

CHAP. 74.

An Act to extend the period for the Repayment of Advances of Public Money for the construction of certain Public Works in Ireland, and also to incorporate the Commissioners of Public Works in Ireland for certain purposes, and to vest in the said Commissioners lands and premises held on public trusts. [9th August 1869.]

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WHEREAS by an Act passed in the session of Parliament held in the first and second years of the reign of His late Majesty King William the Fourth, chapter thirty-three, intituled "An Act "for the extension and promotion of public works in Ireland," section twenty-three, it is enacted, that it should be lawful for any grand jury of a county, county of a city, or county of a town, at any assizes, or if in the county of Dublin or county of the city of Dublin, in any presenting term, to present any sum or sums of money for the purpose of any public work which it was by the laws then in force competent for them to present in order to obtain advances from the Commissioners (being the Commissioners of Public Works in Ireland) for the execution of that Act, and to set forth in such presentment that such sum or sums of money should be raised and levied by half-yearly instalments of not less than ten pounds per centum per annum of the whole sum to be expended, and likewise to present a sum sufficient to pay the annual interest of such sum or sums to be so expended, and from time to time remaining due, at such rate not exceeding five pounds per centum as might be directed by said Commissioners, and likewise to include in such presentment a sufficient sum to defray the expenses attendant on making application to the said Commissioners for execution of that Act, and in the same section are contained certain enactments relating to the assessment, levying, and raising the sums so to be presented in manner therein expressed:

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And whereas it has been deemed expedient to enable the said Commissioners of Public Works in Ireland to enlarge the period for repayment of advances of the nature provided for in and by the said Act, whenever they shall think fit so to do, in the manner herein-after provided:

And whereas it has been usual that lands in Ireland required for various departments of the public service should be and the same have been taken by the Commissioners of Public Works in Ireland either by way of grant in fee simple or by demise for some less estate, and it has been customary by such grants or demises to vest such lands in the secretary for the time being of the said Commissioners, his heirs, executors, administrators, or assigns, which is found inconvenient, and, therefore it is expedient to remedy such inconvenience in the manner herein-after expressed:

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:

Whenever grand juries desire that repayment of advances from Public Works Commissioners should be delayed, a memorial to be submitted to Commissioners of Public Works.

1. That whenever any grand jury shall have obtained or shall obtain from the Commissioners of Public Works in Ireland any advance of public monies for the purpose of any public works, and shall desire that the time for repayment of that advance shall be enlarged beyond the period by the said Act provided, the secretary of such grand jury shall cause a memorial to be submitted to the said Commissioners of Public Works, setting forth the nature and particulars of such work, and the estimated expenses thereof, and the circumstances of the case, and requesting that any advance made by the said Commissioners for the purposes of the same may be repaid by half-yearly instalments of not less than five pounds per centum per annum of the money to be advanced, and thereupon, and upon such further inquiry as the said Commissioners may desire to be made, it shall and may be lawful to and for the said Commissioners of Public Works, by writing under the hand of their secretary for the time being, with the sanction of the Lords Commissioners of Her Majesty's Treasury, to certify at what rate, not being less than five pounds per centum, the several instalments in respect of such advances shall be presented, and the rate of interest to be paid therefor, and also the amount of the expenses which may have been incurred by the said Commissioners in the inquiry aforesaid, and thereupon it shall and may be lawful to and for any grand jury of a county, county of a city, or county of a town, at any

assizes, or if in the county of Dublin, in any presenting term, in making any presentment under and by virtue of the aforesaid provisions of the said Act, as amended by this Act, to set forth in such presentment that the sum or sums of money to be advanced by the said Commissioners shall be raised and levied by such instalments as shall have been so certified by the said Commissioners in manner as aforesaid, and likewise to include in such presentment, in addition to all sums mentioned in the said Act in that behalf, a sufficient sum to defray the expenses attendant on any such inquiry so made at the desire of the said Commissioners, and this section of this Act shall be incorporated and read together with the said twenty-third section of the said in part herein-before recited Act.

Commissioners of Public Works in Ireland constituted a corporation, with power to hold lands.

2. For the purposes of this Act, and of taking, acquiring, and holding any lands in Ireland required for any department of the public service or for any public purpose, the Commissioners of Public Works in Ireland for the time being are hereby constituted a corporation, with perpetual succession and a common seal, and with power to hold lands of any tenure.

Lands to be held by Commissioners as a corporation.

3. From and after the passing of this Act all such lands so required and taken by the said Commissioners, or required to be transferred to or vested in their secretary by the provisions of any Act of the present or any former session of Parliament, shall be granted to and held by the said Commissioners as such corporation and not otherwise.

Lands previously vested in secretary to be now vested in Commissioners.

4. Immediately upon the passing of this Act all lands in Ireland vested in the present or any former secretary of the said Commissioners, or in the heirs, executors, or administrators of any such former secretary, or their or his assigns, and held by him or them in trust for any such public department, or on any public trust, or for the use and benefit of the Crown, shall, without any conveyance or assignment thereof, be vested in the said Commissioners as such corporation as aforesaid, to be held to such and the same uses and upon such trusts and purposes to and upon which the same were held respectively previously to the passing of this Act.

Commissioners entitled to benefit of all covenants, &c.

5. From and after the passing of this Act the said Commissioners so incorporated as aforesaid shall be entitled to the benefit of all covenants, conditions, or agreements in relation to the lands so transferred, express or implied, and on the part of the grantors or lessors of the same respectively to be performed, and to maintain all actions, suits, and other proceedings grounded upon such

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covenants or agreements in their own name as such corporation as aforesaid; and the said Commissioners as such corporation shall in like manner be liable to all payments, reservations, covenants, conditions, and agreements, express or implied, in respect of the same lands respectively, and on the part of the grantees or lessees of the said lands respectively, to be paid, observed, or performed; and the secretary for the time being, and every former secretary of the said Commissioners, and the heirs, executors, administrators, or assigns of every such former secretary, shall immediately upon the passing of this Act (and save as herein-after mentioned) be discharged from all liability which may in any way have attached to him, them, or any of them by reason of the said lands being or having been vested in any such secretary as aforesaid; provided always, that nothing herein contained shall affect any action at law, suit in equity, or other proceeding which may have been commenced before the passing of this Act, but the same shall and may proceed, and with the like consequences and results, as if this Act had not been passed.

Interpretation of terms.

6. The word "lands" or "land" in this Act shall be deemed to mean and include all hereditaments, corporeal and incorporeal, and whether held in fee simple, fee farm, or for a life or lives, or for lives and years concurrent, or for years only, and all rights, members, and appurtenances appertaining to such lands, or usually held or enjoyed therewith; and the words "grand jury" shall, as regards any borough of which the council is authorized by law to make presentments, be held to include such council.

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