

ANNO TRICESIMO & TRICESIMO PRIMO

VICTORIÆ REGINÆ.

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CAP LVI.

An Act to authorize the Commissioners of Her Majesty's Treasury to compound the public Debt and Interest due by the *Galway* Harbour Commissioners, and to make Arrangements for the Payment of the Amounts for which such Debt and another Debt are to be compounded; and for other Purposes. [15th *July* 1867.]

WHEREAS, with the Consent and Approbation of the Lords Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* (herein-after called "the Commissioners of Her Majesty's Treasury"), the Commissioners of Public Works in *Ireland* (herein-after called "the Commissioners of Public Works"), in and since the Year One thousand eight hundred and thirty-two advanced under the Authority of the Act (Public) of the First and Second *William* the Fourth, Chapter Thirty-three, certain Sums of Money, amounting in the whole to the Sum of Twenty-four thousand Pounds, to the *Galway* Harbour Commissioners and their Successors, for the Purpose of constructing a Floating Dock together with other Works for the Improvement of the Port and Harbour of *Galway*, and such Sums were advanced on the Security of certain Indentures of Mortgage 1 & 2 W. 4. c. 33.

of the Rates, Tolls, and Duties authorized to be levied from Time to Time in the Port of *Galway* under the Authority of the Acts therein recited, and also upon the further Security of certain Lands and Premises therein mentioned and conveyed:

And whereas there is a Sum of Twenty thousand six hundred and fifty-six Pounds Four Shillings remaining due, including Interest up to the First Day of *May* One thousand eight hundred and sixty-seven, to the Commissioners of Public Works, in respect of such Advances (after deducting the Payments annually made in respect of Principal and Interest), and the said Commissioners of Public Works are now, and have been for some Years, in receipt as Mortgagees in Possession of the Rates, Tolls, and Duties levied in the said Harbour, and of the Rents and Profits of said Premises, for the Purpose of securing the Repayment of the Principal and Interest due as aforesaid:

And whereas the Rates, Tolls, and Duties heretofore payable in respect of the said Floating Dock and Works have not only proved insufficient for the Repayment of the Principal Sum and Interest, but have prejudiced the Development of the Trade and Commerce of the said Port and Harbour of *Galway*:

And whereas it is expedient to relieve the said Port and Harbour from a Portion of the said Debt, so as to enable the said *Galway* Harbour Commissioners to make certain Repairs to the Piers and Quays of said Harbour, and in other respects to improve the same, and for that Purpose to enable the Commissioners of Her Majesty's Treasury to compound the said Debt for the Sum of ten thousand Pounds;

And whereas *Bernard Mullins* and *John M'Mahon* did in *Michaelmas* Term One thousand eight hundred and forty-seven recover a Judgment against the said *Galway* Harbour Commissioners for the Sum of Three thousand five hundred Pounds, with Costs, the entire of which said Judgment Debt, together with Interest thereon, and Costs, amounting in all to the Sum of Six thousand four hundred Pounds or thereabouts, is still due and owing by the said *Galway* Harbour Commissioners:

And whereas the Grand Jury of the County of the Town of *Galway* at the last Spring Assizes resolved unanimously to guarantee to Mr. *Michael Bernard Mullins*, the legal Representative of the said *Bernard Mullins* and *John M'Mahon*, the Payment of the said Judgment Debt in such Manner as the Committee named in the Resolution should agree on; and the said Committee were also authorized to consent to any Act of Parliament binding the said County of the Town to compromise the said Debt, and to act on their Behalf as herein-after provided:

And whereas the said *Michael Bernard Mullins* has agreed to accept the Sum of Five thousand Pounds for the said Judgment Debt, Interest,

Interest, and Costs, provided that Sum be paid to him out of the first Monies to be borrowed under this Act from the Public Works Loan Commissioners as herein-after provided:

And whereas the Harbour Commissioners propose, subject to the Sanction of the Commissioners of Her Majesty's Treasury, to borrow any Sum or Sums of Money not exceeding Twenty-two thousand Pounds (including the said Sum of Five thousand Pounds) from the Public Works Loan Commissioners, if the said Public Works Loan Commissioners shall be satisfied from Time to Time with the Security tendered to them by the *Galway* Harbour Commissioners, and to permit the Annuities which shall be granted for the same respectively by the Harbour Commissioners to have Priority of the Annuity in respect of the said Sum of Ten thousand Pounds, provided the County of the Town of *Galway* levy a Rate as additional Security in manner herein-after mentioned:

And whereas the Committee appointed by the Grand Jury as aforesaid to act on their Behalf have consented to the Arrangement by this Act provided in this respect:

And whereas it is expedient that said Arrangements should be authorized:

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, as follows:

Short Title.

1. This Act may be cited for all Purposes as "The *Galway* Harbour (Composition of Debt) Act, 1867."

Commencement.

2. This Act shall commence and take effect from and immediately after the passing of the same.

Interpretation of Terms.

3. In this Act—

The Term "the Commissioners of Her Majesty's Treasury" means the Lords Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being:

The Term "the *Galway* Harbour Commissioners" means the *Galway* Harbour Commissioners heretofore elected and appointed, and their Successors, when from Time to Time elected and appointed under the *Galway* Harbour and Port Act, 1853:

The Term "Commissioners of Public Works" means the Commissioners of Public Works in *Ireland* for the Time being:

The Term "Harbour Rates" includes all Rates, Tolls, and Duties leviable from Time to Time in the Port and Harbour of *Galway*, and all Rents and other Property of the said Harbour Commissioners.

4. The

Mr. M. B. Mullins' Debt to be computed at the Sum of 5,000*l.*

4. The said Debt of Six thousand four hundred Pounds or thereabouts, so due and owing to the said *Michael Bernard Mullins*, shall be assumed to be and shall be taken at the Sum of Five thousand Pounds.

Power to Treasury to compound the said Debt of 20,656*l.* 4*s.*

5. It may be lawful for the Commissioners of Her Majesty's Treasury, by any Deed or Instrument to be executed at any Time after the passing of this Act, under the Hands of any Two or more of such Commissioners, to compound the said Debt of Twenty thousand six hundred and fifty-six Pounds Four Shillings now remaining due to the Commissioners of Public Works as aforesaid by the *Galway* Harbour Commissioners as follows, *viz.*, that the said Debt shall be assumed to be and shall be taken at the Sum of Ten thousand Pounds.

Nature of Treasury Deed.

6. In addition to the Clauses and Provisions herein-after imposed, there shall and may be contained in such Deed or Instrument to be executed by the Commissioners of Her Majesty's Treasury such additional Terms, Conditions, and Agreements as they may think proper to require and insert therein; and such Terms, Conditions, and Agreements so inserted in such Deed shall have the same Effect to all Intents and Purposes as if the same had been contained in this Act.

Mode of Payment of compounded Debt

7. The said Sum of Ten thousand Pounds shall be paid to the Commissioners of Public Works by an Annuity or annual Rentcharge of Four hundred and ten Pounds, including Principal and Interest, the same to be paid by equal half-yearly Instalments of Two hundred and five Pounds each, for a Period of Fifty Years, on every First Day of *May* and First Day of *November* in each Year, the first Payment to be made on the First Day of *May* One thousand eight hundred and sixty-eight, the said Annuity to be chargeable and charged upon the Harbour Rates, and upon all Lands and Property of the *Galway* Harbour Commissioners, of what Nature and Kind soever, and to be further secured by Presentment on the County of the Town of *Galway* as herein-after provided.

Further Security provided for the Payment of Annuity in respect of the Sum of 10,000*l.*

8. And as a further Security for Payment of the said half-yearly Instalments of Two hundred and five Pounds, it is hereby enacted, that if any of the said Instalments be in arrear for the Space of Forty-one Days after any of the Days herein-before provided for Payment of the same, the Amount so in arrear shall from Time to Time, and as often as the same shall happen, be certified by the Secretary of the Commissioners of Public Works in *Ireland* to the Secretary of the Grand Jury of the County of the Town of *Galway*; and such Secretary of the said Grand Jury shall lay such Certificate before

before the Grand Jury of the said County of the Town of *Galway* at the next Assizes after he shall receive the same; and it shall be lawful for the said Grand Jury and they are hereby authorized and required to present the Sum mentioned in every such Certificate to be raised and levied off the said County of the Town of *Galway* immediately after such Assizes; and the Treasurer of the said County of the Town of *Galway* shall pay the Sum so presented by the Grand Jury to the Credit of the Commissioners of Public Works; Provided always, that such Treasurer shall issue a separate Warrant for the Levy of the Sum mentioned in such Certificate.

9. If the Grand Jury of the said County of the Town of *Galway* shall fail to present the Sum, or any Part thereof, contained in any such Certificate, the Treasurer of the said County of the Town of *Galway* shall and he is hereby authorized and required to insert such Sum or such omitted Part thereof in such separate Warrant for raising such Monies as if such Sum had been duly presented by such Grand Jury to be raised off the said County of the Town of *Galway*, and the same shall be raised and levied accordingly as if the same had been so presented; and the said Treasurer shall pay over the Amount, when by him received, as herein-before provided in the Case of such Money being presented by the said Grand Jury.

In case the Grand Jury fail to present, Treasurer may insert such Sum in the Warrant, which shall be levied as if it had been presented.

10. Any Sum of Money so to be raised and levied off the said County of the Town of *Galway* under the Provisions of this Act shall be charged upon, and applotted, raised, and levied upon and from, the Occupiers of and other Persons rateable in respect of Lands and Hereditaments within the said County of the Town of *Galway* respectively, and rated under the then last preceding Rate or Rates made or from Time to Time made in respect of the same under the Provisions of an Act of the First and Second Years of Her present Majesty, intituled *An Act for the more effectual Relief of the destitute Poor in* Ireland, and any Act amending the same, and shall be payable by the respective Ratepayers who, under the said last preceding Rate or Rates, shall have paid or contributed or been liable to pay or contribute Rate in respect of Property in the said County of the Town of *Galway*, according to the several Valuations and Proportions according to which respectively such last preceding Rate or Rates shall have been so made, charged upon, and payable by the Ratepayers in respect of such Lands or Hereditaments respectively; and any such Sum of Money shall be applotted, assessed, and levied by the High Constable or High Constables, Collector or Collectors of Grand Jury Cess for the said County of the Town of *Galway*, as a Poundage Assessment equally upon the net annual Value of the several Lands and Hereditaments within the said County of the Town of *Galway* rated as aforesaid, as such net

Such Sums to be assessed and levied like the Poor Rate, according to 1 & 2 Vict. c. 56., &c.

annual Value shall have been stated in such last preceding Rate or Valuation as aforesaid; and on Receipt of the Warrant of the said Treasurer as aforesaid such High Constable or High Constables, Collector or Collectors, is or are hereby authorized and required to levy the Money therein mentioned, and to give to the Parties paying the same Receipts therefor; and such Money shall and may be collected and levied, sued for and recovered, by such and the same Ways and Means as any Grand Jury Cess, or the Money applotted on the several Persons liable to pay any Grand Jury Cess, may be collected and levied, and with like Powers, Authorities, and Privileges, to any such Collector, as in the Case of the levying of any Grand Jury Cess.

No greater Sum than 250*l.* to be levied in any One Year.

11. Provided always, That no greater Sum than the said Sum of Two hundred and fifty Pounds shall in any One Year be required to be raised and levied from the said County of the Town of *Galway* under the Provisions herein-before contained.

Condition of Collector's Bond.

12. The Condition of the Bond of the Collector of Grand Jury Cess in the said County of the Town of *Galway* to be hereafter given or executed by way of Security for duly collecting and paying Public Money shall contain a Condition for his duly collecting and paying to the Treasurer of the said County of the Town of *Galway* for the Time being, on or before the First Day of the next Assizes, all such Money as he shall be authorized to levy under this Act, and shall be subject to all Provisions now applicable to any Bond to be given or executed by any Collector of Grand Jury Cess.

Payments to be allowed as Poor Rate.

13. In all Cases the Receipt for any such Sum of Money so to be levied as aforesaid shall be accepted by every Person entitled to receive Rent in respect of the same Property, and allowed by such Person to the Occupier or other Person paying such Rent, in the same Manner as if the same had been paid by such Occupier or other Person as Poor Rate.

After Deed executed, Commissioners of Public Works to pay over Balance.

14. From and after the Execution of the said Deed or Instrument the Commissioners of Public Works shall pay over to the Harbour Commissioners, after providing for the Expenses of the Management of the Port, any Balance remaining in their Hands arising from the Tolls, Rates, and Revenues of the Port received by them from and after the First Day of *May* One thousand eight hundred and sixty-seven to the Day of the granting of the said Annuity, to be applied by the Harbour Commissioners to the Purposes of the said Port.

Public Works Loan Commissioners, with

15. It shall be lawful for the Public Works Loan Commissioners, with the Sanction of the Commissioners of Her Majesty's Treasury, at

at any Time after the Execution of the said Deed or Instrument, to advance to the *Galway* Harbour Commissioners, by way of Annuity or Annuities, or otherwise in accordance with the Provisions of "The Harbours and Passing Tolls, &c. Act, 1861," any Sum or Sums of Money not exceeding Twenty-two thousand Pounds, out of the Monies placed at their Disposal under the 29 & 30 *Vict.* Cap. 72. Sec. 2. to be applied by the said *Galway* Harbour Commissioners in the Manner and to the following Purposes; *viz.*,

Consent of Treasury, to advance Monies to pay off Mr. Mullins' Debt, and for Improvements and Construction of a Graving Dock in the Harbour of Galway.

First, the Sum of Five thousand Pounds to be paid to the said *Michael Bernard Mullins*, or his legal Representative, in full Discharge of the said Debt of Six thousand four hundred Pounds or thereabouts:

Secondly, the Sum of Five thousand Pounds to be applied to the Improvement of the Port; and

Thirdly, the Sum of Twelve thousand Pounds to be applied in the Construction of a Graving Dock in the said Port.

And the said Sum or Sums so from Time to Time, or the Annuity or Annuities, granted for the same by the *Galway* Harbour Commissioners to the Public Works Loan Commissioners, shall have Priority over the said Annuity for the said Sum of Ten thousand Pounds, provided the Commissioners of Her Majesty's Treasury sanction any such Loan.

Power to Harbour Commissioners to improve Port and construct a Graving Dock.

16. It shall be lawful for the *Galway* Harbour Commissioners to make such Improvements in the said Port and to construct such Dock as they may consider necessary, and to take Land by Agreement for those Purposes; provided that Working Plans and Sections and Estimates of such Improvements and Graving Dock shall previously to commencing the same have been submitted to and approved of by the Board of Trade; and on the said Board granting a Certificate in Writing from Time to Time, under the Hands of One of their Secretaries, that such Improvements and Graving Dock, or any or either of them, are properly devised, and that the Estimate of Expense is sufficient for the same, the Public Works Loan Commissioners may advance to the *Galway* Harbour Commissioners the Sums stated in such Certificates respectively, not exceeding in the whole the Sum of Seventeen thousand Pounds.

When Graving Dock completed, Harbour Commissioners to levy Rates for its Use, as set forth in 23 & 24 Vict. c. ccii.

17. On the Completion of the said Graving Dock it shall be lawful for the Harbour Commissioners to levy Rates for the Use of the same, not exceeding the Graving Dock Rates authorized by "The *Galway* Harbour Act, 1860," and all the Powers of that Act relating to the Graving Dock therein referred to shall be applicable to the Graving Dock hereby authorized.

Proceedings for Recovery of Annuity as under 1 & 2 W. 4. c. 33.

18. If Default shall be made in Payment of any of the said half-yearly Instalments of the said Annuity or Rentcharge of Four hundred and ten Pounds as herein-before provided, it shall also

also be lawful for the Commissioners of Public Works to proceed for the Recovery thereof or any Part thereof by all or any of the Means provided for the Recovery of Loans or Advances made by the said Commissioners of Public Works, under the Act of the First and Second *William* the Fourth, Chapter Thirty-three, intituled *An Act for the Extension and Promotion of Public Works in* Ireland, in like Manner in all respects as if the said Harbour Rates or other the Premises charged and chargeable with the Payment of the said Annuity or Rentcharge had been transferred to the said Commissioners of Public Works by way of Mortgage, and in order to secure the Payment of the said Annuity or Rentcharge.

Court of Chancery may appoint a Receiver of Rates.

19. And it shall also be lawful for the Court of Chancery in *Ireland*, upon the Application by Petition in a summary Way by the said Commissioners of Public Works, to appoint a Receiver of all the said Harbour Rates, and of the Rents and Profits of all Lands and Premises the Property of the said Harbour Commissioners; and any such Receiver so appointed as aforesaid shall possess all the Powers of the said *Galway* Harbour Commissioners, or of any Collector appointed by them, for the Purpose of collecting and recovering the said Harbour Rates; and such Receiver shall and may be continued in such Receipt until all Arrears of such Annuity or Rentcharge, and all accruing Gales thereof, and all Costs incidental to the Appointment of such Receiver, shall be fully paid.

Commissioners to reimburse themselves for Costs, &c.

20. It shall be lawful for the said Commissioners of Public Works, out of the said Harbour Rates, to reimburse themselves for all Costs, Charges, and Expenses which may be lawfully sustained by them or any Officer or Servants employed by them in the Execution of this Act.

Expenses of Act.

21. The reasonable Costs, Charges, and Expenses of and incidental to the passing of this Act shall be paid by the *Galway* Harbour Commissioners out of the first Monies coming into their Hands under this Act.

Public Act.

22. This Act shall be a Public Act, and shall be judicially taken notice of.

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