

ANNO DUODECIMO & DECIMO TERTIO

VICTORIÆ REGINÆ.

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CAP. LIX.

An Act to amend an Act of the Tenth Year of Her Majesty, for facilitating the Improvement of Landed Property in *Ireland*. [28th *July* 1849.]

WHEREAS by an Act passed in the Tenth Year of Her Majesty, intituled *An Act to facilitate the Improvement of Landed Property in* Ireland, the Commissioners of Public Works in *Ireland* were authorized to make Loans to Owners of Land in *Ireland* for the Improvement of such Land, upon the Terms and Conditions in the said Act mentioned; and it was thereby provided, that in respect of such Loans annual Rent-charges should be charged upon the Lands to be improved, and should be recoverable as therein mentioned: And whereas the Proceedings for Recovery of such Rent-charges are attended with considerable Inconvenience and Expense, by reason of its being necessary to examine as Witnesses the Clerks in the several Offices by and through which Advances have been made; and it is expedient that the said Act should be amended as herein mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual

10 & 11 Vict. c. 32.

In Proceedings under recited Act the Certificate of the Paymaster of Civil Services shall be Evidence.

and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in any Proceedings which have been or shall be taken for Recovery of any Rent-charge under the said Act a Certificate under the Hand of the Paymaster of Civil Services in *Ireland* for the Time being, or of such Person as the Commissioners of Her Majesty's Treasury may from Time to Time appoint (of which Appointment Notice to be published in the *Dublin Gazette* shall be sufficient Evidence), certifying that a Loan has been made or agreed to be made under the said Act, and certifying the Amount thereof, and the Number and Amount of the Instalments advanced on account of such Loan, and the annual Amount of Rent-charge payable in respect thereof, and the Lands charged with such Rent-charge, and how much is due in respect thereof, shall be conclusive Evidence of the Matters therein certified as aforesaid.

Certificate of Commissioners of Public Works shall be Evidence in case of Proceedings for Amount of preliminary Expenses, or on Security for due Application of Money advanced.

II. And be it enacted, That in any Proceedings which have been or shall be taken on any Security given in respect of the Expenses of obtaining a Report upon and investigating the Subject of any Application for a Loan under the said Act, or on any Bond or other Security given for the due Application of Monies advanced or to be advanced under the said Act, the Certificate of the Commissioners of Public Works in *Ireland*, under their Common Seal, certifying the Amount of the Expenses of obtaining such Report upon and investigating the Subject of such Application for a Loan under the said Act, including all Expenses consequent upon any such Investigation, or (as the Case may be) certifying the Amount of the Monies advanced by the said Commissioners, and the Amount of such Monies the Application of which shall not have been accounted for to the said Commissioners according to the Condition of such Bond or other Security, shall be conclusive Evidence of the Matters therein certified as aforesaid.

If Parties neglect to comply with Provisions of recited Act or proceed with the Works, Commissioners may decline to make Advance.

III. And be it enacted, That in any Case in which an Order for a Loan shall have been made by the said Commissioners under the said Act, and the Person for the Time being entitled to the Benefit of such Order shall neglect to comply with the Provisions of the said Act, or the Rules and Regulations of the said Commissioners for the Purpose of obtaining any Advance or Instalment in respect of such Loan, or if after any such Instalment or Instalments shall have been advanced by the Paymaster of Civil Services such Person shall, after Notice by the said Commissioners of his Default in this Behalf, neglect to proceed with the Works for which such Loan shall have been made or agreed to be made, with such Diligence and Expedition as shall be satisfactory to the said Commissioners, it shall be lawful for the said Commissioners (if they think fit so to do), by Order under their Common

Common Seal, to direct that the Amount of such Loan, or such Part thereof as shall be then remaining unpaid, shall not be issued; and thereupon the Monies applicable to such Loan, or to the Residue of such Loan, as the Case may be, may be applied to other Loans under the Provisions of the said Act.

Commissioners may sanction Alterations of Plan, &c., and substitute others in lieu thereof.

IV. And be it enacted, That it shall be lawful for the said Commissioners, upon the Application of the Owner, where it shall appear to them expedient so to do, from Time to Time to sanction the Alteration or Modification of any Plan, Specification, or Estimate originally approved of by them in relation to any Works for which any Loan has been agreed or ordered to be made under the said Act, or, in substitution, in whole or in part, for any such Plan, Specification, and Estimate, to sanction and approve of a Plan, Specification, and Estimate for other Works for any of the Purposes in the said Act mentioned, and to direct the Works to be carried on according to the Plan, Specification, and Estimate so altered or modified or substituted as aforesaid; and the Provisions of the said Act applicable in the Case of an Alteration or Modification of any Plan, Specification, or Estimate whereby the Advance of a further Sum of Money is required for the Completion of any Works, or the Expenditure is diminished, shall be applicable, under the like Circumstances, in the Case of any Alteration, Modification, or Substitution made under this Act.

Repeal of so much of recited Act as requires Certificate of Amount of Advance to be issued.

V. And be it enacted, That so much of the said recited Act as requires that the said Commissioners shall execute in duplicate a Certificate stating the Amount of the Sums actually advanced in respect of any Loan under the Provisions of the said Act, and the Times of advancing the same, and the Registry of One of such Certificates, shall be repealed.

Recited Act and this Act to be construed together, and Loans out of Monies advanced under 12 & 13 Vict. c. 23. &c., authorizing further Advances, to be deemed Loans under recited Act.

VI. And be it enacted, That the said recited Act and this Act shall be construed together as One Act; and all Loans made for the Purposes of the said recited Act out of any Money authorized to be advanced under an Act passed in the present Session of Parliament, intituled *An Act to authorize further Advances of Money for the Improvement of Landed Property in* Ireland, *and the Extension and Promotion of Drainage and other Works of public Utility in* Ireland, or under any other Act authorizing Loans to be made for the Purposes of the said recited Act, shall, for the Purposes of the Provisions of the said recited Act and of this Act applicable to the Loans under the said recited Act, be deemed to have been made under such Act.

VII. And

Act may be amended, &c.

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

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