ANNO VICESIMO QUARTO & VICESIMO QUINTO

VICTORIÆ REGINÆ.

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C A P. CXXIII.

An Act to reduce and alter the Rate of Duty payable on Proceedings under the Statute of the Twenty-first and Twenty-second Years of *Victoria*, Chapter Seventy-two, Section Eighty-eight; and for other Purposes.

[6th *August* 1861.]

WHEREAS by an Act passed in the Twenty-first and Twenty-second Years of Her Majesty, Chapter Seventy-two, Section Eighty-eight, certain Provisions are made with respect to the Rate of Duty payable on Proceedings in the "Landed Estates Court (*Ireland*)," and it is expedient to reduce and alter such Rate of Duty and to amend the said 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, as follows: 21 & 22 Vict. c. 72.

1. Subject as herein-after mentioned, from and after such Date as the Judges of the said Court may, with the Sanction of the Commissioners of the Treasury, by General Order appoint, a Duty shall be levied upon every Estate which shall be sold or conveyed under the said Duty payable on Proceedings in Landed Estate Court (I.)

said recited Act, or of which a Partition, Exchange, or Division shall be made by the Court, where no Sale is to be effected by the Court, or of which the Title shall be verified by Declaration under the said Act as aforesaid; and such Duty shall be payable in the Proportion herein-after mentioned, according to the Value of such Estate; and such Value shall, when the Estate shall be sold or conveyed, be estimated by the *bonâ fide* Purchase Money, and where the Court shall make a Partition, Exchange, or Division of Land, or shall verify the Title thereof by Declaration as aforesaid, the Value of such Estate shall be ascertained by such Means as shall be settled by a General Order of the Court; and such Duty shall be the First Charge upon the Purchase Money, and where there shall be no Sales the Duty shall be a First Charge upon the Estate conveyed, or the Estate being the Subject of such Declaration of Title as aforesaid, or the Estates which shall be the Subject of such Exchange, Partition, or Division as aforesaid; and Payment of such Duty shall be enforced by such Method as shall be determined by any General Order of the Court for that Purpose; and such Duty shall be paid so as to become and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, in such Manner as shall be determined by General Order of the Court, to be approved by the Commissioners of Her Majesty's Treasury; and from and after the Time at which this Act shall come into operation, as herein-before mentioned, the Rate of such Duty shall be Ten Shillings upon every Hundred Pounds of the gross Value of every Estate which shall be sold or conveyed under the said recited Act, and the Rate of such Duty upon every Estate of which an Exchange, Partition, or Division shall be made by the Court under the said Act, when no Sale is effected by the Court, shall be Five Shillings upon every Hundred Pounds of the gross Value of such Estate, and the Rate of such Duty upon the Estate or Estates of which the Title shall be verified by Declaration under the said Act shall be Ten Shillings upon every Hundred Pounds of the gross Value thereof: Provided always, that no such Duty shall be payable in respect of any Property which shall be sold in pursuance of an Order of the Incumbered Estates Court made before the Commencement of the said recited Act; and that nothing herein contained shall alter or affect any Duty which shall have become due and payable under the said recited Act before the passing of this Act.

If Duties, &c. hereby authorized be insufficient to pay Half the Expense of maintaining Court, Rates may be raised of any of the said Duties.

2. Provided always, That in case the Duty authorized to be levied by this Act, together with the Sums paid to the Consolidated Fund pursuant to the Provisions of the Eighty-ninth Section of the said recited Act, shall in any Year be insufficient to pay One Half of the Expense of maintaining the said Court, it shall be lawful for the Commissioners of the Treasury to raise the Rate of any of the said Duties

Duties from Time to Time and for such Periods as they shall direct; provided that such increased Rate shall in no Instance exceed the maximum Rate of Duty authorized by the said recited Act.

Indemnity to Lieutenant Colonel John Henry Keogh.

3. Whereas Lieutenant Colonel *John Henry Keogh* has sustained a Loss of One thousand eight hundred and seventy-nine Pounds Six Shillings and Sevenpence by the Neglect of an Officer of the Incumbered Estates Court: And whereas it is expedient that he should be indemnified for the said Loss: Be it therefore enacted, That the Judges of the Landed Estates Court may, with the Sanction of the Commissioners of Her Majesty's Treasury, direct the Payment to the said Lieutenant Colonel *John Henry Keogh*, from Time to Time, out of the Duties levied or to be levied under the Provisions of the said recited Act, of an Amount not exceeding the said Sum of One thousand eight hundred and seventy-nine Pounds Six Shillings and Sevenpence; and, except with the Sanction of the said Commissioners, no General Order reducing the said Duties shall be issued until there shall have been received after the passing of this Act, from the Proceeds of the Difference between the existing Duties and the reduced Duties to be levied under this Act, a Sum amounting to One thousand eight hundred and seventy-nine Pounds Six Shillings and Sevenpence.

Recited Act and this Act to be construed as One Act.

4. The said recited Act, except so far as altered by this Act, shall be construed with this Act; and Words interpreted in the said recited Act shall, when used in this Act, have the same Meanings as are assigned to them respectively by the said recited Act.

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