CHAPTER xxxv.

An Act for embanking and reclaiming certain waste or slob lands near to Ardmillan, Strangford Lough, in the county of Down. A.D. 1874.

[30th June 1874.]

WHEREAS certain waste lands or slobs, herein-after described and referred to as the slobs or slob land near to Ardmillan, in Strangford Lough, in the county of Down, are either under water, or subject to be covered by the tidal waters, and in their present state incapable of cultivation, and of little or no value:

And whereas the reclamation of such slobs, and the bringing of them into cultivation, and the construction for that purpose of the embankment, catchwater drain, and works by this Act authorised will be of local and public advantage:

And whereas plans and sections of the proposed embankment, catchwater drain, and works, showing the lines and levels thereof, and also books of reference containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers of the slobs and other lands required or which may be taken under the powers of this Act, were duly deposited with the clerk of the peace for the county of Down, and are herein-after respectively referred to as the deposited plans, sections, and books of reference:

And whereas the several persons herein-after named, with others, are willing at their own expense to execute the works and undertake the reclamation of the slobs aforesaid, but the same cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it 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; (that is to say,)

1. This Act may be cited as "The Ardmillan Reclamation Act, 1874." Short title.

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Incorporation of general Acts.

2. "The Companies Clauses Consolidation Act, 1845," Part I. of "The Companies Clauses Act, 1863" (relating to cancellation and surrender of shares), "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act Amendment Act, 1860," section seventeen of "The Railways Clauses Consolidation Act, 1845," and the sections of the last-mentioned Act with respect to the temporary occupation of lands near the railway, with the exception of section forty-two thereof, and sections thirteen, eighteen, and nineteen of "The Railways Clauses Act, 1863," are, except where expressly varied by or inconsistent with the provisions of this Act, incorporated with this Act; provided, in construing the provisions of the last-mentioned Acts incorporated herewith, the words "work" and "railway" shall be taken to mean the works authorised by this Act, and the words "centre of the railway" shall be taken to mean any part of such works.

Interpretation.

3. In this Act the term "the Company" means the Company incorporated by this Act.

Subscribers incorporated.

4. John Fenton, James Murland, Charles Murland, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking by this Act authorised, and their executors, administrators, successors, and assigns respectively, shall be and they are hereby united into a company for reclaiming and converting to agricultural and other purposes the slobs herein-after described, and for making and maintaining the requisite embankment and works, and for other the purposes of this Act; and such Company shall be and are hereby incorporated by the name of "The Ardmillan Reclamation Company," and by that name shall be a body corporate, and shall have perpetual succession and a common seal, and shall have power to purchase and hold the said slobs and other lands for the purposes of this Act, and also to sell and dispose of the same slobs and other lands within the restrictions herein contained.

Capital.

5. The capital of the Company shall be twelve thousand pounds, in one thousand two hundred shares of ten pounds each.

Shares not to be issued until one fifth part thereof shall have been paid up.

6. The Company shall not issue any share created under the authority of this Act, nor shall any share vest in the person accepting the same, unless and until a sum not being less than one fifth of the amount of such share shall have been paid in respect thereof.

Calls.

7. One fifth of the amount of a share shall be the greatest amount of a call, and two months at least shall be the interval between successive calls.

Application of moneys.

8. All moneys raised under this Act shall be applied for the purposes of this Act only.

First ordinary meeting.

9. The first ordinary meeting of the Company shall be held within six months next after the passing of this Act.

Quorum of meetings.

10. The quorum of every meeting of the Company shall be four shareholders, holding shares of, in the aggregate, not less than five hundred pounds in the capital of the Company.

Number of shareholders to convene extraordinary meetings.

11. An extraordinary meeting may be required to be convened by four or more shareholders, holding in the aggregate not less than five hundred pounds in the capital of the Company.

Number of directors.

12. The number of directors shall be three.

Qualification of directors.

13. The qualification of a director shall be the possession in his own right of not less than twenty shares.

Quorum.

14. The quorum of a meeting of directors shall be two.

First directors.

15. John Fenton, James Murland, and Charles Murland shall be the first directors of the Company, and shall continue in office until the first ordinary general meeting held after the passing of this Act; at that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act or any of them, or may elect a new body of directors or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall elect persons to supply the places of the directors then retiring from office, agreeably to the provisions in "The Companies Clauses Consolidation Act, 1845," contained; and the several persons elected at any such meeting, being neither removed nor disqualified, nor having died or resigned, shall continue to be directors until others are elected in their stead, in manner provided by the same Act.

Election of directors.

Company may embank.

16. Subject to the provisions of this Act the Company may embank, reclaim from the sea, inclose, improve, drain, and convert to agricultural and other purposes the slobs shown on the deposited plans as intended to be embanked, and herein-after described, and for that purpose may make and maintain the embankment and catchwater drain in the lines and upon the slobs and other lands delineated on the deposited plans and described in the deposited book of reference, and according to the levels shown on the deposited sections, and the Company may enter upon, take, and use such of the slobs and other lands as shall be necessary for such purposes; and for the purposes of this Act the Company, their agents and workmen, may make, alter, and maintain good and sufficient walls, banks, and fences, and also such waterways, tunnels, engines, sluices,

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roads, ways, drains, culverts, bridges, and other works, in or upon, through or over the slobs, and divert or turn the course of any river, stream, creek, drain, or water which does or shall flow in, through, over, or upon the slobs, and may embank such rivers, streams, creeks, drains, or waters, and use and employ the slobs and waters in such manner as to the Company shall seem fit and proper.

Description of slobs.

17. The slobs referred to in this Act are the following; (that is to say,)

Certain slob or waste lands situate in and adjoining the townlands of Mahee Island, Reagh Island, Rolly Island, Long Island, Wood Island, Watson's Island, Ballymartin, Tullynakill and Ringneill, in the parish of Tullynakill, and intended to be reclaimed by the aforesaid embankment.

Rights of way over lands.

18. The Company for the purposes of this Act may stop up and discontinue and extinguish all rights of way over, and appropriate to the purposes of their undertaking, all roads, ways, and footpaths in, upon, and over the said slob and other lands delineated on the deposited plans, or any of them, or they may divert and alter the lines and levels of any such roads, ways, and footpaths.

Limits of deviation.

19. In the construction of the works by this Act authorised, the Company may make lateral deviations from the lines of such works within the limits of lateral deviation shown on the deposited plans, and may make vertical deviations from the levels of the works delineated on the deposited sections to any extent not exceeding five feet upwards and five feet downwards.

Errors in plans, &c. may be corrected by two justices, who shall certify the same.

20. If any omission, misstatement, or erroneous description shall be made of any works or lands, or of the owners, lessees, or occupiers of any lands, delineated on the deposited plans or described or referred to in the deposited book of reference, the Company may apply to two justices for the correction thereof, and if it shall be proved to them that such omission, misstatement, or erroneous description arose from mistake or inadvertence, they shall certify the same accordingly, and such certificate shall be lodged with the clerk of the peace of the county of Down, with the other documents to which the same relates, who shall keep the same, with the said plans and book of reference, and the same shall be amended, or held to be amended, in accordance with such certificate.

Company not to injure the drainage of adjoining lands.

21. Nothing in this Act contained shall extend to or empower the Company to injure the drainage of the lands adjoining the slobs to be embanked and reclaimed by virtue of this Act.

Roads and footpaths to be formed.

22. The Company shall at their own expense, within three years after any slob land shall have been reclaimed by them, set out there-

in such convenient roads and footpaths as shall be necessary for the occupation thereof, and for communication between the same and adjoining slobs or other lands; and if any difference shall arise between the Company and the owners of such adjoining slobs and other lands respecting the sufficiency, either as to position or number or dimensions, of the roads or footpaths set out by the Company, such difference shall be determined by two justices of the peace of the county of Down, one to be chosen by such owner or owners, and the other to be chosen by the Company, which two justices shall have power to name a third justice of the peace as an umpire, and the decision of any two of the said justices shall be binding upon all parties, and costs of the reference shall be in their discretion, and such reference to justices shall be made from time to time, at the instance of any owner of such adjoining slobs and other lands, and after due notice to the Company of the matter to be inquired into; and when the justices shall have determined the matter in difference, the Company shall construct, to the satisfaction of the surveyor of the county of Down, the roads approved by the justices or any two of them: Provided always, that any objection on the part of such landowners shall be notified to the Company in writing within two months after the said roads and footpaths shall have been set out.

Power for compulsory purchase of lands limited.

23. The powers of the Company for the compulsory purchase or taking of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing thereof.

Limiting time for completion of works.

24. The powers of the Company for constructing and completing the works hereby authorised shall, after the expiration of five years from the passing of this Act, cease and determine.

Purchase of other lands or easements by agreement.

25. Subject to the provisions of this Act, the Company may from time to time by agreement purchase, take on lease, or otherwise acquire any lands and any easements in and over any lands adjoining or near to the slobs and lands herein-before described which may be requisite for any of the purposes of this Act.

Embankment, &c. to be maintained.

26. The Company shall maintain and keep in an efficient state of repair the embankment, catchwater drain, and works hereby authorised to be constructed, or which may from time to time be essential for protecting the slobs or any part thereof from inundation, including all such roads, drains, sluices, and culverts as may be made by them under the provisions of this Act; and the Company may, on any sale or lease of any of the slobs, provide for a payment of a proportionate part of the expense of maintaining the embankment and other works.

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The Lord Lieutenant in Council may annex slobs to adjoining townlands.

27. The Lord Lieutenant of Ireland, by and with the advice of Her Majesty's Privy Council in Ireland, may, if deemed expedient, annex such of the slobs after the same shall have been reclaimed as are not at the passing of this Act situate within any townland or parish, to one or more of the adjoining townlands and parishes, under the powers and in the manner prescribed by and subject in every respect to the provisions of the Act seventeen Victoria, chapter seventeen, intituled "An Act to make further provision for "defining the boundaries of counties, baronies, half-baronies, "parishes, townlands, and other divisions and denominations of "land in Ireland for public purposes," and "The Survey Act, 1870."

Power to lease reclaimed slobs.

28. The Company from time to time may grant any lease or leases of any part or parts of the slobs acquired and embanked and reclaimed by them as provided by this Act, at such rents and under such covenants and conditions as the Company shall think proper.

Power to Company to dispose of slobs.

29. The Company from time to time may sell, exchange, mortgage, charge, and otherwise dispose of for their own benefit the whole or any part or parts of the slobs which shall have been so acquired, embanked, and reclaimed by them as aforesaid, and the easements, rights, and privileges (if any) connected therewith, and may so dispose of the same to such persons, for such purposes, and on such terms, pecuniary and otherwise, and conditions as the Company think fit: Provided that the Company shall in disposing of any of the slobs make due provision for the maintenance and repair from time to time, by and at the expense of the owners from time to time of such slobs, of the embankment and other works made under this Act in connexion with such slobs respectively: Provided also, that any sale, exchange, mortgage, or charge shall be subject and without prejudice to the reservations and provisions contained in sections twenty-one and twenty-two of "The Crown Lands Act, 1866."

Penalty on destroying works or obstructing persons in the execution of this Act.

30. If any person shall injure or damage the embankment and other works by this Act authorised, or shall wilfully and to the detriment of the Company injure, break, throw down, destroy, steal, or take away any part of the materials of such works, or shall wilfully obstruct or prevent any person in the lawful exercise of this Act, he and every person aiding or assisting therein shall forfeit and pay any sum not exceeeding five pounds, besides making good the damages where damages have arisen by or in consequence of such offence.

Provision for ultimate dissolution of Company.

31. If and when the Company disposes of the whole of their slob and other lands, or otherwise wholly cease to have any estate or interest in or right to or claim affecting any of the lands acquired by

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them under this Act, and all their debts, liabilities, and engagements are fully paid up, satisfied, or discharged, and their net assets are duly distributed among their shareholders or their respective representatives, and the affairs of the Company are finally wound up, but not before these things are done, the directors of the Company shall give notice thereof in the Dublin Gazette, and, after a day to be named for that purpose in such notice, the Company shall be by this Act dissolved and shall cease to exist.

Saving rights of the Crown on the foreshore.

32. Nothing contained in this Act, or in any of the Acts herein referred to, shall authorise the Company to take, use, or in any manner interfere with any portion of the shore or bed of the sea, or of any river, channel, creek, bay, or estuary, or any right in respect thereof, belonging to the Queen's most Excellent Majesty in right of Her Crown, without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which consent the Board of Trade may give), neither shall anything in the said Act or Acts contained extend to take away, prejudice, diminish, or alter any of the estates, rights, privileges, powers, or authorities vested in or enjoyed or exerciseable by the Queen's Majesty, her heirs or successors.

Saving rights as to future accretions.

33. Whereas all lands to the seaward of the lands by this Act authorised to be embanked or reclaimed now are below the line of ordinary low-water mark: Therefore, if any land to the seaward of the lands by this Act authorised to be embanked and reclaimed shall at any time after the execution of any works under the authority of this Act become raised in height or reclaimed, whether gradually or imperceptibly, or otherwise, so as to be above instead of being below the line of ordinary high-water mark, the Company shall not, by virtue of the ownership of any lands which they are by this Act empowered to reclaim, have any estate, right, or interest in or to the lands so raised in height or reclaimed by reason that such raising or reclamation has been gradual or imperceptible, or has been either wholly or partially caused by the works in this Act authorised or otherwise, but the right and title to the soil and freehold of such land when so raised or reclaimed shall continue vested in the Queen's Majesty, or such other corporation or person or persons as is or are at the time of the passing of this Act entitled to the same, and as if the same had continued, as the same now is, subject to the flow and reflow of the ordinary tides.

Saving rights of Crown under 29 & 30 Vict. c. 62. (*Public.*)

34. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects, or any rights, powers, or authorities mentioned in or reserved by sections twenty-one and twenty-two of "The Crown Lands Act, 1866."

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Expenses of Act.

35. All the costs, charges, and expenses of and incident to the applying for, obtaining, and passing of this Act, or preparatory thereto, shall be paid by the Company.

LONDON : Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1874.