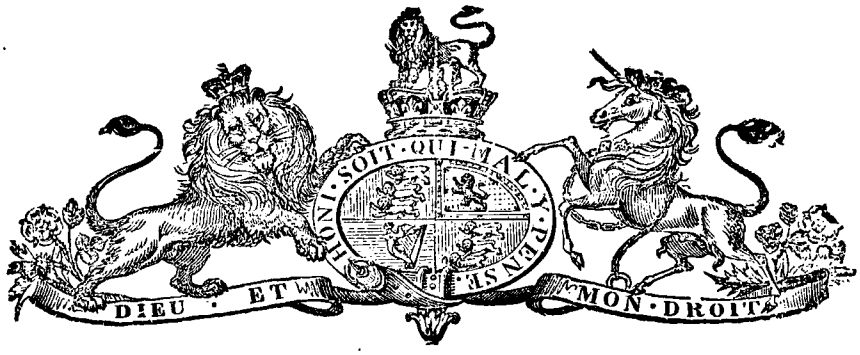


ANNO TRICESIMO & TRICESIMO PRIMO

VICTORIÆ REGINÆ.

****

CAP. LIII.

An Act to authorize the Commissioners of Her Majesty's Treasury to compound the Public Debt and Interest due by the *Limerick* Harbour Commissioners, and to make Arrangements for the Payment of the Amount for which such Debt is to be compounded; and for the Transfer of *Wellesley Bridge* in the City of *Limerick* to the Commissioners of Public Works; 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 late Loan Commissioners for the Advance of Money out of the Consolidated Fund, pursuant to the Act of the Fifty-seventh of *George* the Third, Chapter Thirty-four, and Acts amending same, for the Encouragement by way of Loan of Public Works in *Great Britain* and *Ireland*, and the Commissioners of Public Works in *Ireland* (herein-after called "the Commissioners of Public Works"), have at various Periods since

57 G. 3. c. 34.

since the Year One thousand eight hundred and twenty-four advanced out of the Consolidated Fund, under the Authority of the Acts (Public) of the Third of *George* the Third, Chapter One hundred and twelve, the Fifty-seventh of *George* the Third, Chapter Thirty-four, and First and Second of *William* the Fourth, Chapter Thirty-three, divers Sums of Money, amounting in the whole to the Sum of One hundred and seventy-nine thousand three hundred and eighty-four Pounds Twelve Shillings and Fourpence, to the *Limerick* Bridge Commissioners, and their Successors, the *Limerick* Harbour Commissioners, who were from Time to Time respectively authorized to borrow Money under the Powers of the Acts (Public and Local) of the Fourth of *George* the Fourth, Chapter Ninety-four, Fourth and Fifth of *William* the Fourth, Chapter Eighty-four, and Tenth and Eleventh Years of Her Majesty, Chapter One hundred and ninety-eight, (herein-after called the recited Acts,) for the Purpose of erecting a Bridge at *Limerick* called "*Wellesley Bridge*," and of forming certain floating and other Docks and Works for the Improvement of the Port of *Limerick*, and such Sums were advanced from Time to Time on the Security of certain Indentures of Mortgage of the Rates and Duties authorized to be levied from Time to Time in the Port of *Limerick*, and on the Tolls levied from Time to Time on *Wellesley Bridge*, under the Powers of the recited Acts or some of them:

And whereas that Portion of the said Sum of One hundred and seventy-nine thousand three hundred and eighty-four Pounds Twelve Shillings and Fourpence advanced by the late Loan Commissioners was afterwards transferred to and became vested in the Commissioners of Public Works, under and by virtue of the Provisions of the Act of the First and Second of *William* the Fourth, Chapter Thirty-three:

And whereas there is a Sum of Two hundred and thirty thousand Pounds and upwards remaining due to the Commissioners of Public Works in respect of such Advances, including Interest, (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 possession as Mortgagees of the Tolls, Rates, and Duties levied in the said Harbour, to secure the Payment of the Debt and Interest due thereon:

And whereas *Wellesley Bridge* has been for some Years completed, and opened for public Traffic, by means of a Part of the Principal Money so advanced out of the Consolidated Fund, and the Commissioners of Public Works, as Mortgagees, are in possession of the Tolls annually taken thereon:

And whereas the Tolls, Rates, and Duties heretofore payable in respect of the said Bridge, and imposed on the said Port and Harbour of *Limerick*, have not only proved insufficient to pay the Principal

Principal and Interest of the said Debts respectively, but have prejudiced the Development of the Trade and Commerce of the said Port and Harbour:

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 Port to compete with rival Ports on more favourable Terms, and for that Purpose to enable the Commissioners of Her Majesty's Treasury to compound the said Debt:

And whereas the *Limerick* Harbour Commissioners have applied for an Act (the Short Title of which is "The *Limerick* Harbour Act, 1867,") to authorize them to levy certain Tolls, Harbour Rates, and Duties in lieu of the Tolls, Rates, and Duties heretofore authorized, so as to provide sufficient Means (after Charges for Maintenance, as herein-after mentioned,) to secure the Payment of the Annuity by this Act authorized, and also to alter the Constitution of their Body, and for other Purposes; but such Powers are not to be put into force until this Act comes into operation: 30 & 31 Vict. c. clv.

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:

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

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

3. In this Act— Interpretation of Terms.

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 Terms "the *Limerick* Harbour Commissioners" and "the Harbour Commissioners" mean the *Limerick* Harbour Commissioners heretofore elected and appointed, and their Successors, when from Time to Time elected and appointed under the said *Limerick* Harbour Act, 1867:

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 and Duties leviable from Time to Time in the Port and Harbour of *Limerick* under "The *Limerick* Harbour Act, 1867."

4. It

Manner of compounding the said Debt of 230,000*l.* and upwards.

4. It shall 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, and under the Common Seal of the *Limerick* Harbour Commissioners, to compound the said several Debts due by the *Limerick* Harbour Commissioners, as follows; *viz.*, that the Debt due and owing in respect of the Sums advanced from Time to Time as aforesaid shall be assumed to be and shall be taken at the Sum of Sixty-five thousand Pounds, and the same shall be recorded in the Form in Schedule B. to this Act annexed.

Mode of Payment of compounded Debt.

5. Of the said Sum of Sixty-five thousand Pounds, the Sum of Fifty-five thousand Pounds, deducting therefrom any Sum which may have accrued from Harbour Dues after paying Maintenance and other Charges connected with the Harbour after the First Day of *July* One thousand eight hundred and sixty-six, shall be paid to the Commissioners of Public Works by an Annuity or annual Rentcharge calculated at the Rate of 4·0729 *per Centum* Principal and Interest, the same to be paid by half-yearly Instalments, for a Period of Fifty Years, on every First Day of *May* and First Day of *November* in each Year, commencing on the First Day of *May* One thousand eight hundred and sixty-eight, the said Annuity to be in the Form, as near as may be, in Schedule A. to this Act annexed, and to be chargeable and charged upon the Harbour Tolls, Rates, and Duties, and upon all Lands and Property of the Harbour Commissioners, and the remaining Sum of Ten thousand Pounds shall be a First Charge upon *Wellesley Bridge* at Three and a Quarter *per Centum per Annum*, as herein-after mentioned: Provided always, that it shall be lawful for the Commissioners of Public Works, out of the Money in their Hands received or to be received in respect of the Harbour Rates on account of the *Limerick* Harbour Commissioners from the Date of the last Payment into the Exchequer, to pay to the Harbour Commissioners the Sum of One thousand five hundred Pounds, to be applied by them to the Purposes of this Act and "The *Limerick* Harbour Act, 1867."

30 & 31 Vict. c. clv.

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 as aforesaid, such additional Terms, Conditions, and Agreements as the Commissioners of Her Majesty's Treasury 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.

7. The

Wellesley Bridge to be vested in Commissioners of Public Works.

7. The said Bridge called *Wellesley Bridge*, together with the Tolls payable thereout, shall be vested in the Commissioners of Public Works and their Successors, Commissioners for the Time being; and the Tolls and Receipts of the said Bridge, by this or any other Act authorized, shall be applied by the said Commissioners, in the first instance, in defraying the necessary Costs of Collection thereof, the Costs of the Maintenance and Repairs and Approaches thereto, the Charges and Maintenance of the Swivel Bridge connected therewith, also Lighting and such other Expenses as the said Commissioners may think necessary and requisite to incur; secondly, in paying Interest on the said Sum of Ten thousand Pounds, at the Rate of Three and a Quarter *per Centum per Annum*, at such Times and in such Instalments as the said Commissioners shall from Time to Time appoint and direct; and, thirdly, the Balance or Overplus (if any) from Time to Time to be applied as it may accrue in Reduction of the said Principal Sum of Ten thousand Pounds.

Bridge Tolls to be paid, not exceeding those in Schedule C.

8. From and after the passing of this Act, there shall be paid, for the Use of the Commissioners of Public Works, in the Nature of Tolls, before any Passage over the said Bridge shall be permitted, any Sum which the said Commissioners of Public Works shall direct, not exceeding the Tolls in Schedule C. to this Act annexed, being the Tolls provided by the Act of the Tenth and Eleventh *Victoria*, Chapter One hundred and ninety-seven.

Power to Commissioners to sell Wellesley Bridge.

9. It shall be lawful for the Commissioners of Public Works, with the Sanction of the Commissioners of the Treasury, at any Time to sell, transfer, and dispose of the said Bridge, Approaches, and Swivel Bridge to any Grand Jury or Grand Juries, or any other public Body or Bodies, at and for the said Sum of Ten thousand Pounds, or any Balance of the said Sum which may remain due in respect thereof at the Time of such Sale, it being provided that on such Sale, Transfer, or Disposition being made the said Bridge shall be Toll-free to the Public, and that Provision shall be made for the future due and proper Maintenance of the said Bridge and Approaches thereto, and the Swivel Bridge, in such Manner as may be required by the said Commissioners of the Treasury.

Power to Commissioners to let Wellesley Bridge.

10. It shall be lawful for the said Commissioners of Public Works, from Time to Time, so long as the said Sum of Ten thousand Pounds, and the Interest thereon, or any Part of either, remain due and owing, to demise or let the Tolls and Rates of the said Bridge, subject to such Conditions and Restrictions as the said Commissioners may approve.

11. From

On Payment of Debt Wellesley Bridge to be Toll-free.

11. From and after the Payment of the said Sum of Ten thousand Pounds, and Interest thereon, by such Instalments as aforesaid, or otherwise, and when and so soon as Provision shall be made, to the Satisfaction of the Commissioners of Public Works, for the due and proper Maintenance of the said Bridge and Approaches, and Swivel Bridge, the said Bridge shall be Toll-free to the Public, and be vested in such Grand Jury or Grand Juries, or other public Body or Bodies, so purchasing as aforesaid; and in the event of these Bodies declining to take the said Bridge then the said Tolls and Rates shall continue to be payable, and the said Commissioners of Public Works shall be authorized to demand and receive the same.

Certain Sections in recited Acts repealed.

12. From and after the Date of the Execution of such Deed or Instrument by this Act authorized, the Thirty-fourth, Thirty-fifth, Thirty-sixth, Thirty-seventh, and Thirty-eighth Sections of the Act of the Fourth of *George* the Fourth, Chapter Ninety-four, and the Eleventh and Twenty-first Sections of the Act of the Fourth and Fifth of *William* the Fourth, Chapter Eighty-four, and the Tenth, Eleventh, Twelfth, Nineteenth, Twentieth, Twenty-third, Twenty-fifth, and Twenty-ninth Sections of the Act of the Tenth and Eleventh *Victoria*, Chapter One hundred and ninety-eight, shall be and the same are hereby repealed.

Harbour Commissioners may borrow Money for Graving Dock and to improve Harbour.

13. It shall be lawful for the Public Works Loan Commissioners, after the Execution of the said Deed or Instrument, at any Time to lend to the Harbour Commissioners any Sum of Money, not exceeding Twenty thousand Pounds, out of the Monies placed at their Disposal under the Second Section of the Act of the Twenty-ninth and Thirtieth *Victoria*, Chapter Seventy-two, by way of Annuity or otherwise, in accordance with the Provisions of the "Harbours and Passing Tolls Act, 1861," for the Purpose of enabling the Harbour Commissioners to improve the said Port, and to construct a Graving Dock therein on any Land belonging to the said Harbour Commissioners situate in the said Port, and it shall be lawful for the Harbour Commissioners to make such Improvements in the said Port, and to construct such Dock, and to take Land by Agreement for that Purpose: Provided that Working Plans and Sections and Estimates of such Improvements and Graving Dock shall previously to commencing the same have been submitted to 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 Harbour Commissioners the Sums stated

stated in such Certificates respectively, not exceeding in the whole the Sum of Twenty thousand Pounds, and such Sum or Sums so advanced from Time to Time, or the Annuity or Annuities granted for the same, shall be a First Charge on the Harbour Rates authorized to be levied in the Port of *Limerick* under the "*Limerick* Harbour Act, 1867," in priority to the said Annuity payable in respect of the said Sum of Fifty-five thousand Pounds or other less Sum as aforesaid.

For Payment of Debt to Sir T. Deane.

14. And whereas a Sum of Three thousand seven hundred and seventy-nine Pounds Nine Shillings and One Penny is due to Sir *Thomas Deane*, connected with Works executed by him in respect of the Improvement of the Port of *Limerick*, which Debt stands in priority of the said Charge of Two hundred and thirty thousand Pounds upon the Harbour Rates; but, notwithstanding such Priority, Payments have been made to Her Majesty's Exchequer in reduction of the Public Debt: And whereas, without discharging the Debt so due to the said Sir *Thomas Deane*, the Annuities hereby made chargeable upon the Harbour Tolls, Rates, and Dues, and upon all Land and Property of the Harbour Commissioners, could not in Equity form the First Charge upon the same, it shall therefore be lawful for the said Public Works Loan Commissioners, and they are hereby empowered, in addition to the said Sum of Twenty thousand Pounds, and subject to the same Conditions in regard to Repayment, to lend to the said Harbour Commissioners, under the Powers of the said Act of the Twenty-ninth and Thirtieth *Victoria*, Chapter Seventy-two, a Sum not exceeding Three thousand seven hundred and seventy-nine Pounds Nine Shillings and One Penny, to be by them applied in Payment of the Sum so due to the said Sir *Thomas Deane* in priority to any Part of the said Sum of Twenty thousand Pounds being borrowed by the said Harbour Commissioners.

Proceedings for Recovery of Annuity, as prescribed by 1 & 2 W. 4. c. 33.

15. If Default shall be made in Payment of the said first-mentioned Annuity or Rentcharge as herein-before provided, it shall be lawful for the Commissioners of Public Works to proceed for the Recovery 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 of *William* the Fourth, Chapter Thirty-three, entitled *An Act for the Extension and Promotion of Public Works in* Ireland, in like Manner in all respects as if the said Tolls, Rates, Duties, 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.

16. And

Court of Chancery to appoint Receiver over Tolls.

16. 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 Tolls, Rates, and Duties, and of the Rents and Profits of all other Premises chargeable with the said first-mentioned Annuity or Rentcharge; and any such Receiver so appointed as aforesaid shall possess all the Powers of the said Harbour Commissioners, or of any Collector appointed by them, for the Purpose of collecting and recovering the said Tolls, Rates, and Duties; 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.

17. It shall be lawful for the said Commissioners of Public Works, out of the said Tolls, Rates, and Duties, 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.

Public Act.

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

The

The SCHEDULES herein referred to.

SCHEDULE A.

Form of Grant of Annuity.

Grant Annuity, £

By virtue of the Powers of the "Limerick Harbour Act, 1867," and the "Limerick Harbour (Composition of Debt) Act, 1867," we, the Limerick Harbour Commissioners, in consideration of the Sum of accepted by the Commissioners of Her Majesty's Treasury in lieu of the Sum of Pounds, do grant unto the said Commissioners of Her Majesty's Treasury an Annuity or yearly Sum of Pounds, to be issuing out of the Harbour Rates payable under the "Limerick Harbour Act, 1867," such Sum to be paid to the Commissioners of Public Works, or any Person duly authorized by them, in half-yearly Instalments on the Day of in 186 , and on the Day of and on the Day of in every succeeding Year, until the said Sum of Pounds, and Interest thereon, be duly paid.

In witness whereof we have hereunto set our Common Seal, this Day of 186 .

SCHEDULE B.

The Commissioners of Her Majesty's Treasury do hereby acknowledge, that, in accordance with the Terms of "The Limerick Harbour Act, 1867," and "The Limerick Harbour (Composition of Debt) Act, 1867," they do hereby accept the Sum of Fifty-five thousand Pounds, secured to them by the Annuity granted to them, under the Authority of those Acts respectively, by the Limerick Harbour Commissioners, charged on the Harbour Rates to be levied under the "Limerick Harbour Act, 1867," and by the Transfer of Wellesley Bridge to the Commissioners of Public Works, or other Public Body on their Behalf, in full Satisfaction and Payment of the Debt and Interest, amounting to Two hundred and thirty thousand Pounds and upwards, due to the said Commissioners of Her Majesty's Treasury, or to the Commissioners of Public Works on their Behalf, and secured on the Tolls, Rates, and Duties heretofore levied in the Harbour of Limerick, and on other Property belonging to the Limerick Harbour Commissioners, and do hereby declare the said Harbour, Docks, and Works, and the Rates and Duties and other Property of the Limerick Harbour Commissioners, now to be for ever freed and discharged of the said Debt and Interest of Two hundred and thirty thousand Pounds and upwards, and of the Security created or confirmed by the said Mortgages respectively, granted to the Commissioners of Public Works under the recited Acts or any of them, and the said Commissioners of Her Majesty's Treasury hereby consent to the Registration hereof in Dublin for Preservation at

In witness whereof, these Presents are subscribed by us, Two of the said Commissioners, at London, the Day of , in the Year One thousand eight hundred and sixty- , before these Witnesses.

SCHEDULE C.

Bridge Tolls.

For every Horse, Mule, or Ass, laden or unladen, and not drawing, the Sum of One Penny.

For every Score of Oxen or Neat Cattle, the Sum of One Shilling and Sixpence, and so in proportion for any greater or less Number.

For every Score of Calves, Sheep, Goats, Lambs, or Swine, the Sum of Fivepence, and so in proportion for any greater or less Number.

For Six or more Horses or other Beasts of Draught drawing any Coach, Chariot, Landau, Berlin, Chaise, Calash, Curricle, Chair, Caravan, Hearse, Litter, or other such Carriage, the Sum of One Shilling and Tenpence.

For Three, Four, or Five Horses or other Beasts of Draught drawing any such Carriage, the Sum of One Shilling and Fourpence.

For Two Horses or other Beasts of Draught drawing any such Carriage, the Sum of Elevenpence.

For One Horse or other Beast of Draught drawing any such Carriage, the Sum of Sixpence.

For Four or more Horses or any Beasts of Draught drawing any Waggon, Wain, or other Carriage of Burden with Four Wheels, the Sum of Elevenpence.

For Three or fewer Horses or other Beasts of Draught drawing any Waggon, Wain, or other Carriage of Burden with Four Wheels, the Sum of Sixpence.

For Two or more Horses or other Beasts of Draught drawing any Waggon, Wain, Cart, Car, or other Carriage of Burden with Two Wheels, the Sum of Fourpence.

For One Horse or other Beast of Draught drawing any Waggon, Wain, Cart, Car, or other Carriage of Burden with Two Wheels, the Sum of Twopence.

For every Passenger passing over the said Bridge, the Sum of One Halfpenny for each and every Time of passing, except such Person or Persons as shall be driven in any Coach, Chariot, Berlin, Chaise, Chair, or Calash, and the Driver or Drivers thereof, and the Footman or Footmen, Servant or Servants thereof, standing behind the same, and except the Driver or Drivers of any Cart, Car, or Waggon, and any Person riding on any Horse, Mule, or Ass.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1867.