

ANNO DECIMO QUARTO & DECIMO QUINTO

VICTORIÆ REGINÆ.

****

CAP. XXI.

An Act to amend an Act of the Sixth and Seventh Years of Her Majesty, to amend an Act of the Nineteenth and Twentieth Years of King *George* the Third for empowering Grand Juries in *Ireland* to present Bridges, and Tolls to be paid for passing the same, in certain Cases.

[3d *July* 1851.]

WHEREAS by an Act of the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act to amend an Act of the Nineteenth and Twentieth Years of King* George *the Third, for empowering Grand Juries in* Ireland *to present Bridges, and Tolls to be paid for passing the same, in certain Cases*, it is amongst other things enacted, that it shall and may be lawful for the Grand Jury or the Grand Juries of any County and County of a City or Town in *Ireland*, and they are thereby authorized and empowered, to agree with the Companies, Commissioners, Corporations, or Persons possessed of and interested in and having any Lien or Incumbrance on the Tolls payable on any Bridge upon which Toll is charged, situate in such Counties or Cities or Towns, or within Five Miles thereof, for the Purchase thereof, and the said Companies, Commissioners, Corporations, and Persons are hereby authorized to agree with the said Grand Jury or Grand Juries for the Sale thereof, subject to the Regulations and Provisions in the said Act contained: And whereas it is expedient to extend

6 & 7 Vict. c. 42.

extend the Provisions of said recited Act by enabling Persons having limited Estates or Interests in such Tolls, and Persons having Estates or Interests in the same, being under legal Disability, to agree with the Grand Jury or Grand Juries of any County, County of a City, or County of a Town as aforesaid, for the Sale of the absolute and entire Interest in such Tolls: 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,

Parties having limited Interests, or being under Disability, enabled to sell and convey to Grand Juries in Ireland the Tolls of Bridges.

I. That it shall and may be lawful for all or any of the Parties herein-after enumerated, having Estates or Interests in such Tolls upon any Bridge as aforesaid, to agree with the Grand Jury or Grand Juries of the County, County of a City, or County of a Town in which or within Five Miles of which such Bridge is situated, or if such Bridge is situated in Two Counties, with the Grand Juries of the said Counties, for the Sale of the entire and absolute Estate and Interest in such Tolls, that is to say, all Tenants in Tail or for Life, or other partial or qualified Estates or Interests, married Women seised in their own Right, Guardians, Committees of Lunatics and Idiots, Trustees, or any Feoffees in Trust for Charitable or other Purposes, Executors, or Administrators, for the Time being entitled to the Receipt of such Tolls; and the Power so to agree for such Sale may lawfully be exercised by all such Parties, not only on behalf of themselves, and their respective Heirs, Executors, Administrators, and Successors, but also for and on behalf of every Person entitled in reversion, remainder, or expectancy after them, or in defeasance of the Estates of such Parties, and as to such married Women, whether they be of full Age or not, as if they were sole and of full Age, and as to such Guardians, on behalf of their Wards, and as to such Committees, on behalf of the Lunatics and Idiots of whom they are the Committees respectively, and that to the same Extent as such Wives, Wards, Lunatics, and Idiots respectively could have exercised the same Power if they had respectively been under no Disability, and as to such Trustees, Executors, and Administrators, on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Femes Covert, or other Persons, and that to the same Extent as such Cestuique Trusts respectively could have exercised the same Power if they had respectively been under no Disability.

Purchase Money of such Parties to be deposited in Bank, subject to the Order of the Court of Chancery.

II. It shall be lawful for such Grand Jury or Juries, and they are respectively hereby authorized and empowered, to enter into such Agreements with such Person or Persons as if he, she, or they were entitled to an absolute Estate or Estates in the said Tolls, and were legally competent to contract for the Sale of the same; subject nevertheless to the Proviso contained in said recited Act in relation to the Manner and Conditions of Presentments to be made in pursuance thereof; and the Amount of the Purchase for such Tolls, upon Agreements made under this Act, shall be ascertained by a Notary Public,

Public, to be chosen and appointed for that Purpose by the said contracting Parties to such Agreements, and such Amount shall be estimated upon an Average of the Sum received for Tolls upon such Bridge for Three Years immediately preceding such Agreement; and the Purchase Money which shall be payable in respect of the said Tolls, or any Interest therein, purchased by the Grand Jury or Grand Juries of any such County or Counties, County of a City or Town, as aforesaid, from any Tenant for Life or in Tail, married Woman seised in her own Right, Guardian, Committee of Lunatic or Idiot, Trustee, Executor, or Administrator, or Persons having a partial or qualified Interest only in such Tolls, and not entitled to sell the same except under the Provisions of this Act, shall be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the Court of Chancery in *Ireland* (but free from any Charge for Ushers Poundage), to be placed to the Account there of such Accountant General, *ex parte* such Grand Jury or Grand Juries of any County, Counties or County of a City or Town, purchasing as aforesaid, pursuant to the Provisions prescribed by any Act for the Time being in force for regulating Monies paid in as aforesaid; and such Monies shall remain so deposited until the same be applied to some One or more of the following Purposes; (that is to say,)

Application of Monies deposited.

In the Discharge of any Debt or Incumbrance affecting the Tolls in respect of which such Money shall have been paid;

In the Purchase of Lands to be conveyed, limited, and settled upon the like Uses, Trusts, and Purposes and in the same Manner as the Tolls in respect of which such Money shall have been paid stood settled;

Or in Payment to any Party becoming absolutely entitled to such Money:

Provided always, that in every Case where any Person having an Estate or Interest in such Tolls shall only be entitled for an Estate for Life in the same, it shall and may be lawful for such Court (if it shall so think fit) to allocate the said Purchase Money to and amongst the several Persons entitled thereto, whether in possession, remainder, or reversion, and to order Payment to such Tenant for Life of the Principal of such Share of the Purchase Money as may be so allocated to him or her as aforesaid, or to make such other Order in the Premises as to such Court shall seem meet and just and reasonable.

Order for Application and Investment of such Monies.

III. Such Money may be so applied as aforesaid upon an Order of the Court of Chancery in *Ireland* made upon the Petition of any Party who would have been entitled to the Tolls in respect of which such Money shall have been deposited, or any Part thereof, and until the Money can be so applied it may, upon the like Order, be invested by the said Accountant General in the Purchase of Government Stock, and the annual Proceeds thereof paid to the Party who would for the Time being have been entitled to the Receipt of the said Tolls.

IV. From

The Tolls to cease from the Time of such Payment into Bank.

IV. From and after the Payment of the said Purchase Money into the Bank of *Ireland* as aforesaid the said Tolls in respect of which such Purchase shall have been made shall cease, and the Passage of such Bridge in respect of which such Toll shall have been payable shall be open and free to all Cattle, Carriages, and Persons whatsoever.

Certain Presentments already made for the Purchase of Tolls of Bridges may be proceeded in and executed under this Act.

V. And whereas under and by virtue of the Provisions of the said recited Act certain Grand Juries of Counties have, before the passing of this Act, entered into Agreements for the Purchase of certain of such Tolls of Bridges as aforesaid from the Parties possessed of and interested in the same, and Presentments have been already made by such Grand Juries for the Purchase of such Tolls, and for raising and levying the Amount of the Purchase Money thereof under the Provisions of the said Act; and it is expedient that such Proceedings should be rendered effectual and capable of being carried into execution under the Provisions of this Act: Be it therefore enacted, That in any case where any Agreement has been already made by any such Grand Jury or Grand Juries of a County or Counties for the Purchase of any such Tolls of a Bridge as aforesaid, from the Party or Parties possessed of or interested in the same, and where any Presentment has been made by any such Grand Jury or Grand Juries for the Purchase of such Tolls, and for raising and levying the Purchase Money for the same, under the Provisions of the said recited Act, such Proceedings and Presentment or Presentments heretofore had and made for or relating to the Purchase and Sale of such Tolls shall be and be deemed valid and effectual for the Purposes of this Act; and it shall be lawful for the respective Grand Jury or Grand Juries of such County or Counties, and the respective Parties possessed of and interested in such Tolls, to complete such Purchase and Sale, and to cause the same to be carried into execution under the Provisions of the said recited Act and this Act, and the same shall and may be carried into execution accordingly, and shall be within and subject to the Provisions of the said recited Act and this Act as fully and effectually in all respects as if the said Proceedings and Presentment or Presentments had been had and made in pursuance of and after the passing of this Act.

Extent of Act.

VI. This Act shall extend only to that Part of the United Kingdom called *Ireland*.

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