

ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

****

CAP. LX.

An Act further to amend an Act of the Tenth Year of Her present Majesty, for rendering valid certain Proceedings for the Relief of Distress in *Ireland*, by Employment of the Labouring Poor, and to indemnify those who have acted in such Proceedings. [28th *July* 1849.]

WHEREAS by an Act passed in the Tenth Year of Her Majesty's Reign, intituled *An Act to render valid certain Proceedings for the Relief of Distress in* Ireland, *by Employment of the Labouring Poor, and to indemnify those who have acted in such Proceedings*, it was, amongst other things, enacted, that the Money mentioned in any such Undertaking as therein referred to, or so much thereof as by an Award to be made by the Commissioners of Public Works, or any Two of them, should appear to have been expended upon any of the Lands specified in any such Undertaking, should be a Charge on the Lands specified in such Undertaking and Award, and the Money mentioned in any such Award, with Interest thereon at the Rate of Three Pounds Ten Shillings *per Centum per Annum*, should be charged upon, raised, and levied from and out of the Lands so specified in such Award, and should be payable, at the Time or Times appointed in such 10 & 11 Vict. c. 10.

Award, by the Person or Persons therein mentioned, and should be raised, levied, and recovered as therein mentioned by such Persons as the Commissioners of the Treasury should from Time to Time appoint: And whereas by an Act of the last Session of Parliament, intituled *An Act to amend an Act of the Tenth Year of Her present Majesty, for rendering valid certain Proceedings for the Relief of Distress in* Ireland *by Employment of the Labouring Poor, and to indemnify those who have acted in such Proceedings*, Provision was made for giving Notice of such Awards to the Parties interested therein, and for the Registry of the same: And whereas Awards have been from Time to Time made by the said Commissioners of Public Works under the Provisions of the said first-mentioned Act and the said Act for the Amendment thereof, making payable the Sums respectively mentioned in the said Awards, with Interest thereon from the Tenth Day of *October* One thousand eight hundred and forty-seven, by half-yearly Instalments, in Ten Years, payable on the Fifth Day of *April* and Tenth Day of *October* in every Year, the first of the said Instalments to be paid on the Tenth Day of *October* in the Year One thousand eight hundred and forty-eight: And whereas the Paymaster of Civil Services in *Ireland* has been appointed by the Commissioners of Her Majesty's Treasury to receive Payment of the Sums specified in the said Awards: And whereas it is expedient to authorize the Principal Sums and Interest payable under the said Awards to be paid or satisfied by Rent-charges as herein-after mentioned, and it is expedient otherwise to amend the said first-recited Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That upon the Application of the Person who for the Time being is liable to the Payment of any Instalment under any such Award as aforesaid the said Paymaster of Civil Services may, with the Sanction of the Commissioners of Her Majesty's Treasury, substitute for the Principal Money and Interest payable under such Award such Rent-charge as herein mentioned, and in every such Case the said Paymaster of Civil Services shall ascertain the Amount of Interest on the Principal Sum specified in the Award, such Interest being calculated from the Tenth Day of *October* One thousand eight hundred and forty-seven to the Fifth Day of *April* One thousand eight hundred and forty-nine at the Rate of Three Pounds Ten Shillings *per Centum per Annum*, and such Amount of Interest shall be added in each Case to the Principal Sum specified in the Award; and for and in lieu of every Sum of One hundred Pounds of such compound Sum, after giving Credit for such Payments (if any) as may have been made in respect of such Principal

11 & 12 Vict. c. 106.

The Treasury may authorize the Payment of the Sums mentioned in Awards under recited Act, by Rent-charges for Twenty-two Years.

and Interest respectively, there shall be charged on the Lands specified in the Award a Rent-charge of Six Pounds Ten Shillings, and so in proportion for any less Amount, such Rent-charge to be payable for the Term of Twenty-two Years, to be computed from the said Fifth Day of *April* One thousand eight hundred and forty-nine, and to be paid by equal half-yearly Payments on the Tenth Day of *October* and the Fifth Day of *April*, the first of such Payments to be made on the Tenth Day of *October* One thousand eight hundred and forty-nine; and the said Paymaster shall execute a Certificate under his Hand specifying the Amount of the compound Sum in respect of which such Rent-charge shall be payable, and the Amount of such Rent-charge, and the Lands to be charged therewith, and such Certificate shall be retained in the Office of the said Paymaster; and such Paymaster shall, on the Request and at the Expense of the Proprietor of the Lands so charged, issue to him a Duplicate or Copy of such Certificate; and from and after the Execution of such Certificate such Lands shall, without any Registry of such Certificate, become charged with such Rent-charge, in like Manner and with the like Priority as the Money which would have been payable under the Award in respect of which such Certificate shall issue stood charged on the same Lands under the said Acts of the Tenth Year of Her Majesty and of the last Session of Parliament; and every such Certificate in respect of the Lands therein specified shall be binding upon all Persons having any Estate or Interest in such Lands, and shall be conclusive Evidence that all Requisites with respect thereto have been duly complied with.

Rent-charges to be paid as directed.

II. And be it enacted, That the Rent-charges which shall become chargeable on Lands under this Act shall be paid into the Bank of *Ireland* to the Credit of the said Paymaster, and by him carried to the Account of the Consolidated Fund, and the Receipt of the said Paymaster shall be a sufficient Discharge for the same.

Provisions of 10 & 11 Vict. c. 32. and 12 & 13 Vict. c. 59. extended to Rent-charges under this Act.

III. And be it enacted, That all the Powers and Provisions of an Act of the Tenth Year of Her Majesty, intituled *An Act to facilitate the Improvement of Landed Property in* Ireland, and of an Act of the present Session of Parliament to amend such Act, for increasing the Amount and shortening the Term of any Rent-charge chargeable on Lands under such Act of the Tenth Year of Her Majesty, for redeeming any such Rent-charge or a Part thereof, concerning the Payment of and Liability to such Rent-charge, concerning Deduction by Occupiers, Sub-lessees, and Sub-lessors from their Rent of Money paid on account of any such Rent-charge, for and auxiliary to the recovering and enforcing Payment of any such Rent-charge, and any half-yearly Payment thereof, and the Arrears thereof,

thereof, and Costs, Charges, and Expenses in relation thereto, for the Release of a Portion of the Lands charged with any such Rent-charge (during the Continuance of such Rent-charge), for the Release of the Lands charged, on the Expiration or Discharge of any such Rent-charge, and on Payment of Arrears, and of all Costs, Charges, and Expenses, and concerning the Investment by Trustees in the Purchase or upon Mortgage of Land charged with any such Rent-charge, shall extend and be applicable to any Rent-charge to be charged under this Act, and to the Land to be charged therewith, in the same Manner as if such Rent-charge had been charged under such Act of the Tenth Year of Her Majesty, the Term "Owner" in such Powers and Provisions being for the Purposes of this Act construed to mean Proprietor within the Terms of the Act of the Fifth Year of Her Majesty, "to promote the Drainage "of Lands and Improvement of Navigation and Water Power in "connexion with such Drainage in *Ireland*."

5 & 6 Vict. c. 89.

Where Two or more Persons, not being Joint Tenants, &c., are named in Award, Commissioners empowered to make new Award.

IV. And whereas in several Cases in which Awards have been made by the Commissioners of Public Works Two or more Persons, not holding as Joint Tenants, Tenants in Common, or as Coparceners, have been named in such Awards as Proprietors of the Lands in such Awards respectively mentioned, whose separate Liability to the Amounts in such Awards respectively mentioned is not ascertained or defined; and in certain other Cases Awards have been made which have been found to be in some Particulars inaccurate and in other Cases defective, or erroneous Awards have been made omitting to charge the Lands of certain Proprietors with the Amounts expended thereon or for the Benefit of the same; and it is therefore expedient that the said Commissioners of Public Works should have Power in such first-mentioned Cases to determine and ascertain the Amount or Proportion to which the Lands of each of such Persons or Proprietors are respectively liable, and to make new Awards according to such Determination, and also in such other Cases that said Commissioners of Public Works should have Power to make new Awards in lieu of such inaccurate, defective, or erroneous Awards: Be it therefore enacted, That in all Cases in which Two or more Persons, not being Joint Tenants, Tenants in Common, or Coparceners, are named in any of the Awards made under the said recited Acts, or either of them, as the Proprietors of the Lands liable to the Repayment of the Monies in any such Award mentioned, and thereby charged and secured on such Lands, and the Amount or Proportion to which the Lands of each Proprietor in such Award mentioned are liable is not therein defined or ascertained, it shall be lawful for the said Commissioners of Public Works, or any Two of them, to ascertain and determine, as to them

them shall seem just and reasonable, the Proportion or Amount to which the Lands of each such Proprietor are liable, and to make further or new Awards determining and specifying the Lands of each such Proprietor, and the Proportion or Amount to which the Lands of each such Proprietor are liable; and in any Case in which by reason of the said Commissioners having heretofore made any inaccurate, defective, or erroneous Award, or in any other Case whatsoever in which the said Commissioners shall deem it right or expedient so to do, it shall be lawful for the said Commissioners of Public Works, or any Two of them, to make such new Award in the Premises, in lieu and stead of any such inaccurate, defective, or erroneous Award, or in lieu or stead of any other Award, as to the said Commissioners shall seem meet; and the Lands in every such new Award mentioned shall remain charged with and subject and liable to the Amount specified in every such new Award relating to the same in the same Manner as Lands of Proprietors are charged with and made subject and liable to the Sums specified in any Award heretofore made under and by virtue of the Provisions of the said recited Acts; and every such new Award shall be good, valid, and effectual to all Intents and Purposes whatsoever, and shall be reputed, deemed, and taken to be made in accordance with and under the Provisions of the said recited Acts and this Act, and every such new Award shall be substituted in the Place and Stead of the former Award.

In Cases of inaccurate, defective, or erroneous Awards, Commissioners empowered to make new Awards.

Lands in new Award charged.

New Awards to be good, valid, &c.

V. And be it enacted, That all the Provisions of the said recited Acts shall extend to and apply to any new Award to be made under the Provisions of this Act.

Provisions of recited Acts to extend to new Awards.

VI. And be it enacted, That in all Cases of new Awards to be made by the said Commissioners of Public Works under the Provisions of this Act, and where the Award in lieu of which any such new Award shall be made shall have been registered previously to the making of such new Award, it shall and may be lawful for the said Commissioners of Public Works in *Ireland*, and they are hereby authorized and required, to issue a Certificate under the Hands of Two of the said Commissioners, to the Effect that the Award so registered shall not be taken or deemed to be a Charge or Incumbrance on the Lands in such Award mentioned; and every such Certificate shall be in such Form as the said Commissioners shall deem fit; and upon Production of such Certificate (of the signing of which by the said Commissioners as aforesaid no Affidavit shall be required) to the Registrar of the Office for registering Deeds, Conveyances, and Wills in *Ireland*, or his Deputy, the said Registrar or his Deputy shall make an Entry of such Certificate in the Margin

In all Cases of new Awards, if original Award registered, Commissioners to issue Certificate exonerating Lands in original Award from Charge.

Certificate to be registered.

or at the Foot of the Registry of the Award to which such Certificate shall relate; and such Registrar or his Deputy shall thereupon file such Certificate, and retain the same upon Record in the said Registry Office; and such Registrar or his Deputy shall thereupon also make an Entry to the Effect before mentioned on the said original Award to which such Certificate shall relate for the Purpose of showing that such Award has been cancelled.

Registration of Certificate not liable to Fees, or Stamp Duty.

VII. And be it enacted, That no Fees whatsoever shall be payable for or in respect of such Registration of any such Certificate, anything in any former Act to the contrary notwithstanding, nor shall any such Certificate be liable to any Stamp Duty whatever.

Commissioners to make Award respecting Amount expended on Harbour at Balbriggan pursuant to Presentment under 9 & 10 Vict. c. 107.

VIII. And whereas under the Provisions of an Act made and passed in the Tenth Year of Her Majesty, intituled *An Act to facilitate the Employment of the Labouring Poor for a limited Period in the distressed Districts in* Ireland, a Presentment was made at an Extraordinary Presentment Sessions held at *Balbriggan* for the Barony of *Balrothery East* in the County of *Dublin* on or about the Twenty-sixth Day of *October* One thousand eight hundred and forty-six, for the Sum of Ten thousand Pounds to be raised off the said Barony as therein mentioned, and by such Presentment a Sum of One thousand five hundred Pounds, Part of the said Sum of Ten thousand Pounds, was allocated to improve and deepen the Harbour of *Balbriggan:* And whereas the Allocation of the said Sum of One thousand five hundred Pounds was made at the Instance of *George Alexander Hamilton* Esquire, M.P., the Proprietor of the Estate adjoining the said Harbour, upon his agreeing to repay the Amount which should be expended on the improving and deepening of the said Harbour, and it is expedient to make Provision for Repayment of the same: Be it therefore enacted, That the Amount mentioned in such Presentment, or so much thereof as by an Award to be made by the said Commissioners of Public Works, or any Two of them, (and which said Award the said last-mentioned Commissioners, or any Two of them, are hereby authorized to make,) shall appear to have been expended upon such Work of improving and deepening the said Harbour of *Balbriggan*, shall be a Charge on all Lands the Property of the said *George Alexander Hamilton*, or on such Parts thereof as shall be specified in such Award, and on all Dues arising out of the said Harbour; and the Amount mentioned in such Award, with Interest thereon at the Rate of Three Pounds Ten Shillings *per Centum per Annum*, to be calculated from the Fifth Day of *April* One thousand eight hundred and forty-nine, shall be charged upon and raised and levied from and out of the Lands specified in such Award, and shall be payable by Forty-four equal half-yearly Instal-

ments on every Tenth Day of *October* and Fifth Day of *April* in each and every Year by the said *George Alexander Hamilton*, or by the Person or Persons who shall be the Owner or Proprietor of such Lands for the Time being, until the Amount specified in such Award, with Interest as aforesaid, shall be fully paid, the first Payment thereof to be made on the Tenth Day of *October* next, or in lieu thereof there shall be charged and payable a Rent-charge of Six Pounds Ten Shillings for every One hundred Pounds for a Term of Twenty-two Years.

Lands mentioned in such Award charged with Amount and Interest.

IX. And be it enacted, That the Lands which shall be specified in that Behalf in such last-mentioned Award shall from and after the Registry of such Award be charged with the Amount mentioned in such Award, with the Interest thereon as aforesaid, with the same Priority as Money charged by an Award under the said first-recited Act; and all the Provisions of the said first-recited Act of the Tenth Year of Her Majesty, and of the said Act of the last Session of Parliament, and of this Act, which relate or apply to Awards made or to be made thereunder with respect to Monies expended on Works of Drainage and Subsoiling, shall extend and apply to the said Award which the said Commissioners are authorized to make with respect to the Expenses incurred in the Execution of the said Works in the said Harbour of *Balbriggan*, so far as the same may be applicable, and not inconsistent with the Provisions hereby made respecting the same.

Provisions of 10 & 11 Vict. c. 10., 11 & 12 Vict. c. 106., and this Act to apply to such Award.

Act may be amended, &c.

X. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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