ANNO SEXTO & SEPTIMO

GULIELMI IV. REGIS.

****

Cap. xcv.

An Act for providing a more abundant and regular Supply of Water in the River called the *Upper Bann*, in *Ireland*. [4th *July* 1836.]

WHEREAS the Manufacture and Bleaching of Linen hath for many Years been extensively carried on along the Course of the River called the *Upper Bann*, in *Ireland*, and the Country adjacent thereto: And whereas great Inconvenience hath been felt by Persons engaged in such Trade from the scanty Supply of Water in the said River at certain Seasons of the Year, wholly inadequate at such Times to the propelling of the Machinery erected thereon: And whereas it appears that such Inconvenience would be greatly relieved, if not wholly removed, by the Construction of One or more proper Reservoirs for the impounding of Water therein in Times of Flood and rainy Seasons, to be supplied and conveyed to the said River: And whereas the several Persons herein-after named are willing, at their own Costs and Charges, to carry into execution the said Undertaking, but the same cannot be beneficially effected without the Aid of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King'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 Athority of the same, That *Edward Courtenay Clibborn*, *Thomas Crawford*, the Reverend *Daniel Dickinson* Clerk, *Hugh Dunbar*, *Benjamin Haughton*, *Richard Hayes*, *Frederick William Hayes*, *Samuel Law*, *George Lindsay*, *John Lindsay* junior, *James M'Clelland*, *John Mulligan*, *George Mulligan*, *William Edmund Reilly*, *James Miles Reilly*, *John Smyth*, *Isaac Stoney*, *John Thomson*, *Thomas Christy* *Wakefield*

Proprietors incorporated.

Wakefield junior, and *John Welsh*, and all and every such other Person and Persons, Body and Bodies Politic, Corporate, and Collegiate, and their respective Successors, Executors, Administrators, and Assigns, or such of them as shall from Time to Time be possessed of any Share in the Undertaking hereby authorized to be carried on, shall be united into a Company for the Purposes of this Act, according to the Powers and Authorities, Rules, Orders, and Directions herein-after set forth, and shall for such Purposes be and they are hereby declared to be One Body Politic and Corporate by the Name of "The *Bann* Reservoir Company," and by that Name shall have perpetual Succession and a Common Seal, with Power to break and alter such Seal, and by that Name shall and may sue and be sued, and also shall have Power and Authority to purchase and hold, either in Fee Simple or for any lesser Estate or Interest, or take on Lease for any Term or Number of Lives or Years, and with or without a Covenant for the Renewal of such Lease, and also to sell, demise, or otherwise dispose of any Lands, Tenements, or Hereditaments, in such Manner as may be deemed necessary or expedient for the better carrying into effect the Purposes of this Act, as fully and effectually to all Intents and Purposes as if the said Company were an Individual, labouring under no legal Incapacity, and without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain.

General Powers of the Company.

II. And be it further enacted, That the said Company are hereby authorized and empowered to make, erect, construct, maintain, repair, and keep, at or near *Lough Island Reavy*, the *Corbet Lough*, and the *Deers Meadow*, or any of them, all situate in the County of *Down*, one or more sufficient Reservoir or Reservoirs, as may by such Company be deemed sufficient for the due and adequate Supply of the said River *Bann* with Water at all Seasons of the Year, and for the proper turning and impelling of the Mills and other Machinery now or hereafter to be erected thereon or near or adjacent thereto; and the said Company are hereby also authorized and empowered, by themselves, their Deputies, Agents, Surveyors, Contractors, Officers, and Servants, at all convenient Times, to enter into and upon the said *Lough Island Reavy*, *Corbet Lough*, and *Deers Meadow*, and the Rivers or Streams in the said County of *Down* called or known as the *Bann*, *Muddock*, *Burren*, *Slievenalargy*, and *Knockgorm*, and the Lands adjacent thereto respectively, or lying between the said River *Bann* and the said *Lough Island Reavy*, *Corbet Lough*, or *Deers Meadow*, or between the said *Lough Island Reavy* and the said several Rivers or Streams called or known as the *Muddock*, *Budden*, and *Slievenalargy Stream*, or between the said *Corbet Lough* and the said Rivers or Streams called the River *Bann* and *Knockgorm Stream*, or any of them, and to view, inspect, survey, and make Maps or Plans of the same, and in and upon such Lands and Hereditaments as shall have been acquired and paid for, or for which Compensation or Satisfaction shall have been given or made, in pursuance of this Act, to raise and construct proper and substantial Embankments for the making and constituting such Reservoir or Reservoirs, and to turn and divert into such Reservoirs certain Watercourses, Rivers, Streams, or Feeders, as herein-after mentioned, and to convey the Water from such Reservoirs into the said River *Bann* for all or any of the Purposes

Purposes aforesaid, and for the Conveyance and due Regulation of the Supply of Water to be kept in the said Reservoirs, or to be conveyed out of them into the said River *Bann* as aforesaid, and for the Security of such Reservoirs to make, erect, alter, maintain, repair, widen, deepen, scour, cleanse, and keep proper and sufficient Conduits, Aqueducts, Channels, Watercourses, Drains, Feeders, Weirs, Dams, Embankments, Floodgates, Sluices, Hatches, Locks, Bye-washes, Spillwaters, and other Works, and to erect and keep in repair suitable Buildings for the Accommodation of the said Company, its Officers and Servants.

Plan and Book of Reference deposited with the Clerk of the Peace to remain there, and be open to Inspection.

III. And whereas Plans and Sections, describing the Situation of the intended Reservoirs, and the Lands upon or in which the same are intended to be made, and from which Streams of Water are intended to be taken for the Supply of such Reservoirs, together with Books of Reference to such Plans and Sections respectively, containing Lists of the Names of the Owners and Occupiers or reputed Owners and Occupiers of such Lands, have been deposited with the Clerk of the Peace for the County of *Down*; be it therefore further enacted, That the said Plans and Sections and Books of Reference so deposited shall remain with and be kept by the said Clerk of the Peace, and all Persons interested in any Manner in such Lands shall have Liberty at all reasonable Times to inspect and to make Extracts from or Copies of the said Plans and Books of Reference respectively, paying to the said Clerk of the Peace the Sum of Two Shillings and Sixpence for every Inspection, and after the Rate of Sixpence for every One hundred Words copied therefrom; and the said Plans and Books of Reference, or true Copies thereof respectively, or of so much thereof respectively as shall relate to any Matter in question, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere; and it shall not be lawful for the said Company to deviate more than One hundred Yards from the Situation or Line or Course specified in the said Map or Plan.

Limiting Deviation from Plan.

Unintentional Errors in Act or Book of Reference not to prevent Execution of the Act.

IV. Provided always, and be it further enacted, That it shall be lawful for the said Company to construct the said Reservoirs, any or either of them, and other Works, in the Situation and in the Line or Course marked out and traced in the said Plans or Sections, and upon, in, or through the Lands delineated in the said Plans and Sections, although such Lands or any of them, or the Situation of them respectively, or the Names of the Owners or Occupiers thereof respectively, may happen to be omitted, mis-stated, or erroneously described in this Act or in the said Books of Reference, if (in the Event of Dispute about the same) it shall appear to any Two or more Justices of the Peace for the County of *Down*, certified by Writing under their Hands, that such Omission, Mis-statement, or erroneous Description proceeded from Mistake or Inadvertence; and every Certificate of the said Justices shall be deposited with and remain in the Custody of the Clerk of the Peace for the said County of *Down*.

No Work to be commenced until the whole

V. And whereas the probable Expense of making and completing the said Reservoir at *Lough Island Reavy*, and the Conduits and other Works necessarily appertaining thereto, is Twelve thousand six hundred

of the Capital is subscribed.

hundred and fifty-two Pounds, or thereabouts; and the probable Expence of making and completing the said Reservoir at the *Corbet Lough*, and the Conduits and other Works necessarily appertaining thereto, is Three thousand five hundred and twelve Pounds, or thereabouts, and the probable Expence of making and completing the said Reservoir at the *Deers Meadow*, and the Conduits and other Works necessarily appertaining thereto, is Fifteen thousand five hundred and seventy-three Pounds, or thereabouts, amounting in the whole to the Sum of Thirty-one thousand seven hundred and thirty-seven Pounds: And whereas the Sum of Twenty-five thousand six hundred Pounds, being more than Four Fifth Parts thereof, has been subscribed by several Persons, binding themselves, and their Heirs, Executors, and Administrators, to the Payment of the Sums respectively subscribed by them; be it therefore enacted, That it shall not be lawful to enter upon or to commence to make or construct any of the said Reservoirs until and unless the whole of the probable Expence of making and completing such Reservoirs, with all Conduits and other Works necessary for and to be used therewith, shall first have been duly subscribed by and among the Shareholders of the said Company.

Limiting the Powers of the Act as to compulsory taking of Land.

VI. Provided always, and be it further enacted, That unless the said Company shall within the Space of Three Years, to be computed from the passing of this Act, agree for or cause to be valued and paid for, as in this Act is mentioned, the Lands, Tenements, and Hereditaments which they are by this Act empowered to take or use, or otherwise so much thereof as shall be by them deemed necessary and proper for the Purpose of making the said Reservoirs at *Lough Island Reavy* and the *Corbet Lough*, and other Works connected therewith, and within Five Years for the Purpose of making the said Reservoir at the *Deers Meadow*, then and from thenceforth the Powers by this Act granted for taking or using such Lands, Tenements, or Hereditaments for any such Reservoir shall cease and be utterly void, save and except with the Consent of the Owner or Owners of such Lands, Tenements, and Hereditaments.

Company to raise 40,000*l.* to be divided into Eight hundred Shares of 50*l.* each.

VII. And be it further enacted, That it shall be lawful for the said Company to raise amongst themselves any Sum of Money for the Purposes by this Act authorized, not exceeding in the whole the Sum of Forty thousand Pounds, the whole to be divided into Eight hundred Shares of Fifty Pounds each, and numbered, beginning with Number One, in Arithmetical Progression, whereof the common Excess or Difference shall be One, and every such Share shall be distinguished by the Number to be applied to the same; and the said Shares shall be and are hereby vested in the several Persons so raising the same, and their several and respective Successors, Executors, Administrators, and Assigns, to their proper Use and Benefit, proportionally to the Sum they shall severally contribute; and all Bodies, Politic, Corporate, and Collegiate, and all Persons, and their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe for One or more Share or Shares, or such Sum or Sums as shall be demanded in lieu thereof, towards carrying on and completing the several Purposes of the said Subscription, shall be entitled to

and

and shall receive, at such Time or Times as the said Company, or the Directors of the said Company to be appointed as herein-after mentioned, shall, at any Annual or Special Meeting to be convened for that Purpose in such Manner as Meetings on other Occasions are by this Act directed to be convened, direct and appoint, in proportionable Parts, according to the respective Sums so by them respectively paid, the net Profits and Advantages which shall arise or accrue to the said Company, as and when the same shall be divided by the Authority of this Act; and every Body, Politic, Corporate, and Collegiate, and Persons, having such Property in the said Undertaking as aforesaid, shall bear and pay a proportionable Sum towards carrying on the same.

Power to raise additional Capital.

VIII. And be it further enacted, That in case the Money hereinbefore authorized to be raised shall be found insufficient for carrying into effect the Purposes by this Act authorized, then and in such Case it shall be lawful for the said Company to raise and contribute among themselves in manner aforesaid, or to raise by the Addition of new Subscribers, any further Sum or Sums of Money not exceeding the Sum of Twenty thousand Pounds; and all and every Person, Body Politic, and Corporate, and their several and repective Executors, Administrators, Successors, and Assigns, who shall contribute towards raising any such additional Sum of Money, shall be a Proprietor in the said Undertaking, and shall have a like Power of voting by himself or his Proxy, in respect of his additional Shares to be raised, and shall also be liable to such Forfeitures, and stand interested in the Profits of the said Undertaking, in proportion to the Sum he may subscribe thereunto, as generally and extensively as if such further or additional Sum had originally been Part of the said Sum of Forty thousand Pounds.

Shares to be Personal Estate.

IX. And be it further enacted, That all the Shares in the said Undertaking, or the Joint Stock or Fund of the said Company, shall be deemed Personal Estate, and be transmissible as such, and shall not be deemed to be of the Nature of Real Property.

The Person whose Name stands first as a joint Proprietor with others to be deemed Owner.

X. And be it further enacted, That whenever several Persons shall be jointly possessed of or entitled to any Share in the said Undertaking, the Person whose Name shall stand first in the Books of the said Company as Proprietor of such Share shall for the Purposes of this Act be deemed and taken to be the Proprietor of such Share; and all such Proprietors shall be entitled to give their Votes in respect thereof by the Person whose Name shall stand first on the Books of the said Company as Proprietor of such Share, and whose Vote shall, either in Person or by Proxy, on all Occasions be deemed and allowed to be the Vote for or in respect of the whole Property in such Share, without Proof of the Concurrence of the other Proprietor or Proprietors of such Share; and all Notices by this Act directed to be given to the Proprietors of such Shares in the said Undertaking shall and may, for or in respect of any such Share so jointly held, be given to the Person whose Name shall stand first in the Books of the said Company, or be left at the last or usual Place of Abode of such Person, or be inserted in the *Dublin Gazette* as herein mentioned (as the Case may require); and

and such Notice to such Person shall be deemed and taken to be sufficient Notice to all the Proprietors of such Share for all the Purposes for which such Notice is intended to be given.

Lunatics and Minors to vote by Committees and Guardians.

XI. And be it further enacted. That in case any Person entitled to vote at any General Meeting of the said Company shall be a Lunatic or Minor, such Lunatic shall or may vote at such Meeting by the Committee of his Estate, and such Minor shall and may vote by his Guardian: Provided that every such Committee or Guardian may also vote in right of his own Shares as well as in the Character of Committee of any Lunatic or of Guardian of any Minor on the same Occasion.

Names of Proprietors to be entered in a Book, and Certificates of their Shares to be delivered to them.

XII. And be it further enacted, That the said Company, or the Directors thereof, shall from Time to Time and they are hereby required to cause the Names of the several Bodies, and the Names, Additions, and Places of Abode of the several Persons who respectively shall be entitled to Shares in the said Undertaking, with the Number of Shares which they are respectively entitled to hold, and the Amount of the Subscriptions paid thereon, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the Clerk to the said Company, and also a Certificate or Ticket, with the Common Seal of the said Company affixed thereto, to be delivered to every such Subscriber on Demand, specifying the Share or Shares to which they or he are or is entitled in the said Undertaking, such Proprietor paying to the Clerk to the said Company the Sum of Two Shillings and Sixpence, and no more, for every such Certificate or Ticket; and such Certificate or Ticket shall be admitted in all Courts whatsoever as *primâ facie* Evidence of the Title of such respective Subscribers, their Successors, Executors, Administrators, or Assigns, to the Share or Shares therein specified; but the Want of such Certificate or Ticket shall not hinder or prevent the Proprietor of any of the said Shares from selling or disposing thereof; and such Certificate or Ticket may be in the Words or to the Effect following; (that is to say,)

Form of Certificate.

'The *Bann* Reservoir Company.

'Number

'THESE are to certify, That *A. B.* is a Proprietor of the Share
'[*or* Shares] Number of the *Bann* Reservoir Com-
'pany, subject to the Rules, Regulations, and Orders of the said Com-
'pany, and that the said *A. B.*, his Executors, Administrators [*or*
'Successors], and Assigns, is and are entitled to the Profits and Ad-
'vantages of such Share [*or* Shares]. Given under the Common Seal
'of the said Company the Day of
'in the Year of our Lord .'

For granting new Certificates when the old ones are destroyed or worn.

XIII. And be it further enacted, That if any such Certificate or Ticket as aforesaid shall be worn or damaged, then, upon the same being brought and shewn at some Meeting of the Directors of the said Company, such Certificate or Ticket may be cancelled and destroyed, and another similar Certificate or Ticket be given, under the Common Seal of the said Company, to the Party in whom the Property of such Certificate or Ticket, and the Shares therein mentioned, shall be at that Time invested, or in case such Certificate or Ticket shall be lost or burnt or totally destroyed, then, upon due Proof thereof, a similar Certificate

Certificate or Ticket shall be given to the Party who was the Proprietor of or entitled to the Certificate or Ticket so lost, burnt, or destroyed; and a due Entry of the Transfer of such Certificate or Ticket (if any such have been made) shall be entered by the Clerk of the said Company in manner herein directed, the said Clerk receiving for every such Certificate or Ticket which shall be given or exchanged the Sum of Two Shillings and Sixpence, and no more.

In case of Marriage or Death of Proprietors, what Evidence shall be given of the new Property in Shares.

XIV. And whereas by the Death of, or by other after-mentioned Event happening to Proprietors, or by the Marriage of any Female Proprietor of Shares in the said Undertaking, it may be difficult to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid or may belong; be it therefore enacted, That before any Person who shall claim any Part of the Profits of the said Undertaking in right of Marriage with any Female Proprietor shall be entitled to receive the same, or be entitled to vote in respect of any Share, a solemn Declaration in Writing of such Person, containing a Copy of the Register of such Marriage, or other Particulars of the Celebration thereof, and identifying the Wife of such Person as the Proprietor of the Share in respect whereof any such Claim may be made, shall be made by some credible Person before some Master or Master Extraordinary in Chancery, or any of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk of the said Company, who shall file the same, and make Entry thereof in the Book which shall be kept by the said Clerk for the Entry of Transfers or Sales of Shares; and before any Person who shall claim any Part or Share of the Profits of the said Undertaking by any Bequest or Will, or in the Course of Administration, shall be entitled to receive the same, or be entitled to vote in respect of any Share, the said Will, or the Probate thereof, or the Letters of Administration, shall be produced and shewn to the said Clerk, or a Copy of so much of such Will as shall relate to the Share of the Testator shall be made, and shall be duly verified by the solemn Declaration as aforesaid of the Executors of the said Will, before some Master or Master Extraordinary in Chancery, or any of His Majesty's Justices of the Peace as aforesaid, and shall also be transmitted to the said Clerk, who shall file and enter the same as herein-before mentioned; and in all Cases other than as herein-before mentioned, when the Right and Property of any Share in the said Undertaking shall pass from any Proprietor thereof to any other Person by any other legal Means than by a Transfer and a Conveyance thereof duly made and executed as herein-before directed, a solemn Declaration in Writing shall be made by some credible Person before some Master or Master Extraordinary in Chancery, or any of His Majesty's Justices of the Peace as aforesaid, stating the Manner in which such Share hath been passed to such other Person, and such solemn Declaration shall be transmitted to the Clerk of the said Company, who shall thereupon enter and register the Name of every such new Proprietor in the Register Book or List of Proprietors of the said Company; and the said Clerk shall be entitled to receive for each such Entry as is herein-before directed the Sum of Two Shillings and no more, and the said Company shall not be bound to see to the Execution of any Trust, whether express or constructive, to which any Share as aforesaid shall be subject or liable.

XV. And

For ascertaining the Proprietorship of Shares in certain Cases.

XV. And whereas in Cases where any Proprietor of any Share in the said Undertaking shall die, become insolvent or bankrupt, or go out of the Kingdom, or shall transfer his or her Right or Interest therein to some other Person, and no Registry shall have been made of the Transfer thereof with the Clerk of the said Company, it may not be in the Power of any Officer acting for the said Company to ascertain who is the Proprietor of such Share, in order to give him or her, or his or her Executors, Administrators, Successors, or Assigns, Notice of Calls to be made on such Share, or to maintain any Action, Suit, or other Proceeding against him or her, or his or her Executors, Administrators, Successors, or Assigns, for the Recovery of the same; be it therefore enacted, That in all the Cases aforesaid where the Right of Property to or in any Share in the said Undertaking shall pass from the original Subscriber, or any Proprietor thereof, to any other Person, or to any Body Corporate, by any other legal Means than by a Transfer or Conveyance thereof in the Form and Manner herein specified or herein otherwise provided, a Declaration shall be made by some credible Person before any of His Majesty's Justices of the Peace, or any Master or Master Extraordinary in the High Court of Chancery, stating the Manner in which such Share hath been passed to such other Person or to such Body Corporate; and such Declaration shall be delivered to and left with the Clerk of the said Company, to the Intent that he may preserve the same, and enter and register the Name of every such other Proprietor, or the Description of every such Body Corporate, in the Register Book or List of Proprietors of the said Undertaking to be kept in the Office of the said Company; and in all or any of the said Cases, after Fourteen Days Notice in Writing shall have been given by the said Directors, under the Hand of the Clerk or Treasurer of the said Company, to the Person or Corporation stated or claiming in such Declaration to be the Proprietor or Proprietors of such Share, or left at the last or usual Place of Abode of such Person, or of the Clerk of such Corporation, to pay his, her, or their Proportion of Money to be called for, and such Person or Corporation shall not have paid such his, her, or their Proportion as aforesaid, it shall be lawful for the said Company at any General Meeting after the Expiration of such Notice to declare such Shares to be forfeited, and in such Case the Shares shall become forfeited, and shall and may be sold and disposed of in such Manner as the said Company at any Meeting shall direct, or otherwise become consolidated in the general Fund of the said Company; and in case there shall be no such Declaration made as aforesaid, then such Notice as is herein before-directed to be given shall be served upon or be left at the last Place of Abode of the Executors or Administrators of such Proprietor so dying, or of the Assignees or Trustees of such Proprietor so becoming bankrupt or insolvent, or in the event of the Share or Shares being disposed of as aforesaid, or of the last Proprietor appearing in the Books of the said Company to have been possessed of the same, and in case the last or usual Place of Abode of any such Proprietor cannot be ascertained upon Enquiry such Notice as aforesaid shall be inserted once in the *Dublin Gazette*, and in case any Proprietor shall go out of the Kingdom such Notice shall be inserted in the *Dublin Gazette* as aforesaid; and in all such Cases, and after such Notices, on Default being made, the Share shall be forfeited in

manner aforesaid, except only that in Cases of Proprietors being Abroad the Share shall not be forfeited until the Expiration of Six Calendar Months after the Day on which such Notice shall have been left at their last or usual Place of Abode in *Ireland*, and inserted in the *Dublin Gazette* as aforesaid.

First and other General Meetings.

XVI. And be it further enacted, That the said Company shall meet together at some convenient Place in the Town of *Banbridge* and County of *Down* aforesaid within Two Calendar Months next after the passing of this Act, between the Hours of Eleven in the Forenoon and Three in the Afternoon, and shall then and there proceed in the Execution of this Act, and shall and may adjourn such Meeting from Time to Time and from Place to Place as they shall think fit; and from and after the said First Meeting of the said Company there shall be a General Meeting of the said Company on the first *Monday* in each and every Year, of which said Annual General Meeting and of all Special General Meetings Fourteen Days public Notice at the least shall be given, and all such General Meetings may be adjourned from Time to Time and from Place to Place as shall be found expedient.

Who shall vote at General Meetings.

XVII. And be it further enacted, That all Bodies Corporate and Persons who shall have duly subscribed for or become entitled to not less than Two Shares in the Capital of the said Undertaking, and their respective Successors, Executors, Administrators, and Assigns, shall have One Vote at all General Meetings of the said Company, and all such Bodies and Persons as aforesaid as shall have subscribed for or become entitled to Four Shares and upwards in the said Undertaking, their respective Successors, Executors, Administrators, and Assigns, shall have an additional Vote for every Two Shares which they shall have subscribed for or become entitled to in the said Undertaking beyond the Number of such first Two Shares, and every Fall-holder shall be entitled to One Vote in respect of every Two entire Feet of Fall Water for which he shall be liable to be assessed or rated; and all such Vote or Votes may be given by such respective Parties, or by their respective Proxies, constituted under the Seals of such Bodies, or under the Hands of the Persons appointing such Proxies, (all such Proxies being themselves qualified to vote at such Meetings,) and every such Vote by Proxy shall be as good and sufficient to all Intents and Purposes as if the Principal had voted in Person; and every Question, Matter, and Thing which shall be proposed at any General Meeting of the said Company shall be determined by the Majority of Voters and Proxies then present; and at every such Meeting the Chairman thereof shall and may not only vote as a Principal and Proxy, but in case of an Equality of Votes shall and may also have the decisive or casting Vote; and the Appointment of every such Proxy may be made according to the Form following, or as near thereto as the Quality, Nature, and Number of the Appointer or Appointers of the Proxy thereby substituted, and other Circumstances, will admit; (that is to say,)

Votes may be given by Proxy.

Form of Proxy.

'*A. B.* of One of the Proprietors of
'[*or* a Fall-holder liable to Assessment by] the *Bann* Reservoir Com-
'pany,

'pany, doth hereby appoint *C. D.* of to be the Proxy 'of the said *A. B.*, in his Name or otherwise and in his Absence to 'vote or give his Assent to or Dissent from any Business, Matter, or 'Thing relating to the said Undertaking which shall be proposed at 'any General Meeting of the said Company, in such Manner as he 'the said *C. D.* shall think proper, according to his Judgment, 'for the Benefit of such Undertaking or any thing appertaining 'thereto. In witness whereof the said *A. B.* hath hereunto set his 'Hand [*or* Common Seal] the Day of .'

Special General Meetings of the Company.

XVIII. And be it further enacted, That Ten or more Proprietors of the said Company who shall severally hold Five Shares or upwards, and who in the aggregate shall hold One hundred Shares or upwards in the said Undertaking, upon which all Calls actually previously made shall have been paid and satisfied, may at any Time, by Writing under their Hands, left at the Office of the said Company, or delivered to the Clerk thereof, require the Directors of the said Company to call a Special General Meeting of the said Company, so as such Requisition fully expresses the Object for which such Special General Meeting is required to be called, and in case of Neglect or Refusal of the said Directors to call such Meeting for the Space of Fourteen Days next after such Notice given as aforesaid the same may be called by such Ten or more Proprietors so qualified as last aforesaid, by giving Twenty-one Days public Notice thereof, and the said Company are hereby authorized to meet in pursuance of such Notice, and proceed to the Execution of the Powers by this Act given to the said Company with respect to the Matters so specified in such Notice; and all Acts of the major Part in Votes of the Persons qualified to attend and vote, either personally or by Proxy, at any such Special General Meeting, shall be as valid with respect to the Matters specified in such Notice as if the same had been done at a General Meeting of the said Company duly convened by the Directors thereof.

General Meetings may regulate Salaries, make Rules and Orders.

XIX. And be it further enacted, That the said Company shall have full Power and Authority, from Time to Time, at any General Meeting as aforesaid, to fix and order what Remuneration (if any) shall be allowed to the Directors or any of them, and to the Officers of the said Company, and to make such Orders and Rules as to them shall seem right and proper for the Government of the Officers and Servants of the said Company, and for regulating the Proceedings of the Directors, and for the Management of the said Undertaking in all respects whatsoever, and from Time to Time to alter or repeal such Orders and Rules, or any of them, and to make others; which said Orders and Rules, being reduced into Writing under the Common Seal of the said Company, shall be binding upon and be observed by all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same: Provided that such Orders or Rules be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*: Provided also, that no Order or Rule of the said Company shall be enacted, altered, or repealed unless Thirty Days Notice of such intended Enactment, Alteration, or Repeal shall have been given

given by some Shareholder of the said Company, by causing an Entry of the same to be made in some proper Book of the said Company to be provided for that Purpose.

Business of General Meetings.

XX. And be it further enacted, That no Business shall be transacted at any General Meeting of which due Notice in Writing shall not have been previously given to the Clerk of the said Company, who shall cause the same or a Copy thereof to be posted in some conspicuous Place in the Office of the said Company Seven Days at least before the Day appointed for holding such Meeting, and no Business shall be transacted at any adjourned General Meeting other than the Business left unfinished at the Meeting from which such Adjournment took place.

General Meetings shall consist of Fifteen Persons at least, possessed of not less than 100 Shares.

XXI. Provided always, and be it further enacted, That if at any General Meeting of the said Company there shall not be Fifteen Persons present who shall be possessed of or entitled to at least One hundred Shares in the said Undertaking, within Two Hours from the Time appointed for such Meeting, no Business shall be transacted thereat, but in such Case there shall be another Meeting of the said Company at the same Place at the Expiration of Seven Days then next, and if such sufficient Number of qualified Persons shall not then attend thereat such Meeting shall stand adjourned to the Seventh Day next following, and so from Time to Time as often as the same shall happen, until at some Adjournment of such General Meeting there shall be a sufficient Number of qualified Persons present, when, and not before, the Meeting shall proceed to Business, and the Directors for the Time being shall continue to act and have the same Powers as they had and were possessed of until new Directors shall be duly appointed in their Stead.

Appointment of first Board of Directors.

XXII. And be it further enacted, That the said *Edward Courtenay Clibborn*, *Hugh Dunbar*, *Benjamin Haughton*, *Richard Hayes*, *William Edmund Reilly*, *Isaac Stoney*, *Thomas Christy Wakefield* junior, and *John Welsh*, being all duly qualified as herein-after mentioned, shall be Directors for the Management of the Affairs of the said Company; and all Acts, Matters, and Things which the said Directors may by any of the Provisions of this Act be authorized to do shall and may be done or performed by any Three of them; and the said Directors, being neither removed nor disqualified, and not resigning, shall continue in Office and be respectively Directors until the Annual General Meeting of the said Company which shall be held in the Month of *January* in the Year of our Lord One thousand eight hundred and forty, and until others shall be elected in their Stead in pursuance of this Act.

Election of future Boards of Directors.

XXIII. And be it further enacted, That at the General Meeting to be held in the Month of *January* in the Year of our Lord One thousand eight hundred and forty Two of the said Directors (such Two to be determined by the Directors drawing Lots for that Purpose, or in such other Manner as the said Directors shall in their Discretion think fit) shall go out of Office and cease to be Directors of said Company, and the said Company shall elect by Ballot, or

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in such other Mode as shall be determined by any Bye Law of the Company, Two Members of the said Company, who shall severally in their own Right be possessed of Ten Shares at least in the said Undertaking, and who shall also each be liable to be assessed and rated as the Holder of a Fall of Six Feet in Height at the least, to be Directors in their Place and Stead; and such new Members so elected shall continue in Office until the General Meeting in the Month of *January* One thousand eight hundred and forty-four (except in case of Death or Resignation, or ceasing to be qualified in manner by this Act directed), and no longer; and at the Annual General Meeting to be held in the Month of *January* One thousand eight hundred and forty-one, and every succeeding Year, Two of the Directors for the preceding Year shall go out of Office by Rotation and cease to be Directors of the said Company, and their Places shall be supplied in like Manner: Provided nevertheless, that it shall and may be lawful for any Number of Proprietors in the said Undertaking, not exceeding Three, who shall be severally and respectively Holders of at least Fifteen Shares, to be elected, and to be and to continue to act as Directors of the said Company, notwithstanding that such Persons respectively may not be Fall-holders to any Amount or Degree whatsoever.

Directors going out of Office re-eligible.

XXIV. Provided always, and be it further enacted, That every such Director who shall in manner aforesaid go out of Office may be immediately or at any future Time re-elected.

Persons concerned in Contracts shall be incapable of being Directors.

XXV. Provided always, and be it further enacted, That no Person, being concerned or interested in any Contract under the said Company, shall be capable of being chosen, or, being so chosen, of continuing a Director of the said Company, or of having any Share or Concern in the Management thereof; and no Person during such Time as he shall be such Director shall be capable of taking any Contract under the said Company.

Directors shall supply temporary Vacancies in the Direction.

XXVI. And be it further enacted, That when and so often as any Director named in or elected by virtue of this Act shall die, or shall resign, or shall be found to be or become disqualified or incompetent to act as a Director, or shall cease to be a Director by any other Cause than that of going out of Office as aforesaid, it shall be lawful for the remaining Directors, and they are hereby required, within Thirty-one Days next after such Vacancy shall have arisen, to elect some other Proprietor duly qualified as before mentioned to be a Director to fill up such Vacancy; and such Person so elected to fill such Vacancy shall continue in Office so long only as the Person in whose Place or Stead he may be so elected would have been entitled under the Provisions of this Act to continue if such Death, Resignation, Disqualification, or Cesser had not happened.

Election of Chairman.

XXVII. And be it further enacted, That the Directors present at the First Meeting of Directors, which Meeting shall be held within One Calendar Month after the passing of this Act, and so at the First Meeting of the Directors which shall be held next after any Annual General Meeting of the said Company at which Directors shall

shall have been elected by the said Company pursuant to the Provisions of this Act, or the Majority of the Directors present at such Meeting of Directors, shall choose One of the Directors of the said Company to be the Chairman thereof: Provided always, that if at any Time the Director elected the Chairman of the said Company shall die, or resign, or become disqualified to act, or otherwise cease to be a Director, it shall be lawful for the Directors in like Manner at some Meeting, to be held within One Calendar Month after such Vacancy, to choose some other of the said Directors to be the Chairman of the said Company; and every such Chairman so to be chosen as last aforesaid to fill such Vacancy, shall continue in his Office so long only as the Person in whose Place or Stead he may be so elected would have been entitled under the Provisions of this Act to continue if such Death, Resignation, Disqualification, or Cesser had not happened.

Who shall preside at Meetings of the Company.

XXVIII. And be it further enacted, That at all General Meetings of the said Company, the Chairman, or in his Absence some One of the Directors of the said Company to be chosen at any such Meeting, or in the Absence of all the Directors any Proprietor to be chosen at such Meeting, shall preside at such Meeting.

Disqualification of Directors.

XXIX. Provided always, and be it further enacted, That if any Person who shall be elected Director of the said Company shall, at any Time subsequently to his Election, either directly or indirectly, hold or enjoy any other Office in the said Company, or be concerned in any Contract for any Article to be used or consumed by the said Company, or shall offer to take and succeed in taking, or shall participate in any Manner in any Contract relating to Work to be done for the said Company, or shall at any Time cease to be qualified as herein-before in and by this Act mentioned and prescribed, every such Person shall thereby become disqualified from voting or acting at any succeeding Meeting of such Directors, and his Office shall thereupon become vacant, and no Person during the Time of his being such Director shall be capable of taking any Contract under the said Company.

Powers and Duties of Directors.

XXX. And be it further enacted, That the Directors for the Time being shall have the Custody of the Common Seal of the said Company, and shall have full Authority to meet and adjourn from Time to Time and from Place to Place, and also at any Time to call General Meetings of the said Company for any Purpose they may think proper, and to appoint the Times and Places for holding General Meetings; and all Questions, Matters, and Things which shall be discussed or considered at any Meeting of the Directors shall be finally determined by the Majority of Votes then present, and there shall be Three Directors at the least present to constitute a Meeting, and no Director, although possessed of many Shares in the said Undertaking, shall have more than One Vote at any such Meeting; and such Directors shall have full Power and Authority to direct and manage the Affairs of the said Company, and for that Purpose to contract for and purchase or take on Lease any Lands, Waters, Streams, Falls, Tenements, or Hereditaments which the said Company may be

be authorized to hold under the Provisions of this Act, and for the Purposes thereof, and to sell, demise, or otherwise dispose of and convey any such Lands, Tenements, and Hereditaments, and to employ and direct the Works and Workmen, and to appoint or displace the Officers and Servants of the said Company (except the Treasurer of the said Company), with such Salaries, Gratuities, or Recompences as to the said Directors shall seem proper, and upon the Death or Removal of any of the said Officers or Servants from Time Time to appoint others in their respective Places, and also to make Contracts and Bargains touching the said Undertaking; and the said Directors may require such Security to be given to the said Company from any Officer or other Person, for the faithful Execution of his Duty, as they may think proper; and the said Directors shall keep a regular Minute and Entry of their Proceedings at every Meeting of the said Directors, and shall from Time to Time make Report thereof to the next Annual General Meeting, and, if required, to any Special General Meetings of the said Company, and shall obey their Orders and Directions; and the said Directors shall keep full and true Accounts of all Monies disbursed and Payments made by the said Directors, and by all Persons employed by or under them, and of all Money which they shall receive on behalf of or in respect of such Undertaking, from any Person employed in, or having any Concern, Dealing, or Transaction with the said Undertaking, or from any other Person, on account or for the Use of the said Company, and shall regularly enter in some Book, to be from Time to Time provided at the Expence of the said Company for that Purpose, Notes, Minutes, or Copies (as the Case shall require) of every such Appointment, Contract, Bargain, Receipt, and Disbursement, and of other their Orders and Proceedings, which Book shall be deposited with and kept under the Care or Directions of the said Directors.

Auditors to be elected who shall hold Office for One Year.

XXXI. And be it further enacted, That the said Company shall, at their Annual General Meeting which shall be held in the Month of *January* One thousand eight hundred and thirty-seven, elect Three Persons to be Auditors of the Accounts of the said Company, one of which Persons shall be the Holder of at least Ten Shares in the said Undertaking, another of which Persons shall be liable to be rated and assessed under this Act as the Holder of a Fall of Six Feet in Height at the least, and the Third of which Persons shall be the Holder of Five Shares at least in the said Undertaking, and shall also be liable to be rated and assessed under this Act as the Holder of a Fall of at least Four Feet in Height; and such Three Auditors shall continue in Office for One Year; and at every Annual General Meeting in each succeeding Year, the Auditors of the Accounts of the said Company shall go out of Office and cease to be such Auditors, and their Places shall be supplied in like Manner: Provided always, that no Person shall be qualified to be elected or to act as an Auditor of the Accounts of the said Company unless at the Time of his Election, and during the whole Period for which he shall be elected, he shall continue to be duly qualified as aforesaid; and that no Person or Persons holding any Place, Office, Employment, or Contract under the said Company shall be capable of being elected or of serving as an Auditor during the Time of his Continuance in such Place, Office, or Employment,

Employment, or during the Time he shall hold such Contract: Provided also, that it shall be lawful for any Two of the said Auditors for the Time being to examine and pass the Accounts of the said Company, and also for any One of the said Auditors for the Time being separately to examine the Accounts or any of them.

Retiring Auditor re-eligible.

XXXII. Provided always, and be it further enacted, That every such Auditor who shall in manner aforesaid go out of Office may be immediately or at any future Time re-elected.

Minutes of all Proceedings to be entered in a Book.

XXXIII. And be it further enacted, That the Orders and Proceedings of every Meeting of the said Company and of the Directors thereof shall be entered in some Book or Books to be provided and kept for that Purpose, and shall be signed by the Chairman of each respective Meeting, or in case of the Meetings of Directors by the Chairman of the next succeeding Meeting; and such Orders and Proceedings, when so entered and signed, shall be deemed and taken to be original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts, and before all Judges, Justices, and others, and that without Proof of such Meeting being duly convened, or of the Persons making or entering such Orders or Proceedings being Proprietors or being Directors, as the Case may be.

A Fund shall be kept up to answer Contingencies.

XXXIV. And be it further enacted, That it shall and may be lawful for the said Company or the Directors thereof, and they are hereby required, within Six Calendar Months from the Time that any One of the said Reservoirs shall first be made available for the Supply of Water, and Water shall have been actually supplied therefrom as aforesaid, and also before any Dividend shall be made of the Profits of the said Company, to cause the Sum of One thousand Pounds at the least to be set apart out of the Capital Stock or Profits of the said Company, to be a Fund for the Purpose of providing for any extraordinary or contingent Expences of the said Company, and the said Company or the Directors thereof shall forthwith cause the same to be vested in the Name of the said Company in some of the Public or Parliamentary Funds or Stocks of the United Kingdom, or in the Stock of the Banks of *England* or *Ireland* respectively: Provided always, that so often as the said Fund shall be reduced by Payment of or for any extraordinary Contingencies below the said Sum of One thousand Pounds the said Company or the Directors thereof are hereby authorized and required forthwith, out of the Money which shall then be in their Hands or Power, or which shall come to their Hands by making Calls upon the Shares of and in the said Undertaking, to set apart and invest such Sum of Money as shall be requisite to make the said Fund amount again to the Sum of One thousand Pounds at the least, and so on from Time to Time hereafter, and so often as the same shall be reduced in manner aforesaid; and that the Dividends and Interest to become and be due and payable in respect of the said Funds or Stock so set apart and funded as aforesaid, and each and every of them respectively, shall fall into and become a Part of the Profits and Produce of the said Company, and be disposed of accordingly: Provided also, that the Directors of the said Company shall have full Power and Authority from Time to Time, when

when and so often as they shall deem expedient, to vary or transpose the Funds or Stock, or any of them, or any Part thereof, in which the said Monies or Funds shall be from Time to Time invested, and also shall and may sell and dispose of all or any Part or Parts of the said Fund or Stock, and convert the same into Money, for the Purpose of answering every or any extraordinary Contingencies, as and when the same or any Part thereof shall, by the said Company or the Directors thereof, be deemed necessary or expedient, any thing herein provided or contained to the contrary notwithstanding.

Accounts may be examined at any General Meeting.

XXXV. And be it further enacted, That it shall be competent for any General Meeting to call for and examine the Accounts of the said Company and of the Directors, and of the Treasurer and other Officers of the said Company.

Proper Books of Account to be kept, and to be open to the Inspection of Proprietors and Fall-holders.

XXXVI. And be it further enacted, That the Directors of the said Company shall and they are hereby required to order and direct proper Books to be provided and kept by their Clerk for the Time being, in which Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for such Company in the Execution and by virtue of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed and paid; and the Books of the said Company shall at all reasonable Times be open, without Fee or Reward, to the Inspection of any of the Proprietors of the said Company, or of any Fall-holder, who in respect of such his Fall, shall for the Time being, under the Provisions herein-after contained, be liable to be assessed to the Rates herein-after authorized to be imposed; and every such Proprietor and Fall-holder shall or may take Copies of or Extracts from the said Books or any Part thereof without paying any thing for the same; and in case the said Clerk shall refuse to permit, or shall not permit any such Proprietor or Fall-holder to inspect any such Books, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay such Sum of Money as the Directors or any Three or more of them shall order, not exceeding Twenty Pounds, to be levied and applied in the same Manner as other Penalties are herein-after directed to be levied and applied.

Accounts shall be made up annually.

XXXVII. And be it further enacted, That the said Company or the Directors of the said Company shall and they are hereby required to cause a true, exact, and particular Account to be kept, and annually made up and balanced on the Thirty-first Day of *December* in each Year, of the Money received by the said Company or by the Directors or Treasurer of the said Company, or otherwise, for the Use of the said Company, by virtue of this Act, and of the Charges and Expences attending the making, maintaining, and carrying on the said Undertaking, and of all other the Receipts and Expenditures of the said Company or the said Directors up to that Period; and at each Annual General Meeting of the Proprietors of the said Undertaking to be from Time to Time held as aforesaid, or at some Adjournment thereof, a Dividend shall be made out of the clear Profits of the said Undertaking, unless such Meeting shall declare otherwise, and such Dividend shall be at and after the Rate of so much

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per Share upon the several Shares held by the Members thereof in the Joint Stock of the said Company, as such Meeting shall determine: Provided also, that no Dividend shall be made whereby the Capital of the said Company shall be in any Degree reduced or impaired, nor shall any Dividend be paid in respect of any Share after a Day appointed for Payment of any Call of Money in respect thereof, until such Call shall have been paid.

Notices how to be given.

XXXVIII. Provided always, and be it further enacted, That all Notices herein directed to be given of any General Meeting of Proprietors, or to any of the said Proprietors, and not herein otherwise provided for, shall be signed by the Chairman of the said Company or by the Clerk thereof, and shall be given by Advertisement inserted in some Newspaper usually printed or circulated in the County of *Down*, the City of *Dublin*, and the Town of *Belfast*, Ten Days before the Day appointed for holding such Meeting; and such Notices, when so published and given, shall be deemed and considered to be in all respects equivalent to personal Notices; and where any Notice or legal Proceeding shall be required to be given to or served on the said Company, the Service of such Notice or legal Proceeding upon the Clerk of the said Company, or the leaving it at the Office of such Clerk, where no Mode of Service is particularly prescribed, shall be deemed to all Intents and Purposes good Service of such Notice or legal Proceeding upon the said Company.

Appointment of Treasurer.

XXXIX. And be it further enacted, That the said Company shall at the First General Meeting to be held under this Act elect a Treasurer of the said Company; and it shall be lawful for the said Company at any subsequent General Meeting from Time to Time to remove and displace any such Treasurer, and elect in manner aforesaid, any other Person to act as Treasurer in the Room of such Treasurer as shall die, or resign, or be removed from his Office; and it shall be lawful for the said Company to allow such Salary or other Emolument to such Treasurer as they shall from Time to Time think proper and appoint: Provided always, that the Directors of the said Company shall and they are hereby required to take sufficient Security from every Person who shall be appointed Treasurer of the said Company, and from every Receiver, Collector, or other Officer of the said Company having the Custody or Control of any Money received by virtue of this Act, for the faithful Execution of his Office, before he shall enter thereupon.

Treasurer and Clerk not to be the same Person.

XL. Provided also, and be it further enacted, That it shall not be lawful for the said Company to appoint any Person who may be appointed their Clerk in the Execution of this Act, or the Partner of such Clerk, or the Clerk or any other Person in the Service or Employ of such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, and that no Person holding the Office of Treasurer, or the Partner of such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, shall be the Clerk of the said Company for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of

of such Clerk, or the Clerk or other Person in the Service or Employ of such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Treasurer or the Partner of such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place of Profit or Trust under the said Company other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Dublin*, by Action of Debt or on the Case, wherein no more than One Imparlance shall be allowed.

Directors may appoint a temporary Treasurer.

XLI. And be it further enacted, That in Case any Treasurer of the said Company shall die, or be removed from or quit the Service of the said Company, it shall be lawful for the said Company at some General Meeting thereof, or for the Directors of the said Company, to appoint some other fit and proper Person to execute such Office in the Place of the Person who shall die, or be removed from or quit the Service of the said Company; and in case any such new Appointment shall be made by the said Directors the same shall only continue until the next Annual General Meeting of the said Company, when the Appointment of such Person to such Office shall either be confirmed or such other fit Person to be appointed to succeed to such Office as the said Company at such Meeting shall think proper.

For compelling Payment of Subscriptions.

XLII. And be it further enacted, That every Person who has already subscribed or agreed, or who has signed his Name or signified his Consent in Writing to advance any Money, or who shall or may hereafter subscribe or agree to advance any Money for any of the Purposes of this Act, or for or towards the Expences, Costs, and Charges of obtaining this Act, and his Executors and Administrators, shall and they and each of them are hereby required to pay the Amount of such Money by such Person subscribed or agreed to be advanced, or such Part or Proportion of the Amount of such Money as shall remain unpaid, or as shall from Time to Time be called for by or on behalf of the said Company, at such Times and Places and in such Manner as shall be directed by the said Company or the Directors thereof, by Notice in Writing under the Hand of their Clerk, and in case any such Subscriber, his Executors or Administrators, shall refuse or neglect to pay the Amount of such Money so called for at the Time and Place and in manner required for that Purpose, or within Fourteen Days thence next following, the said Company are hereby empowered to sue for and recover the same in an Action of Debt or on the Case, or by Bill, Plaint, or Information, against the Person so neglecting or refusing as aforesaid, his Executors or Administrators, in any of His Majesty's Courts of Record at *Dublin*, and after Proof of such Person having subscribed or agreed to subscribe, and which Agreement is hereby exempted from Stamp Duty, and also upon Proof that such Notice was given as aforesaid, a Verdict

Verdict shall pass and be given for the Plaintiff, with full Costs of Suit, and Execution shall issue thereupon as the Case may require.

Directors may make Calls.

XLIII. And be it further enacted, That the said Directors shall have Power from Time to Time to make such Calls of Money from the Subscribers to and Proprietors of the said Undertaking, to defray the Expences of or to carry on the same, as they from Time to Time shall find necessary for those Purposes, so that no such Call shall exceed the Sum of Two Pounds Ten Shillings upon each Share which any Person shall or may be possessed of or entitled unto in the said Undertaking, and such Calls shall not be made but at the Distance of Three Calendar Months at the least from each other, and Twenty-one Days Notice at the least shall be given of all such Calls by Advertisement in some Newspaper usually circulated in the County of *Down*, in the Town of *Belfast*, and in the City of *Dublin*, which Money so called for shall be paid to such Persons and in such Manner as the Directors shall from Time to Time direct and appoint for the Use of the said Undertaking; and every Owner of any Share in the said Undertaking shall pay his or her rateable Proportion of the Monies to be called for as aforesaid to such Persons and at such Times and Places as the said Directors shall from Time to Time direct and appoint, not exceeding in the whole the Sum of Fifty Pounds upon every such Share so held or subscribed for as aforesaid; and if any Owner of any Share shall not so pay such his or her rateable Proportion, then and in such Case, and so often as the same shall happen, such Owner shall pay Interest for the same after the Rate of Six Pounds *per Centum per Annum* from the Day appointed for the Payment thereof up to the Time when the same shall be actually paid; and if any Owner of any such Share shall for the Space of Two Calendar Months after the Day appointed for the Payment thereof neglect or refuse so to pay his or her rateable Proportion, together with Interest for the same as aforesaid, then and in such Case it shall be lawful for the said Company to sue for and recover the same in any of His Majesty's Courts of Record by Action of Debt or on the Case, wherein no more than One Imparlance shall be allowed, or the said Company or the said Directors may and they are hereby authorized to declare the Shares belonging to any Person so refusing or neglecting to pay any such Calls, together with Interest in manner aforesaid, to be forfeited, and to be sold, subject to the Provisions of this Act: Provided nevertheless, that no Advantage shall be taken of any Forfeiture of any Share in the said Undertaking until Notice in Writing under the Hand of the Clerk of the said Company of any Share having been declared by the said Company or Directors to be forfeited shall have been given or sent by the Post unto, or left at the last known usual Place of Abode of the Owner of such Share, and until the Declaration of Forfeiture of such Share or Shares (if made by the said Directors) shall have been confirmed at some General Meeting of the said Company to be held after the Expiration of One Calendar Month at the least from the Day on which such Notice of Forfeiture shall have been given, and the said Company shall immediately thereupon have Power to direct the said Directors to dispose of the Shares so forfeited.

If Calls are not paid Interest may be charged thereon.

If Calls and Interest are not paid in Two Months the Shares may be declared forfeited and sold.

XLIV. Pro-

If the Produce of such Shares shall more than suffice to pay Arrears, &c., the Surplus to be paid to the Owners.

XLIV. Provided always, and be it further enacted, That in case the Money produced by the Sale of any such Share as shall be forfeited by reason of the Nonpayment of any Call as herein authorized shall be more than sufficient to pay all such Arrears or Calls as aforesaid, together with Interest thereon as aforesaid, and the Expence attending the Sale thereof, the Surplus of such Purchase Money shall, on Demand, be paid to the Party to whom such forfeited Share shall have belonged: Provided also, that the said Company or the said Directors shall not by virtue of this Act sell or transfer more of the Shares of such Defaulter in Payment of Calls than shall be sufficient, as near as may be at the Time of such Sale, to pay the Arrears due from such Defaulter for or on account of such Call or Calls, and the Interest and Expences attending the same; and from and after Payment of such Call or Calls, and the Interest and Expences aforesaid, any Share so vested in the said Company as aforesaid, and which shall remain in their Hands unsold, shall revert to and again become the Property of the Party to whom such Share shall have belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Call had been duly paid.

Proceedings in Actions for Calls.

XLV. And be it further enacted, That in any Action to be brought by the said Company against any Proprietor of any Share in the said Undertaking, to recover any Money due and payable to the said Company for or by reason of any Call made by virtue of this Act, it shall be sufficient for the said Company to declare and allege that the Defendant, being a Proprietor of so many Shares in the said Undertaking, is indebted to the said Company in such Sums of Money upon so many Shares belonging to the said Defendant whereby an Action hath accrued to the said Company by virtue of this Act, without setting forth the special Matter; and on the Trial of such Action it shall only be necessary to prove that the Defendant at the Time of making such Calls was a Proprietor of some Share in the said Undertaking, and that such Calls were in fact made, and that such Notice thereof was given as is directed by this Act, without proving the Appointment of the Directors who made such Calls, or any other Matter whatsoever; and the said Company shall thereupon be entitled to recover what shall appear due, including Interest, computed as aforesaid on such Calls, unless it shall appear that any such Call exceeded Two Pounds Ten Shillings for every Share of Fifty Pounds, or was made within the Distance of Three Calendar Months from the last preceding Call, or without Notice given in any Newspaper as aforesaid; and in order to prove that such Defendant was a Proprietor of some Share in the said Undertaking, as alleged, the Production of the Book in which the Clerk of the said Company is by this Act directed to enter and keep the Names and Additions of the several Proprietors of Shares in the said Undertaking, with the Number of Shares they are respectively entitled to hold, and of the Locality or Places of Abode of the several Proprietors of the said Undertaking, and of the several Persons and Bodies who shall from Time to Time become Proprietors thereof, or be entitled to any Share therein, shall be *primâ facie* Evidence that such Defendant is a Proprietor, and of the Number or Amount of his Shares therein.

XLVI. Pro-

Proprietors and Fall-holders in arrear not to vote.

XLVI. Provided also, and be it further enacted, That no Holder of any Share or any Fall of Water, in respect of which any Call, Rate, or Demand made or assessed shall remain unpaid, shall at any Meeting of the said Company be allowed to vote, either personally or by Proxy, until the Money so payable in respect of such Share or Fall shall have been fully paid, although the Time limited for Payment thereof may not have expired.

Proprietors may sell their Shares.

XLVII. And be it further enacted, That it shall be lawful for the several Pproprietors of Shares in the said Undertaking, and their respective Executors, Administrators, and Successors, to sell and dispose of any Shares to which they shall be entitled therein, subject to the Rules and Conditions herein mentioned; and the Form of Conveyance of Shares shall be by Writing, and may be in the following Words or to the like Effect, varying the Names and Descriptions of the contracting Parties as the Case may require:

Form of Conveyance.

'I of , in consideration of the Sum of paid to me by , do hereby assign and transfer to the said of Share [*or* Shares, *as the Case may be*] No. of and in the Undertaking called the *Bann* Reservoir Company, to hold unto the said his Executors, Administrators, and Assigns [*or* Successors and Assigns], subject to the same Conditions as I held the same immediately before the Execution hereof; and I the said do hereby agree to accept and take the said Share [*or* Shares] subject to the same Conditions. As witness our Hands and Seals the Day of .'

Deed of Sale to be produced to the Clerk, who shall make Entry thereof.

And in every such Sale the Deed or Conveyance, being executed by the Seller and Purchaser of such Share or Shares, shall be produced to the Clerk of the said Company, who shall enter in some Book to be kept for that Purpose a Memorial of such Transfer and Sale, and indorse the Entry of such Memorial on the said Deed of Sale or Transfer, for which the Sum of Two Shillings and Sixpence and no more shall be paid; and the said Clerk is hereby required to make such Entry or Memorial accordingly, and on Request a Certificate of such Share or Shares shall be delivered by him to the Purchaser for his or her Security, and for which Certificate no more than Two Shillings and Sixpence shall be paid; and until such Memorial shall have been made and entered as above directed such Purchaser shall have no Part or Share of the Profits of the said Undertaking, nor any Interest for such Share paid to him or her, nor any Vote in respect thereof as a Proprietor of the said Undertaking.

Shareholders not to transfer Shares until 5*l.* per Share be paid; not to be liable beyond the Amount of their Shares.

XLVIII. Provided always, and be it enacted, That no such Transfer as aforesaid shall be made unless Five Pounds shall have been previously called for and paid to or for the Use of the said Company in manner aforesaid on each such Share or Shares so to be transferred, any thing in this Act contained to the contrary notwithstanding; and that the several Subscribers to or Holders of any Shares in the Capital of the said Company shall not be liable to any Debts or Demands

mands of the said Company beyond the Amount of their several and respective Shares.

After a Call no Share to be sold until Call is paid.

XLIX. And be it further enacted, That no Person shall sell or transfer any Share which he or she shall possess in the said Undertaking after any Call shall have been made by the said Directors for any Sum of Money in respect of such Share, unless he or she at the Time of such Sale or Transfer shall have paid the full Sum of Money which shall have been called for in respect of each Share so to be sold or transferred.

Penalty on Officers taking Fees or being engaged in Contracts.

L. And be it further enacted, That if any Treasurer, Collector, Clerk, Engineer, Surveyor, or other Officer employed by the said Company for the Purposes of this Act shall exact, demand, take, or accept of any Fee, Emolument, or Reward whatsoever, other than such Salary or Allowance as shall be appointed and allowed by or on behalf of the said Company, for or on account of any thing done by virtue or under colour of his Office, or for forbearing to do any thing ordered or directed by the said Company or the Directors thereof, or on any other Account whatever relating to his Employment or Duty, or shall be concerned or interested in any Bargain or Contract made for the Purposes of this Act, every such Person so offending shall be incapable of afterwards serving or being employed under the said Company, and being convicted thereof before any Two Justices of the Peace shall forfeit and pay the Sum of Fifty Pounds for every such Offence.

Officers to account to Company when required.

LI. And be it further enacted, That every Treasurer or other Officer appointed or employed under this Act shall under his Hand, at such Time and Times and in such Manner as the Directors of the said Company shall appoint, deliver to them, or to such Person as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to his Charge, and of all Monies which shall have been received by him by virtue or under colour of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the Vouchers for such Payments, and shall pay to the said Directors, or to such Persons as they shall appoint, all such Money as shall remain due from him to the said Company; and if any such Treasurer or other Officer shall refuse or wilfully neglect to make and render any such Accounts, or to produce and deliver up the Vouchers relating to the same, or to make such Payment as aforesaid, or shall refuse or neglect to deliver up to the said Directors, or to such Person as they shall appoint, within Seven Days after being thereunto required by the said Directors, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, and to give all Information and Satisfaction within his Power to the said Directors respecting the same, then and in every such Case, upon Complaint made by the said Directors, or by any Person whom they shall appoint for that Purpose, of any such Neglect or Refusal as aforesaid, to any of His Majesty's Justices of the Peace for the County, City, or Place where such Treasurer or other Officer may be or reside, such Justice may and is hereby authorized and required, by Warrant under his Hand, to cause such Person

Person to be brought before any Two of His Majesty's Justices of the Peace; and upon his appearing, or not being to be found, such Two Justices (whether One of them be the Justice who shall have issued such Summons or not) are authorized and required forthwith to hear and determine the Matter in a summary Way; and if upon Confession of the Party, or by the Testimony of any credible Witness upon Oath or Affirmation (which Oath or Affirmation such Justices are empowered to administer), it shall appear to such Justices that any of the Money which shall have been collected or received by virtue of this Act shall be or ought to be in the Hands or Power of such Treasurer or other Officer, and of the Payment and Disbursement of which no satisfactory Account shall be given, such Justices may and they are hereby authorized and required, upon Nonpayment thereof by such Person as aforesaid, by their Warrant duly signed to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Person; and if no Goods or Chattels of such Person can be found sufficient to answer and satisfy the said Money, and the Charges of levying the same, or if it shall appear to such Justices that such Person shall have refused or wilfully neglected to render or give such Account, or to produce and hand over the Vouchers relating thereto, or that any Books, Papers, or Writings relative to the Execution of this Act shall be in the Custody and Power of such Treasurer or other Officer, and he shall have refused or wilfully neglected to deliver up or give Satisfaction respecting the same as aforesaid, then and in every of the Cases aforesaid such Justices shall commit such Offender to the Common Gaol or House of Correction for such County, City, or Place, there to remain without Bail or Mainprize until he shall have made and given such true and perfect Account and Payment as aforesaid, or until he shall have compounded with the said Directors for such Money, and shall have paid such Composition in such Manner as they shall appoint, which Composition the said Directors are hereby empowered to make and receive, and until he shall have delivered up all such Books, Papers, and Writings as aforesaid, or shall have given Satisfaction in respect thereof to the said Directors: Provided always, that no Person who shall be committed as before mentioned on account of his not having sufficient Goods or Chattels to answer such Distress as aforesaid shall be detained in Prison for any longer Term than Three Calendar Months: Provided also, that the Imprisonment of any such Person shall not be deemed a Discharge for any Money which shall remain due from him, nor exonerate his Surety, but such Person and his Surety shall remain liable to the Payment thereof in the same Manner as if such Person had not been so imprisoned, nor shall any such Imprisonment operate as a Bar to the bringing and maintaining any Action, Suit, or other Proceedings, whether legal or equitable, civil or criminal, against such Person or his Surety, or other Person whatsoever, in order to compel the furnishing of such Account as aforesaid, or by reason of the same not having been so furnished, or for the Recovery of any such Vouchers, Books, Papers, or Writings as aforesaid, or on account of the Detention or withholding thereof.

Recovery of Books, &c. from the Assignees of Officer

LII. And be it further enacted, That in case of the Death, Bankruptcy, or Insolvency of any Trustee, Treasurer, Clerk, or other Of-

signee or Executor of Bankrupts or of deceased Officers.

ficer of the said Company before he shall have delivered up all Books, Accounts, Writings, and Papers whatsoever concerning his Office or relating to the Execution of this Act, the Executors or Administrators of every such Trustee, Treasurer, Clerk, or other Officer, or the Assignee of his Estate and Effects, or other Person possessing the same, or in whom the same may have been vested, shall deliver up to the Directors of the said Company, or to any Person appointed by them, all such Books, Accounts, Writings, and Papers as aforesaid; and in case of the Non-delivery thereof for the Space of Twenty-one Days next after Demand made thereof it shall be lawful for the said Company to proceed in any of His Majesty's Courts of Record at *Dublin* against such Executors, Administrators, Assignee, or other Person possessing the Estate and Effects which belonged to such deceased, bankrupt, or insolvent Trustee, Treasurer, Clerk, or other Officer, for the Recovery of Damages for the Non-delivery of such Books, Accounts, Writings, and Papers, together with full Costs of Suit.

Persons otherwise incapacitated may convey Lands to the Company.

LIII. And be it further enacted, That it shall be lawful for any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Tenant for Life or in Tail, or for any Person having any other particular, limited, or qualified Estate or Interest, Husband, Guardian, Trustee, or Feoffee in Trust for any charitable or other Purpose, Committee or Executor or Administrator, or any other Trustee or Person whomsoever, not only for and on behalf of himself, his Heirs, Executors, and Administrators and Successors, but also for and on behalf of the Person entitled in Reversion, Remainder, or Expectancy after him, if incapacited, and for and on behalf of his Cestuique Trust, whether Infant, Issue unborn, Lunatic, Idiot, Feme Covert, or other Person, and to and for any Feme Covert who is or shall be seised, possessed of, interested in or entitled in her own Right to Dower or other Interest in any Lands, Tenements, or Hereditaments, which may be required by the said Company for the Purposes of this Act, to contract for, sell, lease, or demise and convey such Lands, Tenements, or Hereditaments, and every Part thereof, and all his, her, or their Right, Title, and Interest thereto and therein respectively, unto the said Company, and upon Payment of the Purchase Money for any such Messuages or Tenements, Lands or Hereditaments, to the Parties or Persons respectively entitled thereto, or upon Payment thereof into the Bank of *Ireland* in manner by this Act directed, as the Case may be, such Lands, Tenements, and Hereditaments may be taken and used by the said Company for the Purposes of this Act; and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title, Claim, Demand, or Reversion to, in, or against such Lands, Tenements, or Hereditaments, and the same shall absolutely vest in the said Company; and all such Contracts, Agreements, Sales, Conveyances, and Assurances, shall be made at the Expence of the said Company, and may be made according to the following Form, or as near thereto, as the Circumstances of the Case will admit; namely,

Form of Conveyance.

'I of in consideration of the
'Sum of to me [*or, as the Case may be*, into the Bank
'of *Ireland*, in the Name and with the Privity of the Accountant
'General

'General of the High Court of Chancery, *ex parte* the *Bann* Reservoir Company, pursuant to the Act after mentioned] paid by the said Company, established and incorporated by an Act passed in the Year of the Reign of His Majesty King *William* the Fourth, intituled [*here insert the Title of this Act*], do hereby grant, release, assign, and confirm unto the said Company, their Successors and Assigns, all [*here insert the proper Description of the Messuages or Tenements, Lands or Hereditaments intended to be conveyed*], altogether with all Ways, Rights, and Appurtenances thereunto belonging, and all my Estate, Right, Title, and Interest in and to the same and every Part thereof, to hold unto and to the Use of the said Company and their Successors and Assigns for ever, according to the true Intent and Meaning of the said Act. In witness whereof I have hereunto set my Hand and Seal, the Day of in the Year of our Lord .'

And all such Conveyances and Assurances as aforesaid shall be good, valid, and effectual in the Law to all Intents and Purposes, and shall operate and be as a Merger of all outstanding Terms of Years, and be a complete Bar of all Estates Tail, and other Estates, Rights, Titles, Trusts, and Interests whatsoever.

Regulating Powers of leasing.

LIV. Provided always, and be it further enacted, That in such Lease or Leases so to be executed there be reserved and made payable the best annual Rent or Rents that can be reasonably had for the same, and that the said Lease or Leases do take Effect in Possession, and not in Reversion or by way of future Interest, and that no Fine, Premium, or Foregift, or any thing in the Nature thereof, be given or taken for the same, and so as the said Company do execute and deliver a Counterpart or Counterparts of such Lease or Leases, and do thereby covenant for Payment of the Rent thereby to be reserved, and all Taxes, Charges, Rates, Assessments, and Impositions in respect of the said Premises, and so that there be contained therein a Power or Condition in the Nature of a Condition of Re-entry on Nonpayment of the Rent to be thereby reserved within a Time to be therein limited, or on Nonperformance of the Covenants on the Part of the said Company therein to be contained, and that the said Lease or Leases be prepared and executed by and at the Expence of the said Company.

Restricting Company as to Quantity of Land to be taken.

LV. Provided also, and be it further enacted, That nothing herein contained shall empower the said Company to take or acquire more than Three hundred Acres of Land for the said Reservoir so to be made and constructed at *Lough Island Reavy*, or more than One hundred Acres of Land for the said Reservoir so to be made and constructed at the *Corbet Lough*, or more than Three hundred Acres for the said Reservoir so to be made and constructed at the *Deers Meadow*.

Conveyances may be enrolled.

LVI. And be it further enacted, That the said Company shall and they are hereby authorized and empowered, if they think fit, to cause any Conveyance, Assignment, or other Assurance to be taken by them to be enrolled at the Expence of the said Company in any of His Majesty's Courts of Record in *Ireland*.

How Commons shall be conveyed to the Company.

LVII. And be it further enacted, That in all Cases wherein in the Execution of the Powers of this Act there shall be Occasion to cut through, take, or use any Common or Waste Land, or any other Lands, Tenements, or Hereditaments which shall be charged with or subject or liable to the Exercise of any Easement or Right or Privilege of Common thereupon, whether of Pasture, Turbary, Estover, or Piscary, and whether such Common or Commonable Rights be appendant, appurtenant, or in gross, by Prescription, Custom, or otherwise howsoever, the Conveyance of such Common or Waste Land, or other Lands, Tenements, or Hereditaments as aforesaid, by any Body Politic, Corporate, or Collegiate, or other Person, having such Estate or Interest in the Manor wherein such Commons or Waste Land shall be situate, or (if the same shall not be the Waste of any Manor) then having such Estate or Interest in the Site of the said Lands, Tenements, or Hereditaments as the Bodies and Persons who are herein-before enabled to sell other Lands, Tenements, or Hereditaments have in such Lands, Tenements, or Hereditaments, shall be a good and sufficient Conveyance to the said Company for the Purpose of vesting in them the Fee Simple and Inheritance of such Common or Waste Land, or other Lands, Tenements, or Hereditaments, as fully and effectually as if every Person having Right of Common upon such Common or Waste Land, or other Lands, Tenements, or Hereditaments, were seised thereof in Fee Simple in Possession, and had joined in and executed such Conveyance; and the Compensation to be paid for the Extinguishment of any Right of Common upon any such Common or Waste Land as aforesaid shall be paid by the said Company to the Churchwardens for the Time being of the Parish wherein such Common or Waste Land shall be situate, and shall be by such Churchwardens received, and applied for such general or public Purposes within the said Parish as a Vestry thereof, to be convened by such Churchwardens for that Purpose, shall direct; and in all Cases where any such Commonable or other Right shall extend over and be exercised or enjoyed out of or upon any other Lands, Tenements, or Hereditaments than such Common or Waste Land, the Compensation for the Relinquishment thereof shall be paid to the Party or Parties having such Estate or Interest as aforesaid in the said Commonable or other Rights, or in any Lands, Tenements, or Hereditaments whereunto the same shall be appendant or appurtenant, or otherwise deposited in the Bank of *Ireland* in manner by this Act directed, as the Case may be: Provided always, that in all Cases where any such Manor is vested in Freeholders or Inhabitants at large, or in any greater Number of Persons than Four, or where it is not known to what Lord or Lady such Manor belongs, or in what Manor such Common or Waste Lands are situate, the Conveyance by Four at least of the Freeholders who have Common Right in or over such Common or Waste Land, and whose said Lands and Tenements to which such Common Right is appendant or appurtenant, whether vested in such Freeholders absolutely or only for such Estate or Interest as would enable them to convey the same if required under the Provisions of this Act, shall amount in yearly Value to Three Fifth Parts at least of the yearly Value of the whole of the Lands and Tenements which have such Common Right, shall also in like Manner be a good and sufficient Conveyance to the said Company for the Purpose of vesting in them the Fee Simple and Inheritance of such Common or Waste Lands.

LVIII. And

Incapacitated Persons may accept Satisfaction for Land required or injured by the Company.

LVIII. And be it further enacted, That all Persons and Bodies Politic and Corporate herein-before capacitated to sell and convey, lease or demise, any Lands, Tenements, or Hereditaments, and the respective Owners and Occupiers of any Lands, Tenements, or Hereditaments through, under, in, or upon which any Reservoir or other Work hereby authorized is intended to be made, may accept and receive Satisfaction for the Value of such Lands, Tenements, and Hereditaments, or the Interest or Interests therein by them, him, or her conveyed, and also Compensation for any Damage by them, him, or her sustained by reason of the Execution of any of the Works by this Act authorized, or by reason of the severing or dividing such Lands, Tenements, or Hereditaments, and also for and on account of any Damage, Loss, or Inconvenience which may be sustained by reason of the Execution of any of the Powers of this Act, in such gross Sums as shall be agreed upon between the said Owners (including Persons hereby capacitated as aforesaid) and Occupiers respectively on the one Hand and the said Company or the Directors thereof on the other Hand; and in case the said Company or the Directors thereof and such Parties respectively shall not agree as to the Amount or Value of such Purchase Money, Satisfaction, or Compensation, then and in such Case the Nature and Amount thereof shall be ascertained and settled by the Verdict of a Jury, if required, as herein-after is directed.

In case the Parties refuse or are incapable to treat, the Directors to issue their Warrant to the Sheriff for impannelling a Jury to assess the Damages.

LIX. And for settling all Differences which may arise between the said Company and the several Owners of or Persons interested in any Lands, Tenements, or Hereditaments which shall or may be required, or damaged or injuriously affected, by the making, turning, or diverting of any Reservoir, River, Stream, Conduit, or Aqueduct, or by the Execution of any other the Powers of this Act, be it further enacted, That if any Body Politic, Corporate, or Collegiate, Trustee, or other Person so interested or entitled as aforesaid, shall not agree with the said Company as to the Amount of such Purchase Money, Satisfaction, or other Compensation as aforesaid, or if any such Party shall refuse to accept such Purchase Money, Satisfaction, or other Compensation as shall be offered by the said Company, and shall give Notice thereof in Writing to the said Company within Fourteen Days next after such Offer shall have been made, and the Party giving such Notice shall therein request that the Matter in dispute may be submitted to the Determination of a Jury, or if any such Party as aforesaid shall for the Space of Fourteen Days next after Notice in Writing shall have been given to the Clerk, Agent, or principal Officer of any such Body, or to such Trustee or Person respectively, or left at his last or usual Place of Abode, or with the Tenant or Occupier of any Lands, Tenements, or Hereditaments required for the Purposes of this Act, neglect or refuse to treat, or shall not agree with the said Company for the Sale and Conveyance of his or their respective Estates and Interests, or the respective Estates or Interests therein which they, he, or she are or is capacitated to convey, or shall by reason of Absence be prevented from treating, or shall by reason of any Impediment or Disability not provided for by this Act be incapable of making such Agreement as shall be necessary or expedient for enabling the said Company to

proceed

proceed in making any of such Reservoirs or other the Works as aforesaid, or shall not disclose and prove the State of the Title to the Premises of which they, he, or she might be in Possession and claim to be entitled unto or interested in, or in any other Case where Agreement for Compensation for Damages incurred in the Execution of this Act cannot be made, then and in every such Case, and so often as the same shall happen, it shall be lawful for the Directors of the said Company to issue a Warrant under their Common Seal, signed by the Chairman of the said Company or any Two or more of the Directors thereof, and addressed to the Sheriff of the County in which the Lands, Tenements, and Hereditaments in question shall be situate or the Matter in dispute shall arise, or in case such Sheriff or his Under Sheriff shall be One of the said Company, or enjoy any Office of Trust or Profit under them, or shall be in any ways interested in the Matter in question, then to any of the Coroners of such County not interested as aforesaid, or if all the Coroners shall be so interested then to some Person or Persons then living in the said County respectively, and free from personal Disability, and who shall have filled the Office of a Sheriff or Coroner in the said County respectively, and not interested as aforesaid, (a Person having more recently served either Office being always to be selected in preference to a Person having more anciently served the same Office,) commanding such Sheriff, Coroner, or other Person to summon and return at least Forty-eight sufficient and indifferent Men who shall be duly qualified according to Law to serve as Jurors upon the Trial of Issues of Nisi Prius remitted to the Assizes of such County; and the Persons so to be summoned and returned are hereby required to appear before the said Sheriff, Under Sheriff, Coroner, or other Person as aforesaid at such Time and Place as in such Warrant shall be mentioned, provided the same be not less than Fourteen Days from the issuing of such Warrant, and to attend from Day to Day until duly discharged; and the said Sheriff, Under Sheriff, Coroner, or other Person as aforesaid shall accordingly attend at such Time and Place, and shall out of the Persons so summoned and returned cause a Jury of Twelve Persons to be drawn and impannelled in such Manner as Juries for Trials of Issues joined in His Majesty's Courts of Record at *Dublin* or the Assizes are or hereafter may be by Law directed to be drawn and impannelled; and in case a sufficient Number of Jurymen shall not appear at such Time and Place such Sheriff, Sub-Sheriff, Coroner, or other Person as aforesaid shall return other honest and indifferent Men of the Standers-by, or whose Attendance can speedily be procured, being so qualified as aforesaid, to make up the said Jury to the Number of Twelve, and all Parties concerned may have their lawful Challenges to the Poll, but not to the Array; and the said Sheriff, Under Sheriff, Coroner, or other Person as aforesaid is hereby empowered and required to summon before him all Persons whom it shall be thought necessary or proper to examine as Witnesses on either Side touching the Matters in question, and may authorize or order the said Jury or any Three or more of them to view the Lands and Tenements or Matter in controversy; and such Jurors shall upon their Oaths, or in case any of them shall belong to any of those Religious Societies the Members of which are by Law exempt from the Necessity of making Oath in Courts

Courts of Justice or legal Proceedings, then upon the solemn Affirmation of such Persons, (and which Oaths and Affirmations, as well as the Oaths and Affirmations of all such Persons as shall be called upon to give Evidence, the said Sheriff, Under Sheriff, Coroner, or other Person as aforesaid is hereby empowered and required to administer,) inquire of and assess and true Verdict or Verdicts give for the Sum or Sums of Money which ought to be paid for the Purchase of such Lands, Tenements, or Hereditaments, or of the Interest or Interests of any Person or Persons therein; and the said Jury shall also by their Verdict find and ascertain the separate and distinct Sum or Sums of Money which ought to be paid by way of Satisfaction or Compensation either for the Damages which shall before that Time have been done or sustained, or for any future Damages, whether permanent or temporary and recurrent, which may be sustained as aforesaid, and the Cause or Occasion of which shall have been only in part obviated, removed, or repaired by the said Company, and which cannot or will not be further obviated, removed, or repaired by them; and the said Sheriff, Under Sheriff, Coroner, or other Person shall accordingly give Judgment for such Purchase Money, Satisfaction, or Compensation as shall be so found and ascertained by the Verdict of such Jury; which said Verdict, and the Judgment thereon pronounced as aforesaid, shall be binding and conclusive to all Intents and Purposes, and upon all Persons whatsoever; and in every such Case the Person claiming Compensation shall be deemed the Plaintiff, and entitled to all the Privileges and Advantages to which Plaintiffs are entitled in Actions at Law: Provided always, that not less than Ten Days Notice in Writing of the Time and Place of holding such Enquiry as aforesaid shall be given by the said Company to the Party with whom any such Controversy shall arise by leaving such Notice at the Dwelling House of such Person, or with the Clerk, Agent, or principal Officer of the Corporation, or with some Tenant or Occupier of the Premises intended to be valued, or respecting which any such Question shall arise: Provided also, that the said Sheriff, Under Sheriff, Coroner, or other Person as aforesaid shall be at liberty to elect and choose some indifferent Barrister of Five Years standing, not connected with any of the Parties, as and for an Assessor in any such Inquiry as aforesaid, and that the reasonable Expences of such Assessor shall be defrayed by the said Company.

Value of Land and Damages to be ascertained separately.

LX. Provided also, and be it further enacted, That in ascertaining the Money to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be taken or used for the Purposes of this Act, or of the Interest of any Party therein, the Jury shall also ascertain and assess the Compensation and Satisfaction to be made by the said Company for any Damage which shall or may be sustained by any Person being Owner or Occupier of or interested in such Lands, Tenements, or Hereditaments, for or by reason of the severing or dividing the same from other Lands, Tenements, or Hereditaments whereof, wherein, or whereto any such Person shall be seised, possessed, interested, or entitled, and also for or on account of any Injury or Loss whatsoever which shall or may accrue to or be sustained by such Person by reason of the Execution of any of the Powers

Powers of this Act, and such Damages, Compensation, and Satisfaction shall be settled and ascertained separately and distinctly from the Value of the Lands, Tenements, and Hereditaments so to be taken or used as aforesaid, or of the Interest of such Person therein: Provided also, that nothing in this Act contained shall be construed to discharge or in anywise alter or transfer the Liability of any Tenant or Lessee, a Part only of whose Lands, Tenements, or Hereditaments may be required or taken for the Purposes of this Act, from the full Satisfaction of all Covenants for the Payment of Rent and Renewal Fines reserved or contained in the Lease, Deed, or Instrument by which such Tenant may hold the Lands, Tenements, or Hereditaments so required or used as aforesaid.

Verdicts to be recorded.

LXI. And be it further enacted, That the said Verdicts and Judgments, being first signed by the said Sheriff, Under Sheriff, Coroner, or other Person presiding at the taking of such Verdict and pronouncing of such Judgment respectively, shall be kept by the Clerk of the Peace for the County in which the Matter of Dispute shall have arisen among the Records of the Quarter Sessions for such County, and shall be deemed Records to all Intents and Purposes, and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever, and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of Two Shillings and Sixpence, and also to take or make Copies thereof, paying for every Copy after the Rate of Sixpence for every One hundred Words.

Penalties on Sheriff, Jurors, or Witness making default.

LXII. And be it further enacted, That if any Sheriff, Under Sheriff, Coroner, or other Person herein-before authorized and directed to act in the Stead of such Sheriff, shall make default in the Premises, he shall for every such Offence forfeit and pay to the said Company the Sum of One hundred Pounds, to be recovered by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Dublin*, wherein only One Imparlance shall be allowed; and if any Person so summoned and returned to serve as a Juror as aforesaid shall not appear, or having appeared shall refuse to be sworn, or to make his solemn Affirmation, as the Case may be, or to give his Verdict, or shall in any other Manner wilfully neglect or violate his Duty contrary to the true Intent and Meaning of this Act, or if any Person so summoned to give Evidence as aforesaid, shall not appear having been previously paid or tendered a reasonable Sum for his Costs and Expences, or having appeared shall refuse to be sworn, or to make his or her solemn Affirmation, as the Case may be, and give Evidence, every Person so offending, and having no reasonable Excuse, to be judged of and determined by the said Sheriff, Under Sheriff, Coroner, or other Person as aforesaid, shall forfeit and pay for every such Offence, for the Benefit of the Party for whom or on whose Account such Jury or Witness shall be summoned, any Sum not exceeding Twenty Pounds, to be levied, by virtue of a Warrant under the Hand of such Sheriff, Under Sheriff, Coroner, or other Person as aforesaid, by Distress and Sale of the Goods and Chattels of the Persons so offending, rendering to him the Overplus of the Money thereby produced, after such Penalty, and the Charges and Expences of such Distress and Sale, shall have been deducted.

LXIII. And

Jurors to be subject to Regulations as at Assizes.

LXIII. And be it further enacted, That every such Jury and Jury-man as aforesaid shall also be subject to the same Regulations, Pains, and Penalties as Juries and Jurymen returned or impannelled at the Assizes for the Trial of Issues joined in His Majesty's Courts of Record at *Dublin*.

By whom Expences of Juries shall be paid.

LXIV. And be it further enacted, That in every Case where the Verdict of a Jury shall be given for the same or for a greater Sum than shall have been previously offered by the said Company for the Purchase of any Lands, Tenements, or Hereditaments to be used or taken by them for the Purposes of this Act, or of the Estate or Interest of any Person therein, or as Compensation for any Damage or Loss which may happen or arise in the Execution of any of the Powers hereby granted, all the Costs of summoning and impannelling such Jury and taking such Inquisition, Attendance of Witnesses, recording such Verdict and Judgment, and otherwise incident to the said Inquisition, shall be defrayed by the said Company, and such Costs and Expences shall be settled and determined by the said Sheriff, Under Sheriff, Coroner, or other Person as aforesaid; and in case such Costs and Expences shall not be paid to the Party entitled to receive the same within Ten Days after the same shall have been demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels of the said Company or of the Treasurer of the said Company, (unless such Treasurer shall pay such Costs and Expences out of any Monies received by him by virtue of this Act, which he is hereby authorized to do,) under a Warrant to be issued for that Purpose by and under the Hand of any Justice of the Peace for the County in which such Inquiry shall have been held, and who is not interested in the Matter in question, which Warrant such Justice is hereby authorized and required to issue on Application made to him for that Purpose by the Party entitled to receive such Costs and Expences; but if the Verdict of the Jury be given for a less Sum than shall have been previously offered by the said Company, One Half Part of the Costs and Expences shall be defrayed by the Party with whom the said Company shall have such Controversy or Dispute, and the Remainder shall be defrayed by the said Company; and such One Half Part of the said Costs and Expences, having been ascertained and settled in manner herein-before mentioned, shall and may be deducted out of the Money adjudged to be paid to such Party as aforesaid as so much Money paid and advanced for his Use, and the Payment or Tender of the Remainder of the Money so adjudged shall be deemed and taken to all Intents and Purposes to be a good Payment or Tender in satisfaction of the whole Sum adjudged: Provided always, that in Cases where by reason of Absence in Foreign Parts, or from any other Cause of Disability not herein-before provided for, any Person shall have been prevented from treating and agreeing as aforesaid, the whole of such Charges and Expences shall be borne and paid by the said Company: Provided also, that in case the said Company shall refuse or decline to take the said Lands and Premises, or the Interest of any such Person therein, at the Price or Sum awarded by any such Jury, then and in such Case the said Company shall forthwith pay and discharge all such Costs and Expences.

LXV. And

A Jury may be summoned at the Request of the Party.

LXV. And be it further enacted, That when and so often as any Dispute or Difference shall arise between the said Company and the Owner or Occupier of any Land which shall be or be required to be used, occupied, cut through, divided, or otherwise injuriously affected by the Execution of the Powers of this Act, with respect to the Amount of Purchase Money, Satisfaction, or Compensation, as aforesaid, the Directors of the said Company shall, at the Request in Writing of such Owner or Occupier as aforesaid, forthwith issue their Warrant for the summoning and returning such Jury as aforesaid; provided a Statement in Writing, signed by or on behalf of such Owner or Occupier, containing the Particulars of such alleged intended Occupation or Injury, and the Amount of Purchase Money or Compensation claimed in respect thereof, have been lodged with the Clerk of the said Company Fourteen Days previous to such Request, and provided such Owner or Occupier shall, previous to the issuing of such Warrant, enter into a Bond to the said Company in the penal Sum of Two hundred Pounds, conditioned diligently to prosecute his Complaint, and to bear and pay such Proportion of the Costs and Expences attending or connected with such Inquiry or Investigation as he shall be lawfully adjudged to pay: Provided always, that if upon any such Inquiry it shall appear that the alleged Occupation has been made or Injury committed for more than Three Calendar Months previous to the Lodgment of such Statement as aforesaid, no Costs or Expences whatsoever shall be recoverable against the said Company or the Treasurer thereof.

Power to enter Lands upon Payment or Tender of Purchase Money.

LXVI. And be it further enacted, That upon Payment or legal Tender of such Sums of Money as shall have been contracted and agreed for between the Parties, or determined by a Jury, in manner aforesaid, for the Purchase or otherwise acquiring of any Lands, Tenements, or Hereditaments, or as Satisfaction or Compensation for any Loss or Damage as herein-before mentioned, to the Proprietors of such Lands, Tenements, and Hereditaments, or other Person interested therein, or entitled to receive such Money, Satisfaction, or Compensation respectively, within Thirty Days after the same shall have been so agreed for or determined, or if the Parties so entitled or interested as aforesaid cannot be found, or shall refuse to receive the same, or shall refuse, neglect, or be unable to make good Title to, or shall refuse to execute the necessary Conveyance or other Deed of the Premises, or in case such Money shall be liable to be invested in the Purchase of other Lands, Tenements, or Hereditaments, then upon Payment of such Money into the Bank of *Ireland*, as herein-after directed, within Thirty Days after the same shall have been so agreed for or determined for the Use of the Party or Parties entitled thereto, it shall be lawful for the said Company, and their Agents, Workmen, and Servants, immediately to enter upon and take Possession of all such Lands, Tenements, and Hereditaments, and then and thereupon such Lands, Tenements, and Hereditaments, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of all such Persons therein, as aforesaid, shall from thenceforth be vested in and become the sole Property of the said Company, to and for the Purposes of this Act; and such Payment, Tender, or Investment, as the Case may be, and so far and in respect

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to such Interests as the same shall extend to, shall not only bar all the Right, Title, Interest, Claim, and Demand of all such Persons as aforesaid, and operate to merge all outstanding or other Terms of Years, but also shall bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion, Remainder, and otherwise of his, her, or their Issue, and of every other Person whomsoever therein: Provided nevertheless, that before making such Payment, Tender, or Deposit in the Bank of *Ireland* as aforesaid it shall not be lawful for the said Company, or any Person acting under their Authority, to enter upon, dig, or cut into such Lands, Tenements, or Hereditaments, for any of the Purposes of this Act, save and except for the Purposes of staking, lock-spitting, or marking out the same, without the previous Consent of the respective Owners and Occupiers thereof.

Tenants from Year to Year to deliver Possession upon receiving Six Months Notice.

LXVII. And be it further enacted, That all Tenants at Will, Lessees for a Year, and other Persons in Possession of any Lands, Tenements, or Hereditaments which shall be occupied or required in making any Reservoir, Conduit, or Works connected therewith, pursuant to the Powers and Provisions of this Act, and who shall have no greater Interest in the Premises than as Tenants at Will, or Lessees for a Year, or from Year to Year, or other lesser Term, shall respectively deliver up the Possession of such Premises to the said Company, or to such Persons as they shall appoint to take possession of the same, at the Expiration of Six Calendar Months next after Notice in Writing to that Effect shall have been given by or on behalf of the said Company, to such respective Tenants or Lessees or Persons in Possession, or left upon the said Premises, whether such Notice be given with Reference to the Time of the Commencement of such Tenant's Interest or not, and whether such Notice be given before or after the said Premises shall be purchased or otherwise acquired by the said Company; and in case any such Tenant or Lessee, or Person so in Possession as aforesaid, shall refuse to give up Possession in manner as aforesaid, it shall be lawful for the Directors of the said Company to issue a Precept in the Name and under the Seal of the said Company to the Sheriff of the County in which the Premises shall be situate, requiring him to deliver Possession of the said Premises at such Time and to such Persons as shall in such Precept be nominated to receive the same; and the said Sheriff is hereby required to deliver the Possession of the said Premises accordingly, and to levy and satisfy such Costs as shall be incurred from and after the issuing and Execution of such Precept, on the Person so refusing to give Possession, by Distress and Sale of his Goods.

Interest of such Tenants to be settled by a Jury.

LXVIII. Provided also, and be it further enacted, That where any such Tenant or Lessee shall be required to deliver up Possession of any Premises so occupied by him, the Directors of the said Company shall and they are hereby required to make or tender unto such Tenant or Lessee, before the issuing of such Precept as aforesaid, a reasonable Satisfaction or Compensation for the Value of his or her unexpired Term or Interest or Tenant Right in the said Premises, and which Satisfaction or Compensation, in case of Difference, shall be ascertained and determined in the same Manner as any other Satisfaction

Satisfaction or Compensation for or in respect of any Lands, Tenements, or Hereditaments intended to be taken or used by the said Company is by this Act directed to be made or determined.

Persons holding under Leases to produce the same.

LXIX. Provided always, and be it further enacted, That in all Cases where any Party shall claim any Satisfaction or Compensation for or in respect of any unexpired Term or Interest which he or they shall claim to be possessed of or entitled unto in any Lands, Tenements, or Hereditaments which may be required, used, occupied, cut through, divided, or otherwise injured by the Execution of the Powers of this Act, under or by virtue of any Demise, Lease, or Grant thereof, the Directors of the said Company are hereby authorized to require such Party to produce and exhibit the Lease, Demise, Grant, or other Instrument in respect of which such Claim to Satisfaction or Compensation shall be made; and if such Lease, Demise, Grant, or other Instrument shall not be produced and exhibited when so required by the said Company the Party claiming such Compensation or Satisfaction shall be considered as holding only from Year to Year.

Mortgagees, after Tender of the Sums due to them, shall convey their Interests to the Company.

LXX. And be it further enacted, That all Persons having any Mortgage on any Lands, Tenements, or Hereditaments to be taken or used for the Purposes of this Act, and not being in Possession thereof by virtue of such Mortgage, shall, on Tender by or on behalf of the said Company of the Principal Money and Interest due thereon, and the just Costs, if any, then due, together with the Amount of Six Calendar Months Interest on the said Principal Money, immediately assign and transfer such Mortgage, and all Estate and Interest in such Lands, Tenements, or Hereditaments, to the said Company, or to such Person as they or the said Directors shall appoint; or in case such Mortgagee shall receive Notice in Writing from the said Company that they will pay off the Principal Money and all Interest which shall be due on the said Mortgage at the End or Expiration of Six Calendar Months, to be computed from the Day of giving such Notice, then and in such Case, if at the End of such Six Calendar Months, on the Payment or Tender of the Principal Money and all Interest and Costs then due, such Mortgagee shall refuse to make Assignment and transfer as aforesaid, all Interest on every such Mortgage Debt shall from thenceforth cease and determine: Provided always, that in case the Sum due on any such Mortgage shall amount to more than the real Value of the Premises to be taken or used for the Purposes of this Act, or of the Estate or Interest which shall so have been conveyed in Mortgage, and which Value shall be ascertained by a Jury in manner herein-before directed, in such Case the said Company shall not be liable to pay to such Mortgagee more than the real Value of such Premises, or of the Estate or Interest therein so mortgaged, or than the Residue thereof after such Allowance and Payment thereout to any Lessee or Tenant, as herein-before directed, occupying or holding the Estate or Interest so mortgaged under or by virtue of some Deed or Instrument executed and taking effect previous to the Date of the Mortgage, or to which the Mortgagee shall have expressly assented: Provided also, that in case any such Mortgagee shall neglect or refuse to assign or transfer as aforesaid, then, upon Payment of the Principal Money and Interest, and the Cost (if any), which may be due

due on Foot of such Mortgage as aforesaid, into the Bank of *Ireland*, at the End of Six Calendar Months from the Day of giving such Notice as aforesaid, or in lieu of such Notice, and in addition to the said other Monies, a Sum equal to Six Calendar Months Interest, for the Use of such Mortgagee, the Cashier of the said Bank shall give a Receipt for the said Money in like Manner as is by this Act directed in Cases of other Payments into the said Bank, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of such Mortgagee, and of all Persons in Trust for him, shall vest in the said Company, and they shall be deemed to be from thenceforth in the actual Possession of the Premises and Estate or Interest comprised in or conveyed by such Mortgage, to all Intents and Purposes whatsoever: Provided also, that if such Mortgage shall comprise any other Lands, Tenements, or Hereditaments than those which shall be so required to be taken or used by the said Company, such Mortgagee shall, upon Payment of the Sum so ascertained to be the Value of the Lands, Tenements, or Hereditaments so required as aforesaid, after deducting thereout the Sum to be paid and allowed to any Lessee or Tenant of any Lands and Hereditaments as herein-before directed, forthwith assign and transfer his or her Interest in such Lands, Tenements, and Hereditaments to or in Trust for the said Company; and in default of such Assignment or Transfer, and on Payment of such Money into the Bank of *Ireland*, for the Use of such Mortgagee, the Cashier of the said Bank shall give such Receipt as above mentioned, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of such Mortgagee, and of all Persons in Trust for him or her in the said Lands, Tenements, or Hereditaments so required as aforesaid, and the Value whereof, or of the Estate or Interest therein so mortgaged as aforesaid, shall have been so ascertained and paid into the Bank of *Ireland* as aforesaid, shall vest in or for the Benefit of the said Company; and they or their said Trustee shall be deemed to be in the actual Seisin or Possession thereof from thenceforth to all Intents and Purposes whatsoever; and such Sums of Money shall be deducted from the Amount of the Money due to such Mortgagee by virtue of such Mortgage.

How Disputes between the Company and certain Mortgagees shall be settled.

LXXI. And be it further enacted, That in all Cases where a Part only of any Lands, Tenements, or Hereditaments subject to any Mortgage shall be required for the Purposes of this Act, and the Mortgagee thereof shall not consider the remaining Part of such Lands, Tenements, or Hereditaments to be a sufficient Security for the Money owing to him and charged thereon, or shall not be willing to release the Part required for the Purposes of this Act from the Principal or Mortgage Money, and all Interest due or to become due thereon, and Costs, then and so often as the same shall happen the Value of such Parts of the said Lands, Tenements, or Hereditaments as shall be required for the Purposes aforesaid, or the Value of the Estate or Interest of such Mortgagee therein, and also the Compensation (if any) for any Damage done, shall be settled and agreed upon by and between such Mortgagee, and the Person or Persons entitled to the Equity of Redemption of such Lands, Tenements, or Hereditaments on the one Part, and the said Company on the other Part; and in case of any Difference between such Parties then such Value or Compen-

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sation shall be ascertained and determined by a Jury in manner herein-before mentioned; and such Value and Compensation, being so agreed upon or determined as aforesaid, shall be paid to such Mortgagee in satisfaction of his Claim, so far as the same will extend, or in case of his neglecting or refusing to assign or transfer as herein-before directed, then the Amount of such Value and Compensation shall be paid into the Bank of *Ireland*, as by this Act is provided; and such Payment to the Mortgagee, or into the Bank, as last aforesaid, shall be and be accepted in satisfaction of the Claim of such Mortgagee, so far as the same will extend, and also in discharge and exoneration of such Part of the mortgaged Premises as shall be so required to be taken or used from all Principal and Interest and other Money due or secured thereon: Provided nevertheless, that notwithstanding any thing herein-before contained all such Mortgagees shall have the same Powers and Remedies for recovering or compelling Payment of their Mortgage Money, or the Residue thereof, (as the Case may be,) and all Interest and Costs due thereon respectively, upon and out of the Residue of the mortgaged Lands, Tenements, or Hereditaments not required for the Purposes aforesaid, as they would otherwise have had or be entitled to for recovering or compelling Payment thereof upon or out of the whole of the Lands, Tenements, or Hereditaments originally comprised in such Mortgage.

Company to make Conveyances, &c.

LXXII. And be it further enacted, That it shall be lawful for the said Company, by Deed or Deeds under their Common Seal, to make all such Contracts, Grants, Conveyances, Leases, and Assurances as may be required for the better carrying into effect the several Powers, Authorities, and Purposes of this Act; and all such Contracts, Grants, Conveyances, Leases, and Assurances shall be valid and effectual, any thing in this Act contained, or any other Law, Statute, or Custom, to the contrary thereof in anywise notwithstanding; and upon Payment of the Money which shall arise by any such Sale or Sales, or as shall be reserved or made payable by way of Rent or otherwise, in or by any such Contract, Lease, Conveyance, or Assurance, it shall be lawful for the Treasurer of the said Company for the Time being to sign and give Receipts for the Money which shall be so paid; and no Purchaser, Tenant, Lessee, or Assignee shall be answerable or accountable for any Loss, Misapplication, or Non-application of such Money or any Part thereof.

Application of Compensation Money amounting to 200*l*.

LXXIII. And be it further enacted, That if any Money shall be agreed on or adjudged in manner herein-before mentioned to be paid as and for the Purchase Money or Compensation for any Lands, Tenements, or Hereditaments to be taken or used or injuriously affected, by virtue of the Powers of this Act, and belonging to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, or to any Tenant for Life or in Tail, Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or any Person under any other Disability or Incapacity, such Money shall, in case the same shall amount to or exceed

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the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there "*ex parte* the *Bann* Reservoir Company," according to the General Orders of the said Court, and without Fee or Reward, and shall when so paid in there remain until the same, or such Part thereof as shall be necessary, shall, by Order of the said Court made upon Petition to be presented to the said Court in a summary Way, from Time to Time, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, be applied, either in the Purchase or Redemption of the Quit Rent or Crown Rent, of or in or towards the Discharge of any Debt or other Incumbrance affecting the same, or any other Lands, Tenements, or Hereditaments standing settled to the same or the like Uses, Trusts, Intents, or Purposes, in such Manner as the said Court of Chancery shall direct; or shall upon the like Application be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, or Hereditaments which shall have been so purchased, taken, used, or injuriously affected as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime, and until such Orders shall from Time to Time be made, the said Money, or so much thereof as shall remain undisposed of, may, by Order of the said Court, upon Application thereto, be invested by the Accountant General of the said Court, and in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and in the meantime, and until such Annuities or Securities shall be ordered by the said Court to be sold, or called in or cancelled, for the Purposes aforesaid, the Dividends or Interest and annual Produce thereof shall from Time to Time be paid, by the Order of the said Court, to the Person who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased and settled.

Application when the Money is less than 200*l.* and above 20*l.*

LXXIV. Provided always, and be it further enacted, That if any such Money as aforesaid shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then the same shall, at the Option of the respective Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, used, or injuriously affected as aforesaid, or of their respective Husbands, Guardians, or Committees, in case of Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity, with the Approbation of the said Company, signified in Writing signed by the Clerk of the said Company, and under their Common Seal, be paid into the Bank of *Ireland*, in the Name and with the Privity of the said Accountant General, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or such Money may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the respective

Persons exercising such Option, such Nomination being approved of by the Directors of the said Company, and such Nomination and Approbation to be signified in Writing under the Hands or Common Seals of the nominating and approving Parties respectively; and the Money so paid to such Trustees, and the Dividends and Produce so arising thereon and therefrom, shall by such Trustees be applied in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank of *Ireland* in the Name of the Accountant General of the Court of Chancery, but without being required to obtain any Order of the said Court touching the Application thereof.

Application when the Money is not more than 20*l.*

LXXV. Provided also, and be it further enacted, That where any such Money as aforesaid shall not be more than Twenty Pounds then the same shall be paid to the respective Persons who would for the Time being have been entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so taken or used for the Purposes of this Act, for their own Use and Benefit; or in case of Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity, then such Money shall be paid to their respective Husbands, Guardians, Committees, or Trustees, to and for the Use and Benefit of the Persons respectively entitled thereto.

How the Purchase Money shall be disposed of in case of failure of Title.

LXXVI. And be it further enacted, That in case any Person to whom any Money shall be awarded or adjudged to be paid for or in respect of the Purchase of or Compensation for any Lands, Tenements, or Hereditaments to be taken, used, or injuriously affected under and by virtue of the Powers of this Act, shall refuse to accept the same, or shall refuse, neglect, or be unable to make a good Title to the Premises to the Satisfaction of the said Company, or the Directors thereof, or shall be absent from *Ireland*, or cannot be found, then and in every such Case it shall be lawful for the said Company to order the Money so awarded or adjudged as aforesaid to be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the said Court of Chancery, to be placed to his Account to the Credit of the Parties interested in the said Lands, Tenements, or Hereditaments, (describing them, so far as the said Company can do so,) subject to the Control and Disposition of the said Court; which said Court, on the summary Application by Petition of any Person making claim to such Money or any Part thereof, is hereby empowered to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates, Title, and Interest of the Parties making claim thereunto, and to make such other Order in the Premises as to such Court shall seem proper; and the Cashier of the Bank of *Ireland* who shall receive such Money is hereby required to give to the said Company or Person paying the same a Receipt mentioning and specifying therein for what and for whose Use particularly such Money is received.

Person in Possession presumptively entitled.

LXXVII. Provided always, and be it further enacted, That when any Question shall arise touching the Title of any Person to any Money to be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the said Court of Chancery, in

in pursuance of this Act, for the Purchase of or Compensation for any Lands, Tenements, or Hereditaments, or of any Estate, Right, Title, or Interest in any Lands, Tenements, or Hereditaments to be taken, used, or injuriously affected under and by virtue of this Act, or to any Annuities or Securities to be purchased with any such Money as aforesaid, or to the Dividends or Interest of any such Annuities or Securities, the Person who shall have been in Possession of such Lands, Tenements, or Hereditaments at the Time of such Purchase made or Injury done, and all Persons claiming under such Person, shall be deemed to have been lawfully entitled to such Lands, Tenements, or Hereditaments, according to such Possession, until the contrary shall be shewn to the Satisfaction of the said Court; and the Dividends or Interest of the Annuities or Securities to be purchased with such Money, and also the Capital of such Annuities or Securities, shall be paid, applied, and disposed of accordingly, unless it shall have been made to appear to the Satisfaction of the said Court that such Possession was a wrongful Possession, and that some and what other Person or Persons was or were lawfully entitled to such or to some and what Part of such Lands, Tenements, or Hereditaments, or to some and what Estate or Interest therein.

For paying the Expences of Conveyances to the Company.

LXXVIII. And be it further enacted, That all the Costs, Charges, and Expences, on the Part as well of the Seller as of the Purchaser, of all Conveyances and Assurances of any Lands and Hereditaments which shall be purchased or taken by the said Company for the Purposes of this Act, and of deducing, evidencing, and verifying such Title as the said Company may require to the said Lands and Hereditaments, and of all attested Copies which the said Company may require of any Deeds, Evidences, or Writings relating thereto, and all Expences whatsoever incident to the Investigation, Deduction, or Verification of such Title, shall be exclusively borne and paid by the said Company; and the said Company, before entering into Possession of the Lands and Tenements so purchased, shall pay the Amount of such Costs, Charges, and Expences, or in case there shall be any Dispute about the same shall deposit, for the Purpose of paying the same, in such Manner as herein-before mentioned, the Amount of the Costs, Charges, and Expences claimed by the Party or Parties from whom the Lands and Hereditaments shall be purchased: Provided always, that the said Company shall not be prevented from entering into Possession of the Lands and Hereditaments so purchased by reason of the Nonpayment of the said Costs, Charges, and Expences, or by reason of the Deposit herein mentioned not having been made, unless the Party or Parties from whom such Lands and Hereditaments shall have been purchased shall, within Seven Days after Notice in Writing for that Purpose shall have been given to them by the said Company, deliver a Bill of their said Costs, Charges, and Expences to the said Company, with the Name of a Solicitor as their Referee, for the Purposes herein-after mentioned; and if the said Company and the Party or Parties aforesaid cannot agree as to the Amount of such Costs, Charges, and Expences, the said Company shall name a Solicitor as a Referee on their Part, and deposit the Amount of the Costs, Charges, and Expences claimed by such Party or Parties as aforesaid in the Hands of the said Two Referees to answer the same; and

and such Costs, Charges, and Expences shall be settled and determined by the said Two Referees, or in case they should differ about the same, then by a Third Solicitor as Umpire, to be named and appointed by such Two first Referees before they proceed on the Matter referred to them; and the Award and Determination of the said Two Referees, or of the said Umpire, as the Case may be, shall be binding and conclusive, and shall be made within One Calendar Month from the Time of making such Deposit as is herein-before mentioned; and upon such Award and Determination being made the said Two Referees shall, by and out of the Money so deposited with them, pay to the Party or Parties from whom the said Lands and Hereditaments shall be so purchased as aforesaid the Amount of the Costs, Charges, and Expences which shall be so awarded and determined, and the Remainder of the said Money so deposited shall be returned to the said Company: Provided also, that the Expence of determining such Costs, Charges, and Expences as aforesaid shall be paid and borne by the said Company, unless One Sixth of the said Costs, Charges, and Expences shall be disallowed, in which Case the Expence of determining the same shall be paid and borne by the said Sellers, and the Amount thereof may then be deducted by the said Company from the Sum payable by them under the Award and Determination of the said Two Referees, or of the said Umpire.

The Court of Chancery may order Expences of Purchases to be paid by the Company.

LXXIX. And be it further enacted, That where by reason of the Disability or Incapacity of any Person or Corporation entitled to any Lands, Tenements, or Hereditaments to be taken under or by virtue of this Act, or from any other Cause whatsoever, the Purchase Money for such Lands, Tenements, or Hereditaments, or any Money to be paid for or by way of Compensation or Satisfaction for any Injury or Damage done to the same, shall be required to be paid into the Bank of *Ireland*, and be subject to the Orders and Directions of the Court of Chancery, under the Provisions herein contained, it shall be lawful for the said Court to order all the reasonable Costs, Charges, and Expences attending such Purchase, taking, or using of any Lands, Tenements, and Hereditaments, or which may be incurred in consequence thereof, and also of the Investment of the Purchase or Compensation Money paid in respect of such Lands, Tenements, and Hereditaments, in Real or Government Securities, and likewise the Reinvestment of such Purchase or Compensation Money, or the Government and Real Securities purchased therewith, in the Purchase of Lands, Tenements, and Hereditaments, as herein-before mentioned, together with the Costs, Charges, and Expences of obtaining the proper Orders and of the other Proceedings for such Purposes, and for the Payment of the Dividends and Interest of the said Government or Real Securities, and for the Payment of the Principal of the said Purchase or Compensation Money, and of the Government or Real Securities purchased therewith out of Court to be paid by the said Company; and the said Company shall from Time to Time pay such Sums of Money for the said Costs, Charges, and Expences as the said Court shall direct.

Directors not personally answer-

LXXX. And be it further enacted, That none of the Directors of the said Company hereby appointed, or hereafter to be appointed under

under the Authority of this Act, shall, by reason or means or on account of his being Party to, or making, signing, or executing, in his Capacity of Director of the said Company, pursuant to this Act, any Contract, Agreement, or other Instrument for or on behalf of the said Company, or otherwise lawfully executing any of the Powers and Authorities given to the said Directors by this Act, be subject or liable to be sued, prosecuted, or impleaded, either collectively or individually, by any Person whomsoever, in any Court of Law or Equity or elsewhere, and that the Bodies, Goods, Chattels, Lands, or Tenements of the said Directors, or any of them, shall not, by reason, on account, or in consequence of any such Contract or other Instrument so entered into or made, signed, or executed by them or any of them as aforesaid, or any other lawful Act which shall be done by them or any of them in the Execution of any of the Powers and Authorities given to them or any of them by this Act, be liable to be arrested, seized, detained, or taken in Execution, but that in every such Case any Person making any Claim or Demand upon the said Company or upon any Directors thereof, under or by virtue of any such Contract or Instrument or other lawful Act, may sue and implead the said Company in like Manner as if such Contract, Instrument, or other Act had been entered into and executed and done under the Common Seal of the said Company.

able for Acts legally done as Directors.

LXXXI. And whereas, in order to provide a due and sufficient Supply of Water in the Reservoirs to be constructed under this Act, and for the Purposes thereof, it is expedient that the said Company should be empowered to divert into the Reservoir to be constructed at or near to *Lough Island Reavy* as aforesaid the Waters of the River *Muddock* and of *Slievenalargy Stream*, and the surplus Water of the *Burren River* aforesaid, and to divert into the Reservoir to be constructed at or near the *Corbet Lough* as aforesaid the Water of *Knockgorm Stream*, and the surplus or flood Waters of the said River *Bann*, and to cause all the said Rivers and Streams to flow in manner hereafter mentioned; be it therefore enacted, That it shall and may be lawful for the said Company, by One or more good and sufficient Conduits or Aqueducts, and which Conduits or Aqueducts, being at all Times furnished with proper Flood Gates and Sluices, shall communicate and join with the present Course of the said River *Muddock* at or near and above the Weir now occupied by *Thomas M'Laughlin*, to divert and carry off into any Reservoir which may hereafter be constructed under this Act, at or near to *Lough Island Reavy* as aforesaid, all or so much of the Water of the said River *Muddock* as to the said Company shall seem right; and that it shall also be lawful for the said Company in manner aforesaid to turn, divert, and carry off into the said last-mentioned Reservoir all or so much of the Water of the said Stream called *Slievenalargy Stream* as to the said Company shall seem right; and that it shall be also lawful for the said Company in manner aforesaid to turn, divert, and carry off into the said last-mentioned Reservoir, and from some convenient Part of the said River *Burren* in the Townland of *Moneyscalp*, all such flood or surplus Water as shall not be required for the Use of the Mills now erected and being on the said River, and for the Purposes to which the same are now applicable.

Power to divert certain Water into Lough Island Reavy Reservoir.

Power to divert certain Water into the Corbet Lough Reservoir.

LXXXII. And be it further enacted, That it shall and may be lawful for the said Company, by One or more good and sufficient Conduits or Aqueducts furnished as aforesaid, to turn, divert, and carry off into any Reservoir which may hereafter be constructed under this Act at or near to the *Corbet Lough* all or so much of the Water of *Knockgorm Stream* as to the said Company shall seem right; and that it shall also be lawful for the said Company in manner aforesaid to turn, divert, and carry off into the said last-mentioned Reservoir, and from such Part of the said River *Bann* above the Weir now occupied by *Samuel Ervin* and *David Dixon*, or one of them, as to the said Company shall seem right, so much of the Water thereof as shall flow into and along a Channel or Aqueduct of any convenient Width; and the said Company shall place and keep at the Bottom of such last-mentioned Channel or Aqueduct, and at or near to the Point of Junction with the said River *Bann*, a level Stone Sill or Gauge which shall extend across the whole Breadth of such Channel or Aqueduct, the upper Surface of which Sill or Gauge shall not be lower than the average Height of the Surface of the said last-mentioned Weir, or such other Height as may hereafter be ascertained will not diminish or injuriously interfere with the Water required for driving or turning the Machinery of the Mills of the said *Samuel Ervin* and *David Dixon*: Provided always, that a Quantity of Water not less than that which shall or may be so carried off and diverted into the said Reservoirs, or either of them, from the Rivers *Muddock* and *Bann* as aforesaid, shall afterwards be returned into the present Course or Bed of the said Rivers respectively, at some Place further down in the Course thereof, and not more than Two Statute Miles from the Point or highest Points of Diversion thereof as aforesaid: Provided also, that so much Water shall at all Times be allowed to flow, remain, and be in the present Course of the said River *Muddock*, and of the said Streams called *Slievenalargy Stream* and *Knockgorm Stream* as may be sufficient for the watering of the Cattle depasturing in the Fields adjoining thereto, and other agricultural Purposes.

New Roads and Bridges shall be made in lieu of those which may be interrupted.

LXXXIII. And be it further enacted, That if any Embankment, Channel, Aqueduct, or other Work made in pursuance and in exercise of the Powers of this Act, any Roadway, Path, or Passage, whether the same be public or private, or a Foot, Cattle, or Carriage Way, shall be disturbed or interrupted, the said Company shall and they are hereby required, with all convenient Speed, and before such Disturbance or Interruption shall be made, to cause some other convenient Way to be opened and made, and any Bridges which may be required to be properly built for the convenient Use and Passage of any Person or Persons entitled to use such Way, either on Foot or with Cattle or Carriages, or for the Convenience of the Public, and out of the Capital of the said Company to defray the Expence of making such Ways and erecting such Bridges, and keeping the same in repair: Provided always, that in the Case of any Roadway or Bridge which may have heretofore been usually kept in repair, and ought to have been kept in repair by the Owner or Owners of any Lands, *ratione tenuræ*, or by any Body Corporate, or Grand Jury, Person or Persons liable to the Maintenance and Repair thereof, by Prescription

Prescription or otherwise, and which shall or may have been diverted, taken down, rebuilt, or altered under this Act, such new, substituted, altered, or rebuilt Road, Way, or Bridge shall, after the Completion thereof, be thenceforth maintained and kept in repair by such Owners, Body Corporate, Grand Jury, or other Person respectively, in the same Manner as the ancient Road, Way, or Bridge for which such new Road, Way, or Bridge may have been substituted, and the Land or Ground over which such ancient Road or Way was made, shall from thenceforth be to all Intents and Purposes the absolute Property of and vested in the said Company: Provided also, that when any Grand Jury shall be bound to keep in repair such new and substituted Road, Way, or Bridge as aforesaid, the Course, Site, Position, and Width thereof shall be ascertained and fixed by the Surveyor of such Grand Jury, but in such Way as not to interfere with or injure the Reservoir and other Works of the said Company, and shall by him be duly certified in Writing, together with convenient Maps and Plans of the same, to the said Company: Provided also, that if the necessary Width of any such new and substituted Bridge between the Abutments thereof shall be greater than the Width of the ancient Bridge for which it may have been substituted as aforesaid, the said Company shall for ever hereafter be liable to pay and defray a Portion of the Expences of repairing such new Bridge proportionate to the Excess of such Width as aforesaid.

What Satisfaction shall be made for the Site of such new Roads.

LXXXIV. And be it further enacted, That when the Road so fixed and ascertained by such County Surveyor as aforesaid shall pass through any Common or Waste Ground no Satisfaction need be made by the said Company to the Owner of such Common or Waste Ground in respect thereof; and when it shall pass through or over any private, improved, or inclosed Ground, then such Satisfaction shall be made to the Owners and Occupiers of such private or inclosed Ground as may be agreed on between them respectively and the said Company, and in case of Difference the Amount and Manner of such Satisfaction shall be ascertained and settled by a Jury, to be summoned, returned, and impannelled in manner by this Act prescribed.

Company to make a new Road at the Deers Meadow if required.

LXXXV. And be it further enacted, That in case the said Company shall at any Time hereafter make and complete the said Reservoir at the *Deers Meadow*, and in case the Proprietor or Proprietors of the Townland of *Ballynanny* shall so require it, the said Company shall and they are hereby required, at their own Expence, forthwith to make and form, or cause and procure to be made and formed, a new Line of Road Sixteen Feet wide for the Use of the Tenants and Occupiers of the Townland of *Ballynanny* adjoining thereto, in lieu and in place of so much of the present Road leading from *Hilltown* to *Kilkeel* as will be occupied by the said intended Reservoir, and to make and form the said Road, commencing at some convenient Place on the present Road at the North-western End of the said *Deers Meadow*, running along the Western Side of the said intended Reservoir, in and through the said Townland of *Ballynanny* as aforesaid, and terminating at some convenient Place on the

the said present Road so as aforesaid leading from *Hilltown* to *Kilkeel*, and at the Southern End of the said *Deers Meadow*.

Contracts for Works to be done.

LXXXVI. And be it further enacted, That all Contracts into which the said Company may enter for the Purpose of any Work authorized to be done by this Act shall (if in Writing) be signed by the Chairman or Two or more of the Directors of the said Company, and shall also be under the Common Seal of the said Company; and in case the said Contract shall not be well and sufficiently performed according to the Terms, Intent, or Meaning thereof, or in case the Work so contracted for shall not be finished or completed in the Time and Manner specified in such Contract, then the said Company may cause an Action or Actions to be brought in any of His Majesty's Courts of Law at *Dublin* against any such Contractor, for any Penalty contained in his Contract; and on Proof of such Contractor having signed the said Contract, and of the Non-performance thereof at the Time for that Purpose to be therein mentioned, the said Company shall be entitled to and shall recover the full Penalty contained in any such Contract, which, when recovered, shall be applied for the general Benefit of the said Undertaking.

Company may Contract for supplying Water from Reservoirs.

LXXXVII. And be it further enacted, That it shall be lawful for the said Company to contract with and undertake to supply, and to supply with Water, all such Persons as shall or may, for any Purpose whatever, require a Supply of Water along the Course of any Conduit or Aqueduct hereafter to be constructed under the Authority of this Act, or adjacent to the same, and at such Price, Rate, or Duty for such Water as may be agreed upon by and between such Persons and the said Company, the Water so supplied (the unavoidable Waste thereof only excepted) being ultimately returned or conveyed after Use by such Persons into the River *Bann* aforesaid: Provided nevertheless, that nothing in this Act contained shall empower or authorize the said Company, or any other Persons whatsoever, to damage, discolour, impregnate, or with any Drug or deleterious Ingredient in any Manner to injure the Water of the said River *Bann*, River *Muddock*, River *Burren*, and the Streams called *Slievenalargy Stream* and *Knockgorm Stream*, or any of them, or the Water which may be in any Reservoir, or in any Conduit, Aqueduct, Stream, or Feeder communicating therewith, to the Detriment of any Person or Persons using or occupying the Water of any of the said Reservoirs, Rivers, or Streams, or to the Destruction of the Fish therein, but that all such Persons using or occupying the said Water of the said Reservoirs, Rivers, or Streams, or having any Right of Piscary therein, shall have the same Right of Action and other Remedy for any Injury to such Water as if this Act had not been made, any thing herein contained to the contrary thereof notwithstanding.

Water not to be damaged.

Company may levy Rates on Fallholders.

LXXXVIII. And be it further enacted, That from and immediately after the passing of this Act One or more annual Rate or Rates as aforesaid shall and may be made, levied, and assessed by the said Company, and shall be made payable at yearly or half-yearly Periods, as may be thought necessary, upon and by all Persons who shall hold,

hold, occupy, or employ, as herein-after mentioned, any Fall on the said River *Bann*, being lower down in the Course of the said River than the Place at which the highest Conduit or Aqueduct by this Act authorized to be made shall be made, and shall communicate with the same, or on any Conduit or Aqueduct made in pursuance and by virtue of this Act, or who shall hold or employ any Mill which shall be supplied with Water from or by means of any Reservoir, Conduit, or Aqueduct to be constructed under the Authority of this Act.

Rates to be in proportion to the Height of the Fall.

LXXXIX. And be it further enacted, That the said Rates shall be imposed on all such Persons as aforesaid in proportion to the Height of the Fall of Water held, occupied, or employed by them respectively for the Purpose of giving Motion to any Machine or Engine; provided that if any such Fall of Water shall have been actually unemployed as aforesaid for and during a Period of Twelve Calendar Months the said Company shall have Power to remit the Whole or any Portion of the Rate which might and ought to have been levied and assessed upon such Fall in respect of the Height thereof; and provided nevertheless, that when and so long as any Fall shall be exclusively occupied in giving Motion to Mills and Machinery erected and employed for the grinding of Grain into Meal, and not into Flour, and commonly called Corn Mills, or for the preparing of Flax or coarse Cloth, and commonly called Flax Mills or Tuck Mills, the Rate to be assessed or imposed in respect of such Falls shall not be more than One Half the Amount by the Foot which shall be assessed or imposed on Falls the Mills and Machinery on which shall be employed in the bleaching of Linen and other Purposes, and for all the Purposes of this Act One Foot in Height of all such Falls shall be deemed and taken to be equivalent to Six Inches in Height of a Fall employed in the bleaching of Linen as aforesaid, and no more, and so in proportion for any greater or less Height.

Exceptions for certain Mills.

XC. Provided always, and be it further enacted, That nothing in this Act contained shall empower or authorize the said Company to make, assess, or levy any such Rate or Rates as aforesaid for or in respect of any Mills or other Works now or hereafter to be erected, constructed, or made upon Lands or Estates belonging or to belong to the Most Honourable *Arthur* Marquis of *Downshire* on or near to a certain Stream or Watercourse which falls and passes from the said Lake or Lough called or known by the Name of *Lough Island Reavy*, and from thence into the said River or Stream called the *Muddock*, or for or in respect of any of the present Water Corn Mills or Flax or Tuck Mills of the said Marquis situate in the Townlands of *Ballycashoan*, *Corquillan*, *Lenish*, and *Ardbrin*, or any of them, in the said County of *Down*, until or unless by reason of some Alteration in or Addition to such last-mentioned Mills and Machinery the Purposes for which the same are now used shall be changed, or a greater Supply of Water than is now requisite shall be used therein, or required in giving Motion thereto, but that the said Marquis, and the Owners and Occupiers of his said Lands and Estates for the Time being, shall have the full and free Use of the Water which may pass down to the said Mills or any of them, or along the said Stream or Watercourse

from *Lough Island Reavy* to the River *Muddock*, for the Use of his present Mills on or near the Line thereof, and for any other Mills or Works that may be hereafter erected, made, or constructed along or near the Line of the said Watercourse, without being charged by the said Company or liable to any Rate or Payment whatsoever for the Use of such Water, provided that such Water, after the Use thereof at the said Mills or Works, shall fall or run into the said River *Muddock*, and into the said River *Bann* respectively, any thing in this Act contained to the contrary thereof notwithstanding.

Provision for concurrent Occupiers of One Fall.

XCI. Provided always, and be it further enacted, That where any Two or more Persons shall be concurrent Occupiers for any such Purpose as aforesaid of the same Fall, or any Part of the said Rivers *Bann* or *Muddock*, or any Conduit or Aqueduct communicating therewith, the Proportions in which the Amount of the Assessment hereby authorized to be rated and assessed in respect of such Fall shall be applotted on each of such concurrent Occupiers in such Manner as to such concurrent Occupiers shall seem meet, and when the Amount payable by each shall have been so applotted and apportioned and ascertained the same shall be communicated to the said Company by a Notice in Writing addressed and delivered to the Clerk thereof, and signed by each of such Occupiers: Provided always, that in the meantime, and until such Communication in Writing shall have been made as aforesaid, the said Company shall be at liberty to raise and levy the whole of the Rate assessed in respect of such Fall so concurrently occupied upon and from any or all of the Persons so concurrently occupying the same, or as the said Company shall think proper.

Each concurrent Occupier to be deemed the Holder of a Fall proportioned to his Contribution.

XCII. And be it further enacted, That each of such concurrent Occupiers, after such Apportionment as last aforesaid, shall for all the Purposes of this Act be considered as the Occupier of a Fall of Water bearing to the whole Height of the Fall of Water so concurrently occupied the same Proportion which the Sum of Money agreed by such Occupier to be paid as his Proportion of the Assessment made in respect of such Fall shall bear to the whole Amount of Assessment in respect thereof.

Annual Rates not to exceed 10*l.* per Foot, and the net Profits not to exceed 7*l.* 10*s.* per Centum.

XCIII. And be it further enacted, That no Rate or Rates to be imposed or assessed as aforesaid shall exceed in any One Year the Rate of Ten Pounds for every Foot of Fall hereby made liable to be rated or assessed as aforesaid: Provided nevertheless, that whenever the said Company shall be enabled by reason of such Assessments calculated at the Rates aforesaid, or at any lower Rate or Rates, and out of the Profits of the said Undertaking, to declare and pay to the several Shareholders therein a clear Dividend, after Payment and Satisfaction of all Costs, Charges, Interest, and Expences exceeding Seven Pounds Ten Shillings *per Centum per Annum* on the Money advanced in respect of such Shares, it shall not be lawful for the said Company to make a greater Dividend than as aforesaid, nor to continue to make such Assessment at the Rates aforesaid, but the same shall be made and calculated at such lower Rate or Rates, or as near thereto as may be, as will enable the said Company at the End of the next succeeding Year to declare and pay a clear Dividend of the Profits

Profits of the said Undertaking, not exceeding Seven Pounds Ten Shillings *per Centum* on such Advances as aforesaid.

Company's Engineer to survey and ascertain the Height of Falls.

XCIV. And be it further enacted, That the said Company shall be and are hereby authorized and required, from Time to Time, so often as the same shall be necessary, by themselves, their Engineers or Surveyors, and their Assistants and Servants, to inspect and survey the Whole or any Part of the said River *Bann*, and of all Rivers, Streams, Reservoirs, Conduits, Aqueducts, and Feeders falling into or communicating therewith, and to measure and ascertain the Height of the Falls existing thereon, and to determine the Levels of the said Rivers, Streams, Conduits, Aqueducts, or Feeders, and Falls respectively, to the End and Intent that the said Rates may be accurately imposed, assessed, and applotted in proportion to the Height of such Falls respectively; and for the Purposes above mentioned it shall be lawful for such Engineers, Surveyors, and Assistants, from Time to Time, to enter into and upon the Lands and Works adjoining or near the said Rivers, Streams, Conduits, Aqueducts, and Feeders respectively.

Engineer to certify to the Company the Height of each Fall.

XCV. And be it further enacted, That the Engineer or Surveyor to be appointed and employed as last aforesaid shall estimate, ascertain, and determine the Amount or Height in Feet and Inches of the Fall occupied by each such Fall-holder as aforesaid, and in respect of which he is liable to be rated or assessed under this Act, and shall certify and declare the same to the said Company by Writing under his Hand; and such Certificate or Declaration in Writing of such Engineer or Surveyor, made before some Justice of the Peace, shall, unless the same be appealed from and altered in manner herein-after mentioned, be good, valid, and effectual to authorize and entitle the said Company to rate and assess each such Fall-holder accordingly.

Power of Distress upon Non-payment of Rates.

XCVI. And be it further enacted, That if any Person rated as aforesaid shall for the Space of Ten Days after Demand made in Writing on him by the Collector or Receiver of Rates of the said Company, either in Person, or left at his Residence, or at the Mill, Machinery, Manufactory, or other Works in respect of the Fall of Water supplying which such Demand shall be made, refuse, or neglect to pay any Sum of Money which shall be rated, assessed, or imposed on him under the Provisions herein contained, it shall be lawful for such Collector or Receiver, or any other Person authorized by virtue of any Warrant under the Common Seal of the said Company, and which Warrant such Company or the Directors thereof are hereby empowered and required from Time to Time to grant as Occasion shall require, to levy such Sum of Money so rated, assessed, or imposed, and all Arrears thereof, by Distress and Sale of the Goods and Chattels of the Person so neglecting or refusing to pay the same, rendering the Overplus (if any), on Demand, to the Owner of such Goods and Chattels, after deducting the Costs and Charges of taking or making such Distress and Sale.

Application of Capital and Rates.

XCVII. And be it further enacted, That the said Company is hereby authorized and empowered to lay out and apply their Capital, and

and all Rates, Assessments, or Impositions made, levied, or charged by virtue of and in pursuance of this Act, or so much thereof as shall be necessary, in the first place, in paying and discharging all the Costs, Charges, and Expences incurred in applying for, obtaining, and passing of this Act, or in any wise preparatory or incidental thereto; in the second place, in defraying the Expences of carrying into execution the several Purposes of this Act; in the third place, in paying from Time to Time the Interest of the Principal Money to be borrowed or raised (if any) by the said Company in virtue of the Powers hereinafter contained, and in reducing, paying off, and discharging the Principal Money so to be borrowed by the said Company, and in the supporting, maintaining, preserving, and keeping up the said Reservoirs and other Works, and carrying into execution the several Purposes contemplated by this Act.

Power to borrow additional Sum if necessary, by Mortgage.

XCVIII. And be it enacted, That if the said Company shall have Occasion at any Time to borrow Money in order to carry into effect the Purposes of this Act, it shall be lawful for the said Company, from Time to Time, by an Order of any General Meeting of the said Company, to borrow and take up at Interest any Sum, not exceeding in the whole the Sum of Twenty thousand Pounds, on the Credit of the said Undertaking, and the said Company or the Directors of the said Company, after an Order shall have been made for that Purpose at any General Meeting of the said Company, are hereby empowered to mortgage, assign, and charge the Property of the said Undertaking, and the Rates, Duties, and Monies arising or accruing or to arise by virtue of this Act, or any Part thereof, as a Security for any Sum of Money to be borrowed as aforesaid, with Interest, to or for the Benefit of the Party or Parties, or to his or their Trustee or Trustees, who shall advance the same; and all which Mortgages, Assignments, or Charges shall be made under the Common Seal of the said Company in the Words or to the Effect following, or with such Variation therein as the Circumstances of the Loan may render necessary; that is to say,

'The *Bann* Reservoir Company.

Form of Mortgage.

'Number

'BY virtue of an Act passed in the Year of the Reign 'of King *William* the Fourth, intituled *An Act for providing a* 'more abundant and regular Supply of Water in the River called the 'Upper Bann, *in* Ireland, we the *Bann* Reservoir Company, in con- 'sideration of the Sum of to us paid by 'A. B. of , do assign unto the said A. B., his 'Executors, Administrators, and Assigns, the said Undertaking, and 'all and singular the Lands, Tenements, and Hereditaments, Tolls, 'Assessments, Rates, and Sums of Money arising by virtue of the 'said Act, and all the Estate, Right, Title, and Interest of the said 'Company in and to the same, to hold unto the said A. B., his 'Executors, Administrators, and Assigns, until the said Sum of 'together with Interest for the same after the Rate 'of for every One hundred Pounds for a Year, shall be fully 'paid and satisfied. Given under our Common Seal this 'Day of in the Year of our Lord .'

And

And the respective Parties to whom such Mortgages or Assignments shall be made shall be entitled one with the other to their respective Proportions of the said Rates and Sums and Premises according to the respective Sums in such Mortgages or Assignments mentioned to be advanced, without any Preference by reason of Priority in Date of any such Order of the said Company, or Priority in Date of such Mortgage or Assignment, or on any other Account whatsoever and an Entry or Memorial of such respective Mortgages or Assignments, containing the Number and Dates thereof, and the Names of the Parties, with their proper Additions, to whom the same shall have been made, and of the Sums borrowed, together with the Rate of Interest to be paid thereon respectively, shall within Twenty-one Days next after the Date thereof be entered in some Book to be kept by the Clerk of the said Company, which said Book may be perused at all reasonable Times by any of the Proprietors or Creditors of the said Undertaking, or other Persons interested therein, without Fee or Reward; and all Parties to whom any such Mortgage or Assignment shall have been made as aforesaid, or who shall be entitled to the Money due thereon, may from Time to Time transfer their respective Rights and Interests therein to any other Person or Persons; and every Transfer thereof shall be by Deed, in which the Consideration for the same shall be truly stated, and may be in the Words or to the Effect following; that is to say,

Mortgages may be transferred.

'I *A. B.* of , in consideration of the Sum
' of paid by *C. D.* of ,
' do hereby transfer a certain Mortgage, No. , made by
' the *Bann* Reservoir Company to , bearing Date
' the Day of , for securing the Sum of
' and Interest, and all my Right, Estate, and Interest in and to the
' Money thereby secured, and in and to the Lands and Tenements,
' Rates and Hereditaments, Sums of Money and Property thereby
' assigned, to the said , his Executors, Administrators,
' and Assigns. Dated this Day of in the
' Year of our Lord .'

Form of Transfer.

And every such Transfer shall within Twenty-one Days after the Date thereof, if executed in *Ireland*, or otherwise within Twenty-one Days next after the Arrival thereof in *Ireland* (if executed elsewhere) be produced to the Clerk of the said Company, who shall cause an Entry or Memorial to be made thereof in the same Manner as of the original Mortgage or Assignment, for which the said Clerk shall be paid such Sum as the Directors of the said Company shall appoint, not exceeding the Sum of Two Shillings and Sixpence; and after such Entry or Memorial made every Transfer shall entitle such Assignee, or his or her Executors, Administrators, and Assigns, to the full Benefit thereof and Payment thereon, and it shall not be in the Power of any Person who shall have made such Transfer to make void, release, or discharge the Mortgage so transferred, or any Money thereon due or thereby secured, or any Part thereof.

Entries of Transfers to be made by the Clerk.

XCIX. And be it further enacted, That the Interest of the Money which shall be raised by Mortgage or Charge as aforesaid shall be paid half-yearly to the several Persons entitled thereto, and in preference to any Dividends payable by virtue of this Act to the Proprietors of

Interest of Money so borrowed to be paid in

to Dividends.

the said Company, or any of them, and in case the same Interest or any Part thereof be behind and unpaid by the Space of Twenty-one Days next after the same shall have become due and payable as aforesaid, and the same shall not be paid within Seven Days next after Demand thereof in Writing shall have been made to the said Company, or left at the Office of the said Company, the same, whatever its Amount may be, shall and may be recovered by Civil Bill before the Assistant Barrister of the County of *Down*, or by Action of Debt in any of His Majesty's Courts of Record at *Dublin*.

Mortgagee not to be deemed a Proprietor.

C. Provided always, and be it further enacted, That no such Mortgagee or Assignee of any such Mortgage as aforesaid shall be deemed a Proprietor of the said Company, or have any Right to vote at any Meeting thereof, in right of his being such Mortgagee or Assignee as aforesaid.

If first Mortgages are paid off, the Company may raise Money again in the same Manner.

CI. And be it further enacted, That in case the said Company shall raise the Whole or any Part of the said Sum of Twenty thousand Pounds by Mortgage, and shall afterwards be required or shall be desirous to pay off or shall have paid off all or any Part of the Principal Sum secured by such Mortgages or any of them, then and in every such Case it shall be lawful for the said Company or the Directors thereof, immediately or at any Time thereafter, again to raise, in lieu of the Principal Money so paid off or to be paid off by them, so much and such Sum and Sums of Money as they shall from Time to Time have paid off, or be required or be desirous to pay off, to the Holders of the said Mortgages or any of them, or any Part thereof, and so from Time to Time as often as the same shall happen, but so nevertheless that the said Company shall not in any Event borrow in such Manner or to such Extent as that more than the Sum of Twenty thousand Pounds in the whole shall be owing at any Time on Mortgage of or as a Charge upon the said Undertaking.

Company may borrow Money from Commissioners for promoting Public Works.

CII. And be it further enacted, That it shall be lawful for the said Company to borrow of and from any Commissioners appointed or to be appointed by Authority of Parliament, or under any Authority derived from or created by any Act or Acts made or to be made for the Purpose of promoting Public Works, by the Loan or Advance of Exchequer Bills or Money, or such other like Purpose, such Sum or Sums of Money as the said Company may deem expedient for the Purposes of this Act, and to grant, give, and execute under their Common Seal such Mortgage, Charge, or Assignment of the Lands, Tenements, and Hereditaments of the said Company, and of all Works erected thereon, and of all Rates, Duties, and Monies arising or accruing from the Assessments by this Act authorized to be made, or such other Security or Securities, subject to and containing such Restrictions, Regulations, and Conditions, and with such Priority or Preference for the Securities granted to such Commissioners, as, in the Exercise of the Powers on them conferred by any Act or Acts made or to be made, the said Commisioners shall think fit to direct or appoint, enjoin or require.

Company may buy up Shares.

CIII. And be it further enacted, That if the said Company or the Directors thereof shall deem it expedient, out of any Surplus of Monies or otherwise, to take up any Share or Shares in the said Undertaking which

which shall be offered for Sale, then and in such Case it shall be lawful for any General Meeting of the said Company either to direct that any such Share or Shares so bought shall merge in the said Undertaking, or that the same shall be transferred to the said Company, and such Share or Shares may in such last-mentioned Case at any Time thereafter be sold for the Benefit of the said Company, and for the raising of any Sum of Money which may be wanted for or towards the erecting or repairing any Works belonging to the said Company, or for any other Purposes which may be deemed useful or beneficial to the said Undertaking.

Wilfully injuring any Reservoir or other Work, Felony.

CIV. And be it further enacted, That if any Person shall wilfully and maliciously demolish, break down, cut, or in anywise do Injury to any Bank or Side of the said River *Muddock* below the Point at which the Water flowing from the said Reservoir at *Lough Island Reavy* shall be returned into the said River as aforesaid, or to any Reservoir, Embankment, Conduit, Aqueduct, Feeder, Sluice, Floodgate, Dam, Weir, Byewash, or other Work to be made or erected by virtue of this Act, every Person so offending shall be deemed guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned for any Term not exceeding Four Years, and if a Male to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit) in addition to such Imprisonment.

Amount of Damages and Costs to be settled by convicting Justices.

CV. And be it further enacted, That where any Damages or Costs are directed or authorized to be paid or recovered, in addition to any Penalty for any Offence in this Act mentioned, the Amount of such Damages or Costs, in case of Dispute respecting the same, shall be settled or determined by the Justices of the Peace by or before whom any Offender shall be convicted of any such his Offence against this Act, and which Justices are hereby authorized and required, on Nonpayment thereof, to issue their Warrant for the levying the Amount of such Damages and Costs by Distress and Sale of the Offender's Goods and Chattels in manner directed by this Act for the levying of any Penalty or Forfeiture.

Penalties may be recovered before Justices by Summons, without Information in Writing.

CVI. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before Justices of the Peace it shall be lawful for any Justice or Justices of the Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against to appear before any Two Justices of the Peace of the same County, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice or Justices; and all other Proceedings by Summons, without Information, shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing were exhibited.

Recovery and Application of Penalties.

CVII. And be it further enacted, That when any Person shall be summarily convicted before Justices of the Peace for any Offence against

against this Act, and a Warrant shall have issued for the levying the Amount of any Penalty or Forfeiture and Costs by Distress and Sale of the Offender's Goods and Chattels, and the Amount of such Penalty or Forfeiture shall not be forthwith paid, it shall be lawful for such Justices to order any Person so convicted to be detained and kept in safe Custody until Return can be made to such Warrant of Distress, unless the Offender shall give sufficient Security to the Satisfaction of such Justices for his Appearance before such Justices or before some other Justices of the Peace for the same County on such Day as shall be appointed for the Return of such Warrant of Distress, such Day not being more than Seven Days from the taking of any such Security, and which Security the said Justices are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereby to levy the said Penalty or Forfeiture and Costs as aforesaid, and such Penalty or Forfeiture and Costs shall not be forthwith paid; or in case it shall appear to the Satisfaction of such Justices, either by the Confession of the Offender or otherwise, that the Offender hath not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Costs, and Charges may be levied in case a Warrant of Distress were issued, such Justices shall not be required to issue such Warrant of Distress, but in all such Cases it shall be lawful for such Justices, and he or they is and are hereby authorized and required, immediately thereupon, by Warrant, to commit such Offender to the Common Gaol or House of Correction for any Term not exceeding Three Calendar Months, unless such Penalty or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied; and all such Fines, Penalties, and Forfeitures, when recovered, shall be paid into the Hands of the Treasurer of the said Company, and shall be applied and disposed of for the Benefit of the said Undertaking; and the Overplus (if any) arising from such Distress and Sale, after Payment of the Penalty, and the Costs and Charges attending the same, shall be returned, upon Demand, to the Owner of the Goods and Chattels so distrained.

Form of summary Conviction.

CVIII. And be it further enacted, That where any Person shall be summarily convicted of any Offence against this Act before any Two or more Justices of the Peace the Conviction shall be drawn up in the following Form of Words, or to the same Effect; that is to say,

'County of } BE it remembered, That on [*Time of Conviction*] at
'to wit. } [*Place of Conviction,*] *A. B.* of [*Addition of Of-*
'*fender*] was duly convicted before us [*Name and Style of convicting*
'*Justices*], for that the said *A. B.* on [*Time of committing Offence*]
'at [*Place of committing Offence*] did [*here state the Offence against the*
'*Act according to the Fact,* contrary to the Form of the Statute
'made in the Year of the Reign of His Majesty
'King *William* the Fourth, intituled [*here set forth the Title of this*
'*Act*], and we do therefore declare and adjudge that the said *A. B.*
'has forfeited for the said Offence the Sum of [*here state the Sum*],
'or shall be committed to [*Place of Imprisonment*] for the Space of
'[*Time of Imprisonment, as the Case may be*]. Given under our Hands
'and Seals the Day and Year first above written.'

CIX. And

Distress not unlawful for Want of Form.

CIX. And be it further enacted, That where any Distress shall be made for any Rate, Assessment, Penalty, Forfeiture, or Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings, nor shall the Party distraining be deemed a Trespasser *ab initio* on account of any Irregularity which shall be afterwards committed by the Party distraining; but the Person aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damages in an Action upon the Case.

Proceedings not to be quashed for Want of Form.

CX. And be it further enacted, That no Proceedings to be had and taken before any Justice or Justices of the Peace in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari or any other Writ or Process whatsoever into any of His Majesty's Courts of Record at *Dublin* or elsewhere.

Penalty on defaulting Witnesses.

CXI. And be it further enacted, That if any Person who shall be summoned as a Witness to attend and give Evidence before any Justice or Justices of the Peace touching any Matter of Fact contained in any Information or Complaint for any Offence committed against this Act, either on the Part of the Prosecutor or the Person accused, shall refuse or neglect to appear, or upon appearing shall refuse to be examined upon Oath or on solemn Affirmation, as the Law may require or permit, and to give Evidence before any such Justice or Justices of the Peace, then and in every such Case such Person shall forfeit and pay any Sum not exceeding Ten Pounds, to be recovered in like Manner as any Penalty imposed by this Act may be recovered.

Officers of the Company not therefore incompetent as Witnesses.

CXII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Rates, or in respect of any other Matter or Thing relating to the said Undertaking, no Person acting by or under the Authority of the said Company, or in the Service of the said Company, shall for that Reason alone be in any Manner disqualified or incapacitated from giving Evidence in, upon, and respecting such Dispute, Suit, or Litigation.

Directors may execute Releases to Witnesses.

CXIII. And be it further enacted, That in all Actions and Suits at Law or in Equity, and in all Prosecutions or Proceedings under this Act or otherwise, for any Claim or Compensation against or for or on behalf of the said Company, or other Proceedings in or consequent upon or arising out of any such Actions, Suits, or Proceedings, it shall be lawful for any Two or more of the Directors of the said Company, in their own Name, for or on behalf of the said Company, to make, sign, seal, execute, and deliver all such general or other Releases as may be deemed to be necessary for the Purpose of exonerating, releasing, or discharging all Persons who shall or may be produced as Witnesses in any such Actions, Suits, Prosecutions, or other Proceedings as aforesaid, from all Claims or Demands which may be necessary to be released by the said Company, in order to qualify such Persons to give Evidence as Witnesses in any such Actions, Suits, Prosecutions, or Proceedings as aforesaid, and also to do any other Act, Matter, or Thing, in any such Actions, Suits, Prosecutions, or Proceedings, which

which any Plaintiff or Defendant may do in any Suits, Actions, Prosecutions, or other Proceedings; and every such Release, Act, Matter, and Things respectively shall be as valid and effectual in all respects, and to all Intents and Purposes whatsoever, as if the same were under the Seal of the said Company.

False swearing Perjury.

CXIV. And be it further enacted, That any Person who in any Examination to be taken upon Oath or Affirmation (as the Case may be) by virtue and in pursuance of this Act shall wilfully and corruptly swear or affirm any thing false, or make any false or untrue Declaration before any Judge, Sheriff, Coroner, Justice of the Peace, or other Person acting in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to such and the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable to.

Persons aggrieved may appeal.

CXV. Provided always, and be it further enacted, That if any Person shall think himself aggrieved by any Order or Judgment made or given in pursuance of this Act, or by such declared or certified Height of Fall as aforesaid, or by any Rate or Assessment imposed by the said Company, or by any Distress made by or under the Direction of the said Company, or by the Order or Judgment of any Justice or Justices of the Peace, in pursuance of this Act, such Person may, within One Calendar Month after such Order, Judgment, Certificate, Rate, Assessment, or Distress shall be made or given, appeal to the next General or Quarter Sessions of the Peace to be held in and for the County in which the Cause of Appeal shall arise, the Person appealing having first given at least Twenty-one clear Days Notice in Writing of such Appeal, and of the Nature and Matter thereof, to the Person appealed against, or to the Clerk of the said Company (as the Case may be), and forthwith after such Notice entering into a Recognizance before some Justice or Justices of the Peace for the said County in which the said Cause of Appeal shall arise, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the Court thereupon; and the Assistant Barrister presiding at such Sessions, upon due Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Complaint, and may, in his Discretion, mitigate any Penalties or Forfeitures, and alter any such Certificate, Rate, or Assessment, and may order any Money to be returned which may have been levied in pursuance of such Order or Judgment, Rate or Assessment, and shall and may also award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as he shall judge reasonable and proper; and all such Determinations of the said Assistant Barrister shall be final, binding, and conclusive upon the Parties to all Intents and Purposes whatsoever.

Assistant Barrister may amend or quash the Rate if unequally levied.

CXVI. And be it further enacted, That upon all Appeals from any Rate or Assessment made in pursuance of this Act the said Assistant Barrister may, in his Discretion, give Relief, either by wholly quashing such Rate or Assessment or by amending the same, either by inserting, striking out, or altering the Name of any Person or

or Sum therein charged, or in any other Manner which the said Assistant Barrister shall think necessary for the Purposes of Justice: Provided always, that if upon the hearing of such Appeal the said Assistant Barrister shall be of opinion that such Rate or Assessment has been made in pursuance of this Act, and according to the actual Height of the Fall which such Appellant shall hold, occupy, or employ, and that the Sum claimed from such Appellant in respect of such Fall is not greater than has been demanded by the said Company from other Fall-holders on the same River or Stream, no Alteration whatever shall be made in the said Rate or Assessment, but the said Appeal shall be dismissed, with Costs, to be paid by such Appellant to the said Company.

Notice to be given to Persons acting under this Act, before Action brought.

CXVII. Provided always, and be it further enacted, That no Plaintiff shall recover in any Action to be commenced against any Person for any thing done in pursuance of this Act, unless Notice in Writing thereof shall have been given to the Defendant, or left at his last or usual Place of Abode One Calendar Month before such Action shall be commenced, signed by the Attorney for the Plaintiff, specifying the Cause of such Action, nor shall the Plaintiff recover in such Action if Tender of good and sufficient Amends shall have been made to him or his Attorney, by or on behalf of the Defendant, before such Action brought; nor if such Tender of Amends shall be made at any Time after the said Action brought, and before the Trial thereof, with Costs of Suit to the Time of such last-mentioned Tender; but on Proof of such Tender on any Trial to be had in such Action the Plaintiff shall be nonsuited, and shall pay Costs to the said Defendant, to be recovered in the same Manner as any Defendant may recover Costs in any other Case of Law, or in case no Tender shall have been made it shall be lawful for the Defendant in any such Action, by Leave of the Court in which such Action shall depend, at any Time before Issue joined to pay into Court such Sum of Money as he shall think fit; whereupon such Proceedings, Order, and Judgment shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

CXVIII. And be it further enacted, That if any Action, Suit, or Information shall be brought or commenced by any Person for any thing done or to be done in pursuance of this Act, or in Execution of the Powers and Authorities, or the Orders and Authorities hereinbefore given or granted, every such Action, Suit, or Information shall be brought or commenced within Six Calendar Months next after the Fact shall have been committed, or in case there shall be a Continuance of Damages then within Six Calendar Months next after the doing or committing of such Damages shall have ceased, and not afterwards, and shall be laid or brought in the County wherein the Matter in dispute shall have arisen, and not elsewhere; and the Defendant in such Action, Suit, or Information shall and may, at his Election, plead either specially or the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and shew that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or if any Action, Suit, or Information shall be brought after the Time so limited for bringing the same, or shall be brought in any other County than

than as aforesaid, then and in such Case the Jury shall find for the Defendant; and in such Case also, or if the Plaintiff shall become nonsuited, or suffer a Discontinuance of his Action, Suit, or Information after the Defendant shall have appeared thereto, or if any Verdict shall pass against the Plaintiff, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff, the Defendant shall have double Costs, and shall have such Remedy for the Recovery of the same as any other Defendant hath in other Actions at Law.

Certain Words in this Act defined.

CXIX. And be it further enacted, That whenever in this Act Mention is made of "the Company," or "the said Company," the said Expressions shall be understood as describing or referring to "The *Bann* Reservoir Company" in their corporate Character, and not as Individuals, unless the Sense manifestly requires a contrary Interpretation; and when the Term "Fall-holder" is used therein, the same shall be understood to mean and apply to any Person or Persons, Body Politic or Corporate, holding or occupying any Mill or other Machinery propelled or moved by Water, and in respect of which Water and the Fall thereof, so used and employed, such Owner or Occupier shall be liable to be rated or assessed under the Provisions of this Act; and whenever the Term "*Burren River*" is used, the same shall be understood to mean all that Stream of Water which rises on the South-west Side of *Moneyscalp Hill*, and passes by *Burren Bridge*, and falls into the Sea at *Newcastle* in the County of *Down*; and whenever the Term "*Slievenalargy Stream*" is used, the same shall be understood to mean and be applied to a certain Stream or Brook which rises or takes its Source in a Hill called *Slievenalargy*, and now falls into a Lough called *Lough Allnadua*, all in the said County of *Down*; and whenever the Term "*Knockgorm Stream*" is mentioned, the same shall be understood to mean and be applied to a certain Stream or Brook now flowing from a certain Lough in the Townlands of *Knockgorm*, into, through, and along the said Lands of *Knockgorm*, and Towns and Lands of *Castlevennon*, *Tullyorier*, *Ballulymore*, and *Aughnacloy*; and also that throughout this Act (except where the Nature of the Provision or the Context of the Act shall exclude such Construction) the Word "Person" shall extend to a Body Politic, Corporate, or Collegiate; and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as to One Person or Thing; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; and that in all Conveyances to be made by the said Company under or in pursuance of this Act the Word "grant" shall operate as and be construed and adjudged in all Courts of Judicature to express "Covenants" to or with the Grantee or Grantees therein, and the Successors, Heirs, Executors, Administrators, or Assigns of such Grantee or Grantees.

Public Act.

CXX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

LONDON: Printed by GEORGE EYRE and ANDREW SPOTTISWOODE,
Printers to the King's most Excellent Majesty. 1836.

Wakefield junior, and *John Welsh*, and all and every such other Person and Persons, Body and Bodies Politic, Corporate, and Collegiate, and their respective Successors, Executors, Administrators, and Assigns, or such of them as shall from Time to Time be possessed of any Share in the Undertaking hereby authorized to be carried on, shall be united into a Company for the Purposes of this Act, according to the Powers and Authorities, Rules, Orders, and Directions herein-after set forth, and shall for such Purposes be and they are hereby declared to be One Body Politic and Corporate by the Name of "The *Bann* Reservoir Company," and by that Name shall have perpetual Succession and a Common Seal, with Power to break and alter such Seal, and by that Name shall and may sue and be sued, and also shall have Power and Authority to purchase and hold, either in Fee Simple or for any lesser Estate or Interest, or take on Lease for any Term or Number of Lives or Years, and with or without a Covenant for the Renewal of such Lease, and also to sell, demise, or otherwise dispose of any Lands, Tenements, or Hereditaments, in such Manner as may be deemed necessary or expedient for the better carrying into effect the Purposes of this Act, as fully and effectually to all Intents and Purposes as if the said Company were an Individual, labouring under no legal Incapacity, and without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain.

General Powers of the Company.

II. And be it further enacted, That the said Company are hereby authorized and empowered to make, erect, construct, maintain, repair, and keep, at or near *Lough Island Reavy*, the *Corbet Lough*, and the *Deers Meadow*, or any of them, all situate in the County of *Down*, one or more sufficient Reservoir or Reservoirs, as may by such Company be deemed sufficient for the due and adequate Supply of the said River *Bann* with Water at all Seasons of the Year, and for the proper turning and impelling of the Mills and other Machinery now or hereafter to be erected thereon or near or adjacent thereto; and the said Company are hereby also authorized and empowered, by themselves, their Deputies, Agents, Surveyors, Contractors, Officers, and Servants, at all convenient Times, to enter into and upon the said *Lough Island Reavy*, *Corbet Lough*, and *Deers Meadow*, and the Rivers or Streams in the said County of *Down* called or known as the *Bann*, *Muddock*, *Burren*, *Slievenalargy*, and *Knockgorm*, and the Lands adjacent thereto respectively, or lying between the said River *Bann* and the said *Lough Island Reavy*, *Corbet Lough*, or *Deers Meadow*, or between the said *Lough Island Reavy* and the said several Rivers or Streams called or known as the *Muddock*, *Budden*, and *Slievenalargy Stream*, or between the said *Corbet Lough* and the said Rivers or Streams called the River *Bann* and *Knockgorm Stream*, or any of them, and to view, inspect, survey, and make Maps or Plans of the same, and in and upon such Lands and Hereditaments as shall have been acquired and paid for, or for which Compensation or Satisfaction shall have been given or made, in pursuance of this Act, to raise and construct proper and substantial Embankments for the making and constituting such Reservoir or Reservoirs, and to turn and divert into such Reservoirs certain Watercourses, Rivers, Streams, or Feeders, as herein-after mentioned, and to convey the Water from such Reservoirs into the said River *Bann* for all or any of the Purposes

Purposes aforesaid, and for the Conveyance and due Regulation of the Supply of Water to be kept in the said Reservoirs, or to be conveyed out of them into the said River *Bann* as aforesaid, and for the Security of such Reservoirs to make, erect, alter, maintain, repair, widen, deepen, scour, cleanse, and keep proper and sufficient Conduits, Aqueducts, Channels, Watercourses, Drains, Feeders, Weirs, Dams, Embankments, Floodgates, Sluices, Hatches, Locks, Bye-washes, Spillwaters, and other Works, and to erect and keep in repair suitable Buildings for the Accommodation of the said Company, its Officers and Servants.

Plan and Book of Reference deposited with the Clerk of the Peace to remain there, and be open to Inspection.

III. And whereas Plans and Sections, describing the Situation of the intended Reservoirs, and the Lands upon or in which the same are intended to be made, and from which Streams of Water are intended to be taken for the Supply of such Reservoirs, together with Books of Reference to such Plans and Sections respectively, containing Lists of the Names of the Owners and Occupiers or reputed Owners and Occupiers of such Lands, have been deposited with the Clerk of the Peace for the County of *Down*; be it therefore further enacted, That the said Plans and Sections and Books of Reference so deposited shall remain with and be kept by the said Clerk of the Peace, and all Persons interested in any Manner in such Lands shall have Liberty at all reasonable Times to inspect and to make Extracts from or Copies of the said Plans and Books of Reference respectively, paying to the said Clerk of the Peace the Sum of Two Shillings and Sixpence for every Inspection, and after the Rate of Sixpence for every One hundred Words copied therefrom; and the said Plans and Books of Reference, or true Copies thereof respectively, or of so much thereof respectively as shall relate to any Matter in question, shall be and are hereby declared to be good Evidence in all Courts of Law or elsewhere; and it shall not be lawful for the said Company to deviate more than One hundred Yards from the Situation or Line or Course specified in the said Map or Plan.

Limiting Deviation from Plan.

Unintentional Errors in Act or Book of Reference not to prevent Execution of the Act.

IV. Provided always, and be it further enacted, That it shall be lawful for the said Company to construct the said Reservoirs, any or either of them, and other Works, in the Situation and in the Line or Course marked out and traced in the said Plans or Sections, and upon, in, or through the Lands delineated in the said Plans and Sections, although such Lands or any of them, or the Situation of them respectively, or the Names of the Owners or Occupiers thereof respectively, may happen to be omitted, mis-stated, or erroneously described in this Act or in the said Books of Reference, if (in the Event of Dispute about the same) it shall appear to any Two or more Justices of the Peace for the County of *Down*, certified by Writing under their Hands, that such Omission, Mis-statement, or erroneous Description proceeded from Mistake or Inadvertence; and every Certificate of the said Justices shall be deposited with and remain in the Custody of the Clerk of the Peace for the said County of *Down*.

No Work to be commenced until the whole

V. And whereas the probable Expense of making and completing the said Reservoir at *Lough Island Reavy*, and the Conduits and other Works necessarily appertaining thereto, is Twelve thousand six hundred

of the Capital is subscribed.

hundred and fifty-two Pounds, or thereabouts; and the probable Expence of making and completing the said Reservoir at the *Corbet Lough*, and the Conduits and other Works necessarily appertaining thereto, is Three thousand five hundred and twelve Pounds, or thereabouts, and the probable Expence of making and completing the said Reservoir at the *Deers Meadow*, and the Conduits and other Works necessarily appertaining thereto, is Fifteen thousand five hundred and seventy-three Pounds, or thereabouts, amounting in the whole to the Sum of Thirty-one thousand seven hundred and thirty-seven Pounds: And whereas the Sum of Twenty-five thousand six hundred Pounds, being more than Four Fifth Parts thereof, has been subscribed by several Persons, binding themselves, and their Heirs, Executors, and Administrators, to the Payment of the Sums respectively subscribed by them; be it therefore enacted, That it shall not be lawful to enter upon or to commence to make or construct any of the said Reservoirs until and unless the whole of the probable Expence of making and completing such Reservoirs, with all Conduits and other Works necessary for and to be used therewith, shall first have been duly subscribed by and among the Shareholders of the said Company.

Limiting the Powers of the Act as to compulsory taking of Land.

VI. Provided always, and be it further enacted, That unless the said Company shall within the Space of Three Years, to be computed from the passing of this Act, agree for or cause to be valued and paid for, as in this Act is mentioned, the Lands, Tenements, and Hereditaments which they are by this Act empowered to take or use, or otherwise so much thereof as shall be by them deemed necessary and proper for the Purpose of making the said Reservoirs at *Lough Island Reavy* and the *Corbet Lough*, and other Works connected therewith, and within Five Years for the Purpose of making the said Reservoir at the *Deers Meadow*, then and from thenceforth the Powers by this Act granted for taking or using such Lands, Tenements, or Hereditaments for any such Reservoir shall cease and be utterly void, save and except with the Consent of the Owner or Owners of such Lands, Tenements, and Hereditaments.

Company to raise 40,000*l.* to be divided into Eight hundred Shares of 50*l.* each.

VII. And be it further enacted, That it shall be lawful for the said Company to raise amongst themselves any Sum of Money for the Purposes by this Act authorized, not exceeding in the whole the Sum of Forty thousand Pounds, the whole to be divided into Eight hundred Shares of Fifty Pounds each, and numbered, beginning with Number One, in Arithmetical Progression, whereof the common Excess or Difference shall be One, and every such Share shall be distinguished by the Number to be applied to the same; and the said Shares shall be and are hereby vested in the several Persons so raising the same, and their several and respective Successors, Executors, Administrators, and Assigns, to their proper Use and Benefit, proportionally to the Sum they shall severally contribute; and all Bodies, Politic, Corporate, and Collegiate, and all Persons, and their several and respective Successors, Executors, Administrators, and Assigns, who shall severally subscribe for One or more Share or Shares, or such Sum or Sums as shall be demanded in lieu thereof, towards carrying on and completing the several Purposes of the said Subscription, shall be entitled to and

and shall receive, at such Time or Times as the said Company, or the Directors of the said Company to be appointed as herein-after mentioned, shall, at any Annual or Special Meeting to be convened for that Purpose in such Manner as Meetings on other Occasions are by this Act directed to be convened, direct and appoint, in proportionable Parts, according to the respective Sums so by them respectively paid, the net Profits and Advantages which shall arise or accrue to the said Company, as and when the same shall be divided by the Authority of this Act; and every Body, Politic, Corporate, and Collegiate, and Persons, having such Property in the said Undertaking as aforesaid, shall bear and pay a proportionable Sum towards carrying on the same.

Power to raise additional Capital.

VIII. And be it further enacted, That in case the Money hereinbefore authorized to be raised shall be found insufficient for carrying into effect the Purposes by this Act authorized, then and in such Case it shall be lawful for the said Company to raise and contribute among themselves in manner aforesaid, or to raise by the Addition of new Subscribers, any further Sum or Sums of Money not exceeding the Sum of Twenty thousand Pounds; and all and every Person, Body Politic, and Corporate, and their several and repective Executors, Administrators, Successors, and Assigns, who shall contribute towards raising any such additional Sum of Money, shall be a Proprietor in the said Undertaking, and shall have a like Power of voting by himself or his Proxy, in respect of his additional Shares to be raised, and shall also be liable to such Forfeitures, and stand interested in the Profits of the said Undertaking, in proportion to the Sum he may subscribe thereunto, as generally and extensively as if such further or additional Sum had originally been Part of the said Sum of Forty thousand Pounds.

Shares to be Personal Estate.

IX. And be it further enacted, That all the Shares in the said Undertaking, or the Joint Stock or Fund of the said Company, shall be deemed Personal Estate, and be transmissible as such, and shall not be deemed to be of the Nature of Real Property.

The Person whose Name stands first as a joint Proprietor with others to be deemed Owner.

X. And be it further enacted, That whenever several Persons shall be jointly possessed of or entitled to any Share in the said Undertaking, the Person whose Name shall stand first in the Books of the said Company as Proprietor of such Share shall for the Purposes of this Act be deemed and taken to be the Proprietor of such Share; and all such Proprietors shall be entitled to give their Votes in respect thereof by the Person whose Name shall stand first on the Books of the said Company as Proprietor of such Share, and whose Vote shall, either in Person or by Proxy, on all Occasions be deemed and allowed to be the Vote for or in respect of the whole Property in such Share, without Proof of the Concurrence of the other Proprietor or Proprietors of such Share; and all Notices by this Act directed to be given to the Proprietors of such Shares in the said Undertaking shall and may, for or in respect of any such Share so jointly held, be given to the Person whose Name shall stand first in the Books of the said Company, or be left at the last or usual Place of Abode of such Person, or be inserted in the *Dublin Gazette* as herein mentioned (as the Case may require); and

and such Notice to such Person shall be deemed and taken to be sufficient Notice to all the Proprietors of such Share for all the Purposes for which such Notice is intended to be given.

Lunatics and Minors to vote by Committees and Guardians.

XI. And be it further enacted, That in case any Person entitled to vote at any General Meeting of the said Company shall be a Lunatic or Minor, such Lunatic shall or may vote at such Meeting by the Committee of his Estate, and such Minor shall and may vote by his Guardian: Provided that every such Committee or Guardian may also vote in right of his own Shares as well as in the Character of Committee of any Lunatic or of Guardian of any Minor on the same Occasion.

Names of Proprietors to be entered in a Book, and Certificates of their Shares to be delivered to them.

XII. And be it further enacted, That the said Company, or the Directors thereof, shall from Time to Time and they are hereby required to cause the Names of the several Bodies, and the Names, Additions, and Places of Abode of the several Persons who respectively shall be entitled to Shares in the said Undertaking, with the Number of Shares which they are respectively entitled to hold, and the Amount of the Subscriptions paid thereon, and also the proper Number by which every Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the Clerk to the said Company, and also a Certificate or Ticket, with the Common Seal of the said Company affixed thereto, to be delivered to every such Subscriber on Demand, specifying the Share or Shares to which they or he are or is entitled in the said Undertaking, such Proprietor paying to the Clerk to the said Company the Sum of Two Shillings and Sixpence, and no more, for every such Certificate or Ticket; and such Certificate or Ticket shall be admitted in all Courts whatsoever as *primâ facie* Evidence of the Title of such respective Subscribers, their Successors, Executors, Administrators, or Assigns, to the Share or Shares therein specified; but the Want of such Certificate or Ticket shall not hinder or prevent the Proprietor of any of the said Shares from selling or disposing thereof; and such Certificate or Ticket may be in the Words or to the Effect following; (that is to say,)

Form of Certificate.

'The *Bann* Reservoir Company.

'Number

'THESE are to certify, That *A. B.* is a Proprietor of the Share
'[*or* Shares] Number of the *Bann* Reservoir Com-
'pany, subject to the Rules, Regulations, and Orders of the said Com-
'pany, and that the said *A. B.*, his Executors, Administrators [*or*
'Successors], and Assigns, is and are entitled to the Profits and Ad-
'vantages of such Share [*or* Shares]. Given under the Common Seal
'of the said Company the Day of
'in the Year of our Lord .'

For granting new Certificates when the old ones are destroyed or worn.

XIII. And be it further enacted, That if any such Certificate or Ticket as aforesaid shall be worn or damaged, then, upon the same being brought and shewn at some Meeting of the Directors of the said Company, such Certificate or Ticket may be cancelled and destroyed, and another similar Certificate or Ticket be given, under the Common Seal of the said Company, to the Party in whom the Property of such Certificate or Ticket, and the Shares therein mentioned, shall be at that Time invested, or in case such Certificate or Ticket shall be lost or burnt or totally destroyed, then, upon due Proof thereof, a similar

Certificate

Certificate or Ticket shall be given to the Party who was the Proprietor of or entitled to the Certificate or Ticket so lost, burnt, or destroyed; and a due Entry of the Transfer of such Certificate or Ticket (if any such have been made) shall be entered by the Clerk of the said Company in manner herein directed, the said Clerk receiving for every such Certificate or Ticket which shall be given or exchanged the Sum of Two Shillings and Sixpence, and no more.

In case of Marriage or Death of Proprietors, what Evidence shall be given of the new Property in Shares.

XIV. And whereas by the Death of, or by other after-mentioned Event happening to Proprietors, or by the Marriage of any Female Proprietor of Shares in the said Undertaking, it may be difficult to ascertain to whom the Dividends arising or becoming due upon such Shares ought to be paid or may belong; be it therefore enacted, That before any Person who shall claim any Part of the Profits of the said Undertaking in right of Marriage with any Female Proprietor shall be entitled to receive the same, or be entitled to vote in respect of any Share, a solemn Declaration in Writing of such Person, containing a Copy of the Register of such Marriage, or other Particulars of the Celebration thereof, and identifying the Wife of such Person as the Proprietor of the Share in respect whereof any such Claim may be made, shall be made by some credible Person before some Master or Master Extraordinary in Chancery, or any of His Majesty's Justices of the Peace, and shall be transmitted to the Clerk of the said Company, who shall file the same, and make Entry thereof in the Book which shall be kept by the said Clerk for the Entry of Transfers or Sales of Shares; and before any Person who shall claim any Part or Share of the Profits of the said Undertaking by any Bequest or Will, or in the Course of Administration, shall be entitled to receive the same, or be entitled to vote in respect of any Share, the said Will, or the Probate thereof, or the Letters of Administration, shall be produced and shewn to the said Clerk, or a Copy of so much of such Will as shall relate to the Share of the Testator shall be made, and shall be duly verified by the solemn Declaration as aforesaid of the Executors of the said Will, before some Master or Master Extraordinary in Chancery, or any of His Majesty's Justices of the Peace as aforesaid, and shall also be transmitted to the said Clerk, who shall file and enter the same as herein-before mentioned; and in all Cases other than as herein-before mentioned, when the Right and Property of any Share in the said Undertaking shall pass from any Proprietor thereof to any other Person by any other legal Means than by a Transfer and a Conveyance thereof duly made and executed as herein-before directed, a solemn Declaration in Writing shall be made by some credible Person before some Master or Master Extraordinary in Chancery, or any of His Majesty's Justices of the Peace as aforesaid, stating the Manner in which such Share hath been passed to such other Person, and such solemn Declaration shall be transmitted to the Clerk of the said Company, who shall thereupon enter and register the Name of every such new Proprietor in the Register Book or List of Proprietors of the said Company; and the said Clerk shall be entitled to receive for each such Entry as is herein-before directed the Sum of Two Shillings and no more, and the said Company shall not be bound to see to the Execution of any Trust, whether express or constructive, to which any Share as aforesaid shall be subject or liable.

XV. And

For ascertaining the Proprietorship of Shares in certain Cases.

XV. And whereas in Cases where any Proprietor of any Share in the said Undertaking shall die, become insolvent or bankrupt, or go out of the Kingdom, or shall transfer his or her Right or Interest therein to some other Person, and no Registry shall have been made of the Transfer thereof with the Clerk of the said Company, it may not be in the Power of any Officer acting for the said Company to ascertain who is the Proprietor of such Share, in order to give him or her, or his or her Executors, Administrators, Successors, or Assigns, Notice of Calls to be made on such Share, or to maintain any Action, Suit, or other Proceeding against him or her, or his or her Executors, Administrators, Successors, or Assigns, for the Recovery of the same; be it therefore enacted, That in all the Cases aforesaid where the Right of Property to or in any Share in the said Undertaking shall pass from the original Subscriber, or any Proprietor thereof, to any other Person, or to any Body Corporate, by any other legal Means than by a Transfer or Conveyance thereof in the Form and Manner herein specified or herein otherwise provided, a Declaration shall be made by some credible Person before any of His Majesty's Justices of the Peace, or any Master or Master Extraordinary in the High Court of Chancery, stating the Manner in which such Share hath been passed to such other Person or to such Body Corporate; and such Declaration shall be delivered to and left with the Clerk of the said Company, to the Intent that he may preserve the same, and enter and register the Name of every such other Proprietor, or the Description of every such Body Corporate, in the Register Book or List of Proprietors of the said Undertaking to be kept in the Office of the said Company; and in all or any of the said Cases, after Fourteen Days Notice in Writing shall have been given by the said Directors, under the Hand of the Clerk or Treasurer of the said Company, to the Person or Corporation stated or claiming in such Declaration to be the Proprietor or Proprietors of such Share, or left at the last or usual Place of Abode of such Person, or of the Clerk of such Corporation, to pay his, her, or their Proportion of Money to be called for, and such Person or Corporation shall not have paid such his, her, or their Proportion as aforesaid, it shall be lawful for the said Company at any General Meeting after the Expiration of such Notice to declare such Shares to be forfeited, and in such Case the Shares shall become forfeited, and shall and may be sold and disposed of in such Manner as the said Company at any Meeting shall direct, or otherwise become consolidated in the general Fund of the said Company; and in case there shall be no such Declaration made as aforesaid, then such Notice as is herein before-directed to be given shall be served upon or be left at the last Place of Abode of the Executors or Administrators of such Proprietor so dying, or of the Assignees or Trustees of such Proprietor so becoming bankrupt or insolvent, or in the event of the Share or Shares being disposed of as aforesaid, or of the last Proprietor appearing in the Books of the said Company to have been possessed of the same, and in case the last or usual Place of Abode of any such Proprietor cannot be ascertained upon Enquiry such Notice as aforesaid shall be inserted once in the *Dublin Gazette*, and in case any Proprietor shall go out of the Kingdom such Notice shall be inserted in the *Dublin Gazette* as aforesaid; and in all such Cases, and after such Notices, on Default being made, the Share shall be forfeited in

manner aforesaid, except only that in Cases of Proprietors being Abroad the Share shall not be forfeited until the Expiration of Six Calendar Months after the Day on which such Notice shall have been left at their last or usual Place of Abode in *Ireland*, and inserted in the *Dublin Gazette* as aforesaid.

First and other General Meetings.

XVI. And be it further enacted, That the said Company shall meet together at some convenient Place in the Town of *Banbridge* and County of *Down* aforesaid within Two Calendar Months next after the passing of this Act, between the Hours of Eleven in the Forenoon and Three in the Afternoon, and shall then and there proceed in the Execution of this Act, and shall and may adjourn such Meeting from Time to Time and from Place to Place as they shall think fit; and from and after the said First Meeting of the said Company there shall be a General Meeting of the said Company on the first *Monday* in each and every Year, of which said Annual General Meeting and of all Special General Meetings Fourteen Days public Notice at the least shall be given, and all such General Meetings may be adjourned from Time to Time and from Place to Place as shall be found expedient.

Who shall vote at General Meetings.

XVII. And be it further enacted, That all Bodies Corporate and Persons who shall have duly subscribed for or become entitled to not less than Two Shares in the Capital of the said Undertaking, and their respective Successors, Executors, Administrators, and Assigns, shall have One Vote at all General Meetings of the said Company, and all such Bodies and Persons as aforesaid as shall have subscribed for or become entitled to Four Shares and upwards in the said Undertaking, their respective Successors, Executors, Administrators, and Assigns, shall have an additional Vote for every Two Shares which they shall have subscribed for or become entitled to in the said Undertaking beyond the Number of such first Two Shares, and every Fall-holder shall be entitled to One Vote in respect of every Two entire Feet of Fall Water for which he shall be liable to be assessed or rated; and all such Vote or Votes may be given by such respective Parties, or by their respective Proxies, constituted under the Seals of such Bodies, or under the Hands of the Persons appointing such Proxies, (all such Proxies being themselves qualified to vote at such Meetings,) and every such Vote by Proxy shall be as good and sufficient to all Intents and Purposes as if the Principal had voted in Person; and every Question, Matter, and Thing which shall be proposed at any General Meeting of the said Company shall be determined by the Majority of Voters and Proxies then present; and at every such Meeting the Chairman thereof shall and may not only vote as a Principal and Proxy, but in case of an Equality of Votes shall and may also have the decisive or casting Vote; and the Appointment of every such Proxy may be made according to the Form following, or as near thereto as the Quality, Nature, and Number of the Appointer or Appointers of the Proxy thereby substituted, and other Circumstances, will admit; (that is to say,)

Votes may be given by Proxy.

Form of Proxy.

'*A. B.* of One of the Proprietors of
'[*or* a Fall-holder liable to Assessment by] the *Bann* Reservoir Com-
'pany,

'pany, doth hereby appoint *C. D.* of to be the Proxy 'of the said *A. B.*, in his Name or otherwise and in his Absence to 'vote or give his Assent to or Dissent from any Business, Matter, or 'Thing relating to the said Undertaking which shall be proposed at 'any General Meeting of the said Company, in such Manner as he 'the said *C. D.* shall think proper, according to his Judgment, 'for the Benefit of such Undertaking or any thing appertaining 'thereto. In witness whereof the said *A. B.* hath hereunto set his 'Hand [*or* Common Seal] the Day of .'

Special General Meetings of the Company.

XVIII. And be it further enacted, That Ten or more Proprietors of the said Company who shall severally hold Five Shares or upwards, and who in the aggregate shall hold One hundred Shares or upwards in the said Undertaking, upon which all Calls actually previously made shall have been paid and satisfied, may at any Time, by Writing under their Hands, left at the Office of the said Company, or delivered to the Clerk thereof, require the Directors of the said Company to call a Special General Meeting of the said Company, so as such Requisition fully expresses the Object for which such Special General Meeting is required to be called, and in case of Neglect or Refusal of the said Directors to call such Meeting for the Space of Fourteen Days next after such Notice given as aforesaid the same may be called by such Ten or more Proprietors so qualified as last aforesaid, by giving Twenty-one Days public Notice thereof, and the said Company are hereby authorized to meet in pursuance of such Notice, and proceed to the Execution of the Powers by this Act given to the said Company with respect to the Matters so specified in such Notice; and all Acts of the major Part in Votes of the Persons qualified to attend and vote, either personally or by Proxy, at any such Special General Meeting, shall be as valid with respect to the Matters specified in such Notice as if the same had been done at a General Meeting of the said Company duly convened by the Directors thereof.

General Meetings may regulate Salaries, make Rules and Orders.

XIX. And be it further enacted, That the said Company shall have full Power and Authority, from Time to Time, at any General Meeting as aforesaid, to fix and order what Remuneration (if any) shall be allowed to the Directors or any of them, and to the Officers of the said Company, and to make such Orders and Rules as to them shall seem right and proper for the Government of the Officers and Servants of the said Company, and for regulating the Proceedings of the Directors, and for the Management of the said Undertaking in all respects whatsoever, and from Time to Time to alter or repeal such Orders and Rules, or any of them, and to make others; which said Orders and Rules, being reduced into Writing under the Common Seal of the said Company, shall be binding upon and be observed by all Parties, and shall be sufficient in any Court of Law or Equity to justify all Persons who shall act under the same: Provided that such Orders or Rules be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ircland*: Provided also, that no Order or Rule of the said Company shall be enacted, altered, or repealed unless Thirty Days Notice of such intended Enactment, Alteration, or Repeal shall have been given

given by some Shareholder of the said Company, by causing an Entry of the same to be made in some proper Book of the said Company to be provided for that Purpose.

Business of General Meetings.

XX. And be it further enacted, That no Business shall be transacted at any General Meeting of which due Notice in Writing shall not have been previously given to the Clerk of the said Company, who shall cause the same or a Copy thereof to be posted in some conspicuous Place in the Office of the said Company Seven Days at least before the Day appointed for holding such Meeting, and no Business shall be transacted at any adjourned General Meeting other than the Business left unfinished at the Meeting from which such Adjournment took place.

General Meetings shall consist of Fifteen Persons at least, possessed of not less than 100 Shares.

XXI. Provided always, and be it further enacted, That if at any General Meeting of the said Company there shall not be Fifteen Persons present who shall be possessed of or entitled to at least One hundred Shares in the said Undertaking, within Two Hours from the Time appointed for such Meeting, no Business shall be transacted thereat, but in such Case there shall be another Meeting of the said Company at the same Place at the Expiration of Seven Days then next, and if such sufficient Number of qualified Persons shall not then attend thereat such Meeting shall stand adjourned to the Seventh Day next following, and so from Time to Time as often as the same shall happen, until at some Adjournment of such General Meeting there shall be a sufficient Number of qualified Persons present, when, and not before, the Meeting shall proceed to Business, and the Directors for the Time being shall continue to act and have the same Powers as they had and were possessed of until new Directors shall be duly appointed in their Stead.

Appointment of first Board of Directors.

XXII. And be it further enacted, That the said *Edward Courtenay Clibborn*, *Hugh Dunbar*, *Benjamin Haughton*, *Richard Hayes*, *William Edmund Reilly*, *Isaac Stoney*, *Thomas Christy Wakefield* junior, and *John Welsh*, being all duly qualified as herein-after mentioned, shall be Directors for the Management of the Affairs of the said Company; and all Acts, Matters, and Things which the said Directors may by any of the Provisions of this Act be authorized to do shall and may be done or performed by any Three of them; and the said Directors, being neither removed nor disqualified, and not resigning, shall continue in Office and be respectively Directors until the Annual General Meeting of the said Company which shall be held in the Month of *January* in the Year of our Lord One thousand eight hundred and forty, and until others shall be elected in their Stead in pursuance of this Act.

Election of future Boards of Directors.

XXIII. And be it further enacted, That at the General Meeting to be held in the Month of *January* in the Year of our Lord One thousand eight hundred and forty Two of the said Directors (such Two to be determined by the Directors drawing Lots for that Purpose, or in such other Manner as the said Directors shall in their Discretion think fit) shall go out of Office and cease to be Directors of said Company, and the said Company shall elect by Ballot, or

in

in such other Mode as shall be determined by any Bye Law of the Company, Two Members of the said Company, who shall severally in their own Right be possessed of Ten Shares at least in the said Undertaking, and who shall also each be liable to be assessed and rated as the Holder of a Fall of Six Feet in Height at the least, to be Directors in their Place and Stead; and such new Members so elected shall continue in Office until the General Meeting in the Month of *January* One thousand eight hundred and forty-four (except in case of Death or Resignation, or ceasing to be qualified in manner by this Act directed), and no longer; and at the Annual General Meeting to be held in the Month of *January* One thousand eight hundred and forty-one, and every succeeding Year, Two of the Directors for the preceding Year shall go out of Office by Rotation and cease to be Directors of the said Company, and their Places shall be supplied in like Manner: Provided nevertheless, that it shall and may be lawful for any Number of Proprietors in the said Undertaking, not exceeding Three, who shall be severally and respectively Holders of at least Fifteen Shares, to be elected, and to be and to continue to act as Directors of the said Company, notwithstanding that such Persons respectively may not be Fall-holders to any Amount or Degree whatsoever.

Directors going out of Office re-eligible.

XXIV. Provided always, and be it further enacted, That every such Director who shall in manner aforesaid go out of Office may be immediately or at any future Time re-elected.

Persons concerned in Contracts shall be incapable of being Directors.

XXV. Provided always, and be it further enacted, That no Person, being concerned or interested in any Contract under the said Company, shall be capable of being chosen, or, being so chosen, of continuing a Director of the said Company, or of having any Share or Concern in the Management thereof; and no Person during such Time as he shall be such Director shall be capable of taking any Contract under the said Company.

Directors shall supply temporary Vacancies in the Direction.

XXVI. And be it further enacted, That when and so often as any Director named in or elected by virtue of this Act shall die, or shall resign, or shall be found to be or become disqualified or incompetent to act as a Director, or shall cease to be a Director by any other Cause than that of going out of Office as aforesaid, it shall be lawful for the remaining Directors, and they are hereby required, within Thirty-one Days next after such Vacancy shall have arisen, to elect some other Proprietor duly qualified as before mentioned to be a Director to fill up such Vacancy; and such Person so elected to fill such Vacancy shall continue in Office so long only as the Person in whose Place or Stead he may be so elected would have been entitled under the Provisions of this Act to continue if such Death, Resignation, Disqualification, or Cesser had not happened.

Election of Chairman.

XXVII. And be it further enacted, That the Directors present at the First Meeting of Directors, which Meeting shall be held within One Calendar Month after the passing of this Act, and so at the First Meeting of the Directors which shall be held next after any Annual General Meeting of the said Company at which Directors shall

shall have been elected by the said Company pursuant to the Provisions of this Act, or the Majority of the Directors present at such Meeting of Directors, shall choose One of the Directors of the said Company to be the Chairman thereof: Provided always, that if at any Time the Director elected the Chairman of the said Company shall die, or resign, or become disqualified to act, or otherwise cease to be a Director, it shall be lawful for the Directors in like Manner at some Meeting, to be held within One Calendar Month after such Vacancy, to choose some other of the said Directors to be the Chairman of the said Company; and every such Chairman so to be chosen as last aforesaid to fill such Vacancy, shall continue in his Office so long only as the Person in whose Place or Stead he may be so elected would have been entitled under the Provisions of this Act to continue if such Death, Resignation, Disqualification, or Cesser had not happened.

Who shall preside at Meetings of the Company.

XXVIII. And be it further enacted, That at all General Meetings of the said Company, the Chairman, or in his Absence some One of the Directors of the said Company to be chosen at any such Meeting, or in the Absence of all the Directors any Proprietor to be chosen at such Meeting, shall preside at such Meeting.

Disqualification of Directors.

XXIX. Provided always, and be it further enacted, That if any Person who shall be elected Director of the said Company shall, at any Time subsequently to his Election, either directly or indirectly, hold or enjoy any other Office in the said Company, or be concerned in any Contract for any Article to be used or consumed by the said Company, or shall offer to take and succeed in taking, or shall participate in any Manner in any Contract relating to Work to be done for the said Company, or shall at any Time cease to be qualified as herein-before in and by this Act mentioned and prescribed, every such Person shall thereby become disqualified from voting or acting at any succeeding Meeting of such Directors, and his Office shall thereupon become vacant, and no Person during the Time of his being such Director shall be capable of taking any Contract under the said Company.

Powers and Duties of Directors.

XXX. And be it further enacted, That the Directors for the Time being shall have the Custody of the Common Seal of the said Company, and shall have full Authority to meet and adjourn from Time to Time and from Place to Place, and also at any Time to call General Meetings of the said Company for any Purpose they may think proper, and to appoint the Times and Places for holding General Meetings; and all Questions, Matters, and Things which shall be discussed or considered at any Meeting of the Directors shall be finally determined by the Majority of Votes then present, and there shall be Three Directors at the least present to constitute a Meeting, and no Director, although possessed of many Shares in the said Undertaking, shall have more than One Vote at any such Meeting; and such Directors shall have full Power and Authority to direct and manage the Affairs of the said Company, and for that Purpose to contract for and purchase or take on Lease any Lands, Waters, Streams, Falls, Tenements, or Hereditaments which the said Company may

be authorized to hold under the Provisions of this Act, and for the Purposes thereof, and to sell, demise, or otherwise dispose of and convey any such Lands, Tenements, and Hereditaments, and to employ and direct the Works and Workmen, and to appoint or displace the Officers and Servants of the said Company (except the Treasurer of the said Company), with such Salaries, Gratuities, or Recompences as to the said Directors shall seem proper, and upon the Death or Removal of any of the said Officers or Servants from Time Time to appoint others in their respective Places, and also to make Contracts and Bargains touching the said Undertaking; and the said Directors may require such Security to be given to the said Company from any Officer or other Person, for the faithful Execution of his Duty, as they may think proper; and the said Directors shall keep a regular Minute and Entry of their Proceedings at every Meeting of the said Directors, and shall from Time to Time make Report thereof to the next Annual General Meeting, and, if required, to any Special General Meetings of the said Company, and shall obey their Orders and Directions; and the said Directors shall keep full and true Accounts of all Monies disbursed and Payments made by the said Directors, and by all Persons employed by or under them, and of all Money which they shall receive on behalf of or in respect of such Undertaking, from any Person employed in, or having any Concern, Dealing, or Transaction with the said Undertaking, or from any other Person, on account or for the Use of the said Company, and shall regularly enter in some Book, to be from Time to Time provided at the Expence of the said Company for that Purpose, Notes, Minutes, or Copies (as the Case shall require) of every such Appointment, Contract, Bargain, Receipt, and Disbursement, and of other their Orders and Proceedings, which Book shall be deposited with and kept under the Care or Directions of the said Directors.

Auditors to be elected who shall hold Office for One Year.

XXXI. And be it further enacted, That the said Company shall, at their Annual General Meeting which shall be held in the Month of *January* One thousand eight hundred and thirty-seven, elect Three Persons to be Auditors of the Accounts of the said Company, one of which Persons shall be the Holder of at least Ten Shares in the said Undertaking, another of which Persons shall be liable to be rated and assessed under this Act as the Holder of a Fall of Six Feet in Height at the least, and the Third of which Persons shall be the Holder of Five Shares at least in the said Undertaking, and shall also be liable to be rated and assessed under this Act as the Holder of a Fall of at least Four Feet in Height; and such Three Auditors shall continue in Office for One Year; and at every Annual General Meeting in each succeeding Year, the Auditors of the Accounts of the said Company shall go out of Office and cease to be such Auditors, and their Places shall be supplied in like Manner: Provided always, that no Person shall be qualified to be elected or to act as an Auditor of the Accounts of the said Company unless at the Time of his Election, and during the whole Period for which he shall be elected, he shall continue to be duly qualified as aforesaid; and that no Person or Persons holding any Place, Office, Employment, or Contract under the said Company shall be capable of being elected or of serving as an Auditor during the Time of his Continuance in such Place, Office, or Employment,

Employment, or during the Time he shall hold such Contract: Provided also, that it shall be lawful for any Two of the said Auditors for the Time being to examine and pass the Accounts of the said Company, and also for any One of the said Auditors for the Time being separately to examine the Accounts or any of them.

Retiring Auditor re-eligible.

XXXII. Provided always, and be it further enacted, That every such Auditor who shall in manner aforesaid go out of Office may be immediately or at any future Time re-elected.

Minutes of all Proceedings to be entered in a Book.

XXXIII. And be it further enacted, That the Orders and Proceedings of every Meeting of the said Company and of the Directors thereof shall be entered in some Book or Books to be provided and kept for that Purpose, and shall be signed by the Chairman of each respective Meeting, or in case of the Meetings of Directors by the Chairman of the next succeeding Meeting; and such Orders and Proceedings, when so entered and signed, shall be deemed and taken to be original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts, and before all Judges, Justices, and others, and that without Proof of such Meeting being duly convened, or of the Persons making or entering such Orders or Proceedings being Proprietors or being Directors, as the Case may be.

A Fund shall be kept up to answer Contingencies.

XXXIV. And be it further enacted, That it shall and may be lawful for the said Company or the Directors thereof, and they are hereby required, within Six Calendar Months from the Time that any One of the said Reservoirs shall first be made available for the Supply of Water, and Water shall have been actually supplied therefrom as aforesaid, and also before any Dividend shall be made of the Profits of the said Company, to cause the Sum of One thousand Pounds at the least to be set apart out of the Capital Stock or Profits of the said Company, to be a Fund for the Purpose of providing for any extraordinary or contingent Expences of the said Company, and the said Company or the Directors thereof shall forthwith cause the same to be vested in the Name of the said Company in some of the Public or Parliamentary Funds or Stocks of the United Kingdom, or in the Stock of the Banks of *England* or *Ireland* respectively: Provided always, that so often as the said Fund shall be reduced by Payment of or for any extraordinary Contingencies below the said Sum of One thousand Pounds the said Company or the Directors thereof are hereby authorized and required forthwith, out of the Money which shall then be in their Hands or Power, or which shall come to their Hands by making Calls upon the Shares of and in the said Undertaking, to set apart and invest such Sum of Money as shall be requisite to make the said Fund amount again to the Sum of One thousand Pounds at the least, and so on from Time to Time hereafter, and so often as the same shall be reduced in manner aforesaid; and that the Dividends and Interest to become and be due and payable in respect of the said Funds or Stock so set apart and funded as aforesaid, and each and every of them respectively, shall fall into and become a Part of the Profits and Produce of the said Company, and be disposed of accordingly: Provided also, that the Directors of the said Company shall have full Power and Authority from Time to Time, when

when and so often as they shall deem expedient, to vary or transpose the Funds or Stock, or any of them, or any Part thereof, in which the said Monies or Funds shall be from Time to Time invested, and also shall and may sell and dispose of all or any Part or Parts of the said Fund or Stock, and convert the same into Money, for the Purpose of answering every or any extraordinary Contingencies, as and when the same or any Part thereof shall, by the said Company or the Directors thereof, be deemed necessary or expedient, any thing herein provided or contained to the contrary notwithstanding.

Accounts may be examined at any General Meeting.

XXXV. And be it further enacted, That it shall be competent for any General Meeting to call for and examine the Accounts of the said Company and of the Directors, and of the Treasurer and other Officers of the said Company.

Proper Books of Account to be kept, and to be open to the Inspection of Proprietors and Fall-holders.

XXXVI. And be it further enacted, That the Directors of the said Company shall and they are hereby required to order and direct proper Books to be provided and kept by their Clerk for the Time being, in which Books such Clerk shall enter or cause to be entered true and regular Accounts of all Sums of Money received, paid, laid out, and expended for such Company in the Execution and by virtue of this Act, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed and paid; and the Books of the said Company shall at all reasonable Times be open, without Fee or Reward, to the Inspection of any of the Proprietors of the said Company, or of any Fall-holder, who in respect of such his Fall, shall for the Time being, under the Provisions herein-after contained, be liable to be assessed to the Rates herein-after authorized to be imposed; and every such Proprietor and Fall-holder shall or may take Copies of or Extracts from the said Books or any Part thereof without paying any thing for the same; and in case the said Clerk shall refuse to permit, or shall not permit any such Proprietor or Fall-holder to inspect any such Books, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay such Sum of Money as the Directors or any Three or more of them shall order, not exceeding Twenty Pounds, to be levied and applied in the same Manner as other Penalties are herein-after directed to be levied and applied.

Accounts shall be made up annually.

XXXVII. And be it further enacted, That the said Company or the Directors of the said Company shall and they are hereby required to cause a true, exact, and particular Account to be kept, and annually made up and balanced on the Thirty-first Day of *December* in each Year, of the Money received by the said Company or by the Directors or Treasurer of the said Company, or otherwise, for the Use of the said Company, by virtue of this Act, and of the Charges and Expences attending the making, maintaining, and carrying on the said Undertaking, and of all other the Receipts and Expenditures of the said Company or the said Directors up to that Period; and at each Annual General Meeting of the Proprietors of the said Undertaking to be from Time to Time held as aforesaid, or at some Adjournment thereof, a Dividend shall be made out of the clear Profits of the said Undertaking, unless such Meeting shall declare otherwise, and such Dividend shall be at and after the Rate of so much

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per Share upon the several Shares held by the Members thereof in the Joint Stock of the said Company, as such Meeting shall determine: Provided also, that no Dividend shall be made whereby the Capital of the said Company shall be in any Degree reduced or impaired, nor shall any Dividend be paid in respect of any Share after a Day appointed for Payment of any Call of Money in respect thereof, until such Call shall have been paid.

Notices how to be given.

XXXVIII. Provided always, and be it further enacted, That all Notices herein directed to be given of any General Meeting of Proprietors, or to any of the said Proprietors, and not herein otherwise provided for, shall be signed by the Chairman of the said Company or by the Clerk thereof, and shall be given by Advertisement inserted in some Newspaper usually printed or circulated in the County of *Down*, the City of *Dublin*, and the Town of *Belfast*, Ten Days before the Day appointed for holding such Meeting; and such Notices, when so published and given, shall be deemed and considered to be in all respects equivalent to personal Notices; and where any Notice or legal Proceeding shall be required to be given to or served on the said Company, the Service of such Notice or legal Proceeding upon the Clerk of the said Company, or the leaving it at the Office of such Clerk, where no Mode of Service is particularly prescribed, shall be deemed to all Intents and Purposes good Service of such Notice or legal Proceeding upon the said Company.

Appointment of Treasurer.

XXXIX. And be it further enacted, That the said Company shall at the First General Meeting to be held under this Act elect a Treasurer of the said Company; and it shall be lawful for the said Company at any subsequent General Meeting from Time to Time to remove and displace any such Treasurer, and elect in manner aforesaid, any other Person to act as Treasurer in the Room of such Treasurer as shall die, or resign, or be removed from his Office; and it shall be lawful for the said Company to allow such Salary or other Emolument to such Treasurer as they shall from Time to Time think proper and appoint: Provided always, that the Directors of the said Company shall and they are hereby required to take sufficient Security from every Person who shall be appointed Treasurer of the said Company, and from every Receiver, Collector, or other Officer of the said Company having the Custody or Control of any Money received by virtue of this Act, for the faithful Execution of his Office, before he shall enter thereupon.

Treasurer and Clerk not to be the same Person.

XL. Provided also, and be it further enacted, That it shall not be lawful for the said Company to appoint any Person who may be appointed their Clerk in the Execution of this Act, or the Partner of such Clerk, or the Clerk or any other Person in the Service or Employ of such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, and that no Person holding the Office of Treasurer, or the Partner of such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, shall be the Clerk of the said Company for the Purposes of this Act; and if any Person shall accept both the Offices of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner

of such Clerk, or the Clerk or other Person in the Service or Employ of such Clerk or of his Partner, shall accept the Office of Treasurer, or shall act as Deputy of the Treasurer, or in any Manner officiate for the Treasurer, or being the Treasurer or the Partner of such Treasurer, or the Clerk or other Person in the Service or Employ of such Treasurer or of his Partner, shall accept the Office of Clerk in the Execution of this Act, or shall act as Deputy of such Clerk, or in any Manner officiate for such Clerk, or if any such Treasurer shall hold any Place of Profit or Trust under the said Company other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person who shall sue for the same, to be recovered, with full Costs of Suit, in any of His Majesty's Courts of Record at *Dublin*, by Action of Debt or on the Case, wherein no more than One Imparlance shall be allowed.

Directors may appoint a temporary Treasurer.

XLI. And be it further enacted, That in Case any Treasurer of the said Company shall die, or be removed from or quit the Service of the said Company, it shall be lawful for the said Company at some General Meeting thereof, or for the Directors of the said Company, to appoint some other fit and proper Person to execute such Office in the Place of the Person who shall die, or be removed from or quit the Service of the said Company; and in case any such new Appointment shall be made by the said Directors the same shall only continue until the next Annual General Meeting of the said Company, when the Appointment of such Person to such Office shall either be confirmed or such other fit Person to be appointed to succeed to such Office as the said Company at such Meeting shall think proper.

For compelling Payment of Subscriptions.

XLII. And be it further enacted, That every Person who has already subscribed or agreed, or who has signed his Name or signified his Consent in Writing to advance any Money, or who shall or may hereafter subscribe or agree to advance any Money for any of the Purposes of this Act, or for or towards the Expences, Costs, and Charges of obtaining this Act, and his Executors and Administrators, shall and they and each of them are hereby required to pay the Amount of such Money by such Person subscribed or agreed to be advanced, or such Part or Proportion of the Amount of such Money as shall remain unpaid, or as shall from Time to Time be called for by or on behalf of the said Company, at such Times and Places and in such Manner as shall be directed by the said Company or the Directors thereof, by Notice in Writing under the Hand of their Clerk, and in case any such Subscriber, his Executors or Administrators, shall refuse or neglect to pay the Amount of such Money so called for at the Time and Place and in manner required for that Purpose, or within Fourteen Days thence next following, the said Company are hereby empowered to sue for and recover the same in an Action of Debt or on the Case, or by Bill, Plaint, or Information, against the Person so neglecting or refusing as aforesaid, his Executors or Administrators, in any of His Majesty's Courts of Record at *Dublin*, and after Proof of such Person having subscribed or agreed to subscribe, and which Agreement is hereby exempted from Stamp Duty, and also upon Proof that such Notice was given as aforesaid, a Verdict

Verdict shall pass and be given for the Plaintiff, with full Costs of Suit, and Execution shall issue thereupon as the Case may require.

Directors may make Calls.

XLIII. And be it further enacted, That the said Directors shall have Power from Time to Time to make such Calls of Money from the Subscribers to and Proprietors of the said Undertaking, to defray the Expences of or to carry on the same, as they from Time to Time shall find necessary for those Purposes, so that no such Call shall exceed the Sum of Two Pounds Ten Shillings upon each Share which any Person shall or may be possessed of or entitled unto in the said Undertaking, and such Calls shall not be made but at the Distance of Three Calendar Months at the least from each other, and Twenty-one Days Notice at the least shall be given of all such Calls by Advertisement in some Newspaper usually circulated in the County of *Down*, in the Town of *Belfast*, and in the City of *Dublin*, which Money so called for shall be paid to such Persons and in such Manner as the Directors shall from Time to Time direct and appoint for the Use of the said Undertaking; and every Owner of any Share in the said Undertaking shall pay his or her rateable Proportion of the Monies to be called for as aforesaid to such Persons and at such Times and Places as the said Directors shall from Time to Time direct and appoint, not exceeding in the whole the Sum of Fifty Pounds upon every such Share so held or subscribed for as aforesaid; and if any Owner of any Share shall not so pay such his or her rateable Proportion, then and in such Case, and so often as the same shall happen, such Owner shall pay Interest for the same after the Rate of Six Pounds *per Centum per Annum* from the Day appointed for the Payment thereof up to the Time when the same shall be actually paid; and if any Owner of any such Share shall for the Space of Two Calendar Months after the Day appointed for the Payment thereof neglect or refuse so to pay his or her rateable Proportion, together with Interest for the same as aforesaid, then and in such Case it shall be lawful for the said Company to sue for and recover the same in any of His Majesty's Courts of Record by Action of Debt or on the Case, wherein no more than One Imparlance shall be allowed, or the said Company or the said Directors may and they are hereby authorized to declare the Shares belonging to any Person so refusing or neglecting to pay any such Calls, together with Interest in manner aforesaid, to be forfeited, and to be sold, subject to the Provisions of this Act: Provided nevertheless, that no Advantage shall be taken of any Forfeiture of any Share in the said Undertaking until Notice in Writing under the Hand of the Clerk of the said Company of any Share having been declared by the said Company or Directors to be forfeited shall have been given or sent by the Post unto, or left at the last known usual Place of Abode of the Owner of such Share, and until the Declaration of Forfeiture of such Share or Shares (if made by the said Directors) shall have been confirmed at some General Meeting of the said Company to be held after the Expiration of One Calendar Month at the least from the Day on which such Notice of Forfeiture shall have been given, and the said Company shall immediately thereupon have Power to direct the said Directors to dispose of the Shares so forfeited.

If Calls are not paid Interest may be charged thereon.

If Calls and Interest are not paid in Two Months the Shares may be declared forfeited and sold.

XLIV. Pro-

If the Produce of such Shares shall more than suffice to pay Arrears, &c., the Surplus to be paid to the Owners.

XLIV. Provided always, and be it further enacted, That in case the Money produced by the Sale of any such Share as shall be forfeited by reason of the Nonpayment of any Call as herein authorized shall be more than sufficient to pay all such Arrears or Calls as aforesaid, together with Interest thereon as aforesaid, and the Expence attending the Sale thereof, the Surplus of such Purchase Money shall, on Demand, be paid to the Party to whom such forfeited Share shall have belonged: Provided also, that the said Company or the said Directors shall not by virtue of this Act sell or transfer more of the Shares of such Defaulter in Payment of Calls than shall be sufficient, as near as may be at the Time of such Sale, to pay the Arrears due from such Defaulter for or on account of such Call or Calls, and the Interest and Expences attending the same; and from and after Payment of such Call or Calls, and the Interest and Expences aforesaid, any Share so vested in the said Company as aforesaid, and which shall remain in their Hands unsold, shall revert to and again become the Property of the Party to whom such Share shall have belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Call had been duly paid.

Proceedings in Actions for Calls.

XLV. And be it further enacted, That in any Action to be brought by the said Company against any Proprietor of any Share in the said Undertaking, to recover any Money due and payable to the said Company for or by reason of any Call made by virtue of this Act, it shall be sufficient for the said Company to declare and allege that the Defendant, being a Proprietor of so many Shares in the said Undertaking, is indebted to the said Company in such Sums of Money upon so many Shares belonging to the said Defendant whereby an Action hath accrued to the said Company by virtue of this Act, without setting forth the special Matter; and on the Trial of such Action it shall only be necessary to prove that the Defendant at the Time of making such Calls was a Proprietor of some Share in the said Undertaking, and that such Calls were in fact made, and that such Notice thereof was given as is directed by this Act, without proving the Appointment of the Directors who made such Calls, or any other Matter whatsoever; and the said Company shall thereupon be entitled to recover what shall appear due, including Interest, computed as aforesaid on such Calls, unless it shall appear that any such Call exceeded Two Pounds Ten Shillings for every Share of Fifty Pounds, or was made within the Distance of Three Calendar Months from the last preceding Call, or without Notice given in any Newspaper as aforesaid; and in order to prove that such Defendant was a Proprietor of some Share in the said Undertaking, as alleged, the Production of the Book in which the Clerk of the said Company is by this Act directed to enter and keep the Names and Additions of the several Proprietors of Shares in the said Undertaking, with the Number of Shares they are respectively entitled to hold, and of the Locality or Places of Abode of the several Proprietors of the said Undertaking, and of the several Persons and Bodies who shall from Time to Time become Proprietors thereof, or be entitled to any Share therein, shall be *primâ facie* Evidence that such Defendant is a Proprietor, and of the Number or Amount of his Shares therein.

XLVI. Pro-

Proprietors and Fall-holders in arrear not to vote.

XLVI. Provided also, and be it further enacted, That no Holder of any Share or any Fall of Water, in respect of which any Call, Rate, or Demand made or assessed shall remain unpaid, shall at any Meeting of the said Company be allowed to vote, either personally or by Proxy, until the Money so payable in respect of such Share or Fall shall have been fully paid, although the Time limited for Payment thereof may not have expired.

Proprietors may sell their Shares.

XLVII. And be it further enacted, That it shall be lawful for the several Pproprietors of Shares in the said Undertaking, and their respective Executors, Administrators, and Successors, to sell and dispose of any Shares to which they shall be entitled therein, subject to the Rules and Conditions herein mentioned; and the Form of Conveyance of Shares shall be by Writing, and may be in the following Words or to the like Effect, varying the Names and Descriptions of the contracting Parties as the Case may require:

Form of Conveyance.

'I of , in consideration
'of the Sum of paid to me by
'of , do hereby assign and transfer to the
'said Share [*or* Shares, *as the Case may*
'*be*] No. of and in the Undertaking called the *Bann*
'Reservoir Company, to hold unto the said his
'Executors, Administrators, and Assigns [*or* Successors and Assigns],
'subject to the same Conditions as I held the same immediately
'before the Execution hereof; and I the said
'do hereby agree to accept and take the said Share [*or* Shares]
'subject to the same Conditions. As witness our Hands and Seals
'the Day of .'

Deed of Sale to be produced to the Clerk, who shall make Entry thereof.

And in every such Sale the Deed or Conveyance, being executed by the Seller and Purchaser of such Share or Shares, shall be produced to the Clerk of the said Company, who shall enter in some Book to be kept for that Purpose a Memorial of such Transfer and Sale, and indorse the Entry of such Memorial on the said Deed of Sale or Transfer, for which the Sum of Two Shillings and Sixpence and no more shall be paid; and the said Clerk is hereby required to make such Entry or Memorial accordingly, and on Request a Certificate of such Share or Shares shall be delivered by him to the Purchaser for his or her Security, and for which Certificate no more than Two Shillings and Sixpence shall be paid; and until such Memorial shall have been made and entered as above directed such Purchaser shall have no Part or Share of the Profits of the said Undertaking, nor any Interest for such Share paid to him or her, nor any Vote in respect thereof as a Proprietor of the said Undertaking.

Shareholders not to transfer Shares until 5*l.* per Share be paid; not to be liable beyond the Amount of their Shares.

XLVIII. Provided always, and be it enacted, That no such Transfer as aforesaid shall be made unless Five Pounds shall have been previously called for and paid to or for the Use of the said Company in manner aforesaid on each such Share or Shares so to be transferred, any thing in this Act contained to the contrary notwithstanding; and that the several Subscribers to or Holders of any Shares in the Capital of the said Company shall not be liable to any Debts or Demands

mands of the said Company beyond the Amount of their several and respective Shares.

After a Call no Share to be sold until Call is paid.

XLIX. And be it further enacted, That no Person shall sell or transfer any Share which he or she shall possess in the said Undertaking after any Call shall have been made by the said Directors for any Sum of Money in respect of such Share, unless he or she at the Time of such Sale or Transfer shall have paid the full Sum of Money which shall have been called for in respect of each Share so to be sold or transferred.

Penalty on Officers taking Fees or being engaged in Contracts.

L. And be it further enacted, That if any Treasurer, Collector, Clerk, Engineer, Surveyor, or other Officer employed by the said Company for the Purposes of this Act shall exact, demand, take, or accept of any Fee, Emolument, or Reward whatsoever, other than such Salary or Allowance as shall be appointed and allowed by or on behalf of the said Company, for or on account of any thing done by virtue or under colour of his Office, or for forbearing to do any thing ordered or directed by the said Company or the Directors thereof, or on any other Account whatever relating to his Employment or Duty, or shall be concerned or interested in any Bargain or Contract made for the Purposes of this Act, every such Person so offending shall be incapable of afterwards serving or being employed under the said Company, and being convicted thereof before any Two Justices of the Peace shall forfeit and pay the Sum of Fifty Pounds for every such Offence.

Officers to account to Company when required.

LI. And be it further enacted, That every Treasurer or other Officer appointed or employed under this Act shall under his Hand, at such Time and Times and in such Manner as the Directors of the said Company shall appoint, deliver to them, or to such Person as they shall appoint, true and perfect Accounts in Writing of all Matters and Things committed to his Charge, and of all Monies which shall have been received by him by virtue or under colour of this Act, and how much thereof hath been paid and disbursed, and for what Purposes, together with the Vouchers for such Payments, and shall pay to the said Directors, or to such Persons as they shall appoint, all such Money as shall remain due from him to the said Company; and if any such Treasurer or other Officer shall refuse or wilfully neglect to make and render any such Accounts, or to produce and deliver up the Vouchers relating to the same, or to make such Payment as aforesaid, or shall refuse or neglect to deliver up to the said Directors, or to such Person as they shall appoint, within Seven Days after being thereunto required by the said Directors, all Books, Papers, and Writings in his Custody or Power relating to the Execution of this Act, and to give all Information and Satisfaction within his Power to the said Directors respecting the same, then and in every such Case, upon Complaint made by the said Directors, or by any Person whom they shall appoint for that Purpose, of any such Neglect or Refusal as aforesaid, to any of His Majesty's Justices of the Peace for the County, City, or Place where such Treasurer or other Officer may be or reside, such Justice may and is hereby authorized and required, by Warrant under his Hand, to cause such Person

Person to be brought before any Two of His Majesty's Justices of the Peace; and upon his appearing, or not being to be found, such Two Justices (whether One of them be the Justice who shall have issued such Summons or not) are authorized and required forthwith to hear and determine the Matter in a summary Way; and if upon Confession of the Party, or by the Testimony of any credible Witness upon Oath or Affirmation (which Oath or Affirmation such Justices are empowered to administer), it shall appear to such Justices that any of the Money which shall have been collected or received by virtue of this Act shall be or ought to be in the Hands or Power of such Treasurer or other Officer, and of the Payment and Disbursement of which no satisfactory Account shall be given, such Justices may and they are hereby authorized and required, upon Nonpayment thereof by such Person as aforesaid, by their Warrant duly signed to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Person; and if no Goods or Chattels of such Person can be found sufficient to answer and satisfy the said Money, and the Charges of levying the same, or if it shall appear to such Justices that such Person shall have refused or wilfully neglected to render or give such Account, or to produce and hand over the Vouchers relating thereto, or that any Books, Papers, or Writings relative to the Execution of this Act shall be in the Custody and Power of such Treasurer or other Officer, and he shall have refused or wilfully neglected to deliver up or give Satisfaction respecting the same as aforesaid, then and in every of the Cases aforesaid such Justices shall commit such Offender to the Common Gaol or House of Correction for such County, City, or Place, there to remain without Bail or Mainprize until he shall have made and given such true and perfect Account and Payment as aforesaid, or until he shall have compounded with the said Directors for such Money, and shall have paid such Composition in such Manner as they shall appoint, which Composition the said Directors are hereby empowered to make and receive, and until he shall have delivered up all such Books, Papers, and Writings as aforesaid, or shall have given Satisfaction in respect thereof to the said Directors: Provided always, that no Person who shall be committed as before mentioned on account of his not having sufficient Goods or Chattels to answer such Distress as aforesaid shall be detained in Prison for any longer Term than Three Calendar Months: Provided also, that the Imprisonment of any such Person shall not be deemed a Discharge for any Money which shall remain due from him, nor exonerate his Surety, but such Person and his Surety shall remain liable to the Payment thereof in the same Manner as if such Person had not been so imprisoned, nor shall any such Imprisonment operate as a Bar to the bringing and maintaining any Action, Suit, or other Proceedings, whether legal or equitable, civil or criminal, against such Person or his Surety, or other Person whatsoever, in order to compel the furnishing of such Account as aforesaid, or by reason of the same not having been so furnished, or for the Recovery of any such Vouchers, Books, Papers, or Writings as aforesaid, or on account of the Detention or withholding thereof.

Recovery of Books, &c. from the Assignees

LII. And be it further enacted, That in case of the Death, Bankruptcy, or Insolvency of any Trustee, Treasurer, Clerk, or other Officer

signee or Executor of Bankrupts or of deceased Officers.

ficer of the said Company before he shall have delivered up all Books, Accounts, Writings, and Papers whatsoever concerning his Office or relating to the Execution of this Act, the Executors or Administrators of every such Trustee, Treasurer, Clerk, or other Officer, or the Assignee of his Estate and Effects, or other Person possessing the same, or in whom the same may have been vested, shall deliver up to the Directors of the said Company, or to any Person appointed by them, all such Books, Accounts, Writings, and Papers as aforesaid; and in case of the Non-delivery thereof for the Space of Twenty-one Days next after Demand made thereof it shall be lawful for the said Company to proceed in any of His Majesty's Courts of Record at *Dublin* against such Executors, Administrators, Assignee, or other Person possessing the Estate and Effects which belonged to such deceased, bankrupt, or insolvent Trustee, Treasurer, Clerk, or other Officer, for the Recovery of Damages for the Non-delivery of such Books, Accounts, Writings, and Papers, together with full Costs of Suit.

Persons otherwise incapacitated may convey Lands to the Company.

LIII. And be it further enacted, That it shall be lawful for any Body Politic, Corporate, or Collegiate, Corporation Aggregate or Sole, Tenant for Life or in Tail, or for any Person having any other particular, limited, or qualified Estate or Interest, Husband, Guardian, Trustee, or Feoffee in Trust for any charitable or other Purpose, Committee or Executor or Administrator, or any other Trustee or Person whomsoever, not only for and on behalf of himself, his Heirs, Executors, and Administrators and Successors, but also for and on behalf of the Person entitled in Reversion, Remainder, or Expectancy after him, if incapacited; and for and on behalf of his Cestuique Trust, whether Infant, Issue unborn, Lunatic, Idiot, Feme Covert, or other Person, and to and for any Feme Covert who is or shall be seised, possessed of, interested in or entitled in her own Right to Dower or other Interest in any Lands, Tenements, or Hereditaments, which may be required by the said Company for the Purposes of this Act, to contract for, sell, lease, or demise and convey such Lands, Tenements, or Hereditaments, and every Part thereof, and all his, her, or their Right, Title, and Interest thereto and therein respectively, unto the said Company, and upon Payment of the Purchase Money for any such Messuages or Tenements, Lands or Hereditaments, to the Parties or Persons respectively entitled thereto, or upon Payment thereof into the Bank of *Ireland* in manner by this Act directed, as the Case may be, such Lands, Tenements, and Hereditaments may be taken and used by the said Company for the Purposes of this Act; and from thenceforth all Parties and Persons whomsoever shall be divested of all Right and Title, Claim, Demand, or Reversion to, in, or against such Lands, Tenements, or Hereditaments, and the same shall absolutely vest in the said Company; and all such Contracts, Agreements, Sales, Conveyances, and Assurances, shall be made at the Expence of the said Company, and may be made according to the following Form, or as near thereto, as the Circumstances of the Case will admit; namely,

Form of Conveyance.

'I of in consideration of the
'Sum of to me [*or, as the Case may be*, into the Bank
'of *Ireland*, in the Name and with the Privity of the Accountant
'General

'General of the High Court of Chancery, *ex parte* the *Bann* Reservoir Company, pursuant to the Act after mentioned] paid by the said Company, established and incorporated by an Act passed in the Year of the Reign of His Majesty King *William* the Fourth, intituled [*here insert the Title of this Act*], do hereby grant, release, assign, and confirm unto the said Company, their Successors and Assigns, all [*here insert the proper Description of the Messuages or Tenements, Lands or Hereditaments intended to be conveyed*], altogether with all Ways, Rights, and Appurtenances thereunto belonging, and all my Estate, Right, Title, and Interest in and to the same and every Part thereof, to hold unto and to the Use of the said Company and their Successors and Assigns for ever, according to the true Intent and Meaning of the said Act. In witness whereof I have hereunto set my Hand and Seal, the Day of in the Year of our Lord .'

And all such Conveyances and Assurances as aforesaid shall be good, valid, and effectual in the Law to all Intents and Purposes, and shall operate and be as a Merger of all outstanding Terms of Years, and be a complete Bar of all Estates Tail, and other Estates, Rights, Titles, Trusts, and Interests whatsoever.

Regulating Powers of leasing.

LIV. Provided always, and be it further enacted, That in such Lease or Leases so to be executed there be reserved and made payable the best annual Rent or Rents that can be reasonably had for the same, and that the said Lease or Leases do take Effect in Possession, and not in Reversion or by way of future Interest, and that no Fine, Premium, or Foregift, or any thing in the Nature thereof, be given or taken for the same, and so as the said Company do execute and deliver a Counterpart or Counterparts of such Lease or Leases, and do thereby covenant for Payment of the Rent thereby to be reserved, and all Taxes, Charges, Rates, Assessments, and Impositions in respect of the said Premises, and so that there be contained therein a Power or Condition in the Nature of a Condition of Re-entry on Nonpayment of the Rent to be thereby reserved within a Time to be therein limited, or on Nonperformance of the Covenants on the Part of the said Company therein to be contained, and that the said Lease or Leases be prepared and executed by and at the Expence of the said Company.

Restricting Company as to Quantity of Land to be taken.

LV. Provided also, and be it further enacted, That nothing herein contained shall empower the said Company to take or acquire more than Three hundred Acres of Land for the said Reservoir so to be made and constructed at *Lough Island Reavy*, or more than One hundred Acres of Land for the said Reservoir so to be made and constructed at the *Corbet Lough*, or more than Three hundred Acres for the said Reservoir so to be made and constructed at the *Deers Meadow*.

Conveyances may be enrolled.

LVI. And be it further enacted, That the said Company shall and they are hereby authorized and empowered, if they think fit, to cause any Conveyance, Assignment, or other Assurance to be taken by them to be enrolled at the Expence of the said Company in any of His Majesty's Courts of Record in *Ireland*.

How Commons shall be conveyed to the Company.

LVII. And be it further enacted, That in all Cases wherein in the Execution of the Powers of this Act there shall be Occasion to cut through, take, or use any Common or Waste Land, or any other Lands, Tenements, or Hereditaments which shall be charged with or subject or liable to the Exercise of any Easement or Right or Privilege of Common thereupon, whether of Pasture, Turbary, Estover, or Piscary, and whether such Common or Commonable Rights be appendant, appurtenant, or in gross, by Prescription, Custom, or otherwise howsoever, the Conveyance of such Common or Waste Land, or other Lands, Tenements, or Hereditaments as aforesaid, by any Body Politic, Corporate, or Collegiate, or other Person, having such Estate or Interest in the Manor wherein such Commons or Waste Land shall be situate, or (if the same shall not be the Waste of any Manor) then having such Estate or Interest in the Site of the said Lands, Tenements, or Hereditaments as the Bodies and Persons who are herein-before enabled to sell other Lands, Tenements, or Hereditaments have in such Lands, Tenements, or Hereditaments, shall be a good and sufficient Conveyance to the said Company for the Purpose of vesting in them the Fee Simple and Inheritance of such Common or Waste Land, or other Lands, Tenements, or Hereditaments, as fully and effectually as if every Person having Right of Common upon such Common or Waste Land, or other Lands, Tenements, or Hereditaments, were seised thereof in Fee Simple in Possession, and had joined in and executed such Conveyance; and the Compensation to be paid for the Extinguishment of any Right of Common upon any such Common or Waste Land as aforesaid shall be paid by the said Company to the Churchwardens for the Time being of the Parish wherein such Common or Waste Land shall be situate, and shall be by such Churchwardens received, and applied for such general or public Purposes within the said Parish as a Vestry thereof, to be convened by such Churchwardens for that Purpose, shall direct; and in all Cases where any such Commonable or other Right shall extend over and be exercised or enjoyed out of or upon any other Lands, Tenements, or Hereditaments than such Common or Waste Land, the Compensation for the Relinquishment thereof shall be paid to the Party or Parties having such Estate or Interest as aforesaid in the said Commonable or other Rights, or in any Lands, Tenements, or Hereditaments whereunto the same shall be appendant or appurtenant, or otherwise deposited in the Bank of *Ireland* in manner by this Act directed, as the Case may be: Provided always, that in all Cases where any such Manor is vested in Freeholders or Inhabitants at large, or in any greater Number of Persons than Four, or where it is not known to what Lord or Lady such Manor belongs, or in what Manor such Common or Waste Lands are situate, the Conveyance by Four at least of the Freeholders who have Common Right in or over such Common or Waste Land, and whose said Lands and Tenements to which such Common Right is appendant or appurtenant, whether vested in such Freeholders absolutely or only for such Estate or Interest as would enable them to convey the same if required under the Provisions of this Act, shall amount in yearly Value to Three Fifth Parts at least of the yearly Value of the whole of the Lands and Tenements which have such Common Right, shall also in like Manner be a good and sufficient Conveyance to the said Company for the Purpose of vesting in them the Fee Simple and Inheritance of such Common or Waste Lands.

LVIII. And

Incapacitated Persons may accept Satisfaction for Land required or injured by the Company.

LVIII. And be it further enacted, That all Persons and Bodies Politic and Corporate herein-before capacitated to sell and convey, lease or demise, any Lands, Tenements, or Hereditaments, and the respective Owners and Occupiers of any Lands, Tenements, or Hereditaments through, under, in, or upon which any Reservoir or other Work hereby authorized is intended to be made, may accept and receive Satisfaction for the Value of such Lands, Tenements, and Hereditaments, or the Interest or Interests therein by them, him, or her conveyed, and also Compensation for any Damage by them, him, or her sustained by reason of the Execution of any of the Works by this Act authorized, or by reason of the severing or dividing such Lands, Tenements, or Hereditaments, and also for and on account of any Damage, Loss, or Inconvenience which may be sustained by reason of the Execution of any of the Powers of this Act, in such gross Sums as shall be agreed upon between the said Owners (including Persons hereby capacitated as aforesaid) and Occupiers respectively on the one Hand and the said Company or the Directors thereof on the other Hand; and in case the said Company or the Directors thereof and such Parties respectively shall not agree as to the Amount or Value of such Purchase Money, Satisfaction, or Compensation, then and in such Case the Nature and Amount thereof shall be ascertained and settled by the Verdict of a Jury, if required, as herein-after is directed.

In case the Parties refuse or are incapable to treat, the Directors to issue their Warrant to the Sheriff for impannelling a Jury to assess the Damages.

LIX. And for settling all Differences which may arise between the said Company and the several Owners of or Persons interested in any Lands, Tenements, or Hereditaments which shall or may be required, or damaged or injuriously affected, by the making, turning, or diverting of any Reservoir, River, Stream, Conduit, or Aqueduct, or by the Execution of any other the Powers of this Act, be it further enacted, That if any Body Politic, Corporate, or Collegiate, Trustee, or other Person so interested or entitled as aforesaid, shall not agree with the said Company as to the Amount of such Purchase Money, Satisfaction, or other Compensation as aforesaid, or if any such Party shall refuse to accept such Purchase Money, Satisfaction, or other Compensation as shall be offered by the said Company, and shall give Notice thereof in Writing to the said Company within Fourteen Days next after such Offer shall have been made, and the Party giving such Notice shall therein request that the Matter in dispute may be submitted to the Determination of a Jury, or if any such Party as aforesaid shall for the Space of Fourteen Days next after Notice in Writing shall have been given to the Clerk, Agent, or principal Officer of any such Body, or to such Trustee or Person respectively, or left at his last or usual Place of Abode, or with the Tenant or Occupier of any Lands, Tenements, or Hereditaments required for the Purposes of this Act, neglect or refuse to treat, or shall not agree with the said Company for the Sale and Conveyance of his or their respective Estates and Interests, or the respective Estates or Interests therein which they, he, or she are or is capacitated to convey, or shall by reason of Absence be prevented from treating, or shall by reason of any Impediment or Disability not provided for by this Act be incapable of making such Agreement as shall be necessary or expedient for enabling the said Company to

proceed

proceed in making any of such Reservoirs or other the Works as aforesaid, or shall not disclose and prove the State of the Title to the Premises of which they, he, or she might be in Possession and claim to be entitled unto or interested in, or in any other Case where Agreement for Compensation for Damages incurred in the Execution of this Act cannot be made, then and in every such Case, and so often as the same shall happen, it shall be lawful for the Directors of the said Company to issue a Warrant under their Common Seal, signed by the Chairman of the said Company or any Two or more of the Directors thereof, and addressed to the Sheriff of the County in which the Lands, Tenements, and Hereditaments in question shall be situate or the Matter in dispute shall arise, or in case such Sheriff or his Under Sheriff shall be One of the said Company, or enjoy any Office of Trust or Profit under them, or shall be in any ways interested in the Matter in question, then to any of the Coroners of such County not interested as aforesaid, or if all the Coroners shall be so interested then to some Person or Persons then living in the said County respectively, and free from personal Disability, and who shall have filled the Office of a Sheriff or Coroner in the said County respectively, and not interested as aforesaid, (a Person having more recently served either Office being always to be selected in preference to a Person having more anciently served the same Office,) commanding such Sheriff, Coroner, or other Person to summon and return at least Forty-eight sufficient and indifferent Men who shall be duly qualified according to Law to serve as Jurors upon the Trial of Issues of Nisi Prius remitted to the Assizes of such County; and the Persons so to be summoned and returned are hereby required to appear before the said Sheriff, Under Sheriff, Coroner, or other Person as aforesaid at such Time and Place as in such Warrant shall be mentioned, provided the same be not less than Fourteen Days from the issuing of such Warrant, and to attend from Day to Day until duly discharged; and the said Sheriff, Under Sheriff, Coroner, or other Person as aforesaid shall accordingly attend at such Time and Place, and shall out of the Persons so summoned and returned cause a Jury of Twelve Persons to be drawn and impannelled in such Manner as Juries for Trials of Issues joined in His Majesty's Courts of Record at *Dublin* or the Assizes are or hereafter may be by Law directed to be drawn and impannelled; and in case a sufficient Number of Jurymen shall not appear at such Time and Place such Sheriff, Sub-Sheriff, Coroner, or other Person as aforesaid shall return other honest and indifferent Men of the Standers-by, or whose Attendance can speedily be procured, being so qualified as aforesaid, to make up the said Jury to the Number of Twelve, and all Parties concerned may have their lawful Challenges to the Poll, but not to the Array; and the said Sheriff, Under Sheriff, Coroner, or other Person as aforesaid is hereby empowered and required to summon before him all Persons whom it shall be thought necessary or proper to examine as Witnesses on either Side touching the Matters in question, and may authorize or order the said Jury or any Three or more of them to view the Lands and Tenements or Matter in controversy; and such Jurors shall upon their Oaths, or in case any of them shall belong to any of those Religious Societies the Members of which are by Law exempt from the Necessity of making Oath in Courts

Courts of Justice or legal Proceedings, then upon the solemn Affirmation of such Persons, (and which Oaths and Affirmations, as well as the Oaths and Affirmations of all such Persons as shall be called upon to give Evidence, the said Sheriff, Under Sheriff, Coroner, or other Person as aforesaid is hereby empowered and required to administer,) inquire of and assess and true Verdict or Verdicts give for the Sum or Sums of Money which ought to be paid for the Purchase of such Lands, Tenements, or Hereditaments, or of the Interest or Interests of any Person or Persons therein; and the said Jury shall also by their Verdict find and ascertain the separate and distinct Sum or Sums of Money which ought to be paid by way of Satisfaction or Compensation either for the Damages which shall before that Time have been done or sustained, or for any future Damages, whether permanent or temporary and recurrent, which may be sustained as aforesaid, and the Cause or Occasion of which shall have been only in part obviated, removed, or repaired by the said Company, and which cannot or will not be further obviated, removed, or repaired by them; and the said Sheriff, Under Sheriff, Coroner, or other Person shall accordingly give Judgment for such Purchase Money, Satisfaction, or Compensation as shall be so found and ascertained by the Verdict of such Jury; which said Verdict, and the Judgment thereon pronounced as aforesaid, shall be binding and conclusive to all Intents and Purposes, and upon all Persons whatsoever; and in every such Case the Person claiming Compensation shall be deemed the Plaintiff, and entitled to all the Privileges and Advantages to which Plaintiffs are entitled in Actions at Law: Provided always, that not less than Ten Days Notice in Writing of the Time and Place of holding such Enquiry as aforesaid shall be given by the said Company to the Party with whom any such Controversy shall arise by leaving such Notice at the Dwelling House of such Person, or with the Clerk, Agent, or principal Officer of the Corporation, or with some Tenant or Occupier of the Premises intended to be valued, or respecting which any such Question shall arise: Provided also, that the said Sheriff, Under Sheriff, Coroner, or other Person as aforesaid shall be at liberty to elect and choose some indifferent Barrister of Five Years standing, not connected with any of the Parties, as and for an Assessor in any such Inquiry as aforesaid, and that the reasonable Expences of such Assessor shall be defrayed by the said Company.

Value of Land and Damages to be ascertained separately.

LX. Provided also, and be it further enacted, That in ascertaining the Money to be paid for the Purchase of any Lands, Tenements, or Hereditaments to be taken or used for the Purposes of this Act, or of the Interest of any Party therein, the Jury shall also ascertain and assess the Compensation and Satisfaction to be made by the said Company for any Damage which shall or may be sustained by any Person being Owner or Occupier of or interested in such Lands, Tenements, or Hereditaments, for or by reason of the severing or dividing the same from other Lands, Tenements, or Hereditaments whereof, wherein, or whereto any such Person shall be seised, possessed, interested, or entitled, and also for or on account of any Injury or Loss whatsoever which shall or may accrue to or be sustained by such Person by reason of the Execution of any of the

Powers of this Act, and such Damages, Compensation, and Satisfaction shall be settled and ascertained separately and distinctly from the Value of the Lands, Tenements, and Hereditaments so to be taken or used as aforesaid, or of the Interest of such Person therein: Provided also, that nothing in this Act contained shall be construed to discharge or in anywise alter or transfer the Liability of any Tenant or Lessee, a Part only of whose Lands, Tenements, or Hereditaments may be required or taken for the Purposes of this Act, from the full Satisfaction of all Covenants for the Payment of Rent and Renewal Fines reserved or contained in the Lease, Deed, or Instrument by which such Tenant may hold the Lands, Tenements, or Hereditaments so required or used as aforesaid.

Verdicts to be recorded.

LXI. And be it further enacted, That the said Verdicts and Judgments, being first signed by the said Sheriff, Under Sheriff, Coroner, or other Person presiding at the taking of such Verdict and pronouncing of such Judgment respectively, shall be kept by the Clerk of the Peace for the County in which the Matter of Dispute shall have arisen among the Records of the Quarter Sessions for such County, and shall be deemed Records to all Intents and Purposes, and the same, or true Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever, and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of Two Shillings and Sixpence, and also to take or make Copies thereof, paying for every Copy after the Rate of Sixpence for every One hundred Words.

Penalties on Sheriff, Jurors, or Witness making default.

LXII. And be it further enacted, That if any Sheriff, Under Sheriff, Coroner, or other Person herein-before authorized and directed to act in the Stead of such Sheriff, shall make default in the Premises, he shall for every such Offence forfeit and pay to the said Company the Sum of One hundred Pounds, to be recovered by Action of Debt or on the Case in any of His Majesty's Courts of Record at *Dublin*, wherein only One Imparlance shall be allowed; and if any Person so summoned and returned to serve as a Juror as aforesaid shall not appear, or having appeared shall refuse to be sworn, or to make his solemn Affirmation, as the Case may be, or to give his Verdict, or shall in any other Manner wilfully neglect or violate his Duty contrary to the true Intent and Meaning of this Act, or if any Person so summoned to give Evidence as aforesaid, shall not appear having been previously paid or tendered a reasonable Sum for his Costs and Expences, or having appeared shall refuse to be sworn, or to make his or her solemn Affirmation, as the Case may be, and give Evidence, every Person so offending, and having no reasonable Excuse, to be judged of and determined by the said Sheriff, Under Sheriff, Coroner, or other Person as aforesaid, shall forfeit and pay for every such Offence, for the Benefit of the Party for whom or on whose Account such Jury or Witness shall be summoned, any Sum not exceeding Twenty Pounds, to be levied, by virtue of a Warrant under the Hand of such Sheriff, Under Sheriff, Coroner, or other Person as aforesaid, by Distress and Sale of the Goods and Chattels of the Persons so offending, rendering to him the Overplus of the Money thereby produced, after such Penalty, and the Charges and Expences of such Distress and Sale, shall have been deducted.

LXIII. And

Jurors to be subject to Regulations as at Assizes.

LXIII. And be it further enacted, That every such Jury and Jury-man as aforesaid shall also be subject to the same Regulations, Pains, and Penalties as Juries and Jurymen returned or impannelled at the Assizes for the Trial of Issues joined in His Majesty's Courts of Record at *Dublin*.

By whom Expences of Juries shall be paid.

LXIV. And be it further enacted, That in every Case where the Verdict of a Jury shall be given for the same or for a greater Sum than shall have been previously offered by the said Company for the Purchase of any Lands, Tenements, or Hereditaments to be used or taken by them for the Purposes of this Act, or of the Estate or Interest of any Person therein, or as Compensation for any Damage or Loss which may happen or arise in the Execution of any of the Powers hereby granted, all the Costs of summoning and impannelling such Jury and taking such Inquisition, Attendance of Witnesses, recording such Verdict and Judgment, and otherwise incident to the said Inquisition, shall be defrayed by the said Company, and such Costs and Expences shall be settled and determined by the said Sheriff, Under Sheriff, Coroner, or other Person as aforesaid; and in case such Costs and Expences shall not be paid to the Party entitled to receive the same within Ten Days after the same shall have been demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels of the said Company or of the Treasurer of the said Company, (unless such Treasurer shall pay such Costs and Expences out of any Monies received by him by virtue of this Act, which he is hereby authorized to do,) under a Warrant to be issued for that Purpose by and under the Hand of any Justice of the Peace for the County in which such Inquiry shall have been held, and who is not interested in the Matter in question, which Warrant such Justice is hereby authorized and required to issue on Application made to him for that Purpose by the Party entitled to receive such Costs and Expences; but if the Verdict of the Jury be given for a less Sum than shall have been previously offered by the said Company, One Half Part of the Costs and Expences shall be defrayed by the Party with whom the said Company shall have such Controversy or Dispute, and the Remainder shall be defrayed by the said Company; and such One Half Part of the said Costs and Expences, having been ascertained and settled in manner herein-before mentioned, shall and may be deducted out of the Money adjudged to be paid to such Party as aforesaid as so much Money paid and advanced for his Use, and the Payment or Tender of the Remainder of the Money so adjudged shall be deemed and taken to all Intents and Purposes to be a good Payment or Tender in satisfaction of the whole Sum adjudged: Provided always, that in Cases where by reason of Absence in Foreign Parts, or from any other Cause of Disability not herein-before provided for, any Person shall have been prevented from treating and agreeing as aforesaid, the whole of such Charges and Expences shall be borne and paid by the said Company: Provided also, that in case the said Company shall refuse or decline to take the said Lands and Premises, or the Interest of any such Person therein, at the Price or Sum awarded by any such Jury, then and in such Case the said Company shall forthwith pay and discharge all such Costs and Expences.

LXV. And

A Jury may be summoned at the Request of the Party.

LXV. And be it further eancted, That when and so often as any Dispute or Difference shall arise between the said Company and the Owner or Occupier of any Land which shall be or be required to be used, occupied, cut through, divided, or otherwise injuriously affected by the Execution of the Powers of this Act, with respect to the Amount of Purchase Money, Satisfaction, or Compensation, as aforesaid, the Directors of the said Company shall, at the Request in Writing of such Owner or Occupier as aforesaid, forthwith issue their Warrant for the summoning and returning such Jury as aforesaid; provided a Statement in Writing, signed by or on behalf of such Owner or Occupier, containing the Particulars of such alleged intended Occupation or Injury, and the Amount of Purchase Money or Compensation claimed in respect thereof, have been lodged with the Clerk of the said Company Fourteen Days previous to such Request, and provided such Owner or Occupier shall, previous to the issuing of such Warrant, enter into a Bond to the said Company in the penal Sum of Two hundred Pounds, conditioned diligently to prosecute his Complaint, and to bear and pay such Proportion of the Costs and Expences attending or connected with such Inquiry or Investigation as he shall be lawfully adjudged to pay: Provided always, that if upon any such Inquiry it shall appear that the alleged Occupation has been made or Injury committed for more than Three Calendar Months previous to the Lodgment of such Statement as aforesaid, no Costs or Expences whatsoever shall be recoverable against the said Company or the Treasurer thereof.

Power to enter Lands upon Payment or Tender of Purchase Money.

LXVI. And be it further enacted, That upon Payment or legal Tender of such Sums of Money as shall have been contracted and agreed for between the Parties, or determined by a Jury, in manner aforesaid, for the Purchase or otherwise acquiring of any Lands, Tenements, or Hereditaments, or as Satisfaction or Compensation for any Loss or Damage as herein-before mentioned, to the Proprietors of such Lands, Tenements, and Hereditaments, or other Person interested therein, or entitled to receive such Money, Satisfaction, or Compensation respectively, within Thirty Days after the same shall have been so agreed for or determined, or if the Parties so entitled or interested as aforesaid cannot be found, or shall refuse to receive the same, or shall refuse, neglect, or be unable to make good Title to, or shall refuse to execute the necessary Conveyance or other Deed of the Premises, or in case such Money shall be liable to be invested in the Purchase of other Lands, Tenements, or Hereditaments, then upon Payment of such Money into the Bank of *Ireland*, as herein-after directed, within Thirty Days after the same shall have been so agreed for or determined for the Use of the Party or Parties entitled thereto, it shall be lawful for the said Company, and their Agents, Workmen, and Servants, immediately to enter upon and take Possession of all such Lands, Tenements, and Hereditaments, and then and thereupon such Lands, Tenements, and Hereditaments, together with the yearly Profits thereof, and all the Estate, Use, Trust, and Interest of all such Persons therein, as aforesaid, shall from thenceforth be vested in and become the sole Property of the said Company, to and for the Purposes of this Act; and such Payment, Tender, or Investment, as the Case may be, and so far and in respect to

to such Interests as the same shall extend to, shall not only bar all the Right, Title, Interest, Claim, and Demand of all such Persons as aforesaid, and operate to merge all outstanding or other Terms of Years, but also shall bar the Dower of the Wife of every such Person, and all Estates Tail and other Estates in Reversion, Remainder, and otherwise of his, her, or their Issue, and of every other Person whomsoever therein: Provided nevertheless, that before making such Payment, Tender, or Deposit in the Bank of *Ireland* as aforesaid it shall not be lawful for the said Company, or any Person acting under their Authority, to enter upon, dig, or cut into such Lands, Tenements, or Hereditaments, for any of the Purposes of this Act, save and except for the Purposes of staking, lock-spitting, or marking out the same, without the previous Consent of the respective Owners and Occupiers thereof.

Tenants from Year to Year to deliver Possession upon receiving Six Months Notice.

LXVII. And be it further enacted, That all Tenants at Will, Lessees for a Year, and other Persons in Possession of any Lands, Tenements, or Hereditaments which shall be occupied or required in making any Reservoir, Conduit, or Works connected therewith, pursuant to the Powers and Provisions of this Act, and who shall have no greater Interest in the Premises than as Tenants at Will, or Lessees for a Year, or from Year to Year, or other lesser Term, shall respectively deliver up the Possession of such Premises to the said Company, or to such Persons as they shall appoint to take possession of the same, at the Expiration of Six Calendar Months next after Notice in Writing to that Effect shall have been given by or on behalf of the said Company, to such respective Tenants or Lessees or Persons in Possession, or left upon the said Premises, whether such Notice be given with Reference to the Time of the Commencement of such Tenant's Interest or not, and whether such Notice be given before or after the said Premises shall be purchased or otherwise acquired by the said Company; and in case any such Tenant or Lessee, or Person so in Possession as aforesaid, shall refuse to give up Possession in manner as aforesaid, it shall be lawful for the Directors of the said Company to issue a Precept in the Name and under the Seal of the said Company to the Sheriff of the County in which the Premises shall be situate, requiring him to deliver Possession of the said Premises at such Time and to such Persons as shall in such Precept be nominated to receive the same; and the said Sheriff is hereby required to deliver the Possession of the said Premises accordingly, and to levy and satisfy such Costs as shall be incurred from and after the issuing and Execution of such Precept, on the Person so refusing to give Possession, by Distress and Sale of his Goods.

Interest of such Tenants to be settled by a Jury.

LXVIII. Provided also, and be it further enacted, That where any such Tenant or Lessee shall be required to deliver up Possession of any Premises so occupied by him, the Directors of the said Company shall and they are hereby required to make or tender unto such Tenant or Lessee, before the issuing of such Precept as aforesaid, a reasonable Satisfaction or Compensation for the Value of his or her unexpired Term or Interest or Tenant Right in the said Premises, and which Satisfaction or Compensation, in case of Difference, shall be ascertained and determined in the same Manner as any other

Satisfaction or Compensation for or in respect of any Lands, Tenements, or Hereditaments intended to be taken or used by the said Company is by this Act directed to be made or determined.

Persons holding under Leases to produce the same.

LXIX. Provided always, and be it further enacted, That in all Cases where any Party shall claim any Satisfaction or Compensation for or in respect of any unexpired Term or Interest which he or they shall claim to be possessed of or entitled unto in any Lands, Tenements, or Hereditaments which may be required, used, occupied, cut through, divided, or otherwise injured by the Execution of the Powers of this Act, under or by virtue of any Demise, Lease, or Grant thereof, the Directors of the said Company are hereby authorized to require such Party to produce and exhibit the Lease, Demise, Grant, or other Instrument in respect of which such Claim to Satisfaction or Compensation shall be made; and if such Lease, Demise, Grant, or other Instrument shall not be produced and exhibited when so required by the said Company the Party claiming such Compensation or Satisfaction shall be considered as holding only from Year to Year.

Mortgagees, after Tender of the Sums due to them, shall convey their Interests to the Company.

LXX. And be it further enacted, That all Persons having any Mortgage on any Lands, Tenements, or Hereditaments to be taken or used for the Purposes of this Act, and not being in Possession thereof by virtue of such Mortgage, shall, on Tender by or on behalf of the said Company of the Principal Money and Interest due thereon, and the just Costs, if any, then due, together with the Amount of Six Calendar Months Interest on the said Principal Money, immediately assign and transfer such Mortgage, and all Estate and Interest in such Lands, Tenements, or Hereditaments, to the said Company, or to such Person as they or the said Directors shall appoint; or in case such Mortgagee shall receive Notice in Writing from the said Company that they will pay off the Principal Money and all Interest which shall be due on the said Mortgage at the End or Expiration of Six Calendar Months, to be computed from the Day of giving such Notice; then and in such Case, if at the End of such Six Calendar Months, on the Payment or Tender of the Principal Money and all Interest and Costs then due, such Mortgagee shall refuse to make Assignment and transfer as aforesaid, all Interest on every such Mortgage Debt shall from thenceforth cease and determine: Provided always, that in case the Sum due on any such Mortgage shall amount to more than the real Value of the Premises to be taken or used for the Purposes of this Act, or of the Estate or Interest which shall so have been conveyed in Mortgage, and which Value shall be ascertained by a Jury in manner herein-before directed, in such Case the said Company shall not be liable to pay to such Mortgagee more than the real Value of such Premises, or of the Estate or Interest therein so mortgaged, or than the Residue thereof after such Allowance and Payment thereout to any Lessee or Tenant, as herein-before directed, occupying or holding the Estate or Interest so mortgaged under or by virtue of some Deed or Instrument executed and taking effect previous to the Date of the Mortgage, or to which the Mortgagee shall have expressly assented: Provided also, that in case any such Mortgagee shall neglect or refuse to assign or transfer as aforesaid, then, upon Payment of the Principal Money and Interest, and the Cost (if any), which may be due

due on Foot of such Mortgage as aforesaid, into the Bank of *Ireland*, at the End of Six Calendar Months from the Day of giving such Notice as aforesaid, or in lieu of such Notice, and in addition to the said other Monies, a Sum equal to Six Calendar Months Interest, for the Use of such Mortgagee, the Cashier of the said Bank shall give a Receipt for the said Money in like Manner as is by this Act directed in Cases of other Payments into the said Bank, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of such Mortgagee, and of all Persons in Trust for him, shall vest in the said Company, and they shall be deemed to be from thenceforth in the actual Possession of the Premises and Estate or Interest comprised in or conveyed by such Mortgage, to all Intents and Purposes whatsoever: Provided also, that if such Mortgage shall comprise any other Lands, Tenements, or Hereditaments than those which shall be so required to be taken or used by the said Company, such Mortgagee shall, upon Payment of the Sum so ascertained to be the Value of the Lands, Tenements, or Hereditaments so required as aforesaid, after deducting thereout the Sum to be paid and allowed to any Lessee or Tenant of any Lands and Hereditaments as hereinbefore directed, forthwith assign and transfer his or her Interest in such Lands, Tenements, and Hereditaments to or in Trust for the said Company; and in default of such Assignment or Transfer, and on Payment of such Money into the Bank of *Ireland*, for the Use of such Mortgagee, the Cashier of the said Bank shall give such Receipt as above mentioned, and thereupon all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand of such Mortgagee, and of all Persons in Trust for him or her in the said Lands, Tenements, or Hereditaments so required as aforesaid, and the Value whereof, or of the Estate or Interest therein so mortgaged as aforesaid, shall have been so ascertained and paid into the Bank of *Ireland* as aforesaid, shall vest in or for the Benefit of the said Company; and they or their said Trustee shall be deemed to be in the actual Seisin or Possession thereof from thenceforth to all Intents and Purposes whatsoever; and such Sums of Money shall be deducted from the Amount of the Money due to such Mortgagee by virtue of such Mortgage.

How Disputes between the Company and certain Mortgagees shall be settled.

LXXI. And be it further enacted, That in all Cases where a Part only of any Lands, Tenements, or Hereditaments subject to any Mortgage shall be required for the Purposes of this Act, and the Mortgagee thereof shall not consider the remaining Part of such Lands, Tenements, or Hereditaments to be a sufficient Security for the Money owing to him and charged thereon, or shall not be willing to release the Part required for the Purposes of this Act from the Principal or Mortgage Money, and all Interest due or to become due thereon, and Costs, then and so often as the same shall happen the Value of such Parts of the said Lands, Tenements, or Hereditaments as shall be required for the Purposes aforesaid, or the Value of the Estate or Interest of such Mortgagee therein, and also the Compensation (if any) for any Damage done, shall be settled and agreed upon by and between such Mortgagee, and the Person or Persons entitled to the Equity of Redemption of such Lands, Tenements, or Hereditaments on the one Part, and the said Company on the other Part; and in case of any Difference between such Parties then such Value or Compensation

sation shall be ascertained and determined by a Jury in manner herein-before mentioned; and such Value and Compensation, being so agreed upon or determined as aforesaid, shall be paid to such Mortgagee in satisfaction of his Claim, so far as the same will extend, or in case of his neglecting or refusing to assign or transfer as herein-before directed, then the Amount of such Value and Compensation shall be paid into the Bank of *Ireland*, as by this Act is provided; and such Payment to the Mortgagee, or into the Bank, as last aforesaid, shall be and be accepted in satisfaction of the Claim of such Mortgagee, so far as the same will extend, and also in discharge and exoneration of such Part of the mortgaged Premises as shall be so required to be taken or used from all Principal and Interest and other Money due or secured thereon: Provided nevertheless, that notwithstanding any thing herein-before contained all such Mortgagees shall have the same Powers and Remedies for recovering or compelling Payment of their Mortgage Money, or the Residue thereof, (as the Case may be,) and all Interest and Costs due thereon respectively, upon and out of the Residue of the mortgaged Lands, Tenements, or Hereditaments not required for the Purposes aforesaid, as they would otherwise have had or be entitled to for recovering or compelling Payment thereof upon or out of the whole of the Lands, Tenements, or Hereditaments originally comprised in such Mortgage.

Company to make Conveyances, &c.

LXXII. And be it further enacted, That it shall be lawful for the said Company, by Deed or Deeds under their Common Seal, to make all such Contracts, Grants, Conveyances, Leases, and Assurances as may be required for the better carrying into effect the several Powers, Authorities, and Purposes of this Act; and all such Contracts, Grants, Conveyances, Leases, and Assurances shall be valid and effectual, any thing in this Act contained, or any other Law, Statute, or Custom, to the contrary thereof in anywise notwithstanding; and upon Payment of the Money which shall arise by any such Sale or Sales, or as shall be reserved or made payable by way of Rent or otherwise, in or by any such Contract, Lease, Conveyance, or Assurance, it shall be lawful for the Treasurer of the said Company for the Time being to sign and give Receipts for the Money which shall be so paid; and no Purchaser, Tenant, Lessee, or Assignee shall be answerable or accountable for any Loss, Misapplication, or Non-application of such Money or any Part thereof.

Application of Compensation Money amounting to 200*l*.

LXXIII. And be it further enacted, That if any Money shall be agreed on or adjudged in manner herein-before mentioned to be paid as and for the Purchase Money or Compensation for any Lands, Tenements, or Hereditaments to be taken or used or injuriously affected, by virtue of the Powers of this Act, and belonging to any Body Politic, Corporate, or Collegiate, Ecclesiastical or Civil, Corporation Aggregate or Sole, or to any Tenant for Life or in Tail, Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee, for on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or to any Person whose Lands, Tenements, or Hereditaments are limited in strict or other Settlement, or any Person under any other Disability or Incapacity, such Money shall, in case the same shall amount to or exceed the

the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there "*ex parte* the *Bann* Reservoir Company," according to the General Orders of the said Court, and without Fee or Reward, and shall when so paid in there remain until the same, or such Part thereof as shall be necessary, shall, by Order of the said Court made upon Petition to be presented to the said Court in a summary Way, from Time to Time, by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands, Tenements, or Hereditaments, be applied, either in the Purchase or Redemption of the Quit Rent or Crown Rent, of or in or towards the Discharge of any Debt or other Incumbrance affecting the same, or any other Lands, Tenements, or Hereditaments standing settled to the same or the like Uses, Trusts, Intents, or Purposes, in such Manner as the said Court of Chancery shall direct; or shall upon the like Application be laid out in a summary Way, by Order of the said Court, in the Purchase of other Lands, Tenements, or Hereditaments, which shall be conveyed, limited, and settled to, for, and upon the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands, Tenements, or Hereditaments which shall have been so purchased, taken, used, or injuriously affected as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined or capable of taking effect; and in the meantime, and until such Orders shall from Time to Time be made, the said Money, or so much thereof as shall remain undisposed of, may, by Order of the said Court, upon Application thereto, be invested by the Accountant General of the said Court, and in his Name, in the Purchase of Three Pounds *per Centum* Consolidated or Three Pounds *per Centum* Reduced Bank Annuities, or in Government or Real Securities; and in the meantime, and until such Annuities or Securities shall be ordered by the said Court to be sold, or called in or cancelled, for the Purposes aforesaid, the Dividends or Interest and annual Produce thereof shall from Time to Time be paid, by the Order of the said Court, to the Person who would for the Time being have been entitled to the Rents and Profits of such Lands, Tenements, or Hereditaments so to be purchased and settled.

Application when the Money is less than 200*l.* and above 20*l.*

LXXIV. Provided always, and be it further enacted, That if any such Money as aforesaid shall be less than the Sum of Two hundred Pounds, and shall exceed the Sum of Twenty Pounds, then the same shall, at the Option of the respective Persons for the Time being entitled to the Rents and Profits of the Lands, Tenements, or Hereditaments so purchased, taken, used, or injuriously affected as aforesaid, or of their respective Husbands, Guardians, or Committees, in case of Coverture, Infancy, Idiotcy, Lunacy, or other Incapacity, with the Approbation of the said Company, signified in Writing signed by the Clerk of the said Company, and under their Common Seal, be paid into the Bank of *Ireland*, in the Name and with the Privity of the said Accountant General, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or such Money may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the respective

and such Costs, Charges, and Expences shall be settled and determined by the said Two Referees, or in case they should differ about the same, then by a Third Solicitor as Umpire, to be named and appointed by such Two first Referees before they proceed on the Matter referred to them; and the Award and Determination of the said Two Referees, or of the said Umpire, as the Case may be, shall be binding and conclusive, and shall be made within One Calendar Month from the Time of making such Deposit as is herein-before mentioned; and upon such Award and Determination being made the said Two Referees shall, by and out of the Money so deposited with them, pay to the Party or Parties from whom the said Lands and Hereditaments shall be so purchased as aforesaid the Amount of the Costs, Charges, and Expences which shall be so awarded and determined, and the Remainder of the said Money so deposited shall be returned to the said Company: Provided also, that the Expence of determining such Costs, Charges, and Expences as aforesaid shall be paid and borne by the said Company, unless One Sixth of the said Costs, Charges, and Expences shall be disallowed, in which Case the Expence of determining the same shall be paid and borne by the said Sellers, and the Amount thereof may then be deducted by the said Company from the Sum payable by them under the Award and Determination of the said Two Referees, or of the said Umpire.

The Court of Chancery may order Expences of Purchases to be paid by the Company.

LXXIX. And be it further enacted, That where by reason of the Disability or Incapacity of any Person or Corporation entitled to any Lands, Tenements, or Hereditaments to be taken under or by virtue of this Act, or from any other Cause whatsoever, the Purchase Money for such Lands, Tenements, or Hereditaments, or any Money to be paid for or by way of Compensation or Satisfaction for any Injury or Damage done to the same, shall be required to be paid into the Bank of *Ireland*, and be subject to the Orders and Directions of the Court of Chancery, under the Provisions herein contained, it shall be lawful for the said Court to order all the reasonable Costs, Charges, and Expences attending such Purchase, taking, or using of any Lands, Tenements, and Hereditaments, or which may be incurred in consequence thereof, and also of the Investment of the Purchase or Compensation Money paid in respect of such Lands, Tenements, and Hereditaments, in Real or Government Securities, and likewise the Reinvestment of such Purchase or Compensation Money, or the Government and Real Securities purchased therewith, in the Purchase of Lands, Tenements, and Hereditaments, as herein-before mentioned, together with the Costs, Charges, and Expences of obtaining the proper Orders and of the other Proceedings for such Purposes, and for the Payment of the Dividends and Interest of the said Government or Real Securities, and for the Payment of the Principal of the said Purchase or Compensation Money, and of the Government or Real Securities purchased therewith out of Court to be paid by the said Company; and the said Company shall from Time to Time pay such Sums of Money for the said Costs, Charges, and Expences as the said Court shall direct.

Directors not personally answer-

LXXX. And be it further enacted, That none of the Directors of the said Company hereby appointed, or hereafter to be appointed under

under the Authority of this Act, shall, by reason or means or on account of his being Party to, or making, signing, or executing, in his Capacity of Director of the said Company, pursuant to this Act, any Contract, Agreement, or other Instrument for or on behalf of the said Company, or otherwise lawfully executing any of the Powers and Authorities given to the said Directors by this Act, be subject or liable to be sued, prosecuted, or impleaded, either collectively or individually, by any Person whomsoever, in any Court of Law or Equity or elsewhere, and that the Bodies, Goods, Chattels, Lands, or Tenements of the said Directors, or any of them, shall not, by reason, on account, or in consequence of any such Contract or other Instrument so entered into or made, signed, or executed by them or any of them as aforesaid, or any other lawful Act which shall be done by them or any of them in the Execution of any of the Powers and Authorities given to them or any of them by this Act, be liable to be arrested, seized, detained, or taken in Execution, but that in every such Case any Person making any Claim or Demand upon the said Company or upon any Directors thereof, under or by virtue of any such Contract or Instrument or other lawful Act, may sue and implead the said Company in like Manner as if such Contract, Instrument, or other Act had been entered into and executed and done under the Common Seal of the said Company.

able for Acts legally done as Directors.

LXXXI. And whereas, in order to provide a due and sufficient Supply of Water in the Reservoirs to be constructed under this Act, and for the Purposes thereof, it is expedient that the said Company should be empowered to divert into the Reservoir to be constructed at or near to *Lough Island Reavy* as aforesaid the Waters of the River *Muddock* and of *Slievenalargy Stream*, and the surplus Water of the *Burren River* aforesaid, and to divert into the Reservoir to be constructed at or near the *Corbet Lough* as aforesaid the Water of *Knockgorm Stream*, and the surplus or flood Waters of the said River *Bann*, and to cause all the said Rivers and Streams to flow in manner hereafter mentioned; be it therefore enacted, That it shall and may be lawful for the said Company, by One or more good and sufficient Conduits or Aqueducts, and which Conduits or Aqueducts, being at all Times furnished with proper Flood Gates and Sluices, shall communicate and join with the present Course of the said River *Muddock* at or near and above the Weir now occupied by *Thomas M'Laughlin*, to divert and carry off into any Reservoir which may hereafter be constructed under this Act, at or near to *Lough Island Reavy* as aforesaid, all or so much of the Water of the said River *Muddock* as to the said Company shall seem right; and that it shall also be lawful for the said Company in manner aforesaid to turn, divert, and carry off into the said last-mentioned Reservoir all or so much of the Water of the said Stream called *Slievenalargy Stream* as to the said Company shall seem right; and that it shall be also lawful for the said Company in manner aforesaid to turn, divert, and carry off into the said last-mentioned Reservoir, and from some convenient Part of the said River *Burren* in the Townland of *Moneyscalp*, all such flood or surplus Water as shall not be required for the Use of the Mills now erected and being on the said River, and for the Purposes to which the same are now applicable.

Power to divert certain Water into Lough Island Reavy Reservoir.

Power to divert certain Water into the Corbet Lough Reservoir.

LXXXII. And be it further enacted, That it shall and may be lawful for the said Company, by One or more good and sufficient Conduits or Aqueducts furnished as aforesaid, to turn, divert, and carry off into any Reservoir which may hereafter be constructed under this Act at or near to the *Corbet Lough* all or so much of the Water of *Knockgorm Stream* as to the said Company shall seem right; and that it shall also be lawful for the said Company in manner aforesaid to turn, divert, and carry off into the said last-mentioned Reservoir, and from such Part of the said River *Bann* above the Weir now occupied by *Samuel Ervin* and *David Dixon*, or one of them, as to the said Company shall seem right, so much of the Water thereof as shall flow into and along a Channel or Aqueduct of any convenient Width; and the said Company shall place and keep at the Bottom of such last-mentioned Channel or Aqueduct, and at or near to the Point of Junction with the said River *Bann*, a level Stone Sill or Gauge which shall extend across the whole Breadth of such Channel or Aqueduct, the upper Surface of which Sill or Gauge shall not be lower than the average Height of the Surface of the said last-mentioned Weir, or such other Height as may hereafter be ascertained will not diminish or injuriously interfere with the Water required for driving or turning the Machinery of the Mills of the said *Samuel Ervin* and *David Dixon*: Provided always, that a Quantity of Water not less than that which shall or may be so carried off and diverted into the said Reservoirs, or either of them, from the Rivers *Muddock* and *Bann* as aforesaid, shall afterwards be returned into the present Course or Bed of the said Rivers respectively, at some Place further down in the Course thereof, and not more than Two Statute Miles from the Point or highest Points of Diversion thereof as aforesaid: Provided also, that so much Water shall at all Times be allowed to flow, remain, and be in the present Course of the said River *Muddock*, and of the said Streams called *Slievenalargy Stream* and *Knockgorm Stream* as may be sufficient for the watering of the Cattle depasturing in the Fields adjoining thereto, and other agricultural Purposes.

New Roads and Bridges shall be made in lieu of those which may be interrupted.

LXXXIII. And be it further enacted, That if any Embankment, Channel, Aqueduct, or other Work made in pursuance and in exercise of the Powers of this Act, any Roadway, Path, or Passage, whether the same be public or private, or a Foot, Cattle, or Carriage Way, shall be disturbed or interrupted, the said Company shall and they are hereby required, with all convenient Speed, and before such Disturbance or Interruption shall be made, to cause some other convenient Way to be opened and made, and any Bridges which may be required to be properly built for the convenient Use and Passage of any Person or Persons entitled to use such Way, either on Foot or with Cattle or Carriages, or for the Convenience of the Public, and out of the Capital of the said Company to defray the Expence of making such Ways and erecting such Bridges, and keeping the same in repair: Provided always, that in the Case of any Roadway or Bridge which may have heretofore been usually kept in repair, and ought to have been kept in repair by the Owner or Owners of any Lands, *ratione tenuræ*, or by any Body Corporate, or Grand Jury, Person or Persons liable to the Maintenance and Repair thereof, by Prescription

Prescription or otherwise, and which shall or may have been diverted, taken down, rebuilt, or altered under this Act, such new, substituted, altered, or rebuilt Road, Way, or Bridge shall, after the Completion thereof, be thenceforth maintained and kept in repair by such Owners, Body Corporate, Grand Jury, or other Person respectively, in the same Manner as the ancient Road, Way, or Bridge for which such new Road, Way, or Bridge may have been substituted, and the Land or Ground over which such ancient Road or Way was made, shall from thenceforth be to all Intents and Purposes the absolute Property of and vested in the said Company: Provided also, that when any Grand Jury shall be bound to keep in repair such new and substituted Road, Way, or Bridge as aforesaid, the Course, Site, Position, and Width thereof shall be ascertained and fixed by the Surveyor of such Grand Jury, but in such Way as not to interfere with or injure the Reservoir and other Works of the said Company, and shall by him be duly certified in Writing, together with convenient Maps and Plans of the same, to the said Company: Provided also, that if the necessary Width of any such new and substituted Bridge between the Abutments thereof shall be greater than the Width of the ancient Bridge for which it may have been substituted as aforesaid, the said Company shall for ever hereafter be liable to pay and defray a Portion of the Expences of repairing such new Bridge proportionate to the Excess of such Width as aforesaid.

What Satisfaction shall be made for the Site of such new Roads.

LXXXIV. And be it further enacted, That when the Road so fixed and ascertained by such County Surveyor as aforesaid shall pass through any Common or Waste Ground no Satisfaction need be made by the said Company to the Owner of such Common or Waste Ground in respect thereof; and when it shall pass through or over any private, improved, or inclosed Ground, then such Satisfaction shall be made to the Owners and Occupiers of such private or inclosed Ground as may be agreed on between them respectively and the said Company, and in case of Difference the Amount and Manner of such Satisfaction shall be ascertained and settled by a Jury, to be summoned, returned, and impannelled in manner by this Act prescribed.

Company to make a new Road at the Deers Meadow if required.

LXXXV. And be it further enacted, That in case the said Company shall at any Time hereafter make and complete the said Reservoir at the *Deers Meadow*, and in case the Proprietor or Proprietors of the Townland of *Ballynanny* shall so require it, the said Company shall and they are hereby required, at their own Expence, forthwith to make and form, or cause and procure to be made and formed, a new Line of Road Sixteen Feet wide for the Use of the Tenants and Occupiers of the Townland of *Ballynanny* adjoining thereto, in lieu and in place of so much of the present Road leading from *Hilltown* to *Kilkeel* as will be occupied by the said intended Reservoir, and to make and form the said Road, commencing at some convenient Place on the present Road at the North-western End of the said *Deers Meadow*, running along the Western Side of the said intended Reservoir, in and through the said Townland of *Ballynanny* as aforesaid, and terminating at some convenient Place on the

the said present Road so as aforesaid leading from *Hilltown* to *Kilkeel*, and at the Southern End of the said *Deers Meadow*.

Contracts for Works to be done.

LXXXVI. And be it further enacted, That all Contracts into which the said Company may enter for the Purpose of any Work authorized to be done by this Act shall (if in Writing) be signed by the Chairman or Two or more of the Directors of the said Company, and shall also be under the Common Seal of the said Company; and in case the said Contract shall not be well and sufficiently performed according to the Terms, Intent, or Meaning thereof, or in case the Work so contracted for shall not be finished or completed in the Time and Manner specified in such Contract, then the said Company may cause an Action or Actions to be brought in any of His Majesty's Courts of Law at *Dublin* against any such Contractor, for any Penalty contained in his Contract; and on Proof of such Contractor having signed the said Contract, and of the Non-performance thereof at the Time for that Purpose to be therein mentioned, the said Company shall be entitled to and shall recover the full Penalty contained in any such Contract, which, when recovered, shall be applied for the general Benefit of the said Undertaking.

Company may Contract for supplying Water from Reservoirs.

LXXXVII. And be it further enacted, That it shall be lawful for the said Company to contract with and undertake to supply, and to supply with Water, all such Persons as shall or may, for any Purpose whatever, require a Supply of Water along the Course of any Conduit or Aqueduct hereafter to be constructed under the Authority of this Act, or adjacent to the same, and at such Price, Rate, or Duty for such Water as may be agreed upon by and between such Persons and the said Company, the Water so supplied (the unavoidable Waste thereof only excepted) being ultimately returned or conveyed after Use by such Persons into the River *Bann* aforesaid: Provided nevertheless, that nothing in this Act contained shall empower or authorize the said Company, or any other Persons whatsoever, to damage, discolour, impregnate, or with any Drug or deleterious Ingredient in any Manner to injure the Water of the said River *Bann*, River *Muddock*, River *Burren*, and the Streams called *Slievenalargy Stream* and *Knockgorm Stream*, or any of them, or the Water which may be in any Reservoir, or in any Conduit, Aqueduct, Stream, or Feeder communicating therewith, to the Detriment of any Person or Persons using or occupying the Water of any of the said Reservoirs, Rivers, or Streams, or to the Destruction of the Fish therein, but that all such Persons using or occupying the said Water of the said Reservoirs, Rivers, or Streams, or having any Right of Piscary therein, shall have the same Right of Action and other Remedy for any Injury to such Water as if this Act had not been made, any thing herein contained to the contrary thereof notwithstanding.

Water not to be damaged.

Company may levy Rates on Fallholders.

LXXXVIII. And be it further enacted, That from and immediately after the passing of this Act One or more annual Rate or Rates as aforesaid shall and may be made, levied, and assessed by the said Company, and shall be made payable at yearly or half-yearly Periods, as may be thought necessary, upon and by all Persons who shall hold,

hold, occupy, or employ, as herein-after mentioned, any Fall on the said River *Bann*, being lower down in the Course of the said River than the Place at which the highest Conduit or Aqueduct by this Act authorized to be made shall be made, and shall communicate with the same, or on any Conduit or Aqueduct made in pursuance and by virtue of this Act, or who shall hold or employ any Mill which shall be supplied with Water from or by means of any Reservoir, Conduit, or Aqueduct to be constructed under the Authority of this Act.

Rates to be in proportion to the Height of the Fall.

LXXXIX. And be it further enacted, That the said Rates shall be imposed on all such Persons as aforesaid in proportion to the Height of the Fall of Water held, occupied, or employed by them respectively for the Purpose of giving Motion to any Machine or Engine; provided that if any such Fall of Water shall have been actually unemployed as aforesaid for and during a Period of Twelve Calendar Months the said Company shall have Power to remit the Whole or any Portion of the Rate which might and ought to have been levied and assessed upon such Fall in respect of the Height thereof; and provided nevertheless, that when and so long as any Fall shall be exclusively occupied in giving Motion to Mills and Machinery erected and employed for the grinding of Grain into Meal, and not into Flour, and commonly called Corn Mills, or for the preparing of Flax or coarse Cloth, and commonly called Flax Mills or Tuck Mills, the Rate to be assessed or imposed in respect of such Falls shall not be more than One Half the Amount by the Foot which shall be assessed or imposed on Falls the Mills and Machinery on which shall be employed in the bleaching of Linen and other Purposes, and for all the Purposes of this Act One Foot in Height of all such Falls shall be deemed and taken to be equivalent to Six Inches in Height of a Fall employed in the bleaching of Linen as aforesaid, and no more, and so in proportion for any greater or less Height.

Exceptions for certain Mills.

XC. Provided always, and be it further enacted, That nothing in this Act contained shall empower or authorize the said Company to make, assess, or levy any such Rate or Rates as aforesaid for or in respect of any Mills or other Works now or hereafter to be erected, constructed, or made upon Lands or Estates belonging or to belong to the Most Honourable *Arthur* Marquis of *Downshire* on or near to a certain Stream or Watercourse which falls and passes from the said Lake or Lough called or known by the Name of *Lough Island Reavy*, and from thence into the said River or Stream called the *Muddock*, or for or in respect of any of the present Water Corn Mills or Flax or Tuck Mills of the said Marquis situate in the Townlands of *Ballycashoan*, *Corquillan*, *Lenish*, and *Ardbrin*, or any of them, in the said County of *Down*, until or unless by reason of some Alteration in or Addition to such last-mentioned Mills and Machinery the Purposes for which the same are now used shall be changed, or a greater Supply of Water than is now requisite shall be used therein, or required in giving Motion thereto, but that the said Marquis, and the Owners and Occupiers of his said Lands and Estates for the Time being, shall have the full and free Use of the Water which may pass down to the said Mills or any of them, or along the said Stream or Watercourse

from *Lough Island Reavy* to the River *Muddock*, for the Use of his present Mills on or near the Line thereof, and for any other Mills or Works that may be hereafter erected, made, or constructed along or near the Line of the said Watercourse, without being charged by the said Company or liable to any Rate or Payment whatsoever for the Use of such Water, provided that such Water, after the Use thereof at the said Mills or Works, shall fall or run into the said River *Muddock*, and into the said River *Bann* respectively, any thing in this Act contained to the contrary thereof notwithstanding.

Provision for concurrent Occupiers of One Fall.

XCI. Provided always, and be it further enacted, That where any Two or more Persons shall be concurrent Occupiers for any such Purpose as aforesaid of the same Fall, or any Part of the said Rivers *Bann* or *Muddock*, or any Conduit or Aqueduct communicating therewith, the Proportions in which the Amount of the Assessment hereby authorized to be rated and assessed in respect of such Fall shall be applotted on each of such concurrent Occupiers in such Manner as to such concurrent Occupiers shall seem meet, and when the Amount payable by each shall have been so applotted and apportioned and ascertained the same shall be communicated to the said Company by a Notice in Writing addressed and delivered to the Clerk thereof, and signed by each of such Occupiers: Provided always, that in the meantime, and until such Communication in Writing shall have been made as aforesaid, the said Company shall be at liberty to raise and levy the whole of the Rate assessed in respect of such Fall so concurrently occupied upon and from any or all of the Persons so concurrently occupying the same, or as the said Company shall think proper.

Each concurrent Occupier to be deemed the Holder of a Fall proportioned to his Contribution.

XCII. And be it further enacted, That each of such concurrent Occupiers, after such Apportionment as last aforesaid, shall for all the Purposes of this Act be considered as the Occupier of a Fall of Water bearing to the whole Height of the Fall of Water so concurrently occupied the same Proportion which the Sum of Money agreed by such Occupier to be paid as his Proportion of the Assessment made in respect of such Fall shall bear to the whole Amount of Assessment in respect thereof.

Annual Rates not to exceed 10*l.* per Foot, and the net Profits not to exceed 7*l.* 10*s.* per Centum.

XCIII. And be it further enacted, That no Rate or Rates to be imposed or assessed as aforesaid shall exceed in any One Year the Rate of Ten Pounds for every Foot of Fall hereby made liable to be rated or assessed as aforesaid: Provided nevertheless, that whenever the said Company shall be enabled by reason of such Assessments calculated at the Rates aforesaid, or at any lower Rate or Rates, and out of the Profits of the said Undertaking, to declare and pay to the several Shareholders therein a clear Dividend, after Payment and Satisfaction of all Costs, Charges, Interest, and Expences exceeding Seven Pounds Ten Shillings *per Centum per Annum* on the Money advanced in respect of such Shares, it shall not be lawful for the said Company to make a greater Dividend than as aforesaid, nor to continue to make such Assessment at the Rates aforesaid, but the same shall be made and calculated at such lower Rate or Rates, or as near thereto as may be, as will enable the said Company at the End of the next succeeding Year to declare and pay a clear Dividend of the Profits

Profits of the said Undertaking, not exceeding Seven Pounds Ten Shillings *per Centum* on such Advances as aforesaid.

Company's Engineer to survey and ascertain the Height of Falls.

XCIV. And be it further enacted, That the said Company shall be and are hereby authorized and required, from Time to Time, so often as the same shall be necessary, by themselves, their Engineers or Surveyors, and their Assistants and Servants, to inspect and survey the Whole or any Part of the said River *Bann*, and of all Rivers, Streams, Reservoirs, Conduits, Aqueducts, and Feeders falling into or communicating therewith, and to measure and ascertain the Height of the Falls existing thereon, and to determine the Levels of the said Rivers, Streams, Conduits, Aqueducts, or Feeders, and Falls respectively, to the End and Intent that the said Rates may be accurately imposed, assessed, and applotted in proportion to the Height of such Falls respectively; and for the Purposes above mentioned it shall be lawful for such Engineers, Surveyors, and Assistants, from Time to Time, to enter into and upon the Lands and Works adjoining or near the said Rivers, Streams, Conduits, Aqueducts, and Feeders respectively.

Engineer to certify to the Company the Height of each Fall.

XCV. And be it further enacted, That the Engineer or Surveyor to be appointed and employed as last aforesaid shall estimate, ascertain, and determine the Amount or Height in Feet and Inches of the Fall occupied by each such Fall-holder as aforesaid, and in respect of which he is liable to be rated or assessed under this Act, and shall certify and declare the same to the said Company by Writing under his Hand; and such Certificate or Declaration in Writing of such Engineer or Surveyor, made before some Justice of the Peace, shall, unless the same be appealed from and altered in manner herein-after mentioned, be good, valid, and effectual to authorize and entitle the said Company to rate and assess each such Fall-holder accordingly.

Power of Distress upon Non-payment of Rates.

XCVI. And be it further enacted, That if any Person rated as aforesaid shall for the Space of Ten Days after Demand made in Writing on him by the Collector or Receiver of Rates of the said Company, either in Person, or left at his Residence, or at the Mill, Machinery, Manufactory, or other Works in respect of the Fall of Water supplying which such Demand shall be made, refuse, or neglect to pay any Sum of Money which shall be rated, assessed, or imposed on him under the Provisions herein contained, it shall be lawful for such Collector or Receiver, or any other Person authorized by virtue of any Warrant under the Common Seal of the said Company, and which Warrant such Company or the Directors thereof are hereby empowered and required from Time to Time to grant as Occasion shall require, to levy such Sum of Money so rated, assessed, or imposed, and all Arrears thereof, by Distress and Sale of the Goods and Chattels of the Person so neglecting or refusing to pay the same, rendering the Overplus (if any), on Demand, to the Owner of such Goods and Chattels, after deducting the Costs and Charges of taking or making such Distress and Sale.

Application of Capital and Rates.

XCVII. And be it further enacted, That the said Company is hereby authorized and empowered to lay out and apply their Capital, and

and all Rates, Assessments, or Impositions made, levied, or charged by virtue of and in pursuance of this Act, or so much thereof as shall be necessary, in the first place, in paying and discharging all the Costs, Charges, and Expences incurred in applying for, obtaining, and passing of this Act, or in any wise preparatory or incidental thereto; in the second place, in defraying the Expences of carrying into execution the several Purposes of this Act; in the third place, in paying from Time to Time the Interest of the Principal Money to be borrowed or raised (if any) by the said Company in virtue of the Powers hereinafter contained, and in reducing, paying off, and discharging the Principal Money so to be borrowed by the said Company, and in the supporting, maintaining, preserving, and keeping up the said Reservoirs and other Works, and carrying into execution the several Purposes contemplated by this Act.

Power to borrow additional Sum if necessary, by Mortgage.

XCVIII. And be it enacted, That if the said Company shall have Occasion at any Time to borrow Money in order to carry into effect the Purposes of this Act, it shall be lawful for the said Company, from Time to Time, by an Order of any General Meeting of the said Company, to borrow and take up at Interest any Sum, not exceeding in the whole the Sum of Twenty thousand Pounds, on the Credit of the said Undertaking, and the said Company or the Directors of the said Company, after an Order shall have been made for that Purpose at any General Meeting of the said Company, are hereby empowered to mortgage, assign, and charge the Property of the said Undertaking, and the Rates, Duties, and Monies arising or accruing or to arise by virtue of this Act, or any Part thereof, as a Security for any Sum of Money to be borrowed as aforesaid, with Interest, to or for the Benefit of the Party or Parties, or to his or their Trustee or Trustees, who shall advance the same; and all which Mortgages, Assignments, or Charges shall be made under the Common Seal of the said Company in the Words or to the Effect following, or with such Variation therein as the Circumstances of the Loan may render necessary; that is to say,

'The *Bann* Reservoir Company.

Form of Mortgage.

'Number

'BY virtue of an Act passed in the Year of the Reign 'of King *William* the Fourth, intituled *An Act for providing a* 'more abundant and regular Supply of Water in the River called the' Upper Bann, *in* Ireland, we the *Bann* Reservoir Company, in consideration of the Sum of to us paid by 'A. B. of , do assign unto the said *A. B.*, his 'Executors, Administrators, and Assigns, the said Undertaking, and 'all and singular the Lands, Tenements, and Hereditaments, Tolls, 'Assessments, Rates, and Sums of Money arising by virtue of the 'said Act, and all the Estate, Right, Title, and Interest of the said 'Company in and to the same, to hold unto the said *A. B.*, his 'Executors, Administrators, and Assigns, until the said Sum of 'together with Interest for the same after the Rate 'of for every One hundred Pounds for a Year, shall be fully 'paid and satisfied. Given under our Common Seal this 'Day of in the Year of our Lord .'

And

And the respective Parties to whom such Mortgages or Assignments shall be made shall be entitled one with the other to their respective Proportions of the said Rates and Sums and Premises according to the respective Sums in such Mortgages or Assignments mentioned to be advanced, without any Preference by reason of Priority in Date of any such Order of the said Company, or Priority in Date of such Mortgage or Assignment, or on any other Account whatsoever and an Entry or Memorial of such respective Mortgages or Assignments, containing the Number and Dates thereof, and the Names of the Parties, with their proper Additions, to whom the same shall have been made, and of the Sums borrowed, together with the Rate of Interest to be paid thereon respectively, shall within Twenty-one Days next after the Date thereof be entered in some Book to be kept by the Clerk of the said Company, which said Book may be perused at all reasonable Times by any of the Proprietors or Creditors of the said Undertaking, or other Persons interested therein, without Fee or Reward; and all Parties to whom any such Mortgage or Assignment shall have been made as aforesaid, or who shall be entitled to the Money due thereon, may from Time to Time transfer their respective Rights and Interests therein to any other Person or Persons; and every Transfer thereof shall be by Deed, in which the Consideration for the same shall be truly stated, and may be in the Words or to the Effect following; that is to say,

Mortgages may be transferred.

'I *A. B.* of , in consideration of the Sum of paid by *C. D.* of , do hereby transfer a certain Mortgage, No. , made by the *Bann* Reservoir Company to , bearing Date the Day of , for securing the Sum of and Interest, and all my Right, Estate, and Interest in and to the Money thereby secured, and in and to the Lands and Tenements, Rates and Hereditaments, Sums of Money and Property thereby assigned, to the said , his Executors, Administrators, and Assigns. Dated this Day of in the Year of our Lord .'

Form of Transfer.

And every such Transfer shall within Twenty-one Days after the Date thereof, if executed in *Ireland*, or otherwise within Twenty-one Days next after the Arrival thereof in *Ireland* (if executed elsewhere) be produced to the Clerk of the said Company, who shall cause an Entry or Memorial to be made thereof in the same Manner as of the original Mortgage or Assignment, for which the said Clerk shall be paid such Sum as the Directors of the said Company shall appoint, not exceeding the Sum of Two Shillings and Sixpence; and after such Entry or Memorial made every Transfer shall entitle such Assignee, or his or her Executors, Administrators, and Assigns, to the full Benefit thereof and Payment thereon, and it shall not be in the Power of any Person who shall have made such Transfer to make void, release, or discharge the Mortgage so transferred, or any Money thereon due or thereby secured, or any Part thereof.

Entries of Transfers to be made by the Clerk.

XCIX. And be it further enacted, That the Interest of the Money which shall be raised by Mortgage or Charge as aforesaid shall be paid half-yearly to the several Persons entitled thereto, and in preference to any Dividends payable by virtue of this Act to the Proprietors of

Interest of Money so borrowed to be paid in

to Dividends.

the said Company, or any of them, and in case the same Interest or any Part thereof be behind and unpaid by the Space of Twenty-one Days next after the same shall have become due and payable as aforesaid, and the same shall not be paid within Seven Days next after Demand thereof in Writing shall have been made to the said Company, or left at the Office of the said Company, the same, whatever its Amount may be, shall and may be recovered by Civil Bill before the Assistant Barrister of the County of *Down*, or by Action of Debt in any of His Majesty's Courts of Record at *Dublin*.

Mortgagee not to be deemed a Proprietor.

C. Provided always, and be it further enacted, That no such Mortgagee or Assignee of any such Mortgage as aforesaid shall be deemed a Proprietor of the said Company, or have any Right to vote at any Meeting thereof, in right of his being such Mortgagee or Assignee as aforesaid.

If first Mortgages are paid off, the Company may raise Money again in the same Manner.

CI. And be it further enacted, That in case the said Company shall raise the Whole or any Part of the said Sum of Twenty thousand Pounds by Mortgage, and shall afterwards be required or shall be desirous to pay off or shall have paid off all or any Part of the Principal Sum secured by such Mortgages or any of them, then and in every such Case it shall be lawful for the said Company or the Directors thereof, immediately or at any Time thereafter, again to raise, in lieu of the Principal Money so paid off or to be paid off by them, so much and such Sum and Sums of Money as they shall from Time to Time have paid off, or be required or be desirous to pay off, to the Holders of the said Mortgages or any of them, or any Part thereof, and so from Time to Time as often as the same shall happen, but so nevertheless that the said Company shall not in any Event borrow in such Manner or to such Extent as that more than the Sum of Twenty thousand Pounds in the whole shall be owing at any Time on Mortgage of or as a Charge upon the said Undertaking.

Company may borrow Money from Commissioners for promoting Public Works.

CII. And be it further enacted, That it shall be lawful for the said Company to borrow of and from any Commissioners appointed or to be appointed by Authority of Parliament, or under any Authority derived from or created by any Act or Acts made or to be made for the Purpose of promoting Public Works, by the Loan or Advance of Exchequer Bills or Money, or such other like Purpose, such Sum or Sums of Money as the said Company may deem expedient for the Purposes of this Act, and to grant, give, and execute under their Common Seal such Mortgage, Charge, or Assignment of the Lands, Tenements, and Hereditaments of the said Company, and of all Works erected thereon, and of all Rates, Duties, and Monies arising or accruing from the Assessments by this Act authorized to be made, or such other Security or Securities, subject to and containing such Restrictions, Regulations, and Conditions, and with such Priority or Preference for the Securities granted to such Commissioners, as, in the Exercise of the Powers on them conferred by any Act or Acts made or to be made, the said Commisioners shall think fit to direct or appoint, enjoin or require.

Company may buy up Shares.

CIII. And be it further enacted, That if the said Company or the Directors thereof shall deem it expedient, out of any Surplus of Monies or otherwise, to take up any Share or Shares in the said Undertaking which

which shall be offered for Sale, then and in such Case it shall be lawful for any General Meeting of the said Company either to direct that any such Share or Shares so bought shall merge in the said Undertaking, or that the same shall be transferred to the said Company, and such Share or Shares may in such last-mentioned Case at any Time thereafter be sold for the Benefit of the said Company, and for the raising of any Sum of Money which may be wanted for or towards the erecting or repairing any Works belonging to the said Company, or for any other Purposes which may be deemed useful or beneficial to the said Undertaking.

Wilfully injuring any Reservoir or other Work, Felony.

CIV. And be it further enacted, That if any Person shall wilfully and maliciously demolish, break down, cut, or in anywise do Injury to any Bank or Side of the said River *Muddock* below the Point at which the Water flowing from the said Reservoir at *Lough Island Reavy* shall be returned into the said River as aforesaid, or to any Reservoir, Embankment, Conduit, Aqueduct, Feeder, Sluice, Floodgate, Dam, Weir, Byewash, or other Work to be made or erected by virtue of this Act, every Person so offending shall be deemed guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned for any Term not exceeding Four Years, and if a Male to be once, twice, or thrice publicly or privately whipped (if the Court shall so think fit) in addition to such Imprisonment.

Amount of Damages and Costs to be settled by convicting Justices.

CV. And be it further enacted, That where any Damages or Costs are directed or authorized to be paid or recovered, in addition to any Penalty for any Offence in this Act mentioned, the Amount of such Damages or Costs, in case of Dispute respecting the same, shall be settled or determined by the Justices of the Peace by or before whom any Offender shall be convicted of any such his Offence against this Act, and which Justices are hereby authorized and required, on Nonpayment thereof, to issue their Warrant for the levying the Amount of such Damages and Costs by Distress and Sale of the Offender's Goods and Chattels in manner directed by this Act for the levying of any Penalty or Forfeiture.

Penalties may be recovered before Justices by Summons, without Information in Writing.

CVI. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before Justices of the Peace it shall be lawful for any Justice or Justices of the Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against to appear before any Two Justices of the Peace of the same County, and on such Summons to hear and determine the Matter of such Complaint, and on Proof of the Offence to convict the Offender, and to adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice or Justices; and all other Proceedings by Summons, without Information, shall be as good, valid, and effectual, to all Intents and Purposes, as if an Information in Writing were exhibited.

Recovery and Application of Penalties.

CVII. And be it further enacted, That when any Person shall be summarily convicted before Justices of the Peace for any Offence against

against this Act, and a Warrant shall have issued for the levying the Amount of any Penalty or Forfeiture and Costs by Distress and Sale of the Offender's Goods and Chattels, and the Amount of such Penalty or Forfeiture shall not be forthwith paid, it shall be lawful for such Justices to order any Person so convicted to be detained and kept in safe Custody until Return can be made to such Warrant of Distress, unless the Offender shall give sufficient Security to the Satisfaction of such Justices for his Appearance before such Justices or before some other Justices of the Peace for the same County on such Day as shall be appointed for the Return of such Warrant of Distress, such Day not being more than Seven Days from the taking of any such Security, and which Security the said Justices are hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereby to levy the said Penalty or Forfeiture and Costs as aforesaid, and such Penalty or Forfeiture and Costs shall not be forthwith paid; or in case it shall appear to the Satisfaction of such Justices, either by the Confession of the Offender or otherwise, that the Offender hath not sufficient Goods and Chattels whereon such Penalties, Forfeitures, Costs, and Charges may be levied in case a Warrant of Distress were issued, such Justices shall not be required to issue such Warrant of Distress, but in all such Cases it shall be lawful for such Justices, and he or they is and are hereby authorized and required, immediately thereupon, by Warrant, to commit such Offender to the Common Gaol or House of Correction for any Term not exceeding Three Calendar Months, unless such Penalty or Forfeiture, and all reasonable Charges attending the Recovery thereof, shall be sooner paid and satisfied; and all such Fines, Penalties, and Forfeitures, when recovered, shall be paid into the Hands of the Treasurer of the said Company, and shall be applied and disposed of for the Benefit of the said Undertaking; and the Overplus (if any) arising from such Distress and Sale, after Payment of the Penalty, and the Costs and Charges attending the same, shall be returned, upon Demand, to the Owner of the Goods and Chattels so distrained.

Form of summary Conviction.

CVIII. And be it further enacted, That where any Person shall be summarily convicted of any Offence against this Act before any Two or more Justices of the Peace the Conviction shall be drawn up in the following Form of Words, or to the same Effect; that is to say,

'County of } BE it remembered, That on [*Time of Conviction*] at
'to wit. } [*Place of Conviction,*] *A. B.* of [*Addition of Of-*
'*fender*] was duly convicted before us [*Name and Style of convicting*
'*Justices*], for that the said *A. B.* on [*Time of committing Offence*]
'at [*Place of committing Offence*] did [*here state the Offence against the*
'*Act according to the Fact,* contrary to the Form of the Statute
'made in the Year of the Reign of His Majesty
'King *William* the Fourth, intituled [*here set forth the Title of this*
'*Act*], and we do therefore declare and adjudge that the said *A. B.*
'has forfeited for the said Offence the Sum of [*here state the Sum*],
'or shall be committed to [*Place of Imprisonment*] for the Space of
'[*Time of Imprisonment, as the Case may be*]. Given under our Hands
'and Seals the Day and Year first above written.'

CIX. And

Distress not unlawful for Want of Form.

CIX. And be it further enacted, That where any Distress shall be made for any Rate, Assessment, Penalty, Forfeiture, or Sum of Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor the Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceedings, nor shall the Party distraining be deemed a Trespasser *ab initio* on account of any Irregularity which shall be afterwards committed by the Party distraining; but the Person aggrieved by such Irregularity shall and may recover full Satisfaction for the special Damages in an Action upon the Case.

Proceedings not to be quashed for Want of Form.

CX. And be it further enacted, That no Proceedings to be had and taken before any Justice or Justices of the Peace in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari or any other Writ or Process whatsoever into any of His Majesty's Courts of Record at *Dublin* or elsewhere.

Penalty on defaulting Witnesses.

CXI. And be it further enacted, That if any Person who shall be summoned as a Witness to attend and give Evidence before any Justice or Justices of the Peace touching any Matter of Fact contained in any Information or Complaint for any Offence committed against this Act, either on the Part of the Prosecutor or the Person accused, shall refuse or neglect to appear, or upon appearing shall refuse to be examined upon Oath or on solemn Affirmation, as the Law may require or permit, and to give Evidence before any such Justice or Justices of the Peace, then and in every such Case such Person shall forfeit and pay any Sum not exceeding Ten Pounds, to be recovered in like Manner as any Penalty imposed by this Act may be recovered.

Officers of the Company not therefore incompetent as Witnesses.

CXII. And be it further enacted, That in case any Dispute, Suit, or Litigation shall arise touching or in anywise relating to the said Rates, or in respect of any other Matter or Thing relating to the said Undertaking, no Person acting by or under the Authority of the said Company, or in the Service of the said Company, shall for that Reason alone be in any Manner disqualified or incapacitated from giving Evidence in, upon, and respecting such Dispute, Suit, or Litigation.

Directors may execute Releases to Witnesses.

CXIII. And be it further enacted, That in all Actions and Suits at Law or in Equity, and in all Prosecutions or Proceedings under this Act or otherwise, for any Claim or Compensation against or for or on behalf of the said Company, or other Proceedings in or consequent upon or arising out of any such Actions, Suits, or Proceedings, it shall be lawful for any Two or more of the Directors of the said Company, in their own Name, for or on behalf of the said Company, to make, sign, seal, execute, and deliver all such general or other Releases as may be deemed to be necessary for the Purpose of exonerating, releasing, or discharging all Persons who shall or may be produced as Witnesses in any such Actions, Suits, Prosecutions, or other Proceedings as aforesaid, from all Claims or Demands which may be necessary to be released by the said Company, in order to qualify such Persons to give Evidence as Witnesses in any such Actions, Suits, Prosecutions, or Proceedings as aforesaid, and also to do any other Act, Matter, or Thing, in any such Actions, Suits, Prosecutions, or Proceedings, which

which any Plaintiff or Defendant may do in any Suits, Actions, Prosecutions, or other Proceedings; and every such Release, Act, Matter, and Things respectively shall be as valid and effectual in all respects, and to all Intents and Purposes whatsoever, as if the same were under the Seal of the said Company.

False swearing Perjury.

CXIV. And be it further enacted, That any Person who in any Examination to be taken upon Oath or Affirmation (as the Case may be) by virtue and in pursuance of this Act shall wilfully and corruptly swear or affirm any thing false, or make any false or untrue Declaration before any Judge, Sheriff, Coroner, Justice of the Peace, or other Person acting in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject and liable to such and the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are by the Laws in being subject and liable to.

Persons aggrieved may appeal.

CXV. Provided always, and be it further enacted, That if any Person shall think himself aggrieved by any Order or Judgment made or given in pursuance of this Act, or by such declared or certified Height of Fall as aforesaid, or by any Rate or Assessment imposed by the said Company, or by any Distress made by or under the Direction of the said Company, or by the Order or Judgment of any Justice or Justices of the Peace, in pursuance of this Act, such Person may, within One Calendar Month after such Order, Judgment, Certificate, Rate, Assessment, or Distress shall be made or given, appeal to the next General or Quarter Sessions of the Peace to be held in and for the County in which the Cause of Appeal shall arise, the Person appealing having first given at least Twenty-one clear Days Notice in Writing of such Appeal, and of the Nature and Matter thereof, to the Person appealed against, or to the Clerk of the said Company (as the Case may be), and forthwith after such Notice entering into a Recognizance before some Justice or Justices of the Peace for the said County in which the said Cause of Appeal shall arise, with Two sufficient Sureties, conditioned to try such Appeal, and to abide the Order and Award of the Court thereupon; and the Assistant Barrister presiding at such Sessions, upon due Proof of such Notice and Recognizance having been given and entered into, shall in a summary Way hear and determine such Complaint, and may, in his Discretion, mitigate any Penalties or Forfeitures, and alter any such Certificate, Rate, or Assessment, and may order any Money to be returned which may have been levied in pursuance of such Order or Judgment, Rate or Assessment, and shall and may also award such further Satisfaction to be made to the Party injured, or such Costs to either of the Parties, as he shall judge reasonable and proper; and all such Determinations of the said Assistant Barrister shall be final, binding, and conclusive upon the Parties to all Intents and Purposes whatsoever.

Assistant Barrister may amend or quash the Rate if unequally levied.

CXVI. And be it further enacted, That upon all Appeals from any Rate or Assessment made in pursuance of this Act the said Assistant Barrister may, in his Discretion, give Relief, either by wholly quashing such Rate or Assessment or by amending the same, either by inserting, striking out, or altering the Name of any Person

or

or Sum therein charged, or in any other Manner which the said Assistant Barrister shall think necessary for the Purposes of Justice: Provided always, that if upon the hearing of such Appeal the said Assistant Barrister shall be of opinion that such Rate or Assessment has been made in pursuance of this Act, and according to the actual Height of the Fall which such Appellant shall hold, occupy, or employ; and that the Sum claimed from such Appellant in respect of such Fall is not greater than has been demanded by the said Company from other Fall-holders on the same River or Stream, no Alteration whatever shall be made in the said Rate or Assessment, but the said Appeal shall be dismissed, with Costs, to be paid by such Appellant to the said Company.

Notice to be given to Persons acting under this Act, before Action brought.

CXVII. Provided always, and be it further enacted, That no Plaintiff shall recover in any Action to be commenced against any Person for any thing done in pursuance of this Act, unless Notice in Writing thereof shall have been given to the Defendant, or left at his last or usual Place of Abode One Calendar Month before such Action shall be commenced, signed by the Attorney for the Plaintiff, specifying the Cause of such Action, nor shall the Plaintiff recover in such Action if Tender of good and sufficient Amends shall have been made to him or his Attorney, by or on behalf of the Defendant, before such Action brought; nor if such Tender of Amends shall be made at any Time after the said Action brought, and before the Trial thereof, with Costs of Suit to the Time of such last-mentioned Tender; but on Proof of such Tender on any Trial to be had in such Action the Plaintiff shall be nonsuited, and shall pay Costs to the said Defendant, to be recovered in the same Manner as any Defendant may recover Costs in any other Case of Law, or in case no Tender shall have been made it shall be lawful for the Defendant in any such Action, by Leave of the Court in which such Action shall depend, at any Time before Issue joined to pay into Court such Sum of Money as he shall think fit; whereupon such Proceedings, Order, and Judgment shall be had, made, and given in and by such Court as in other Actions where the Defendant is allowed to pay Money into Court.

Limitation of Actions.

CXVIII. And be it further enacted, That if any Action, Suit, or Information shall be brought or commenced by any Person for any thing done or to be done in pursuance of this Act, or in Execution of the Powers and Authorities, or the Orders and Authorities hereinbefore given or granted, every such Action, Suit, or Information shall be brought or commenced within Six Calendar Months next after the Fact shall have been committed, or in case there shall be a Continuance of Damages then within Six Calendar Months next after the doing or committing of such Damages shall have ceased, and not afterwards, and shall be laid or brought in the County wherein the Matter in dispute shall have arisen, and not elsewhere; and the Defendant in such Action, Suit, or Information shall and may, at his Election, plead either specially or the General Issue, and give this Act and the special Matter in Evidence at any Trial to be had thereupon, and shew that the same was done in pursuance and by the Authority of this Act; and if it shall appear to have been so done, or if any Action, Suit, or Information shall be brought after the Time so limited for bringing the same, or shall be brought in any other County than

than as aforesaid, then and in such Case the Jury shall find for the Defendant; and in such Case also, or if the Plaintiff shall become nonsuited, or suffer a Discontinuance of his Action, Suit, or Information after the Defendant shall have appeared thereto, or if any Verdict shall pass against the Plaintiff, or if upon Demurrer or otherwise Judgment shall be given against the Plaintiff, the Defendant shall have double Costs, and shall have such Remedy for the Recovery of the same as any other Defendant hath in other Actions at Law.

Certain Words in this Act defined.

CXIX. And be it further enacted, That whenever in this Act Mention is made of "the Company," or "the said Company," the said Expressions shall be understood as describing or referring to "The *Bann* Reservoir Company" in their corporate Character, and not as Individuals, unless the Sense manifestly requires a contrary Interpretation; and when the Term "Fall-holder" is used therein, the same shall be understood to mean and apply to any Person or Persons, Body Politic or Corporate, holding or occupying any Mill or other Machinery propelled or moved by Water, and in respect of which Water and the Fall thereof, so used and employed, such Owner or Occupier shall be liable to be rated or assessed under the Provisions of this Act; and whenever the Term "*Burren River*" is used, the same shall be understood to mean all that Stream of Water which rises on the South-west Side of *Moneyscalp Hill*, and passes by *Burren Bridge*, and falls into the Sea at *Newcastle* in the County of *Down*; and whenever the Term "*Slievenalargy Stream*" is used, the same shall be understood to mean and be applied to a certain Stream or Brook which rises or takes its Source in a Hill called *Slievenalargy*, and now falls into a Lough called *Lough Allnadua*, all in the said County of *Down*; and whenever the Term "*Knockgorm Stream*" is mentioned, the same shall be understood to mean and be applied to a certain Stream or Brook now flowing from a certain Lough in the Townlands of *Knockgorm*, into, through, and along the said Lands of *Knockgorm*, and Towns and Lands of *Castlevennon*, *Tullyorier*, *Ballulymore*, and *Aughnacloy*; and also that throughout this Act (except where the Nature of the Provision or the Context of the Act shall exclude such Construction) the Word "Person" shall extend to a Body Politic, Corporate, or Collegiate; and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as to One Person or Thing; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; and that in all Conveyances to be made by the said Company under or in pursuance of this Act the Word "grant" shall operate as and be construed and adjudged in all Courts of Judicature to express "Covenants" to or with the Grantee or Grantees therein, and the Successors, Heirs, Executors, Administrators, or Assigns of such Grantee or Grantees.

Public Act.

CXX. And be it further enacted, That this Act shall be deemed and taken to be a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

LONDON: Printed by George Eyre and Andrew Spottiswoode,
Printers to the King's most Excellent Majesty. 1836.