CAP. XXXVIII.

An Act to facilitate the Redemption of Chief Rents in *Ireland*.

[30th *June* 1864.]

'WHEREAS it is expedient to enable Persons holding Lands or Tenements subject to any Rent to redeem the said Rent:' Be it 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, as follows:

Explanation of certain Terms.

1. Any Lands or Tenements held in Fee Farm, or for Lives renewable for ever, or for any Term whereof more than Two hundred Years shall be unexpired, shall, if subject to any Rent during the Continuance of such Estate, be deemed Land within the Provisions of this Act; and any Person entitled in possession to such Lands or Tenements, or to the Rents and Profits thereof, under any Will or Settlement for any Term of Years determinable on the dropping of a Life or Lives, or for any greater Estate (not being a Term of Years less than the Term for which such Lands or Tenements may be held), shall be deemed the Owner of such Lands or Tenements; and any Person entitled under any Will or Settlement to an immediate Estate in the said Rent, or in the Reversion to which the same may be incident, for any Term of Years determinable on the dropping of a Life or Lives, or for any greater Estate, shall be deemed the Owner of such Rent; and every Estate in Land or Rent, other than an unincumbered Estate in Fee, shall be deemed a limited Estate, within the Provisions of this Act; and the Words "Lands or Tenements" in this Act shall extend to any divided or undivided Shares thereof respectively; and the Word "Rent" shall extend to any Part or Parts thereof; and the Words "Owner or Person" shall extend to Two or more Persons seised of or entitled to divided or undivided Shares of or Estates in the said Lands and Rents respectively, and shall also include any Corporate Bodies, Aggregate or Sole.

Owner of Land and Owner of Rent may agree for Redemption, &c. of such Rent.

2. The Owner of any Land or Tenement subject to any Rent may agree with the Owner of such Rent for the Redemption and Extinguishment thereof on the following Terms; that is to say, the Price to be paid for such Redemption shall be either a Sum of Money in gross, or a Part of the Lands or Tenements which were subject to the said Rent, or any Lands or Tenements to which the Owner shall be entitled in Fee Simple or Fee Farm, or which shall be subject to the same Limitations as the Lands or Tenements to be discharged from Rent by such Agreement.

Application of Price of Redemption, whether paid in Money or in Land.

3. In case the Owner of such Rent shall have only a limited Estate therein, if the Price agreed to be paid for the Redemption thereof shall be a Sum of Money in gross it shall be paid to the Trustees appointed by the Deed or Instrument whereby the Estate or Interest of such Owner of Rent shall be limited, or to the Trustees to be appointed when necessary by the Landed Estates Court as herein-after mentioned, for Application in the Manner herein-after mentioned, and if the Price shall be Land it shall be conveyed to and held by such Trustees in lieu of the said Rent, subject to the same Trusts, Limitations, and Charges as the Rent had previously been subject to.

In Cases of limited Interests, Contract of Redemption to have Sanction of Judge of Landed Estates Court.

4. If the Owner of the Rent have only a limited Estate therein, the Contract for Redemption shall not be concluded without the Sanction of One of the Judges of the Landed Estates Court, after giving Notice to such Persons as he shall think proper; and in case such Contract shall be sanctioned such Deed or Deeds shall be executed by the Parties as the said Judge shall direct.

Judge of Landed Estates Court to examine and certify Title.

5. The Judge of the Landed Estates Court shall investigate such Title, and if it shall be sufficient he may cause a Certificate of his Approbation thereof to be annexed to the Contract for Redemption; and such Certificate shall have the Effect of giving to the Person taking the Land or Rent under such Contract the same Title thereto as if the same had been conveyed to him by One of the Judges after a Sale thereof in the Landed Estates Court.

6. Every

Deeds effecting Contracts for Redemption to be chargeable with ad valorem Stamp Duty as upon a Conveyance on Sale.

6. Every Deed executed by the Direction of the Judge, and every Certificate annexed to the Contract for Redemption, as aforesaid, which respectively shall have the Force or Operation of a Conveyance of any Rentcharge under this Act, shall be chargeable with *ad valorem* Stamp Duty as upon a Conveyance on Sale; that is to say, where the Consideration for such Redemption shall be a Sum of Money in gross the said *ad valorem* Stamp Duty shall be chargeable in respect of such Sum of Money as the Purchase or Consideration Money; and where the Consideration for such Redemption shall be Lands or Tenements, then the said Deed or Certificate shall be chargeable with the *ad valorem* Stamp Duty which would be chargeable on a Conveyance of such Lands or Tenements on the Sale thereof in consideration of the Rent contracted to be redeemed.

Apportioning Rent reserved, where Part only redeemed.

7. Where it is intended to redeem under this Act a Part only of any Rent, it shall be lawful for One of the Judges of the Landed Estates Court to apportion the Rent reserved by the Lease or Grant as between the Part thereof to be redeemed and the Land as to which the same is to be extinguished and the remaining Part or Parts of the said Rent and Land; and the Judge shall direct Notice of any such intended Apportionment as aforesaid to be given to such Persons and in such Manner as he shall think fit, and shall hear such Parties as shall apply in relation thereto; and after such Apportionment, and after the said Part of the said Rent shall have been so redeemed, the Owner of the remaining Part of the said Rent so apportioned shall have the like Remedies for the Recovery thereof against the Lands out of which the same shall be payable, and the Owners and Occupiers thereof respectively, as were subsisting for the entire Rent before such Apportionment; and all the Covenants, Conditions, and Agreements of every Lease or Grant, except as to the Amount of Rent to be paid, shall, as regards the Part or Parts not redeemed, remain in force, in the same Manner as they would have done if such Redemption had not taken place: Provided always, that the Enactment in this Section shall be deemed to apply to the Redemption of any Parts of the same original Rent to be redeemed at different Times; provided also, that where any such Part of the said Rent so intended to be redeemed shall have been theretofore apportioned or fixed and determined as between the Owners of such Lands or Tenements liable to Payment of the whole Rent, and such Part or Parts shall have been theretofore apportioned as between such Owners themselves, such Apportionment shall be adopted and acted upon to all Intents and Purposes as if the same was made under the Provisions of this Section.

Reservations or Exceptions may go with the Rent.

8. Any Reservations or Exceptions, or any Returns, Services, or Duties, secured by or contained in the Instrument by which such Rent may have been created or reserved, may (with the Sanction and Approval of a Judge of the Landed Estates Court, but not otherwise,) be granted or released together with the Rent, if the Parties interested therein shall agree thereto, and shall express such Agreement in the Contract by which such Rent shall be redeemed or extinguished.

If Payment to Trustees be necessary, Trustees to be appointed by a Judge of Landed Estates Court.

9. When it shall be necessary to pay the Purchase Money of any Rent to Trustees for Application under this Act, if such Trustees shall not already exist, or have been created by Deed or Will or other Instrument, Trustees shall be appointed by a Judge of the Landed Estates Court, and all such Trustees shall apply the same on the same Uses and Trusts, and hold the same subject to the same Charges and Limitations, as the Rent which had been redeemed; and until a legal Application of such Purchase Money can be made the Trustees shall invest the same in the Public Funds, and shall pay the annual Dividends thereof to such Persons as would be entitled to the said Rent if it had not been redeemed or extinguished.

Application of Purchase Money.

10. All Monies to be received on any Sale effected under the Authority of this Act may be applied under the Directions of a Judge of the Landed Estates Court to some One or more of the following Purposes; namely, the Purchase or Redemption of Quit or Crown Rent, or the Discharge or Redemption of any Debt or Incumbrance affecting the Rent in respect of which such Purchase Money shall have been paid, or affecting any other Hereditaments subject to the same Uses or Trusts, or the Purchase of other Hereditaments to be settled in the same Manner as the Rent in respect of which the Money was paid, or the Payment to any Person becoming absolutely entitled.

Judges may make General Orders for all Proceedings in their Courts.

11. The Judges of the Landed Estates Court may from Time to Time make General Orders for regulating all Proceedings in their Courts under this Act, and the Costs of such Proceedings; and such Rules, so long as they shall be in force, shall have the same Effect as if they were comprised in this Act.

Extent of Act.

12. This Act shall only extend to *Ireland*.

CAP. XXXIX.

An Act to amend the Union Assessment Committee Act (1862).

[14th *July* 1864.]

'WHEREAS it is expedient to amend the Union Assessment Committee Act, 1862, in regard to Appeals against Poor Rates, and to make further Provisions for securing correct and uniform Valuations of the Property liable to be assessed to the Relief of the Poor:' 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:

Notice of Appeal against Poor Rate to be given to the Assessment Committee of Union.

1. Before any Appeal shall be heard by any Special or Quarter Sessions against a Poor Rate made for any Parish contained in any Union to which the Union Assessment Committee Act, 1862, applies, the Appellant shall give Twenty-one Days Notice in Writing previous to the Special or Quarter Sessions to which such Appeal is to be made of the Intention to appeal, and the Grounds thereof, to the Assessment Committee of such Union: Provided, that after the First Day of *August* next no Person shall be empowered to appeal to any Sessions against a Poor Rate made in conformity with the Valuation List approved of by such Committee, unless he shall have given to such Committee Notice of Objection against the said List, and shall have failed to obtain such Relief in the Matter as he deems just; and which Objection, after Notice given at any Time in the Manner prescribed by the said Act with respect to Objections, the Committee shall hear, with full Power to call for and amend such List, although the same has been approved of, and no subsequent List has been transmitted to them, and if they amend the same shall give Notice of such Amendment to the Overseers, who shall thereupon alter their then current Rate accordingly.

Committee may, with Consent of Guardians, be Co-respondents.

2. The Assessment Committee of such Union may, with the Consent of the Guardians of such Union, after Notice shall have been sent to every Guardian, appear as Respondents to such Appeal, but in the Name of the Guardians of such Union, in like Manner, and with the same Incidents, and subject to the same Liabilities, and entitled to the same Remedies and Rights, as in the Case of Persons other than the Overseers to whom Notice of Appeal may be given.

Provision as to Costs of Committee on Appeals.

3. The Costs which the Committee may incur in consequence of becoming Respondents to such Appeal, or of having received Notice thereof, shall, if not recovered from the Appellants, as well as any Costs the Committee may be ordered to pay to the Appellants, be paid by the Guardians and charged to the Common Fund of the Union, unless the Court before whom such Appeal is heard shall direct that such Costs, or any Part thereof, shall be charged to the Parish, the Rate of which is appealed against.

Valuation to be made in Writing.

4. Where a Valuer is appointed by the Assessment Committee he shall make his Valuation in Writing, showing the Particulars of the several Hereditaments comprised therein, and the Amounts at which he has valued the same respectively, and shall sign such Valuation, which shall be open to Inspection in like Manner and with the same Incidents with respect to the taking of Copies or Extracts as the Minute Books of the Committee.

Notice of Assessment to be given to certain Companies.

5. Within Fourteen Days after the Transmission to the Assessment Committee of any Valuation or Supplemental Valuation List the Committee shall give Notice to every Railway, Telegraph, Canal, Gas, and Water Company named in such List as the Occupier of any Property included therein, and not having any Office or Place of Business in the Parish