such can be found therein respectively; and having in such manner selected one fit and proper person for each barony and half barony, the Sheriff shall complete the said panel in such manner as
 5 now by law authorized and directed; and the persons taken from the panel so framed shall be and constitute the Grand Jury or Inquest of such county; any thing in any writ, precept or venire facias expressed or directed, or any law, statute, usage or custom to the contrary notwithstanding, and as if such Grand Jury were
 10 altogether composed of Freeholders.

And be it Enacted, That it shall not be lawful for any person who shall be Treasurer of the County, or Secretary of the Grand Jury, Surveyor or High Constable, or Collector of any barony, or half barony, or Clerk of the Crown, or Clerk of the Peace, to serve upon
 15 the Grand Jury at any Assizes, or any Special Sessions to be holden under the provisions of this Act, for the county or county of any city or county of any town within such county wherein he shall hold such office; any law usage or custom to the contrary in anywise notwithstanding.

And be it Enacted, That such Grand Jury impanelled as aforesaid shall have power and authority to present any Work or thing for which an Application shall have been so lodged as aforesaid, so as the same shall have been approved at the Sessions to be holden under this Act for the consideration of such Applications, or to pre-
 25 sent any part or portion of the Work or thing so applied for, so as such part or portion shall have been lodged and approved as aforesaid, but not otherwise, or to reject such Application altogether, and to allow or disallow, as such Grand Jury may think fit, the Applications to be made by contractors or other persons or for payment of
 30 salaries as hereinafter provided, either in part or in whole.

And be it Enacted, That from and after the commencement of this Act, it shall not be lawful for any Grand Jury, any law, usage or custom to the contrary notwithstanding, to make a Presentment for any Public Work whatsoever, or for raising any Money, for which an Applica-
 35 tion shall not have been lodged and approved either wholly or in part as hereinbefore provided, save and except such Presentments as may be hereinafter specially excepted, and also save and except such Presentments as may be necessary for the immediate repairs of sudden breaches or damages in roads, bridges, gulleys, walls or
 40 buildings, which shall have happened so recently as not to admit of the proper application having been made in manner before provided, which fact, together with the necessity for the immediate execution of such repairs, shall be proved before the Grand Jury upon oath;

318.

E

and

31.

59 Geo. 3.
 c. 84. s. 27.
 Certain Offi-
 cers not to
 serve on
 Grand Juries.

32.

Power of
 Grand Jury
 to present or
 reject Appli-
 cations.

33.

Grand Juries
 not to make
 any Present-
 ment for rais-
 ing Money,
 unless an Ap-
 plication has
 been made and
 approved at
 the Special
 Sessions.

and in such case, although such application as aforesaid shall not have been lodged or approved as aforesaid, such Grand Jury shall nevertheless have power and authority to present for such repairs any sum of Money in such case necessary to be paid to the Surveyor or one of the Surveyors appointed under this Act, and to be by him expended, or so much thereof as may be necessary to be expended upon such repairs, and accounted for at the next Assizes, in like manner as, before the passing of this Act, Overseers may have been required to account; and the Treasurer of the county shall, out of any Monies in his hands available to the general purposes of the county, advance to such Surveyor from time to time the Monies not exceeding the Sum presented for such repairs, which may be required therefor; and such Monies so advanced shall be replaced by the Monies raised and levied under the Presentment which the Grand Jury have been hereinbefore authorized to make for such purpose.

34.

Grand Jury to fix the Maximum of Expense, and to limit a term for the performance of each Work.

And be it Enacted, That so soon as any Grand Jury shall have determined on making a Presentment for any Public Work whatsoever, such Grand Jury shall proceed to consider the reasonable Costs of making the same, and shall have power at their discretion, in like manner as has been hereinbefore provided with respect to the making of Presentments, to hear and receive evidence of the expense of materials, the wages of labourers, the hire of horses and carts, and all other circumstances needful to the due consideration of the same, and shall thereupon determine and declare the utmost sum which the said Grand Jury deem proper to expend in and about the work so to be presented, such sum not exceeding the Estimate specified in the application for such work; or in case the Justice or Justices and Cess Payers at Sessions shall have adjudged such Estimate to be too large, then not exceeding such smaller sum as the said Justice or Justices and Cess Payers shall have appointed; and the Grand Jury shall also determine and declare the period within which each work ought to be executed, and such maximum and period shall be set forth and specified in all Presentments of Public Works, and the same presented accordingly.

35.

Saving of Presentments made pursuant to order of the Lord Lieutenant or any Act for the Erection of Prisons or other special Public Work.

Provided, and be it Enacted, That nothing in this Act contained shall be construed to limit or affect the duty and authority of Grand Jurors to make Presentments pursuant to orders of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, for repayment of monies advanced by his or their order or authority, nor to affect the powers and authorities or duties imposed upon or belonging to any person or persons named in or appointed by virtue of any Act of Parliament now in force relating to the erection or maintenance of any Court or Sessions House or Gaol or Prison, or other special

special Public Work or Establishment, save and except that all the Presentments of and concerning the matters aforesaid shall be transacted, together with the other fiscal business of the county, before the opening of the commission at each Assizes : Provided nevertheless, That it shall and may be lawful for any Grand Jury at each and every Assizes to present, at any time before they are discharged, such sum or sums of Money as shall be ordered by the Court to be paid to Witnesses for their Expenses, and for the transmission of Prisoners as at present by law directed.

10 And be it Enacted, That the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, shall from time to time appoint a Board of Three Civil or Military Engineers, to act without salary or emolument, in Dublin, who shall from time to time examine into and certify the qualifications of all persons desirous to act as Surveyors under this Act ; and such Lord Lieutenant, or other Chief Governor or Governors, shall appoint from time to time out of the persons so certified, one or more Surveyor or Surveyors to act, at the salary or salaries hereinafter provided, for such county or counties, as the said Lord Lieutenant, or other Chief Governor or Governors, shall think fit ; and it shall be lawful for the said Lord Lieutenant, or other Chief Governor or Governors, from time to time at his or their pleasure, to remove such Surveyors from county to county.

And be it Enacted, That with the consent and approbation of the respective Grand Juries, one person may be appointed to act as a Surveyor for Two contiguous counties, or for any county of a city or county of a town and county which may be contiguous ; and that all persons appointed to act as Surveyors under this Act may be at any time suspended or dismissed at the pleasure of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, or by the respective Grand Juries of such counties ; and in such case, and on every other vacancy however occasioned, the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, shall forthwith appoint a successor from and out of the persons who shall be from time to time certified to be qualified as aforesaid ; and in case of indisposition or other unavoidable cause, proved on oath, to the satisfaction of the Grand Jury, or any Three Justices of the Peace, such Surveyor may depute another person, duly certified as hereinbefore mentioned, to act for him, and such Deputy shall be removeable in like manner as his Principal.

40 And be it Enacted, That the Salary of each Surveyor to be appointed as aforesaid shall not exceed Three hundred Pounds per annum, which amount shall be inclusive of all charges and expenses which each such Surveyor shall incur, except as hereinafter provided,

36.

A Board of Engineers to be appointed for the purpose of inquiring into qualifications of persons desirous to act as County Surveyors, and Lord Lieutenant to appoint Surveyors for the several Counties from among such certified Persons.

37.

One Surveyor may act for two contiguous Counties. Surveyors liable to be dismissed at pleasure, and may appoint Deputies.

38.

Salaries of the County Surveyors.

provided, or to which he shall be liable in performance of the several duties to him prescribed under the provisions of this Act; and each Grand Jury is hereby authorized and required to fix the amount of such Salary not exceeding the sum hereinbefore mentioned, and at each Assizes, to present a moiety of the Salary or Salaries of each Surveyor or Surveyors for such county, for the half-year last past, and payment of the same shall be made accordingly: Provided nevertheless, That in case the Grand Jury at any Assizes shall be of opinion that any Surveyor has been guilty of neglect of his duty or other misconduct, such Grand Jury shall have authority to direct the Salary of the Surveyor so neglecting his duty or misconducting himself to be withheld, and shall report such neglect or misconduct to the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*; and if the said Surveyor shall be, upon such report, or at any time in any other manner, or for any other reason, dismissed from his office, he shall forfeit, at the discretion of the Lord Lieutenant, or other Chief Governor or Governors of *Ireland*, the whole or any part of the arrears of Salary due to him; and the same shall be applicable to the general purposes of the county, in like manner as other monies from time to time arising in the hands of the Treasurer.

39.
Duty of Surveyors.

And be it Enacted, That the Surveyor or Surveyors to be appointed as aforesaid, shall attend at each Special Sessions to be held for the reception of applications for Presentments, and shall afford such professional advice and assistance in the consideration thereof, as may be required of him; and shall also attend upon the Grand Jury, and make to them a full and particular report on all applications for Presentments lodged with the Secretary as aforesaid, and the necessity or utility of the same, and the probable and reasonable expense attendant thereon, and on the correctness of the Maps, Plans, Specifications and Estimates lodged therewith, and how far it may be expedient to alter vary or modify the objects stated in such Applications; and the said Surveyor or Surveyors, or one of them, shall also report on all Applications on part of Supervisors and Overseers heretofore appointed, and on part of Contractors, and on the progress and execution of all Public Works formerly presented, and on the performance of all contracts, and on the state, repairs, progress and condition of all buildings, roads, bridges, gulleys, walls or other work; and the said Surveyor or Surveyors, or one of them, as the Grand Jury shall direct, shall audit all accounts of such works, and ascertain and certify the correctness thereof, and whether each Contractor is entitled to payment, and how far and whether such Contractor has conformed to the provisions of this Act, and the laws in force in *Ireland*; and shall also report the name and description of all Persons by him prosecuted for any nuisance

nuisance or injury to any road, or any other offence of like nature, and the result of such prosecution, and the proceedings therein, and generally on all matters and things relating to the office of Surveyor, as appointed and created under this Act, or as may be given to him
 5 in charge by the Grand Jury.

And be it Enacted, That each such Surveyor shall be and is hereby invested with all the powers and duties heretofore belonging to or vested in the Conservators of Public Works in Ireland, and no Conservators of Public Works shall be appointed, or continue to act,
 10 in any county or place after such Surveyor shall be appointed therein; and such Surveyor shall also be taken and deemed to be an Overseer of all or any and every Public Work or Works within the county or counties or place for which he shall be appointed or act; and the said Surveyor shall keep an office open for his regular
 15 attendance on business, in such place as the Grand Jury shall appoint, and which they are hereby required and empowered to appoint; and the said Surveyor shall employ one fit and competent person to be a Clerk in his said office, who shall give regular attendance in the said office, and for whose conduct the said Surveyor
 20 shall be at all times responsible; and such Grand Jury is hereby authorized and required to present the sum of Fifty Pounds in each year to defray the expense of such office, and to pay the Salary of such Clerk, a moiety whereof the said Grand Jury is authorized and required to present at each Assizes for the half year last past,
 25 and to pay the same to such Surveyor accordingly, subject always to the provisions hereinbefore contained with respect to the payment of the Salary of the said Surveyor.

And be it Enacted, That no such Surveyor shall be eligible or liable to serve or act on any Jury, nor to fill any other county office
 30 whatsoever, nor be a party to or interested in any application for a Presentment, nor take or receive any fee or gratuity whatsoever from any Contractor or other Person engaged in any Public Work, nor for any matter or thing in anywise appertaining to the duty of such Surveyor, nor be or become in any manner interested in any contract
 35 for the performance of any work presented or to be presented to the Grand Jury, on pain of forfeiting his office, with all arrears of salary then due to him; and every such Contract in which such Surveyor shall be or become in any manner interested, shall then and thereupon be and become absolutely void, and the Surveyor so interested
 40 shall forfeit Fifty Pounds, to be recovered, with full costs of suit, by any Person who shall sue for the same.

And be it Enacted, That it shall not, from and after the commencement of this Act, be lawful for any Grand Jury, in making a Present-
 318. F ment

40.
 Surveyors to have powers of Conservators and Overseers.

41.
 Surveyors not to fill other office, nor to be interested in any Contract.

42.
 Grand Juries not to name Persons in

Presentments
by whom
Works are to
be executed ;
but all Works
to be executed
by Contracts
made on sealed
Tenders and
Proposals.

ment for the execution of any Public Work, to name or appoint therein any person or persons to execute the same, or to act as Overseer or Overseers thereof as hitherto accustomed ; save and except in case of sudden damage or injury, for repair of which a sum not exceeding Ten Pounds may be presented, under the provision hereinbefore made in that behalf ; and also save and except in the case of any Public Work, the cost whereof shall not exceed Five pounds in the whole as hereinafter provided ; and the office of Overseer or Overseers shall be and the same is hereby abolished, save as aforesaid ; and all works, save as aforesaid, which shall be presented by any Grand Jury, shall be executed and performed by contract made in manner following ; (that is to say) the Secretary of the Grand Jury shall and is hereby authorized and required to notify, in each barony or half barony, by printed advertisement or otherwise, as the Grand Jury shall direct, all Public Works presented at each Assizes, and shall, for and during so many days after each Assizes as the Grand Jury shall appoint, receive all such sealed Tenders and Proposals as shall be delivered to him for the performance and execution of any Public Work or Works comprised in any such Presentments ; and each of such sealed Tenders and Proposals shall be indorsed with the Presentment of the Work for which the party making such Tender and Proposal is desirous to contract, and shall contain within a statement of the lowest price, not exceeding the sum limited by the Grand Jury, as hereinbefore directed, at which the party making such Proposal is willing to contract for the performance of the Work comprised in such Presentment, and shall be subscribed with the name, description and residence of the party so desirous to enter into such Contract, and also the names, descriptions and residences of some two other sufficient persons willing to be bound jointly and severally with him, in a penal sum, double the amount of the said sum so presented, for the due and faithful performance of the said Contract within such time and in such manner as by the Presentment of such Work, shall be prescribed ; and the Grand Jury shall appoint certain times for the holding of Special Sessions for the opening of such Tenders and Proposals, one such time for the opening of Tenders and Proposals relating to works, the expense whereof is to be levied off the county at large, which shall be opened at the County Court-house, and other times for the opening in some place in each barony or half barony, of Tenders and Proposals relating to works, the expense whereof is to be levied off such barony or half barony, wholly or in part, and not off the county at large, and at such times and places respectively the said Secretary of the Grand Jury shall, in open court, produce, duly numbered and arranged, all the Tenders and Proposals which may have been delivered to him, and shall open *seriatim* all such as may have been made for the execution of each separate Presentment ; and so soon
as

as the lowest Proposal made for the performance of the work comprised in each Presentment shall be ascertained, the party making such Proposal and his securities shall be called, and if the said party and his sureties shall appear and shall satisfy upon oath or otherwise a majority of the Justices there present, of the sufficiency and ability of each and every of them to answer and make good the penalty hereinbefore specified for the non-performance of such Contract, and shall thereupon enter into security for the due performance of the same, conditioned in such penalty as aforesaid, such Proposal shall be accepted, and the Contract with the party making the same shall be and be declared absolute; but that if the party making such Proposal and his sureties shall not appear when called, or shall fail to satisfy a majority of the said Justices present of their sufficiency and ability as aforesaid, or shall decline to enter into such security as aforesaid, then and in such case the Proposal of the party making default as aforesaid shall be deemed null and void to all intents and purposes whatsoever, and the next lowest Proposal shall be ascertained and dealt with in the same manner, and so on until the said security shall be entered into, and the Contract shall be duly completed; and if no Proposal shall be made for any Presentment agreeably to the terms thereof, such Presentment shall be void and of none effect whatsoever; and every Grand Jury shall and is hereby authorized and required to appoint by Presentment the mode in which their Secretary shall notify for the purpose aforesaid the Presentments by them made, and the times and places whereat the Special Sessions for the purpose of opening the Tenders and Proposals aforesaid shall be holden as aforesaid; and at such Sessions all the Justices of the Peace for the same county shall and may be present and attend: Provided always, That in case Five such Justices shall not attend on the day and at the place appointed for holding such Sessions, the same shall be adjourned, and the opening of such sealed Tenders and Proposals respited until the day next following, to be then and there holden for the purpose aforesaid, and so on, *de die in diem*, until such number of Justices of the Peace shall attend: Provided always, That such adjournment shall not be made to a Sunday, Christmas-day or Good Friday, but in such case always to some other day next after.

Grand Jury to
appoint
Special
Sessions for
opening sealed
Tenders and
Proposals.

And be it Enacted, That such Security so to be entered into by Contractors under this Act, and their sureties, shall be a Recognizance to His Majesty, His heirs and successors, and of like force, validity and effect as other Recognizances made to The KING's Majesty; and the Justices at such Sessions are hereby authorized to take such Recognizance, and the Secretary of the Grand Jury shall prepare the same, and come provided therewith, so as to prevent delay; and the expense of preparing the same, not exceeding Five shillings

43.
Security to be
by Recogni-
zance to the
King.

shillings, shall be defrayed by the party or parties entering thereinto; and such Recognizance shall be preserved in custody of such Secretary until the condition of such Recognizance shall have been fulfilled and shall then be delivered up to the conusee or conusees therein named to be cancelled.

44.
Works under
the amount of
5*l.* may be exe-
cuted by Ap-
plicant.

And be it Enacted, That in the case of any Public Work, the expense whereof shall not exceed Five pounds in the whole, it shall and may be lawful for the Grand Jury presenting the same, at their discretion, to authorize (anything hereinbefore contained to the contrary notwithstanding,) the persons, or either of them, who shall have made application for such Work, to execute the same, if willing and desirous so to do, at and for the sum in such application specified, and the person or persons so willing and desirous, and so authorized, shall be for all the purposes of this Act, deemed to have contracted for the same at such price, and shall enter into the like security, and observe the like regulations in all respects as Contractors under this Act, and make application for payment in like manner.

45.
All future
Contracts
which Grand
Juries may
enter into, to
be made as
hereinbefore
provided by
sealed Tenders
and Proposals.

And be it further Enacted, That all Contracts which any Grand Jury may now or hereafter be authorized to make or enter into for the repair of roads, or for any other purpose whatsoever, shall hereafter be made by sealed Tenders and Proposals, to be delivered, opened and dealt with, and security to be taken, in like manner as hereinbefore provided with respect to Contracts for the performance of Works comprised in Presentments to be made after the commencement of this Act; the amount of such security in such cases to be fixed by the Grand Jury, and stated in the Presentments for such Contracts: Provided always, That nothing herein contained shall extend to restrain or affect any Contract made or to be made with any Commissioners acting under authority of Parliament in the loan, advance or grant of Exchequer Bills or Money.

46.
CLAUSE (C.)
Maps, &c. to
be executed
by contract.

And be it further Enacted, That all Maps, Plans, Printing and Stationery, for which Grand Juries may be authorized to make Presentment, shall be executed by Contract to be made and entered into, upon sealed tenders and proposals, in like manner as hereinbefore provided in respect of Public Works.

47.
Secretary to
keep a Book
containing
Abstracts of
Contracts.

And be it Enacted, That the Secretary of each Grand Jury shall provide and keep a Book, in which he shall insert an Abstract of the several Contracts which now are or hereafter may be entered into by such Grand Jury, setting out the names of the several Contractors and the places whence and to which each Road contracted for leads, and at what milestone, meeting or noted place each Road or part of a Road under the charge of such Contractor commences and

and ends, and the number of perches of Road included in each Contract, and the rate per perch at which each Contract has been entered into, and the whole annual sum which each Contractor is to be paid, and the period for which each Contract is made; and all
 5 hcusContracts, so entered in such book, shall be numbered; and every such book shall have an Alphabetical Index, referring to the number of each Contract.

And be it Enacted, That every Person who shall from and after the commencement of this Act enter into any Contract for the keeping any
 10 Road in repair, shall forthwith cause an accurate Map to be made at his own proper cost, upon a scale of Forty perches to an inch of the part of the Road for the repairs of which he shall be a Contractor; which Map shall mark the precise spot where such Contract commences, and each townland or other denomination of land through
 15 which such Road or the part thereof contracted for passes, and where the same ends; and the line of such Contract shall be in a different colour from the rest of the Map, and the houses and names of the occupying tenant on the immediate sides of such Road, and the bridges, arches or pipes over streams of water crossing such Road shall be
 20 marked thereon; and the Surveyor making such Survey and Map shall sign his name at the foot of such Map, and shall certify the accuracy of such Survey and Map, before some Justice of the Peace residing near to the same Road, who shall attest the same by his signature; and all such Contractors' Maps shall be lodged with the Secretary to
 25 the Grand Jury, and shall be numbered by him with the like number as the Contract may be distinguished by in the Book of Abstracts hereinbefore directed to be prepared, and shall be preserved by him, and be produced when required by the Justices at their Special Sessions, or by the Grand Jury; and it shall not be lawful for any
 30 Grand Jury to make any Presentment for any Contractors, or who shall not severally have complied with the regulations herein contained.

And be it Enacted, That in cases where the cost of executing any Public Work shall exceed Thirty Pounds, and it shall be certified
 35 by the proper Surveyor that one half of the work has been executed conformably to the Contract, it shall be lawful for the Grand Jury to direct the Treasurer of the same county, from and out of any funds in his hands applicable to such purpose, to advance to the Contractor one-half of the cost of the work, provided that within the
 40 period hereinbefore limited for lodging applications for Presentments, due notice has been lodged with the Secretary of the Grand Jury, of the intention of such Contractor to apply for such advance, and that such application shall have been approved of by the Justice or Justices and Cess-payers at the Special Sessions to be holden for the purposes of receiving Applications under this Act.

48.
Contractors
to make Maps
of Roads re-
paired.

49.
Advances may
be made to
Contractors in
certain cases.

318.

G

And

50.
 CLAUSE (D.)
 Labourers, &c.,
 to be paid in
 full every
 week.

And be it Enacted, That every Person entering into any Contract with any Grand Jury after the commencement of this Act, shall and is hereby required to pay in full at least once each week, in current money of the United Kingdom, all labourers by him employed in the execution thereof, as well for their personal labour as for the hire of horses and carts or cars.

5

51.
 Penalty on
 Contractors
 contravening
 this Act.

And be it Enacted, That if in contravention of this Act any Contractor shall himself, or if the deputy or agent of such Contractor by his order or with his consent and privity, shall pay or deliver to any labourer for or on account of wages for his own personal labour, or for or on account of the hire of any horse, horse and car, or horse and cart, any article or commodity whatsoever in lieu of money, or any token, order or draft on the keeper of any store or shop, or any order entitling the bearer or holder to any commodity or article whatsoever, or shall give credit to any such labourer for such wages or hire as aforesaid, in any account whatsoever, or make therefor any allowance in rent or other debt, liability or engagement, and that the same shall appear to any Judge of Assize in the same county, who is hereby authorized and required, upon the complaint of any person whatever, summarily to inquire into and decide the same, then and in such case the Contractor adjudged guilty thereof shall for every such act forfeit the sum of Twenty Pounds, to be deducted from the sum payable to him on account of his contract, and applied, in the hands of the Treasurer of the County, to such purposes as savings made on Presentments are applicable to,

10

15

20

25

52.
 Contractors
 liable to be
 summoned
 before Justices
 at Petty Ses-
 sions, for
 Wages.

And be it Enacted, That all Contractors under this Act shall be liable to be summoned before the Justices assembled at any Petty Sessions, on complaint of the party aggrieved, for recovery of any Wages or Money payable to any person employed by them in the execution of such Works, so as the sum demanded do not exceed Six Pounds; and such Justices assembled as aforesaid are hereby authorized and required to hear such complaint and adjudicate thereon, and the decision of such Justices shall be final; and the Sum adjudged to be due shall be levied by Warrant of Distress under hand and seal of any Two such Justices, off the goods and chattels of such Contractor.

30

35

53.
 Contractors to
 procure Certi-
 ficate from
 County Sur-
 veyor, of the
 Completion of
 Work, and to
 lodge Notice,
 with Secretary
 of Grand Jury,
 of Application
 for Payment;
 such Applica-
 tion to be

And be it Enacted, That every Contractor under this Act shall, on the completion of the Work for which he may have contracted, give Notice thereof Ten days at the least before the first day of each Special Sessions at which he proposes to account, to the proper Surveyor or Surveyors, or any of them, and require of him or them a Certificate of the due execution of such Work according to the contract; and such Contractor shall lodge with the Secretary of the Grand Jury within the period hereinbefore limited for the lodgment of

40

of notices of applications for Presentments, a Notice of his intention to apply for payment of the Sum contracted for by him, together with such Certificates to be obtained from the said Surveyor; and the Secretary to the Grand Jury shall arrange in like manner as he

5 has been hereinbefore directed to arrange applications for Presentments, all such Notices and Certificates, and annex to each the Number by which the Contract in respect whereof such Notice or Certificate may be given is distinguished in the Book of Abstracts which such Secretary has been hereinbefore directed to keep, and

10 indorse on such Notice and Certificate the date of the lodgment of the same; and such Secretary shall lay all such Notices and Certificates, with an Abstract thereof, and Index thereto, before the Justice or Justices and Cess Payers assembled at the Special Sessions to be holden under the provisions of this Act for the county, or portion

15 thereof, so that in each case the Presentment may be accounted for in the barony or half barony, or some one of the baronies or half baronies, in which such Work shall have been executed; and the Justice or Justices and Cess Payers at such Sessions shall examine into all such Applications for payment on the part of Con-

20 tractors, and inspect the Notices thereof, and the Certificates aforesaid, and examine the Surveyor or Surveyors, and all other persons whom they think it necessary to examine, for the purpose of ascertaining the due execution of the Work contracted for, and shall therein have and exercise all such powers and authorities as in the

25 case of Applications for Presentments under this Act; and in like manner determine and decide upon all such Applications for payment by majority of votes; and the Chairman at such Sessions shall on every Application which may be approved, indorse the word "Allowed," and on every Application which shall not be approved he

30 shall indorse the word "Disallowed," and the reason of such disallowance, and a note of or reference to the particulars of the execution of the Work, which may have caused such disallowance; and all such Applications, with the Notices and Certificates thereto belonging, shall be delivered to the Secretary of the Grand Jury, to be laid

35 before them at the next ensuing Assizes; and such Grand Jury and the Court shall take such Application into consideration, and allow or disallow the same according to their discretion, in like manner as the Affidavits of Overseers have been heretofore allowed or disallowed: Provided always, That it shall not be lawful for such Grand Jury or

40 Court to allow any Application which shall not have been approved of by the Justice or Justices and Cess Payers at such Sessions as aforesaid; and no Contractor shall be entitled to payment, who shall not have given such Notice and made such application, to be approved and allowed as aforesaid, any thing in any Contract contained, or any law or usage to the contrary notwithstanding.

made at Special Sessions, and if there approved, to be allowed or disallowed by Grand Jury, according to their discretion.

Secretary to make Schedule of Notices, and lay same before Justices at Special Sessions.

54.
Applications
of Contractors
for Payment
liable to
Traverse.

Provided, and be it Enacted, That it shall be lawful for any person paying Grand Jury cess, to traverse in manner in which Presentments have been heretofore traversed at Assizes in *Ireland*, any Presentments made under this Act, and to traverse in like manner the Application of any Contractor under this Act for payment, on the ground of the Contractor not having complied with the terms of his agreement, or with the provisions of this Act, or on the ground of irregularity in the notice of application; and the Court at each Assizes is hereby authorized and required to try the truth of the fact by a Jury, in the same manner as any Traverse within the jurisdiction of the Court ought to be tried; and it shall not be lawful for the Clerk of the Crown or Clerks of the Peace, or any other person, to take any greater fee for or in respect of such Traverse, than the smallest sum which may be taken on any Traverse within the jurisdiction of the Court; and Costs shall be paid by the party against whom such Traverse shall be found; provided, that although there shall be a Verdict against such Traverse, yet if the Court shall be of opinion that there was reasonable and probable ground for traversing such Presentment, or the Application of such Contractor, the Costs shall be paid by the Treasurer of the County, from and out of the county monies in his hands, and the same presented accordingly.

55.
Treasurer not
to pay Money
applied for,
until Traverse
decided.

And be it Enacted, That it shall not be lawful for the Treasurer of any County to pay any Money which may be applied for by any Contractor or other person, the Application wherefor has been traversed, unless such Traverse shall be withdrawn, or Judgment given for the Defendant on the Trial thereof.

56.
Applications
for payment
may be al-
lowed at a
Special Ses-
sions to be
holden in the
month of
November in
each year.

And be it Enacted, That it shall and may be lawful for the Grand Jury at every Summer Assizes to appoint Special Sessions to be held in the County Court-house, and in one or more of the towns in which the General Sessions of the Peace are accustomed to be holden, and to appoint the baronies and half baronies for which such Sessions shall be held, in the month of November by the Justice or Justices of the Peace and Cess Payers authorized under the provisions of this Act to preside at Special Sessions, for the consideration of Applications for accounting; and it shall be lawful for any Contractor to make application for payment at such Special Sessions to be holden in the month of November, and for the Justice or Justices and Cess Payers thereat to allow or disallow such Applications, due Notice of such applications having been given, and like Certificates procured and lodged, under the like provisions and regulations as hereinbefore prescribed respecting Applications for payment at other Special Sessions; and the Treasurer of the County shall and he is hereby required to pay all Money, the application wherefor shall be allowed and certified under the hand of the Chairman at such Sessions

sions, in like manner as if the same had been allowed by the Grand Jury and Court at any Assizes.

57.

CLAUSE (E.)
Persons desirous of traversing Applications to enter into Recognizance for the prosecution of same.

Provided always, and be it Enacted, That in case the said Justice or Justices and Cess-payers assembled at such Special Sessions shall approve of any such Application, but that any Person paying Grand Jury Cess shall be desirous of traversing the same, on the ground of the Contractor not having complied with the terms of his agreement or with the provisions of this Act in respect of the Accounts of such Contractor, or on the ground of irregularity in the notice of Application, and shall enter into a Recognizance before the Justice or Justices then present, in the sum of Twenty Pounds, (and which Recognizance such Justice or Justices is or are hereby authorized to take,) conditioned for the appearance of such Person at the next General Quarter Sessions of the Peace, to be holden in and for the same division of the County in which such Special Sessions shall be held, and for the due entering and prosecution of such Traverse thereat, and the payment of such Costs (if any) as may be awarded on the trial thereof, then and in such case the payment sought for by such Application shall be stayed, any thing hereinbefore contained to the contrary notwithstanding; and the Court at such Quarter Sessions is hereby authorized and required to try the truth of the fact by a Jury, in the same manner as any Traverse within the jurisdiction of the Court ought to be tried; and it shall not be lawful for the Clerk of the Crown or Clerks of the Peace, or any other Person, to take any greater Fee for or in respect of such Traverse than the smallest sum which may be taken on any Traverse within the jurisdiction of the Court; and Costs shall be paid by the Party against whom such Traverse shall be found; provided, that although there shall be a Verdict against such Traverse, yet if the Court shall be of opinion that there was reasonable and probable ground for traversing such Application of such Contractor, the Costs shall be paid by the Treasurer of the County, from and out of the County Monies in his hands, and the same presented accordingly.

58.

Costs of Stamps and Expenses of Application to be paid in first instance by Applicants, and reimbursed by Grand Jury.

And be it Enacted, That the Cost of Stamps on Applications for Presentments and the Expenses of preparing Estimates, Specifications, Plans, Maps, Sections and Elevations, shall be in the first instance defrayed by the party applying, and in the event of such Application being allowed, but not otherwise, such party shall be reimbursed by the Treasurer all such costs and expenses as the Grand Jury may think fit and reasonable; and each Grand Jury shall, together with the maximum appointed and limited for executing the Work comprised in such Application, present all such Costs and Expenses to be in like manner levied and raised.

318.

H

And

59.
Surplus
Monies appli-
cable to gene-
ral purposes of
County.

And be it Enacted, That any Balance, arrears of or surplus on the salary of any County Officer, or balance or surplus on the maximum costs and expenses presented and raised for the execution of any Public Work, beyond the cost of executing the same by contract to be made as aforesaid under this Act, and all other such like Surplus and Balances of Money raised by authority of this Act, or which may any how arise in the hands of any County Treasurer, shall be applied and applicable to defray the expenses of any other Public Works, or to pay any like salaries, or to defray any other County charge or work, in such manner as any Grand Jury may think fit to direct and appoint: Provided always, That such sum shall be applied to the credit of the county, barony or half barony, out of which it shall have been originally levied. 5 10

60.
Tenants at
Will and from
year to year
to deduct all
Grand Jury
Cesses from
their Rents,
save as herein
excepted.

And be it Enacted, That from and after the commencement of this Act, it shall and may be lawful for every person occupying Land in *Ireland*, as tenant at will, or tenant from year to year, to deduct from and out of the amount of Rent payable to his immediate landlord, all and every such Cess and Cesses as may be imposed upon and be paid in respect of such land, by virtue of any Grand Jury Presentment made by force of this Act or any law now in force in *Ireland*, save as hereinafter excepted; and the Receipt or acquittance of the Collector to whom, under the authority aforesaid, such Cess or Cesses may be paid, and which receipt such Collector is hereby required to give when demanded, shall be a good and sufficient discharge to such Landlord for so much as shall be therein expressed to have been paid on account of such cess or cesses, and every such Landlord shall accept such Receipt in payment and satisfaction of such amount, and such Receipt shall not be subject to any Stamp Duty. 15 20 25

61.
All Penal
Cesses to be
paid by occu-
pying Tenant.

Provided always, and be it Enacted, That all and every such Cess or Cesses as shall at any time become payable by virtue of any Presentment made for defraying the expenses of an extraordinary establishment of Police in any disturbed district, or by virtue of any Presentment made for defraying the expense of an extraordinary establishment of Police in respect of the prevalence of offences against the laws for the suppression or prevention of illicit Distillation, or by virtue of any Presentment made for or by levying any Fine imposed by virtue of an Act passed in the fifty-ninth year of his Majesty King GEORGE the Third, intituled, " An Act to limit the continuance of the operation of the several Acts for imposing Fines upon Townlands and places in *Ireland*, in respect of Offences relating to the unlawful Distillation of Spirits; and to amend the said Acts; and to provide for the more effectual Prevention or Suppression of such Offences;" or by virtue of any Presentment made under 30 35 40

under the Statutes of Hue and Cry, or for levying satisfaction for any burning or maiming or houghing of cattle, or other malicious injury, or for indemnifying Prosecutors or Witnesses their expenses, and any and every other Penal Fine, Cess or Assessment
 5 whatsoever, shall be paid and payable by the occupying Tenant of the land on which or in respect of which the same may be imposed or levied or paid; and nothing in this Act contained shall extend or be construed to extend to exonerate such occupying Tenant from liability thereto, nor to entitle or authorize any deduction for any Cess levied
 10 for any of the purposes aforesaid, from the Rent payable in respect of such land, of what nature soever be the tenancy thereof.

And be it Enacted, That the Treasurer of each County shall applot separately, on the several baronies, half-baronies and other portions of each county, all such Penal and other Presentments as
 15 hereinbefore appointed, to be raised off and paid by the occupying Tenant or Tenants, and shall issue a distinct and separate Warrant for the levying thereof; and the several persons appointed to applot the Sum directed by such Warrants to be raised off the several parishes, and other denominations and subdivisions of land, shall in like
 20 manner separately applot the same; and the High Constables and others appointed to collect and levy such sums so applotted on such denominations and subdivisions, shall in like manner separately and distinctly collect and levy the same.

62.
 Separate Warrants for levying Penal Presentments.

And be it Enacted, That any person intending to traverse any
 25 Presentment for which it is by this Act required that Application shall be made at Special Sessions, shall give Notice in writing of such intention to the Chairman at the Special Sessions at which the Application for such Presentment is to be taken into consideration; and the same shall be traversed only at the Assizes at or immediately
 30 subsequent to which the Presentment shall be made; and it shall be lawful for any Occupier or Owner of the ground through which any new Road is to be made, or into which any old Road is to be widened, to traverse the Presentment for the same for Damages at such Assizes as aforesaid, having given Notice to the Secretary of
 35 the Grand Jury previous to the commencement of such Assizes of the amount of Damage intended to be claimed, which Traverse or Traverses shall be tried then or at the ensuing Assizes for such county, upon the entry in the Crown Book of the Presentment and Traverse, without making up any record; and the Jury which shall try such
 40 Traverse shall be sworn true verdict to give, whether any and what damages will occur thereby to the Traverser, taking into consideration any collateral advantages which may result or accrue to such Traverser by reason thereof, and making abatement accordingly; and upon the Damages so found being presented for the use of such Traverser,

63.
 36 Geo. 3.
 c. 55. s. 43.
 Traverses of Presentments.

or deposited for his or their use with the Treasurer of the County, it shall be lawful for the Contractor to proceed in the execution of the Presentment without the interruption of any person; and it shall be lawful for the Grand Jury to present, at their discretion, such sum or sums of Money, so found for Damages, to be raised on the county, or on the barony or half barony, county of city or town respectively in which the Traverser shall have made it appear that he or she sustained the Damages, and to such latter Presentment no Traverse shall be allowed or received. 5

64.
36 Geo. 3.
c. 55. s. 75.
59 Geo. 3.
c. 85.
Justice may
order Sums for
repairing sud-
den Damage
of Roads.

And be it Enacted, That any Two Justices of the Peace in any county may, under their hands and seals, order any sum not exceeding Ten Pounds to be expended in repairing any Bridge or any public Road which may be suddenly damaged, provided it shall appear upon the view of one or both of them, or that of the County Surveyor, that the repairs of such Bridge or Road cannot be delayed till the next Assizes without prejudice to the public; and it shall be lawful for such Justices to appoint a proper person or persons to repair the same; and every Grand Jury of any such county is hereby empowered to present at the next Assizes the Sum so expended in repairing any such Bridge or Road which is liable to be repaired by the county at large, to be levied on such county at large, and any Sum so expended in repairing any other Road upon the barony or half barony, or on the county of the city or town wherein the same is situate, such Sum to be paid to the person so appointed by such Justices, upon his or their producing such Order under the hands and seals of the said Justices, as also a Certificate under the hand of the County Surveyor that the Sum specified in such Order appears to have been faithfully and honestly expended pursuant thereto: Provided always, That no such Order shall be made by any Justices, unless the necessity of the same shall be notified to them by the County Surveyor, in all cases when the attendance of such Surveyor can be readily procured. 10 15 20 25 30

65.
Computation
of Quantity
of Materials.

And be it Enacted, That all Weights and Measures mentioned in this Act or used under any of the provisions thereof, or referred to in any Presentment, shall be the Weights and Measures fixed and ordained by an Act passed in the fifth year of the reign of his late Majesty King GEORGE the Fourth, intituled, "An Act for ascertaining and establishing Uniformity of Weights and Measures," any law, usage or custom to the contrary notwithstanding. 35

66.
Amount of
Damages
committed in
procuring
Materials, to
be applied for
like other

And be it Enacted, That any Surveyor or Contractor by whom any Sum shall be paid for Damages committed in procuring materials for the execution of any Work, shall make application to the Justices assembled at the Special Sessions to be holden under this Act for the 40 the

Presentments
under this
Act.

the consideration of Presentments, to be reimbursed the amount so paid, giving like Notice of such application as hereinbefore prescribed in cases of other applications; and the Justices at such Sessions shall examine into such Application, and for the purpose of such examination, have and exercise all such powers and authorities as in the case of other Applications for Presentments under this Act, and in like manner shall approve or disapprove the same; and the said Application shall be delivered to the Secretary of the Grand Jury, to be laid before them at the next ensuing Assizes; and such Grand Jury shall have power and authority, in case such Application shall have been approved at such Sessions, but not otherwise, to make Presentment accordingly of the amount of such Damages, to be levied off the county at large, barony or half barony, county of a city or county of a town, or any portion thereof, as the case may be, chargeable with the cost of executing such Work.

And be it Enacted, That on every Presentment for the levying of any Public Money whatsoever, the year of The King's reign and the chapter and section of the Act of Parliament (as printed by the King's Printer) under which such Presentment is authorized to be made and fiated, shall be inserted on the face of such Presentment; and every such Presentment shall be entered in the County Book and in all the Schedules of Presentment, with a marginal note of such Acts in manner aforesaid, and the title of each particular Act so referred to shall be inserted at the end of all such Schedules, in default of which it shall not be lawful to present for printing the same; and all Presentments not made according to the directions foregoing shall be null and void.

67.
49 Geo. 3.
c. 84. s. 15.
Presentments
to contain a
reference to
the proper
Statutes.

And be it Enacted, That from and after the commencement of this Act, all such Roads or Bridges as any Grand Jury may be required or authorized to make, alter, fence, level, gravel, widen or repair, or in which to cut down hills or fill up hollows, under or by virtue of any of the provisions of an Act passed in the forty-fifth year of the reign of his Majesty King GEORGE the Third, intituled, "An Act to amend the Laws for improving and keeping in repair the Post Roads in Ireland, and for rendering the conveyance of Letters by His Majesty's Post Office more secure and expeditious," or any power or authority derived from such Act, or from such Act as amended by any other Act or Acts passed or to be passed, shall be made, altered, fenced, levelled, gravelled, widened or repaired, and the hills therein cut down, and the hollows filled up, by Contract, in manner prescribed by this Act for the performance of other Public Works, and Presentment shall and may be made therefor accordingly; and it shall not be lawful for any Grand Jury to appoint any Overseer or General Overseer of any such Roads or Bridges: Provided always,

68.
All Works
and Bridges
under 45 G. 3.
c. 43. to be
performed by
Contract.

45 G. 3. c. 43.

That it shall be lawful to make Advances to any Contractor, in like manner as to any Overseer, under the said Act, and that such Contractors shall be and are taken to be in the place of such Overseers, so far as may be compatible with the nature of their Contract; and in all other particulars, save as aforesaid, the said Act or Acts, and all Powers, Authorities, Conditions, Clauses and Regulations therein contained, shall be and remain in full force and effect, any thing herein contained to the contrary notwithstanding. 5

69.

Grand Jury
not to make
Presentments
for any Bridge
conformably
to Proposal
under (I.)
19 & 20 G. 3.
c. 41. unless
first approved
at Special
Sessions, and
lodged and
notified like
Application
for Public
Works.

And be it Enacted, That from and after the commencement of this Act, it shall not be lawful for any Grand Jury to make Presentment for any Bridge conformably to a Proposal for erection thereof under the provisions of an Act of the *Irish* Parliament passed in the nineteenth and twentieth years of the reign of his Majesty King GEORGE the Third, intituled, "An Act for empowering Grand Juries to present Bridges and Tolls to be paid for passing the same in certain cases," or of an Act passed in the fifty-third year of the reign of his Majesty King GEORGE the Third, amending the last-mentioned Act, unless such Proposal shall have been first approved of at the Special Sessions to be holden under this Act for the consideration of Applications for Presentments; and that all Proposals under the said Acts shall be made in the form of such Applications, and lodged and dealt with, and notice thereof given and posted, as in case of other Applications for Public Works; and that so much of the said last recited Acts as direct Notice to be given in any other manner, be and the same is hereby repealed. 10 15 20 25

70.

Grand Jury
not to make
Presentments
for any Court
House till
Application
has been
approved of
at Special
Sessions.

And be it Enacted, That from and after the commencement of this Act, it shall not be lawful for any Grand Jury to make Presentment for the building, enlarging, repairing or rebuilding any Court House or Sessions House, unless an Application for such Presentment shall have been first made and approved of at the Special Sessions to be holden under this Act for the purpose of considering Applications for Presentments; and that all such Applications in respect of any Court House or Sessions House shall be made and dealt with in like manner and under like regulations and conditions as hereinbefore prescribed in respect of other Applications for Public Works, so far as the same are applicable; and that it shall not be lawful for any Grand Jury to appoint Overseers of any such Court House or Sessions House so to be built, repaired, enlarged or rebuilt, but that all such Works shall be executed by Contract made upon sealed Tenders and Proposals, in manner hereinbefore prescribed with respect to other Public Works; provided that, save as aforesaid, nothing in this Act contained shall extend to repeal any of the provisions of two Acts made respectively in the fifty-third and fifty-fifth years of the reign of his Majesty King GEORGE the Third, providing 30 35 40

providing regulations for the building and repairing of Court Houses and Sessions Houses in *Ireland*, or of an Act passed in the seventh year of the reign of his late Majesty, intituled, "An Act for consolidating and amending the Laws relating to Prisons in *Ireland*."

5 And be it Enacted, That it shall be lawful for the Grand Jury of any county to present, for the holding of Petty Sessions, an annual Sum, not exceeding Ten Pounds for the Rent of a Room or Rooms, not being in a house where spirituous or fermented liquors are sold ; provided that no such Presentment shall be made unless upon an
10 Application made and approved at Special Sessions, in like manner as hereinbefore provided with respect to other Applications for Presentments under this Act.

71.
7 & 8 Geo. 4.
c. 67. s. 7.
Room for
Petty Sessions.

And be it Enacted, That where any Fever Hospital has been or shall be established in any county, an Account of the Receipt and
15 Expenditure of such Fever Hospital, from the time of its establishment to the time of the first Presentment required, and afterwards from the time of each Presentment till the time when any further Presentment is required, shall, together with any Application for any Sum proposed to be presented for the support thereof, be laid before
20 the Special Sessions to be holden under this Act for the purpose of considering Applications for Presentments, and that no such Presentment shall be made, unless such Account and Application shall be approved at such Special Sessions.

72.
54 Geo. 3.
c. 112. s. 2.
Account of
Receipts and
Expenditure
before Money
presented.

And be it Enacted, That it shall not be lawful for any Grand
25 Jury to present any Sum to be paid to the Treasurer of the Infirmary or County Hospital of any county, towards the support and maintenance of such Infirmary or County Hospital, unless, together with an Application for such Presentment, a Certificate under the hand of the Physician or Surgeon of such Infirmary or County
30 Hospital, stating the number of Patients as well exterior as interior, received and relieved from the date of the preceding Presentment, and also a true Debtor and Creditor Account of the Funds and Expenses thereof, commencing from the date of the preceding Presentment, attested by the Signature of the Treasurer of such Infirmary or
35 County Hospital, shall have been laid before the Special Sessions to be held under this Act for the consideration of Applications for Presentments, and approved thereat.

73.
Presentments
for Infirmaries.
5 G. 3. c. 20. s. 6.
25 G. 3. c. 39.
25 G. 3. c. 40.
45 G. 3. c. 111.
49 G. 3. c. 36.
39 G. 3. c. 17.
54 G. 3. c. 62.
s. 1, 2, 3.
47 G. 3.
c. 50. s. 2.

And be it Enacted, That it shall not be lawful for the Grand Jury of any county to present any sum of Money towards the establish-
40 ment or support of any Dispensary, unless a Certificate of the sums of Money received by the Treasurer thereof from private subscription or donation since the date of the last Presentment, and also the number of patients relieved, shall have been, together with an
318.

74.
Presentments
for Dispensaries.
58 G. 3.
c. 47. s. 5.
3 G. 4. c. 21.

Application for such Presentment, allowed and approved of at the Special Sessions to be held under this Act for the consideration of Applications for Presentments, and an Account of the Disbursements of all Monies raised by virtue of any such Presentment for such local Dispensaries, as well as all Monies so received from private Subscription or Donation since the date of the last Presentment, for their use, shall be laid before the Justice or Justices and Cess Payers, at the Special Sessions ensuing the disbursement thereof; and it shall not be lawful to make any further Presentment in aid of such Infirmary, unless such Account shall be allowed by the Justices at such Sessions; and all such Accounts shall also be laid before the Grand Jury at each Assizes: Provided always, That when any Fever Hospital shall be attached to any Dispensary, the Treasurer of the same shall separate the Accounts of the Receipts and Expenditure of each such Fever Hospital and Dispensary, and that the application for Presentments for each shall be separate and distinct.

75.
54 Geo. 3.
c. 62. s. 1.
Salary of Surgeon to Infirmary.
54 Geo. 3.
c. 62. s. 2, 3.
On certain conditions.

And be it Enacted, That it shall not be lawful for any Grand Jury to present any Sum to be paid to the Surgeon of any Infirmary, unless, together with an Application therefor, a Certificate, signed by the Governors of such Infirmary or Hospital, or by Five of them at the least, shall be laid before the Special Sessions to be holden under this Act for the purpose of considering Applications for Presentments, which Certificate shall state that the Surgeon for whom such additional Salary is requested to be presented, hath duly and faithfully executed his duty as Surgeon of such Infirmary or Hospital during the preceding year, nor unless a true Copy (certified under the hand of the Treasurer of such Infirmary or Hospital) of the Letters Testimonial from the College of Surgeons in Ireland, by law required to be obtained by every such Surgeon, shall be laid before such Special Sessions, nor unless such Surgeon shall have given his Attendance and Professional Assistance without any other or further fee or reward to the Prisoners and others in the Gaol of the county, to the Infirmary of which he has been appointed Surgeon, if such Gaol is situate within Five miles of such Infirmary.

76.
Certain Presentments not to be made by Grand Jury unless approved of at Special Sessions.

And be it Enacted, That from and after the commencement of this Act, it shall not be lawful for any Grand Jury to present any sum or sums of Money for the purpose of erecting, establishing, hiring, repairing, enlarging, rebuilding or fitting up any Fever Hospital, nor for the support of any Lunatic Asylum, or Ward or Wards for the reception and support of Idiots and Insane Persons, nor for the yearly allowance, remuneration or superannuation of any Constable or Sub-Constable, nor for any compensation or salary to the Keepers of Gaols, Penitentiaries and Bridewells, nor to Matrons nor Turnkeys employed therein, nor for the payment of Baronial Constables appointed

appointed by any Grand Jury, unless application for the same shall have been made and approved at the Special Sessions appointed to be holden under this Act.

77.
CLAUSE (F.)
Compensation
for malicious
Injuries to
Property, how
to be re-
covered.

And be it Enacted, That in all cases of maliciously and wantonly
5 burning, demolishing or pulling down any house, out-house, hag-
gard or other building, or of the robbery, burning, sinking, destroying
or otherwise injuring of any corn, turf, merchandize, store-boat,
barge, vessel or other property, or of maliciously houghing, cutting,
maiming or injuring of any cattle, it shall and may be lawful for any
10 Person or Persons injured by such offence, to exhibit and deliver to the
Judge or Judges of Assize, at the next Assizes to be held for the
county, county of a city or town, where any such offence may have
been committed, a Petition praying compensation for the loss or
damage occasioned by such offence, and stating the time and place
15 when and where such injury was done, the particular property taken
away, injured or lost, and the amount of the damages thereby sustained;
and by what number of Persons, and whom by name and description
such injury was done, if such offender or offenders shall be known, and
if not, then stating such particular descriptions of each such offender
20 as may be known; and the said matter shall thereupon be examined
by such Judge or Judges of Assize, on the oath of the party so peti-
tioning, and such other evidence as can be produced touching the
facts stated in such petition; and such Judge or Judges of Assize shall
certify the amount of compensation (if any) which shall appear to him
25 upon such evidence to be just and reasonable for the loss or damage
stated in such petition; and the Grand Jury of such county, county of a
city or town, at the same or next Assizes or presenting Term, shall, on
the production of such certificate, and they are hereby required to
present, to be raised off the county, or any barony or half barony
30 thereof, or off such county of a city or town, such sum of Money as
shall appear to such Judge or Judges of Assize, certified under the
hand of such Judge or Judges, to be the amount the party petitioning
ought to receive, by way of compensation for such loss or damage;
Provided always, That notice in writing of every such petition shall
35 be left with or delivered to the High Constable of the same or next
adjacent barony or place, or the Churchwardens of the same or
next adjacent parish of the county, county of a city or town, in
which such malicious injury may have occurred, or in which it is
proposed to prefer such petition, and also to the Secretary of the
40 Grand Jury of such county, county of a city or town, at least Eight
days before the assizes at which such petition is intended to be
preferred, if so many shall intervene between the commission of
such offence and the time of holding such Assizes; and if so many
days shall not intervene, then such notices shall be given as early as
possible before such Assizes.

78.
 CLAUSE (G.)
 If malicious
 Injury shall
 occur on bor-
 der of Coun-
 ties, Judge
 may apportion
 the Amount in
 such conti-
 guous Coun-
 ties.

And be it further Enacted, That in case such robbery, burning, sinking or other malicious injury shall be committed on the verge, or within the distance of Two miles of the boundary of any two or more counties, it shall and may be lawful to prefer one such petition to the Judge or Judges of Assize, at the next Assizes to be holden 5
 for either or any of such counties; and it shall be lawful for such Judge or Judges of Assize to examine into the matter thereof, and to take such proceedings thereon as aforesaid; and in case he or they shall find any sum or sums of money to be due or payable as or for compensation to such party petitioning as aforesaid, he or 10
 they shall have power and authority to apportion the amount of such compensation between such neighbouring counties, in such proportions as he or they shall think fit, and certify the same accordingly; and the Grand Juries of such counties, counties of cities or towns respectively, shall, and they and each of them are hereby required, 15
 on the production of the certificate of such Judge or Judges, declaring the amount of compensation to be paid on foot of such petition, and the proportions in which the same shall be borne by the said neighbouring counties, to present such proportions of the amount of such compensation accordingly, to be raised off such counties, or 20
 any barony or half barony thereof, and paid to such party so petitioning, as the case may require.

79.
 CLAUSE (H.)
 No traverse
 to be taken to
 such Present-
 ment.

And be it Enacted, That no Traverse shall lie or be taken to any Presentment made pursuant to any such certificate as aforesaid.

80.
 CLAUSE (I.)
 Cess Payers
 to be admitted
 to oppose
 Petition.

And be it Enacted, That if any Person paying Grand Jury Cess 25
 shall be desirous of controverting the matter of any such Petition he shall be heard; and in case the Judge or Judges shall so think fit, he or they shall direct a Jury to be forthwith impanelled to try the matter, and the Judge shall allow or disallow such Petition accord- 30
 ing as such Jury shall find the matter to be, and in case they shall award any compensation, the sum so awarded shall be inserted in the Certificate, to be given in manner before directed by such Judge or Judges, as the compensation to be paid on foot of such Petition, and Presentment made accordingly.

81.
 CLAUSE (K.)
 If Property be
 recovered,
 Treasurer
 entitled to it
 for the benefit
 of the County.

Provided always, and be it Enacted, That if any property for 35
 which any person shall have received satisfaction by such Presentment as aforesaid shall be afterwards discovered or obtained, the Treasurer or Treasurers for the time being of the county or counties, county or counties of a city or town, from which such satisfaction has been received, may have and recover such property, and the 40
 same is hereby declared and enacted to belong unto and be vested in him or them for the use of such county or counties, county or counties of a city or town, in proportion to the sums respectively presented

presented and raised off the same, and such Treasurer may maintain in his own name any action and pursue any remedy or proceeding for the recovery of such property, or of damages for the same, which the person robbed might have had or maintained
 5 before such satisfaction received by such Presentment; and such property, when recovered, shall be sold or disposed of by such Treasurer, and the money arising from such sale, after deducting the charges for the recovery thereof, shall be applied by such Treasurer to the use of the county, barony or half barony, or county of a city
 10 or town, by which such satisfaction shall have been made.

And be it Enacted, That no action or suit against any chief or other Magistrate, or any inhabitant or inhabitants of any parish, shall be brought or prosecuted by the party so petitioning as aforesaid, for the recovery of any satisfaction or damages sustained by
 15 reason of any offence for which compensation may have been obtained under the provisions hereinbefore contained: Provided always, That although such Petition as aforesaid may have been preferred, it shall nevertheless be lawful, if the same shall be disallowed, for such person or persons injured by such offence as aforesaid, to
 20 seek for satisfaction and damages by all such ways and means as authorized or directed by an Act passed in the Parliament of *Ireland* in the twenty-third and twenty-fourth years of the reign of his Majesty King GEORGE the Third, intituled, "An Act for the more effectually punishing such Persons as shall by violence obstruct
 25 the Freedom of Corn Markets and the Corn Trade, or who shall be guilty of other Offences therein mentioned, and for making Satisfaction to the Parties injured," or any other Act or Acts in force in *Ireland*; any thing herein contained to the contrary notwithstanding.

Provided, and be it Enacted, That in case of any Presentment being made in manner aforesaid for or on account of the malicious burning, demolishing or pulling down of any house, out-house, haggard or other building, the party to whom any money shall become payable thereunder shall, previous to receiving payment thereof, enter into a Recognizance himself in a penalty of
 30 like amount as such money so payable, with Two sufficient Sureties, each in a penalty of half such amount, conditioned for the application and expenditure of such money in and towards the rebuilding and re-establishing of such house, out-house, haggard or other building, and which Recognizance the Judge at the Assizes at
 35 which such Presentment shall be made is hereby authorized and directed to take.

Provided always, and be it Enacted, That nothing in this Act contained shall in any manner affect or be deemed or construed to affect any of the provisions contained in four Acts passed in the

318.

K 2

Parliament

82.

CLAUSE (L.)
 No Action to be brought where Compensation obtained under this Act; but where not obtained, Party injured to have all other legal remedies.

23 & 24 G. 3,
 c. 20.

83.

CLAUSE (M.)
 Persons receiving Money for injuries sustained, to enter into bond for proper application of same.

84.

Proviso.
 11 Geo. 3. c. 7.

23 & 24 Geo. 3.
c. 20.

27 Geo. 3.

40 G. 3. c. 96.

85.
Applications
relating to
Salaries and
Contingencies
to be lodged
with the Se-
cretary.

Parliament of *Ireland*, in the eleventh, in the twenty-third and twenty-fourth, the twenty-seventh and the fortieth years of the reign of his late Majesty King GEORGE the Third, intituled respectively, "An Act for punishing such Persons as shall do Injuries and Violence to the Person or Properties of His Majesty's Subjects, with intent to hinder the Exportation of Corn;" "An Act for the more effectually punishing such Persons as shall by Violence obstruct the freedom of Corn Markets and the Corn Trade, or who shall be guilty of other Offences therein mentioned, and for making Satisfaction to the Parties injured;" "An Act to prevent tumultuous Risings and Assemblies, and for the more effectual Punishment of Persons guilty of Outrage, Riot and illegal Combination, and of administering and taking unlawful Oaths;" and "An Act to revise, amend, continue or make perpetual certain temporary Statutes." 5 10

And be it Enacted, That all Applications for Fees, Poundages or other Contingencies or Payments whatsoever, save and except fixed annual Salaries, for which Grand Juries now are or hereafter may be authorized by law to make Presentments, shall, with a full detail of the particulars and amount thereof, be lodged with the Secretary of each Grand Jury Six clear Days at the least previous to the day to be appointed under the provisions of this Act for impanelling such Grand Jury; and such Secretary shall insert in writing an Abstract of such Applications at the foot of the proper Schedule which he is required to deliver to the Foreman of the Grand Jury, and also at the foot of the Copy which he is required to keep in his office for the inspection of the Public: Provided always, That such Presentments for Fees, Poundage or other Contingencies or Payments, the particulars and amount whereof cannot be ascertained so as to allow of their being specified when the Application therefor shall be lodged with the said Secretary at the time aforesaid, may be made by the Grand Jury, although such particulars and amount shall not have been so specified. 15 20 25 30

86.
Certificate of
Coroners to
be laid before
Grand Jury.

Provided always, and be it Enacted, That it shall not be lawful for any Grand Jury to make any Presentment for the remuneration of any Coroner, unless Application therefor shall have been made at the proper Special Sessions to be held under this Act and approved thereat, and that together with such Application there be laid before such Special Sessions a Certificate of each such Inquest respectively taken by such Coroner, made and signed by such Coroner in the form following: 35 40

" I, *A. B.* a Coroner in the county, [county of a city or county of a town] of Do hereby Certify,
That on the day of I held an
Inquest on the body of *C. D.* at in this
county

county [or, county of a city or county of a town]; and that the names of the Jurors impanelled on such Inquest, were as follows;

And that the names of the Witnesses examined before such Jurors were as follows;

And that the Verdict of such Jury was

All which I certify. Dated this day of

A. B.

Coroner of this county [county of a city or county of a town] of

And be it Enacted, That every Coroner making application for remuneration as aforesaid shall attend the Special Sessions and Assizes at which such application shall be made, and it shall be lawful for the Special Sessions and Grand Jury, in case they shall so think fit, to examine any such Coroner upon Oath, as to the truth of any such Certificate.

87.
Grand Jury
may examine
Coroner on
Oath.

And be it Enacted, That it shall and may be lawful for any Coroner before whom any Physician, Surgeon, Apothecary or Chemist shall, in obedience to a summons from such Coroner, attend and be examined as a Witness at any Inquest relative to the death of any person, to grant such Witness an order, signed by such Coroner upon the Treasurer of the County, wherein such Inquest shall be held, for such sum, not exceeding Five Pounds, as to such Coroner shall seem fit, which sum shall be paid by such Treasurer according to such order; provided that such Coroner shall certify to the Special Sessions the amount and particulars of all sums so by him ordered, and that the Justice or Justices and Cess Payers shall have sanctioned and approved of the amount so ordered; and the amount of all such payments shall be presented by the Grand Jury, to be raised off the county at large.

88.
10 Geo. 4.
c. 37. s. 3.
Medical Wit-
nesses ex-
amined on
Inquests.

And be it Enacted, That if any person shall be sued, molested or troubled for putting into execution any of the powers contained in this Act, or for doing any act, matter or thing pursuant thereto, such person shall and may plead the General Issue, and give the special matter in evidence, and may avow the taking any distress on the acting Treasurer and Justice's Warrant merely, without going into other title or authority; and if the plaintiff or plaintiffs shall be nonsuited, and judgment giving against him her or them, upon demurrer or otherwise, or a verdict pass for the defendant or defendants, or a dismiss upon a Civil Bill, such defendant or defendants shall have

89.
36 Geo. 3.
c. 55. s. 90.
General Issue
may be
pleaded.

318.

L

his

46 Geo. 3.
c. 96. s. 5.

his her or their Treble Costs, to be recovered by such method and manner whereby law costs are given to defendants; and that the solemn Affirmation or Declaration of a Quaker, shall be adjudged and taken to be of the same force and effect, to all intents and purposes, in any case where by this Act an oath is required to be taken, as if such Quaker had taken an oath in the form prescribed, or in the usual forms. 5

90.
36 Geo. 3.
c. 55. s. 94.
Party distraining not to be a Trespasser in consequence of irregularity.

And be it Enacted, That when any distress shall be made for any sum or sums of Money to be levied by virtue of this Act, the distress itself shall not be deemed unlawful, nor the party or parties making the same be deemed a Trespasser or Trespassers on account of any default or want of form in any proceedings relating thereto, nor shall the party or parties distraining be deemed a Trespasser or Trespassers, *ab initio*, on account of any subsequent irregularity on the part of the party or parties distraining; but the person or persons aggrieved by such irregularity, may recover full satisfaction for the special damages in any action on the case. 10 15

91.
36 Geo. 3.
c. 55. s. 96.
Penalty on Justices taking Money for Affidavits.

And be it Enacted, That if any Justice of the Peace, or any other Person shall demand or take any sum of Money or any reward for swearing any Affidavit to be made by virtue of this Act, every such Justice of the Peace, or any other Person so offending, shall forfeit and pay for every such offence the sum of Ten Pounds to the prosecutor or informer, to be recovered by any person who shall sue for the same by Civil Bill. 20

92.
36 Geo. 3.
c. 55. s. 93.
Penalty for assaulting or resisting Persons acting under this Act.

And be it Enacted, That in case any person or persons shall resist or make forcible opposition to any person or persons employed in the execution of this Act, or shall assault any Surveyor or Deputy Surveyor, Collector, Supervisor, Overseer, Contractor, or Peace Officer, in the execution of this or any other Act, for the making or repairing of High Roads, or shall make or attempt to make any rescue of goods distrained or seized by virtue of this or any other such Act, or if any Constable or Sub-Constable shall refuse or neglect to execute any warrant granted by any Justice of the Peace pursuant to any power by this Act created, every such person offending therein, and being convicted thereof before any Justice of the Peace, by the oath of one credible Witness, shall for every such offence forfeit any sum not exceeding Ten Pounds nor less than Forty Shillings, at the discretion of such Justice; and in case the same shall not be paid, such Justice is hereby empowered and required to commit such offender to any Gaol, Bridewell or House of Correction, for any time not exceeding Three months, or until the said forfeiture shall be paid. 25 30 35 40

And

And be it Enacted, That if any Person shall wilfully swear or affirm falsely in any Oath or Affirmation made or taken by authority or under any of the provisions of this Act, every such person being thereof convicted shall be adjudged guilty of wilful and corrupt Perjury, and incur the pains and penalties in such case by law provided; and it shall and may be lawful for any Grand Jury, without any previous application to Special Sessions, to make such Presentments for defraying the prosecution of such delinquent, as to them may seem fitting and expedient.

93.
36 Geo. 3.
c. 55. s. 91.
46 Geo. 3.
c. 96. s. 5.
59 Geo. 3.
c. 84. s. 29, 30.
Perjury.

And be it Enacted, That the several sums of Money in this Act mentioned shall be deemed to be the present lawful money of *Great Britain* and *Ireland*, and that the Schedules annexed to this Act shall be deemed and taken to be part thereof, and that the Forms therein contained, and none other, shall be made use of in all cases to which such Forms shall be applicable: Provided always, That it shall and may be lawful to erase or alter any words in such Forms so as to make them applicable to any particular case, without materially altering the substance, but no further.

94.
Money to be
considered
present Cur-
rency.
Schedules
part of the
Act.

AND whereas inconveniences may arise from changes in the office of Treasurer for Counties in *Ireland*, arising from death, removal, disqualification and otherwise, and doubts have arisen as to the powers of persons succeeding to such office; FOR Remedy whereof, Be it Enacted and Declared, That the Treasurer now or for the time being of any county in Ireland, has and shall be deemed to have and shall have power and authority to do all such acts, matters and things in anywise relating or appertaining to the office of Treasurer in the same county, as ought to have been done by his predecessor in such office, and which may be or have been by him left undone or in part done; and that any such Treasurer now or for the time being shall and ought to issue his warrants for the levying and collecting any Monies, the Presentments for which may be or have been delivered to his predecessor; and that such warrants and all other acts, matters and things done by any Treasurer of a county now or for the time being, and which may be requisite or necessary in or towards the raising, collecting, levying, receiving and accounting for any Monies duly presented to be raised off such county at large, or any barony or half barony or other sub-division thereof, shall and the same are hereby declared to be good, valid, obligatory and effectual, to all intents and purposes, although the duty to issue such warrants, or to do such acts, matters or things, may in the first instance have attached upon the last previous Treasurer of such county.

95.
Treasurer for
the time being
to have power
to do all such
things as ought
to have been
done by his
Predecessor.

Provided always, and be it Enacted, That nothing herein contained shall extend to make any Treasurer for a county now or for

96.
Proviso.
That no Treas-
urer be deem-
ed liable for

acts of his
Predecessor.

the time being in any respect liable for any default or malfeasance permitted or committed by his predecessor in office.

97.
36 Geo. 3.
c. 55. s. 40.
Half-Barony
to be deemed
a Barony.

And be it further Enacted, That every Half-Barony shall be considered and deemed a Barony within the meaning of this Act; and that wherever the word "County" shall occur in this Act, the same shall be deemed and taken to include and import any county at large, or county of a city or county of a town and city, or city or town and county, unless the contrary thereof shall be expressed, or that such construction shall be inconsistent with or repugnant to the context.

98.
CLAUSE (N.)
Baronies, &c.
may be
divided.

And be it further Enacted, That it shall and may be lawful for the Grand Jury of any County, by Presentment, to divide any Barony or Half Barony thereof into one or more Sub-divisions, each whereof shall for the purposes of this Act, and for all purposes relating to the presenting, raising and levying of Money for any matter or thing for which Presentment may be lawfully made by Grand Juries, be deemed and taken to be a Barony or Half Barony, as such Grand Jury shall present the same.

99.
CLAUSE (O.)
Money here-
tofore paid by
Treasurer to
Collector of
Excise, to be
disposed of
under direc-
tion of Lords
of Treasury.

And be it further Enacted, That in all cases where by any Act or Acts now in force, the Treasurer of any County may be authorized or required to pay any Money to any Collector of Excise or other Person, to be by him accounted for as Public Money, the same shall from and after the passing of this Act, be paid and payable to such Bank or Person, and in such manner as the Lord High Treasurer, or the Lords Commissioners of His Majesty's Treasury, or any Three of them, shall from time to time think fit to direct and appoint.

100.
CLAUSE (P.)
Commence-
ment of Act:

And be it Enacted, That this Act shall commence and take effect from and after the First day of October in this present year, One thousand eight hundred and Thirty-three, and not sooner.

101.
CLAUSE (Q.)
Act may be
amended.

And be it further Enacted, That this Act may be amended, altered or repealed in this present Session of Parliament.

SCHEDULES

To which the foregoing ACT refers.

SCHEDULE (A. 1.)

FORM of APPLICATION for opening a NEW ROAD.

County of } WE,
and

of
of

Do certify, That in our opinion it would be useful to open a New Line of Road from _____ to _____ between _____

and

in the Baronies

of in this County, according to the Survey and Map, Sections and Estimates lodged by us, and that Presentment for such purpose may be made under and by virtue of the section of the chapter of [*here set out the Reign*] being an Act for [*here set out the Title of the Act*]; and we further certify, that a Notice in writing, setting forth, that Application was intended to be made for a Presentment to lay out this New Line of Road, distinguishing the number of perches that such intended Road is to be made in length through each Townland, has been personally served upon or left at the house of each Occupier of the land through which such Road is intended to be made; and that a like Notice has been posted on or immediately close to the door of the County Court-House, on the same day that the said Map was deposited with the Secretary of the Grand Jury; and that the Estimates contain the Total Expense which we consider as necessary for finishing completely this New intended Line of Road, including the laying out, forming, fencing, draining, levelling, stoning and gravelling the same, building Bridges, Gulleys or Support-walls, lowering Hills or filling Hollows, so as to bring every part of it to the ascent or descent proposed by the Plans and Sections hereinbefore mentioned; and that the Estimate distinguishes separately the Expense of the New intended Line of Road which will be incurred in each Barony or Half Barony, from the Expenses which will be incurred by the County at large in executing the same; and that the Specifications contain the Distance of the nearest Quarries fit for each part of the Work, the lowest Price of Lime, and the general Prices of Labourers, Masons, Carts, Drays and Cars, by the day, in the neighbourhood of such New intended Line of Road; and that the Map or Plan of the proposed Road is on a Scale of Ten Perches to an Inch, and includes the present Road (if any) in place of which the intended Road is proposed to be made; and that such Map, Plan or Section show correctly the inclination of the surface of the intended Road throughout the whole length of each, and state in feet and inches the difference between each in their degrees of inclination, and in the highest of each above

318.

M

their

their base, and also particularize each Hill proposed to be lowered, and Hollow proposed to be filled, and the height or depth in feet and inches of the ascent or descent proposed to be altered on each such Hill or Hollow; also that all Roads, Rivers or Streams which such New intended Road is to cross, are marked and specified in their proper places in each Map, with separate Plans, Estimates, Measurements and Specifications of the Plans and Elevations of every Bridge, containing distinct details, and the true Prices of all stone-cutter's and mason work of such Bridges, Gulleys, Pipes or Walls which are proposed to be built on the Line of such New intended Road, and all other Expenses which will be incurred in the execution of such Road, to the best of our skill, knowledge and belief; and we propose that the same shall be defrayed by the County at large [or Barony or Half Barony of]

(signed)

A. B.

C. D.

FORM of APPLICATION for PAYMENT by a CONTRACTOR for forming, levelling and draining a NEW ROAD.

County of } WHEREAS the Sum of
 } was by virtue of the section of the chapter
 of [here set out the Reign] being an Act for [here set out the Title of the
 Act] presented at Assizes, in the year
 to be expended in perches of the New
 intended Road from to
 between and
 all in the Barony or Half Barony of in this
 County; which Road is to be feet wide in the clear of
 all ditches, banks and drains: And whereas I contracted for the Work
 aforesaid at the rate of
 Now this is to certify, That I have faithfully and honestly formed,
 levelled and drained perches of the said Road, in
 conformity to the said Presentment; and that every part of the said
 perches is feet in the clear between the ditches,
 banks, drains or fences, and is of a proper level throughout the whole
 of the said width, with a regular fall from the centre of said Road to
 the sides, and the whole done according to and in conformity with the
 Presentment made by the Grand Jury; and that there is not adjoining
 to either side of the Road so formed, levelled and drained, any Grip
 without a bank or a wall or other sufficient fence between it and the
 side of the Road, and that the annexed Account is true in every part,
 and contains the whole of the Expenditure by me incurred in and about
 the said Work, with the several Items thereof, and that every part of the
 said Work was finished on the day of

SPECIFICATION OF ACCOUNT; viz.

FORM of APPLICATION for PAYMENT by a CONTRACTOR for finishing and completing a NEW ROAD with Stones and Gravel.

County of } WHEREAS the Sum of
 } was, by virtue of the section of the chapter
 of [here set out the *Reign*], being an Act for [here set out the *Title of*
the Act], presented at Assizes, in the year
 to be expended in soleing with Stones
 and other Materials, and in finishing with small Stones and Gravel
 perches of the New intended Road from
 to between and
 all in the Barony of in this County; which Road
 is feet wide in the clear of all ditches, banks or
 fences, and which has been finished feet wide at the
 least, with Stones and Gravel: And whereas I contracted for the Work
 aforesaid at the rate of

Now I, Do certify, That I have faithfully and honestly finished the said Road with Stones and Gravel in conformity to the Presentment, with the quantity of Stones and Gravel at the least therein specified, and that every part of the said perches is feet wide in the clear between the banks, drains or fences, and is safe and level throughout the whole of said width, and free from obstruction, and that feet at the least of said width is made with Gravel and small Stones, and is safe and level throughout the whole of said width for carriages to pass and repass on, with a regular fall from the centre to the sides; and that the back of every ditch or fence thereto, to which there is a Grip, is turned to the Road, and the Grip to the field side, and that the annexed Account is true in every part, and contains an Account of the Quantity and Quality of Materials laid on the Road, and the whole of the Expenditure by me incurred in and about the said Work, with the Items thereof, and that every part of said Work was finished on the day of

SPECIFICATION of ACCOUNT; viz.

FORM of APPLICATION by CONTRACTOR for PAYMENT for making
FENCES to NEW ROADS.

County of } WHEREAS the Sum of
 } was, by virtue of the section of the chapter
 of [*here set out the Reign*], being an Act for [*here set out the Title*
 of the Act], presented at Assizes, in the year
 to be expended in making
 perches of Fences, on each side of the Road, from
 to between
 and all in the Barony or Half Barony of
 in this County, being at the rate of by the perch ;

Now I,
318.

Do certify, That I have faithfully and honestly
M 2 expended

expended the Sum of _____ in the execution of and in conformity to the said Presentment, and that the whole of the _____ perches of Fences aforesaid are well and effectually made pursuant thereto, "and that the bank side thereof is turned to the Road, and the Grip to the field side;" and that the said Work was finished on the _____ day of _____ and the annexed is a true Account of the whole of the Expenditure by me incurred in and about the said Work with the several Items thereof.

N. B.—Where there is no Grip Work, in inverted commas to be omitted.

SCHEDULE (B.)

FORM of APPLICATION for the REPAIRS of ROADS.

County of _____ } WE, _____ of _____
 and _____ of _____
 Do certify, That we have lately viewed and measured
 perches of the Road from _____ to _____
 between _____ and _____ and
 that _____ of the said perches are in the Townland of _____
 and that _____ perches thereof are in the Townlands
 of _____ all in the Barony of _____
 in this County; and that the same are in need of repair, and it will
 require the Sum of _____ to repair the said
 perches, so as that the Road shall be _____ feet wide in the
 clear of the ditches, banks, drains or fences, and _____ feet
 wide in the part which is repaired with _____ barrels of
 Gravel or small Stones, being at the average rate of _____ by
 the perch, according to the Specification annexed, which we verily
 believe is the least the said _____ perches can be effectually
 repaired for; and that the Specification contains a Description of the
 Kind of Materials, and the Quantity of the same which is proposed to
 be used in repairing the Road, whether Stones or Gravel, and the
 general Price of Labourers and Quarry-men, and of Carts, Drays and
 Cars, by the day, in the neighbourhood, and the Situation of the
 Quarries or Gravel-pits most convenient to the Work proposed to be
 executed; and we propose that the Expense of the aforesaid repairs
 shall be defrayed by the County at large [*or, Barony or Half Barony*
 of _____], and that Presentment for such purpose may be
 made under and by virtue of the _____ section of the _____ chapter
 of [*here set out the Reign*], being an Act for [*here set out the Title of*
the Act.]

(signed)

A. B.
C. D.

SPECIFICATION.
