



ANNO QUADRAGESIMO NONO

GEORGI II. REGIS.

Cap. 20.

An Act to alter and amend an Act of the Parliament of *Ireland* passed in the Thirty-third Year of His present Majesty, intituled, *An Act respecting the Collection of publick Money to be levied in the County of the City of Dublin by Presentment*; and for the better Regulation of the Mode of Election and Office of Treasurer of the publick Money of the *City of Dublin*. [28th April 1809.]

WHEREAS by an Act made in the Thirty-third Year of the Reign of His present Majesty, intituled, *An Act respecting the Collection of Public Money to be levied in the County of the City of Dublin by Presentment*: And whereas certain Powers and Authorities were given to the Grand Juries for the County of the *City of Dublin* for making Presentments of Money for public Services, and for regulating their several Offices. And whereas the Provisions of the said recited Act have been found insufficient for the Purposes thereby intended, and it is necessary that the same should be altered, enlarged, and amended, and further and better Provision made for those Purposes: May it therefore please your Majesty, That it may be enacted, and be it enacted by the KING's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, [Loc. & Per.] 33 G. 3. c. 56.
(Irish Act.)

and Commons in this present Parliament assembled, and by the Authority of the same, That the said recited Act, and all and every the Clauses, Powers, Authorities, Provisions, Penalties, Forfeitures, Matters, and Things therein contained, (save and except such Parts thereof as are altered, varied, or repealed), shall be, and the same is and are hereby declared to be as good, valid, and effectual for carrying this Act into Execution, as if the same had been repeated and re-enacted in the Body of this present Act :

13 & 14 G. 3.
c. 18.
(Irish Act.)

Acts of present Treasurer to be good, and Election confirmed.

Election of a Treasurer in future.

II. And whereas Doubts have arisen whether the Treasurer of the County of the City of *Dublin* should not be elected in Manner prescribed in and by an Act of Parliament passed in the Thirteenth and Fourteenth Years of His present Majesty's Reign, intituled, *An Act for the better regulating the Office of County Treasurers, and the Duty of Clerk of the Crown in respect of Presentments; and to enable the Grand Jury of the County of Wicklow, to raise Money by Presentment for purchasing of Ground or Houses adjoining to the Court House of said County, for the Purpose of building Additions to the said Court House*: And whereas from the limited Number of Justices of the Peace for the County of the said City, and the several Persons who have served the Office of Lord Mayor, being mostly Persons in Trade, and from other Causes, it can scarcely happen that a Number of Justices, qualified as by the said Act is directed, can be had to make an Election of Treasurer of the County of the said City; in order, therefore, to remove such Doubts, be it enacted by the Authority aforesaid, that the Election heretofore made by the Magistrates of the said City of the present Treasurer thereof be, and the same is hereby confirmed; and that all and every Act and Acts heretofore done by him as Treasurer of the said City in the Execution of his said Office, shall be as good, valid, and effectual as if such Treasurer had been duly elected and appointed to such Office, according to the Provisions and Directions contained in the said recited Act made in the Thirteenth and Fourteenth Years of the Reign of His present Majesty; and such Election and Appointment of such Treasurer shall be as good, valid, and effectual, and such Treasurer shall have and enjoy such and the like Powers and Authorities, Privileges and Immunities, and be subject to such and the like Rules, Regulations, Penalties, and Forfeitures as if he had been duly elected according to the Provisions and Directions of such Act; any Law or Statute to the contrary thereof in any wise notwithstanding.

III. And be it further enacted, That whenever the Treasurership of the said County of the City of *Dublin* shall be vacant either by the Death, Resignation, or Removal, or Dismission of the present or any future Treasurer, the Lord Mayor of the said City for the Time being shall, within Twenty one Days after such Vacancy, convene the Board of Magistrates of the County of the said City of *Dublin*, to meet at the Sessions Court in the said City between the Hours of Twelve in the Forenoon and Two in the Afternoon, and then and there, by the Majority of Votes of such Magistrates as shall be present, (notwithstanding any Want of Qualification mentioned in the said recited Act made in the Thirteenth and

and Fourteenth Years of the Reign of His present Majesty), shall proceed to elect a fit and sufficient Person to be Treasurer of the said City of *Dublin*; and at such Meeting the said Lord Mayor, or in his Absence the senior Magistrate present, shall preside as Chairman, and shall take the Votes of the other Magistrates, and shall not himself give his Vote except in case of Equality of Voices: Provided always, That no Magistrate shall be allowed to vote in any such Election who shall be a Candidate for such Treasurership: And provided always, That no Person who shall at any Time hereafter be elected Treasurer of the County of the said City of *Dublin* shall be capable of serving in the said Office, unless he shall, immediately after his Election, in open Court, enter into a Recognizance, before the Chairman of the Meeting at which he shall have been so elected Treasurer, and any other Magistrate present at such Election, (which Recognizance such Chairman and Magistrate shall, and they are hereby empowered and required to take), in the Sum of Five thousand Pounds, and shall procure Two or more sufficient Securities at the same Time, to enter into a Recognizance each in a Sum equal to one Half of the Sum in which such Treasurer shall bind himself; the Condition of which Recognizance shall be, "that such Treasurer shall justly and truly account in Manner and Form, and at the Times by this Act or the said recited Act of the Thirty-third Year of the Reign of His present Majesty required, or to be required by any Law in force and effect, and that he shall at all Times justly and truly pay and account for all Money which he shall have received as Treasurer, and that he shall duly and faithfully discharge the Duties of his said Office in every Respect; and that he, his Heirs, Executors, and Administrators, shall and will, upon his Death, Removal, Dismissal, or Resignation, deliver to his Successor such Balance of Money as shall appear to be in his Hands, or shall be due by him, and all Books, Papers, Affidavits, and Accounts deposited with him, or kept by him as Treasurer of the County of the said City of *Dublin*."

Treasurer to enter into Recognizance with Sureties.

IV. And be it further enacted by the Authority aforesaid, That in case each of such Securities at the Foot of such Recognizance shall not prove to the Satisfaction of such Chairman and Magistrate, and make Affidavit thereof before such Chairman and Magistrate, (who are hereby empowered to take the same), that he is really and *bonâ fide* worth the Sum mentioned in his said Recognizance, over and above all his just Debts, and exclusive of any Property of which he is Tenant for Life only, then, and in every such Case, such Election shall be null and void, and the Magistrates for the County of the said City of *Dublin* shall on the next Day, and at the same Place, and between the same Hours, proceed in like Manner to elect a proper and sufficient Person to be Treasurer, and in case at any Meeting for the Election of a Treasurer, no sufficient Person should offer himself to be chosen, or in case the Person so chosen should not comply and perform all and singular the Requisites herein directed, to be performed on the Part of such Person, then the said Magistrates shall attend on the *Monday* next ensuing, the Time hereby directed for

Election of Treasurer to be void, unless Sureties make the Affidavit required.

The Judges
of the Court
of King's
Bench to ex-
amine Trea-
surer concern-
ing his Ac-
counts, &c.

for holding such Election, and in case no Treasurer shall be chosen at such Assembly, then on the Monday following, and so on upon every successive Monday until a Treasurer shall be elected, who shall be capable of serving in the said Office, and perform the Requisites aforesaid, and every Recognizance taken as aforesaid shall be delivered by the Chairman to the Clerk of the Peace, who is required to attend every such Assembly, and such Recognizance shall be by him deposited and duly entered in His Majesty's Court of Exchequer, as soon after as he conveniently can enter the same: And in order the more effectually to oblige every Treasurer during his Continuance in Office, to keep up a good and sufficient Security, be it further enacted by the Authority aforesaid, That the Judges of the Court of King's Bench shall and may, if required by the Grand Jury, or if the said Court shall otherwise find sufficient Cause, examine the Treasurer, or any other Person or Persons in open Court upon Oath, touching the Existence and Property of his Sureties, or touching any Act relative to his said Office of Treasurer, and if the said Court shall find any Reason to apprehend that either or both of his Sureties are dead or insufficient, then, and in every such Case, the said Court shall and is hereby required to cause such Treasurer to procure another Surety or Sureties in his or their Room, and if such Treasurer shall refuse to be examined, or to answer upon Oath, or to procure another Surety or Sureties, who shall enter into Recognizance, and make the Affidavit by this Act required, or on any other sufficient Cause appearing to the said Court, then, and in any of the Cases aforesaid, the said Court shall, and is hereby required to dismiss the said Treasurer from his Office, and to cause such Dismission to be entered in the Crown Book, and likewise in the Book of Entry of the Treasurer's Accounts, to be kept by the Clerk of the Crown; and another Treasurer shall thereupon be elected by the Magistrates of the said County of the City of *Dublin* in Manner aforesaid, and such Treasurer shall be subject to the like Rules, Regulations, Penalties, and Forfeitures as the Treasurer in whose Room or Stead he shall be so elected, and so *toties quoties* whenever such Office of Treasurer for the County of the said City of *Dublin* shall become vacant.

Persons to be
reimbursed
Monies ex-
pended by
them in exe-
cuting any
Presentment
before the

V. And whereas, from the Bankruptcy of the late Treasurer, and his being considerably indebted to the County of the said City of *Dublin*, and the Sum and Sums of Money for which his Sureties were bound in Security being considerably less than the Sum due by him, several Persons, who have upon the Credit of the County of the said City expended Money in executing the Public Works, will be great Sufferers: Be it therefore enacted, by the Authority aforesaid, That if any Person or Persons shall make it appear upon Oath to the Grand Jury for the County of the said City of *Dublin*, at any presenting Term after the passing of this Act, that he, she, or they, hath or have expended any Money in executing any Presentment passed before the Bankruptcy of the late Treasurer; and that there still remains due to him, her, or them, the whole, or any Part thereof, and that he, she, or they

they had not received any Note, Bond, Security or Satisfaction for the same, then and in every such Case the Grand Jury shall cause the Treasurer of the County of the City of *Dublin* to enter an Account thereof, and each of the Grand Juries of the Court of King's Bench shall, on that and the next presenting Term, present one Half of the Sum so claimed to be raised off the County of the City of *Dublin*, which Sum, when raised, shall be paid to the Person or Persons so proving that he, she, or they had expended such Money for such Purpose; and whatever Sum may be recovered from the said late Treasurer, or any of his Sureties, shall by the Grand Jury be applied after paying the Public Creditors then unpaid, by reason of the said Failure, to the Use of some other necessary Work in the County of the said City for which Money is by the Grand Jury directed to be presented for by Law.

Bankruptcy
of the late
Treasurer.

VI. And be it further enacted, by the Authority aforesaid, That every Presentment made before the said Bankruptcy of the said late Treasurer, and which shall not be in Execution, or executed before the passing of this Act, shall by the Court of King's Bench in *Ireland* be struck out of the Quere Book.

Every Presentment before the late Treasurer stopt Payment and not in Execution, to be struck out of the Quere Book.

VII. And whereas it is necessary to commence Suits for the Recovery of the Public Money in the Name or Names of the Treasurer or Collectors of the said City, or in the Names of other Persons: Be it therefore enacted by the Authority aforesaid, That in case any such Suit or Suits, Action or Actions shall have been commenced, or shall hereafter be commenced, prosecuted, or defended by the Order and Directions of any Grand Jury for the County of the said City of *Dublin*, under the Powers in this or any Law or Statute in Force or Effect, it shall and may be lawful for the several Grand Juries of the said County of the said City, at *Easter* or *Michaelmas* Term, to present such Costs as shall be awarded against them, or any, or either of them, in whose Name or Names any such Suit or Suits, Action or Actions shall be commenced, prosecuted, or defended, and their and each of their respective Goods, Chattels, Lands, Tenements, and Hereditaments shall not be liable thereto; but they and each of them shall for ever be freed, exonerated and discharged from the same, and that it shall not be lawful for them, or any of them, his or their Executors, Administrators, or Assigns, to discontinue, release or bar any Action or Suit so commenced, or hereafter to be commenced in their or his Name or Names for the Purposes aforesaid, without the Concurrence, Order, and Direction of the said Grand Juries.

Grand Juries to present Costs, &c.

VIII. And whereas the Sums now by Law presented for the Treasurer of the Public Money, and Secretary to the Grand Juries, are very inadequate to the Duties of the said Officers; Be it therefore enacted, by the Authority aforesaid, That it shall and may be lawful for the Grand Juries of the said City of *Dublin* at each *Easter* and *Michaelmas* Term to present any Sum of Money not exceeding the Sum of One hundred and Fifty Pounds for the Treasurer, and any Sum not exceeding the Sum of Seventy-five Pounds for the Secretary, which Sums shall be in Lieu of the Sums heretofore presented under the Authority of the

Grand Juries empowered to present Sums to Treasurer and Secretary.

[*Loc. & Per.*]

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said

faid recited Act made in the Thirty-third Year of the Reign of His present Majesty for the Treasurer and Secretary.

Town Clerk
to lodge Re-
cognizances
of Collection
in the Protho-
notor's Of-
fice.

IX. And whereas it would tend to facilitate the Recovery from the Collectors and their Securities of the Public Money received by such Collectors, and unaccounted for by them, if the Recognizances which are entered into by them and lodged in the Town Clerk's Office of the said City, were returned into His Majesty's Court of King's Bench, by a more summary Mode than that at present used; Be it therefore enacted, by the Authority aforesaid, That whenever it may be found necessary to sue upon any such Recognizance, it shall and may be lawful to and for the Town Clerk of the said City, and he is hereby required, upon Notice given to him for that Purpose by the Secretary of the Term Grand Jury for the Time being, forthwith to lodge such Recognizance or Recognizances in the Office of the Prothonotor in His Majesty's Court of King's Bench, who is hereby directed to receive and keep the same amongst the Records of the said Court, and it shall not be necessary to issue any *Certiorari* or other Writ for the Purpose of removing such Recognizances, and that immediately upon such Removal the said Secretary of the Grand Jury shall proceed to sue thereon, as if the same had been duly retained by virtue of any *Certiorari* or other Writ whatsoever.

Churchwar-
dens to re-ap-
plot Arrears
of former
Warrants,
and attend the
Term Grand
Juries upon
Notice, &c.

X. And whereas a great Difficulty has arisen in providing for the Public Creditors, by reason of the respective Churchwardens refusing to re-applot the insolvent uncollected Arrears of former Warrants; Be it therefore enacted, by the Authority aforesaid, That it shall and may be lawful for the several Churchwardens in the respective Parishes in the County of the said City of *Dublin*, and they are hereby required to re-applot such insolvent uncollected Arrears of former Warrants, and also to attend the respective Term Grand Juries upon receiving Twenty-four Hours' Notice in Writing, to be delivered to him or them, or left at his or their last or usual Place or Places of Abode, so to do, in order to be examined by such respective Grand Juries, touching the applotting of the Public Money, and that in Default of their not so re-applotting or attending the said respective Grand Juries when so required, upon Affidavit thereof it shall and may be lawful for the Court of King's Bench, upon Application of the said respective Grand Juries, to fine every such Churchwarden so offending in any Sum not exceeding Fifty Pounds, such Fine to be recovered by Warrant of Distress, signed by any Judge of the said Court of King's Bench, and by Sale of the Goods and Chattels of such Churchwarden or Churchwardens, and such Fine, when recovered, shall go to, and be applied by the Governors of the Hospital and Free School of King *Charles* the Second, in *Oxmantown Green*, commonly called the *Blue Coat Hospital*.

Collectors to
pay Monies
collected by
them weekly
to Treasurer.

XI. And be it further enacted, by the Authority aforesaid, That the several Collectors presented and appointed by the respective Grand Juries, to collect the Public Money of the County of the said City of *Dublin*, shall on *Saturday* in each and every Week between the Hours of Ten in the Forenoon, and Two in the Afternoon, pay to

to the Treasurer of the Public Money such Sum as each and every of them shall have collected during the said Week, taking a Receipt in Writing for the same, which the Treasurer of the Public Money is hereby required to give to each such Collector, for such Sums as he shall so pay in; and that on or before the *Monday* next following, the Treasurer of the Public Money shall pay into the Bank of *Ireland*, to the Credit of the County of the said City of *Dublin*, all such Sums as he shall have received from the several Collectors during the preceding Week, {taking a Receipt in Writing for the same, which the proper Officer of the said Bank is hereby required to give; and each and every such Collector shall on each *Saturday* make Oath before the Lord Mayor, or any Justice of the Peace of the said City of *Dublin*, (which Oath they are hereby authorised to administer), that the Monies so paid by him to the Treasurer of the Public Money, were the full Amount of the Monies received by him during that Week, and in case any Collector shall omit or refuse to comply herewith, and to pay in the Money as directed by this Act, then and in every such Case he or his Securities shall for every such Offence forfeit and pay the Sum of Fifty Pounds to be recovered in a summary Way on Complaint to the Court of King's Bench, and levied by Warrant of Distress, and Sale of the Goods and Chattles of such Collector as aforesaid, and go to and be applied to the Use of the Blue-Coat Hospital, as herein before-mentioned, and every such Collector so offending shall also be removed from his said Office of Collector.

XII. And be it further enacted by the Authority aforesaid, That the said Treasurer of the Public Money shall on the first sitting Day of each Term, make Oath before one of the Judges of the Court of King's Bench, that he did on or before the *Monday* pay into the Bank of *Ireland* the several Sums which he received each Week from the said several Collectors as directed by this Act.

Treasurer on the first Day of each Term to make Oath of the Sums received by him from the Collector.

XIII. And whereas it would tend much to the Regularity of the Public Accounts if the Drafts on the Bank of *Ireland* should be made payable to Order, instead of being made payable to Bearer, in Manner directed by an Act made in the Forty-seventh Year of the Reign of His present Majesty, intituled, *An Act for improving and rendering more commodious such Part of the County and County of the City of Dublin as is situate on the South Side of the River Anna Liffey, and West of His Majesty's Castle of Dublin, and for the Appointment of an Inspector of the Presentments and other Accounts of the County of the City of Dublin*: Be it therefore enacted by the Authority aforesaid, that the Form of the Drafts as directed by the said recited Act of the Thirty-third Year of the Reign of His present Majesty, and also by the said recited Act made in the Forty-seventh Year of the Reign of His present Majesty, shall be altered, and instead thereof the Inspector of Public Accounts shall, on the last Day of each Term, as directed by the said recited Act of the Forty-seventh Year of the Reign of His present Majesty, produce to the Grand Jury engraven Drafts in the Form following, payable to the Persons who swore to the Expenditure of the Money,
and

Form of Draft altered, and made payable to Order.

XVI. And whereas the Coroners of the County of the said City of *Dublin* are often obliged to hold Inquests in Gaols and Prisons, and on the Banks of the River, and the Fees thereon are found to be a heavy Tax on the Parishes where such Gaols and Prisons are, and where the said River runs, Be it therefore enacted, by the Authority aforesaid, That from and after the Passing of this Act it shall and may be lawful for the Grand Jury of the County of the said City at the Court of King's Bench, to present such Sums of Money as they shall think necessary for all Inquests held in the said City, not exceeding the Sum of Thirteen Shillings and Four-pence Sterling, for each, to be raised on the City at large, and pay the same to the Coroner or Coroners of the County of the said City of *Dublin*, for each and every Inquisition duly taken by such Coroner or Coroners upon View of the Body lying within the County of the said City, as a Recompence for his or their Labour, Pains, and Charges in taking such Inquisition; and all such Sum or Sums of Money so presented to and received by such Coroner or Coroners shall be taken and accepted by him and them in Lieu of all Fees or Sums of Money which he or they shall have been accustomed to receive or demand as aforesaid.

Grand Juries
to present
Monies for
Inquest.

XVII. And be it further enacted, by the Authority aforesaid, That if any Collector, Deputy Collector, Constable, or other Person empowered to collect the Public Money under the said recited Act made in the Thirty-third Year of the Reign of His present Majesty, and this Act or either of them shall take any Distress upon the Premises of any Person refusing to pay his or her Proportion of the Public Cess, such Collector, Deputy Collector, Constable, or Person empowered to collect, taking such Distress, shall post a Notice in Writing by him signed, on the usual Place of Notices being posted in the Parish where such Distress was taken, setting forth, that upon the Seventh Day following he will sell such Distress by public Cant at that Place; and it shall be lawful for such Person who took such Distress there to sell it to the best Bidder, and after deducting the Amount of the Cess, and One Shilling and One Penny in the Pound for his Trouble in making such Distress, and One Shilling and One Penny per Night for the Charges of keeping such Distress, in case a Horse, or any other Beast shall be distrained, he shall return the Overplus (if any) to the Person from whom such Distress was taken, and in case any Person or Persons shall, at any Time hereafter, bring or cause to be brought any Replevin or Replevins, or any other Action at Law, whereby to prevent or obstruct the levying of all or any Part of the Public Money under the said recited Act made in the Thirty-Third Year of the Reign of His present Majesty, and of this Act or either of them, then, and in every such Case, the Collector or Collectors, or his or their Sureties, Constable or Constables, who shall distrain for the same, shall be enabled to avow, acknowledge, justify, and defend such Taking, by pleading, avowing, or making Connufance generally, that he took the Goods and Chattels in the Plaintiff's Declaration mentioned, by virtue of such Act or of this Act, as the Case may be, for the Cess for which such Distress shall be made due and payable, and in Arrear, out of the Premises whereon such Distress shall be made, which Cess was then and still remains due, without further setting forth any Proceedings had under such Act or this Act, or setting forth specially the Warrant or Authority of such

Notice of
Goods taken
in Distress by
Collector to
be posted up.

[*Loc. & Per.*]

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Collector

Collector, or his Surety, or of such Constable or other Person so acting under such Act or this Act; and if the Plaintiff or Plaintiffs in such Replevin, or the Person or Persons bringing or causing to be brought such Replevin shall be non-suited, or a Verdict shall be found, or Judgment on Demurrer shall pass against him, her, or them, that then and in that Case he, she, or they, shall pay Treble Costs.

Costs of Act.

XVIII. And be it further enacted, by the Authority aforesaid, That it shall and may be lawful to and for the Term Grand Jury, and they are hereby required, at the next *Easter* or *Michaelmas* Term after the passing of this Act, to present such Sum of Money as shall be necessary for defraying the Costs, Charges, and Expences of obtaining this Act, and other Expences incident thereto, the same to be levied off the County of the said City of *Dublin*, in the usual Way, and if any Person or Persons shall have advanced or lent any Money in Discharge of such Costs, Charges, and Expences, the Money so advanced shall be repaid and satisfied by the Treasurer of the Public Money, to him, her, or them, together with lawful Interest for the same.

Public Act.

XIX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken Notice of as such by all Judges, Justices, and others, without being specially pleaded.

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