

Reino Unido. Parliament

**An act to secure to the Bank of Ireland, the
repayment of all monies advanced by them for the
pusposes and in the manner therein mentioned :
25th may 1811.**

London : printed by George Eyre and Andrew Strahan
..., 1811.

Vol. encuadernado con 19 obras

Signatura: FEV-AV-G-00318 (08)

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ANNO QUINQUAGESIMO PRIMO

GEORGI II. REGIS.

C A P. XXXV.

An Act to secure to the Bank of *Ireland*, the Repayment of all Monies advanced by them for the Purposes and in the Manner therein mentioned.

[25th May 1811.]

WHEREAS His Grace the Lord Lieutenant of *Ireland*, at the Recommendation of His Majesty's Privy Council for *Ireland*, did, in the Month of *July* One thousand eight hundred and ten, nominate *John Patrick, Alexander Jaffray, Randall Mac Donnell, Francis Bezgs, Richard Litton, John Lindsay, John Carleton, Richard Darling, John Orr, Joseph Hone, and William Alexander Shaw*, Esquires, to receive Applications from and look into the Securities of such Persons in Trade, possessed of Funds ultimately more than sufficient to answer all Demands on them, who had not the Means of converting such Funds into Money or negotiable Securities in sufficient Time to answer their Engagements, and were thereby incapacitated to carry on their Trade; and the Governor and Company of the Bank of *Ireland* agreed to advance to the said Persons, so nominated, such Sums, not exceeding in the Whole the Sum of Two hundred thousand Pounds, as might enable them to give Relief to such Persons in Trade as aforesaid, and accordingly advanced to them several Sums; and the said Persons so nominated, or the Majority of them, did, out of the said Sum of Two hundred thousand Pounds, lend various Sums to various Persons circumstanced as above described, who

secured the Repayment thereof by Bonds or Obligations with Sureties, payable to the Governor and Company of the Bank of *Ireland*, by certain Instalments, with Interest at the Rate of Six Pounds *per Centum per Annum*, with Warrants of Attorney to confess Judgement thereon, or by Bills of Exchange or Promissory Notes drawn on that Occasion, and for that Purpose, whereof the Persons to whom the said Sums were so lent were Drawers, Acceptors, or Indorsers respectively; and some of the said Persons deposited Goods, Wares, and Merchandizes with the said Persons so nominated, which by Instruments in Writing executed by the Persons to whom such Monies were lent, are to be sold for Payment and Satisfaction of the Monies lent, with the Interest thereof as aforesaid, in case Default shall be made in the Payment thereof at the Times therein mentioned, and for all Costs and Charges attending such Sale; and other special Contracts and Agreements in Writing have been made, in respect of some Parts of such Goods, by the Parties who deposited the same with the said Persons so nominated, or with their Secretary: And whereas the Commons of the United Kingdom of *Great Britain* and *Ireland*, in Parliament assembled, having taken the said Proceedings into Consideration, have resolved, that whatever Sum or Sums have been or may be advanced by the Bank of *Ireland* to the Persons herein-after named, not exceeding Two hundred thousand Pounds, shall be made good by that House, together with Interest, from the Date at which such Sums have been or may be advanced respectively: 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, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said *John Patrick, Alexander Jaffray, Randall Mac Donnell, Francis Beggs, Richard Litton, John Lindsay, John Carleton, Richard Darling, John Orr, Joseph Hone, and William Alexander Sharw*, Esquires, shall be and they are hereby constituted Commissioners for the Purpose of carrying the Provisions of this Act into Execution and Effect; and the said Commissioners are hereby respectively required to execute the Powers and Authorities given to them by this Act, without any Fee, Reward, Emolument, or Gratuity whatever.

Commissioners.

Acts of Commissioners before passing this Act valid.

II. And be it further enacted, That all Acts done by the said Persons so nominated as aforesaid, and hereby appointed to be Commissioners as aforesaid, or by the Majority of them, in Execution of the Trusts reposed in them by the Lord Lieutenant of *Ireland*, in Manner and for the Purposes herein-before mentioned, at any Time before the passing of this Act; and all Bonds or Obligations, Contracts, Agreements, Warrants of Attorney, Bills of Exchange, Promissory Notes, or other Securities, taken by the said Persons for such Sums as have been advanced by the said Governor and Company of the Bank of *Ireland*, under the Orders of the said Persons, for the Purposes and in Manner aforesaid, or for the Purpose of securing, declaring, or confirming any Contract or Agreement made with the said Persons, shall be and the same are hereby declared to be good, valid, and effectual in the Law, to all Intents and Purposes whatsoever; and that the Appointment of any Secretary, Solicitor, Clerks, Brokers, Messengers, or Officers, heretofore made by the said Persons, and all Acts and Matters done by such Secretary, Solicitor, Clerks, Brokers, Messengers, or Officers, in the Service of the said Persons, in the necessary

necessary Execution of the Purposes aforesaid, shall be and the same are hereby declared to be good, valid, and effectual, to all Intents and Purposes whatsoever.

III. And be it further enacted, That any Two of the said Commissioners in this Act named, shall forthwith after the passing of this Act, and in pursuance or performance of the same, take an Oath before the Chancellor, or One of the Barons of the Exchequer of *Ireland*, which they or any of them are and is hereby authorized and required to administer, the Tenor whereof shall be as follows; (that is to say),

Commissioners to be sworn.

‘ I *A. B.* do swear, That, according to the best of my Judgement, I will faithfully and impartially execute the several Powers and Trusts vested in me by an Act of the Fifty-first Year of His present Majesty’s Reign, intituled, [*here set forth the Title of this Act*] according to the Tenor and Purport of the said Act.’

And every other of the said Commissioners in this Act named shall likewise take the same Oath before the said Two Commissioners, who are hereby authorized and required to administer the same, after they shall themselves have taken the said Oath as aforesaid.

IV. And be it further enacted, That the said Commissioners appointed by this Act shall have Power to meet and sit from Time to Time, in such Place and Places as they shall find most convenient, with or without Adjournment, to proceed in the Execution of this Act; and they, or the Majority of them, shall and may appoint and employ a Secretary and a Solicitor, and so many Clerks, Brokers, Messengers and Officers, as they shall find necessary; and shall and may, with the Consent and Approbation of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, pay to such Secretary, Solicitor, Clerks, Brokers, Messengers and Officers, and also to all such Persons as they may have heretofore employed in any of the said Offices, such reasonable Compensations or Rewards as the said Commissioners shall think meet; and shall and may give and administer to such Secretary, Solicitor, Clerks, Brokers and Officers respectively, an Oath for their faithful Demeanor in all Things relating to the due Performance of the Trusts reposed in them by the said Commissioners, and in all other Things touching the Premises; and from Time to Time, at their Discretion, dismiss and discharge such Secretary, Solicitor, Clerks, Brokers, Messengers and other Officers, and appoint others in their Place; and such Secretary, Solicitor, Clerks, Brokers and Officers, are hereby required faithfully to execute and perform the said Trusts in them severally and respectively reposed, without taking any Reward or Gratuity whatsoever for such Service, other than such Salaries or Reward as the said Commissioners shall direct and appoint in Manner aforesaid.

Commissioners may appoint Officers.

V. And be it further enacted, That it shall and may be lawful to and for the said Commissioners, or any Three or more of them, and they are hereby authorized and empowered, to examine upon Oath, or on Affirmation if the Person to be examined be a Quaker, which Oath or Affirmation they or any One or more of them are and is hereby authorized to administer, to all Persons who shall be willing to be examined, touching all such Matters and Things as shall be necessary for the Execution of

Commissioners to examine upon Oath.

the Powers vested in the said Commissioners by this Act; and also to receive any Affidavits or Depositions in Writing upon Oath or Affirmation, touching such Matters or Things as aforesaid, which shall be made before any Justice of the Peace of any County, or any Magistrate of any City, Borough, or Town Corporate in *Ireland*, where or near to which the Person making such Affidavit or Deposition shall reside, and certified and transmitted to the said Commissioners, under the Hand and Seal of such Justice or Magistrate, which Oath or Affirmation every such Justice or Magistrate shall be and is hereby authorized and empowered to administer; provided that in every such Affidavit or Deposition there shall be expressed the Addition of the Party making such Affidavit or Deposition, and the particular Place of his or her Abode.

Oaths taken in particular Cities to be before a Magistrate approved by Commissioners.

VI. Provided always, That all such Oaths to be taken by any Person resident in the Cities of *Cork*, *Waterford*, *Limerick*, and *Londonderry*, or in the Towns of *Galway*, *Belfast*, *Drogheda*, and *Wexford*, shall be taken before and certified by some Magistrate, named and approved for the Purpose by the said Commissioners or the Majority of them.

Persons swearing or affirming falsely, deemed guilty of Perjury.

VII. And be it further enacted, That if any Person or Persons, upon Examination upon Oath or Affirmation before the said Commissioners respectively, or if any Person or Persons making any such Affidavit or Deposition as before mentioned, shall wilfully or corruptly give false Evidence, or shall in such Affidavit or Deposition wilfully and corruptly swear, affirm, or alledge any Matter or Thing which shall be false or untrue, every such Person or Persons so offending, and being thereof duly convicted, shall be and is and are hereby declared to be subject and liable to such Pains and Penalties as by any Law now in being Persons convicted of wilful and corrupt Perjury are subject and liable to.

Proceedings on Bonds, &c. shall be in the Name of His Majesty.

VIII. And be it further enacted, That all Bonds or Obligations, and all Bills of Exchange and Promissory Notes, and Contracts whatsoever, taken or made either in the Name of the Governor and Company of the Bank of *Ireland*, or in the Name of the Secretary of the Persons so nominated, and hereby appointed to be Commissioners, shall have the same Force, Authority and Effect, in every respect, as Obligations made to our Sovereign Lord the King; and such Procefs as is hereinafter directed to be issued, and all Proceedings thereon, shall be in the Name of His Majesty, His Heirs and Successors, in like Manner as on any Obligation made to His Majesty.

No Writ of Scire Facias in proceedings against Obligors.

IX. Provided always, and be it further enacted, That where any Proceedings shall be directed by the said Commissioners against any Obligors or Obligor named in any such Bond or Obligation, or against any Drawer, Acceptor, or Indorfer, of any such Bill of Exchange, or Promissory Note, or Party to any such Contract in Writing as aforesaid, no Writ or Writs of *Scire Facias* shall be required to be issued; but that upon the Production of a Certificate or Warrant under the Hands and Seals of the said Commissioners, stating the Amount of the Money due from such Obligors or Obligor, Drawer, Acceptor or Indorfer respectively, before any of the Barons of the said Court of Exchequer; and in case such intended Proceedings shall be against any Sureties or Surety, or any Person or Persons

Against Sureties.

so liable other than the Person or Persons to whom or for whose use the Money was actually lent or advanced, then upon Proof of Notice having been served upon such Party or Parties, or left at his, her, or their usual Place or Places of Abode respectively, Ten Days at least before such Application shall be made to such Baron, an Extent, in the Name of His Majesty, shall and may issue in the First Process upon the Fiat of such Baron, without any Affidavit or other Verification or Proof of the Cause of such Proceeding than such Certificate or Warrant as aforesaid.

X. And be it further enacted, That after the due Payment of the Sums so advanced, with the Interest as aforesaid, at the Times and in the Manner specified in the Bond or Obligation, Bill of Exchange, Promissory Note, or other Security taken for the same, every such Obligation, Bill of Exchange, Promissory Note or other Security, being fully satisfied according to the true Intent or Meaning of this Act, shall be forthwith delivered up to be cancelled; and in case any such Obligation, Bill of Exchange, Promissory Note, or other Security, shall have been prosecuted according to the Directions of this Act, the said Commissioners or any Two or more of them shall, by a Warrant or Warrants under their Hands and Seals, direct the proper Officer or Officers of the said Court of Exchequer to enter up Satisfaction on such Obligation, Bill of Exchange, Promissory Note, or other Security so being satisfied as aforesaid, upon the Record, or otherwise to deliver up the same to be cancelled, as the Case may require.

XI. And be it further enacted, That every Obligation, Bill of Exchange, or Promissory Note, which has been or may be taken as aforesaid, and whereby any Person or Persons shall have engaged for the Repayment of any Sum of Money, other than the Person or Persons to whom or for whose Use such Sum has been or may be advanced, after Payment or Recovery thereupon by the said Commissioners of the Sums advanced or lent, with all Interest and Costs, in the Manner required by this Act, shall stand and remain as a further Security, for the Purposes and in the Manner herein-after mentioned; that is to say, if any such Person or Persons so being merely a Surety or Sureties therein, his, her, or their Executors or Administrators, shall have paid or satisfied any Part of such Sums, Interest or Costs, then such Obligation, Bill of Exchange or Promissory Note, as against the Principal, his or their Executors or Administrators, shall stand as a Security as aforesaid for the Reimbursement of such Sureties respectively, their Executors or Administrators, of the Whole of the Sums so paid or satisfied, and so from Time to Time until such Reimbursements shall be fully made according to the Intent of this Act; and if any such Sureties or Surety, their or his Executors or Administrators, shall have paid or satisfied any Sum which shall bear a greater Proportion to the Whole of the Sums recovered upon such Obligation, Bill of Exchange or Promissory Note, than the Sum for which such Surety respectively shall have been so engaged shall bear to the total Amount of all the several Sums of Money for which all the several Sureties shall have been engaged by such Obligation, Bill of Exchange or Promissory Note, then such Obligation as against every of the Sureties who shall not have paid or satisfied an equal Proportion of the whole Sum recovered, according to the Sum for which he shall have been respectively engaged, their and every of their Heirs, Executors, and

Obligations to be cancelled after Payment of Principal and Interest.

Where Sums have been paid by Sureties, Obligations shall stand against the Principals as Security for Reimbursement.

Where one Surety shall have paid more than a Proportion, the Obligation against the others shall stand over as a Security for their Proportion.

On Application of Sureties, the Commissioners shall cause their Claims to be adjusted and settled, &c.

Administrators respectively, shall stand as a Security for the Benefit of such Sureties or Surety, their Executors or Administrators respectively, who shall have paid or satisfied any such Sums as aforesaid, for the Purpose of enforcing a Contribution amongst such Sureties in an equal Proportion to the several Sums for which they shall have been respectively engaged, and so from Time to Time until such Contribution shall be fully made, according to the Intent of this Act; and that in every such Case, upon the Application of any Sureties or Surety to the said Commissioners for any of the Purposes aforesaid, the said Commissioners shall cause the respective Claims of such Sureties or Surety respectively, and the Sums to be recovered from such Principals or Sureties respectively, their and every of their Heirs, Executors or Administrators, to be adjusted and settled as herein is mentioned, so that the whole Sum recovered shall be distributed in an equal Proportion according to the Sums for which each Surety respectively hath been engaged in the same Obligation, Bill of Exchange or Promissory Note, and so from Time to Time as the Case shall require; and thereupon the said Commissioners, or the Majority of them, by Warrant or Warrants in Writing under their Hands, shall from Time to Time direct Process to issue for the Recovery of such Sums as they shall have so adjusted and settled, to be respectively recovered from and paid to such Persons respectively as they shall specify in such Warrant or Warrants, under and subject to the several Regulations and Directions in this Act contained as aforesaid.

Process may issue against Principals for Benefit of Sureties, and against Sureties for Benefit of Co-Sureties, although whole Sums paid. Provisions applied where Sureties are bound by distinct Obligations as if in one.

XII. And be it further enacted, That such Process as aforesaid shall and may lawfully issue on any such Obligation, Bill of Exchange, or Promissory Note as aforesaid, against any such Principals or Principal, their or his Heirs, Executors, or Administrators, for the Benefit of any such Sureties or Surety, their or his Executors or Administrators, and against any such Sureties or Surety, their or his Executors or Administrators as aforesaid, for the Benefit of any Co-sureties or Co-surety, their or his Executors or Administrators, notwithstanding the whole Sum which has been advanced to such Principals or Principal shall have been repaid; and in case Two or more Sureties shall have become bound by distinct Instruments for the same Persons or Person, and for or on account of the same Advance, all and every the Provisions aforesaid shall be applied in like Manner, as well for the Benefit of as against such Sureties or Surety, and against such Principals or Principal, as if all such Sureties and Principals respectively were named in the same Instrument.

Goods deposited vested in Commissioners, and to be sold in default of Payment of Sum advanced.

XIII. And be it further enacted, That all Goods, Wares, and Merchandizes, which at any Time before or after the passing of this Act, shall have been or shall be deposited with the Commissioners appointed by this Act for the Purposes aforesaid, shall be for such Purposes vested in the said Commissioners, by the Name of "The Commissioners for distributing the Sums advanced by the Bank of Ireland," and shall and may be sold, applied, and disposed of, for Payment and Satisfaction of the Sums lent thereon, with the Interest thereof, and all Costs and Charges attending such Sale, whenever Default shall be made in Payment of such Sums, in such Manner and at such Times as shall have been or shall be specified in the Instruments made and entered into at the Time of the depositing of such Goods, Wares, and Merchandizes respectively; and that the said Commissioners

Commissioners shall and may sue and be sued in the Name of their Secretary for the Time being; and that no Action or Suit in Law or Equity, to be brought or commenced by or against the said Commissioners on account of this Act, in the Name of their Secretary for the Time being, shall abate or be discontinued by the Death or Removal of such Secretary, or by the Act of such Secretary, without the Consent of the said Commissioners, but the Secretary to the said Commissioners for the Time being shall always be deemed the Plaintiff or Defendant in such Action or Suit, as the Case may be; and no Action or Suit shall be brought against the said Commissioners collectively or individually, or against their Secretary, except in the said Court of Exchequer in *Ireland*, and with the Leave of such Court first had and obtained, and upon such Terms and Conditions as the said Court shall direct.

Commissioners shall sue and be sued in the Name of their Secretary.

XIV. And be it further enacted, That the said Commissioners shall from Time to Time at their Discretion, or as often as they shall be thereunto required during their carrying on any Proceedings by virtue of this Act, and as soon as possible after the Determination of such Proceedings, without any further Requisition, give an Account of their Proceedings in Writing to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, and also to the Lord High Treasurer of *Ireland*, or the Commissioners for executing the Office of Lord High Treasurer of *Ireland* for the Time being.

Commissioners to give Account of Proceedings to Lord Lieutenant and the Treasury.

XV. And be it further enacted, That the said Commissioners shall, whenever the Sums advanced or lent by them to any Person or Persons, or any Proportion or Instalment thereof shall be repaid, deliver to the Person or Persons to whom the same shall have been advanced or lent, at his or their Request, a Receipt or Receipts under the Hands of the said Commissioners, or any Three of them, specifying the Amount of the Sum or Sums so received, and the Sum or Sums originally advanced or lent, and the Times of lending thereof, and the Times appointed for the Repayment thereof, and the Amount of the Principal then due, together with Interest, to be computed at the Rate of Six Pounds *per Centum per Annum*, from the Time of the Advance to the Time of Payment as aforesaid; and that whenever the said Commissioners shall by their Warrant or Order direct any such Monies to be raised or levied by Sale of any Goods, Wares, or Merchandizes deposited as a Security for such Sum so lent and advanced, or by any Proceedings on any Securities taken as aforesaid, the said Commissioners, or any Three of them, shall deliver to the Officer or Officers executing the same respectively a like Receipt as aforesaid, and further specifying therein the Amount of the Monies so raised or levied, and the Substance of the Warrant or Order of the Commissioners to raise or levy the same; and the Particulars of every such Receipt shall, by the Secretary or sworn Clerk to the said Commissioners, be entered in proper Books to be provided and kept for that Purpose at the Office of the said Commissioners; and the said Commissioners, or any Two or more of them, shall at the Foot of such Receipt attest such Entry under their Hands, and deliver the said Receipt or Receipts to the Person or Persons requiring the same; and every such Receipt so attested, and every such Entry in any of the said Books, shall respectively from thenceforth be an Acquittance and Discharge for the Sums expressed therein to have been received, as against the said Commissioners and every of them, their and every of their Executors and Administrators, as well to the

Receipts to be given for the Money repaid, &c.

Person or Persons to whom such Receipt shall be given, as to all and every Persons and Person who shall have entered into any Security in respect of the Money mentioned in such Receipt, their and every of their Executors and Administrators respectively; and the said Commissioners shall, within Ten Days after the Receipt of any such Sum and Sums of Money, pay over to the said Governor and Company of the Bank of *Ireland*, so much of every Sum so received by the said Commissioners, as shall be equal to the principal Sum received, with Interest after the Rate of Five Pounds *per Centum* on such Sum, from the Time when the same was advanced by the said Governor and Company to the said Commissioners, up to the Time of the Payment thereof; and the Cashier of the said Bank shall from Time to Time accept and receive such Sums from the said Commissioners, and give to the said Commissioners Receipts and Acquittances for the same if required, which Receipts and Acquittances shall be entered in the proper Books of the said Commissioners, and shall be an Acquittal to the said Commissioners for so much and such Sums as shall be specified therein; and all the Excess of Interest which shall be received by the said Commissioners on such Sum or Sums as shall be repaid to them, exceeding the Rate of Five Pounds *per Centum per Annum*, so paid by them to the Governor and Company of the said Bank, shall by the said Commissioners be retained and employed as a Fund to defray all Costs and Expences which shall have been, or may be incurred under the Direction of the said Commissioners, in the Execution of the Trusts so reposed in them as aforesaid, and which shall be approved of by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, and the Surplus of such Excess of Interest (if any) shall be paid into the Receipt of His Majesty's Treasury in *Ireland*, by the said Commissioners, and be applied, in the First Place, to make good any Loss which may accrue by the Insufficiency of any Security taken by the said Commissioners, and the Remainder be made a Part of the Consolidated Fund.

Making good
Money issued
by the Bank.

XVI. And be it further enacted, That in case it shall happen that any Part of the said Sum of Two hundred thousand Pounds, lent and advanced by the said Governor and Company of the Bank of *Ireland* to the said Commissioners, shall not be fully paid and satisfied to the said Governor and Company, on or before the Eleventh Day of *July* One thousand eight hundred and twelve, with Interest, after the Rate of Five Pounds *per Centum per Annum*, from the Time when the same shall have been respectively advanced to the said Commissioners, then and in such Case such Deficiency shall and may be supplied and made good in Manner herein-after mentioned; (that is to say) that the Commissioners under this Act shall certify, by Writing under their Hands and Seals, or the Hands and Seals of any Six of them, to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, the Amount of the Principal and Interest so remaining unpaid by them, to the said Governor and Company, after the Time when the same ought to have been paid and satisfied as aforesaid; and it shall and may be lawful for the said Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, to direct the Lord High Treasurer or the Commissioners for executing the Office of Lord High Treasurer, to issue one or more Treasury Bill or Bills to the Amount of such

such Deficiency, to pass current at the Receipt of His Majesty's Exchequer of *Ireland*, at the End of One Year after the Date thereof, payable to the said Governor and Company of the Bank of *Ireland*, with Interest from the Date thereof at Five Pounds *per Centum per Annum*, and that it shall be lawful for the said Governor and Company to receive the same: Provided always, that whatever Monies shall be afterwards received by the said Commissioners from the Parties liable, on Account of the Sum or Sums so deficient, shall be paid by the said Commissioners into the Receipt of the Exchequer of *Ireland*, and shall be carried to and make Part of the Consolidated Fund of *Ireland*.

XVII. And be it further enacted, That if any of the said Commissioners appointed by this Act shall decline to act in the Execution of the Powers and Trusts hereof, or having begun to act shall decline to act any further therein, or shall die during the Continuance of this Act, it shall and may be lawful to and for the remaining Commissioners, or the major Part of them acting as aforesaid, by any Writing under their Hands and Seals, by and with the Consent and Approbation of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, to constitute and appoint such Person or Persons to be a Commissioner or Commissioners for the Purposes aforesaid, in the Place of the Commissioner or Commissioners so refusing to act, or declining further to act, or dying as aforesaid, as the said acting Commissioners or the major Part of them, with such Consent and Approbation as aforesaid shall think fit; and so often as such Case shall happen, and the Person or Persons so constituted and appointed by the said Commissioners, with such Consent and Approbation as aforesaid, having first qualified to act by taking and subscribing the Oath herein-before provided and directed, shall be invested with the same Powers and Authorities as are given or delegated by this Act unto the said Commissioners or Commissioner constituted by this Act respectively.

When Commissioners decline to act, or die, others may be chosen by remaining Commissioners with Consent of Lord Lieutenant.

XVIII. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done by virtue of or in pursuance of this Act, or in the Performance of any Matters authorized by this Act, until Fourteen Days Notice thereof in Writing shall have been given to the Secretary for the Time being of the said Commissioners, nor after a sufficient Satisfaction or Tender thereof hath been made to the Party or Parties aggrieved, nor after Six Calendar Months next after the Fact committed, or cause of Action accrued, and every such Action shall be brought in the said Court of Exchequer, and shall be laid in the County of the City of *Dublin*, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and may plead the General Issue, and give this Act and the special Matter in Evidence on any Trial to be had thereupon, and that the same was done in pursuance and by the Authority of this Act, or in performance of any Matters authorized by this Act, and if the same shall appear to have been so done, or if such Action or Suit shall be brought after the Time herein-before limited for bringing the same, or shall be brought without Fourteen Days Notice thereof, or shall be brought in any other County or Place, or after a sufficient Satisfaction made or tendered as aforesaid, that then the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become non-

Notice of Actions and Tender of Amends.

sued, or suffer a Discontinuance of his, her, or their Action or Actions, or if a Verdict shall pass against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants hath or have for Costs of Suit in any other Cases by Law.

LONDON: Printed by GEORGE EYRE and ANDREW STRAHAN, Printers to the King's most Excellent Majesty. 1811.

When Com-
missioners do
not to act,
or the other
may be chosen
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Commission-
ers with Con-
sent of Lord
Lieutenant.

XVII. And be it further enacted, That if any of the said Commissioners appointed by this Act shall decline to act in the Execution of the Powers and Trusts hereby or having begun to act shall decline to act any further therein, or shall die during the Continuance of this Act, it shall and may be lawful to and for the remaining Commissioners, or the major Part of them acting as aforesaid, by any Writing under their Hands and Seals, by and with the Consent and Approbation of the Lord Lieutenant or other Chief Governor or Governor of Ireland for the Time being, to constitute and appoint such Person or Persons to be a Commissioner or Commissioners for the Purposes aforesaid, in the Place of the Commissioner or Commissioners so wanting to act, or declining further to act, or dying as aforesaid, as the said remaining Commissioners or the major Part of them, with such Consent and Approbation as aforesaid shall think fit; and to give as such Acts shall happen, and the Person or Persons so constituted and appointed by the said Commissioners, with such Consent and Approbation as aforesaid, having first qualified to act by taking and subscribing the Oath herein-before provided and directed, shall be invested with the same Powers and Authorities as are given or directed by this Act unto the said Commissioners or Commissioners constituted by this Act respectively.

Notice of
Action and
Tender of
Amount

XVIII. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any Thing done by virtue of or in pursuance of this Act, or in the Performance of any Duties authorized by this Act, until fourteen Days Notice thereof in Writing shall have been given to the Secretary for the Time being of the said Commissioners, nor after a fourteen Days Notice or Tender thereof shall have been made to the Party or Parties aggrieved, nor after six Calendar Months next after the Day or Days of such Action occurred, and every such Action shall be brought in the said Court of Exchequer, and shall be laid in the County of the City of Dublin, and not elsewhere; and the Defendant or Defendants in such Action or Suits shall and may plead the General Issue, and give this Act and the Statute therein contained in Evidence on any Trial to be had thereupon, and that the same may be taken in Evidence and by the Authority of the Act, or in performance of any Duties authorized by this Act, and if the same shall appear to have been done or to have been authorized by the Act, or shall be brought within the said fourteen Days Notice aforesaid, or shall be brought in any other County or Place, or after a fourteen Days Notice or tender or tender as aforesaid, that then the Jury shall find for the Defendant or Defendants, or if the Plaintiff or Plaintiffs shall become non-just.

ANNUALE PRIMO & SECUNDO
GEORGI IV. REGIS

IN GEORGE III. Cap. 35

Act for the better Regulation of the Law, in such Cases of Appeal
from the Court of Chancery to the Court of Common Pleas, the Defendants
shall not be liable to Costs, and shall not be liable to have the same
recovered against them by the Plaintiff or Plaintiffs, in any such Case
of Appeal, unless they shall have been guilty of some Error or Default
in the said Appeal.

LONDON: Printed by G. Gutteridge, in Strand, near St. Dunstons Church, in the Year 1753.

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