ANNO DECIMO SEPTIMO & DECIMO OCTAVO

VICTORIÆ REGINÆ.

****

Cap. clxx.

An Act for the Embankment, Reclamation, and Drainage of Lands in the Bay of *Bannow* in the County of *Wexford*. [24th *July* 1854.]

WHEREAS there are in the Bay of *Bannow* in the County of *Wexford* in that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland* divers Tracts of Waste Lands, Mud Banks, or Slobs, which are covered by the Sea at ordinary Spring Tides, and are in their present State unproductive, incapable of Cultivation, and of little or no Value: And whereas Plans describing the Situation of the said Waste Lands, Mud Banks, or Slobs, and the Lines or Situations of the Embankments and other Works proposed to be executed for reclaiming the same, have been deposited with the Clerk of the Peace for the County of *Wexford*: And whereas the Queen's most Excellent Majesty in right of Her Crown is or claims to be entitled to the said Waste Lands, Mud Banks, or Slobs: And whereas it would be of great public and local Advantage, and would afford Employment to the Labouring Population in the said Localities, if such Waste Lands, Mud Banks, or Slobs were embanked from the Sea, drained, and brought into Cultivation: And whereas the Person herein-after named is willing, at his own Expense, to undertake the Embankment, Drainage, and Reclamation

of the said Waste Lands, Mud Banks, or Slobs, but the same cannot be effected without the Aid and Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Construction of Terms.

I. In the Construction of this Act the Word "Undertaker" shall extend to and mean the Person or Persons for the Time being authorized to execute the Purposes of this Act, and the Word "Lands" shall extend to Waste Lands, Mud Banks, or Slobs, Messuages, Lands, Tenements, and Hereditaments of any Tenure, unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Undertaker empowered to inclose Waste Lands, &c.

II. *John Edward Redmond* of the *Deeps*, *Enniscorthy*, Esquire, his Heirs and Assigns, shall be and is hereby declared to be the Undertaker for executing the Purposes of this Act, and such Undertaker shall be and he is hereby authorized and empowered, subject to the Provisions and Restrictions of this Act, and according to the Plans deposited as aforesaid, to embank from the Sea, drain, and reclaim, cultivate, and otherwise improve, all and singular such Part and Parts of the said Waste Lands, Mud Banks, or Slobs in the said Bay of *Bannow* as lie below High-water Mark at ordinary Spring Tides, and as are defined on the Plans deposited as aforesaid as intended to be so reclaimed from the said Bay: Provided always, that nothing in this Act contained shall empower the Undertaker to embank, drain, reclaim, or otherwise interfere with the Lough of the *Lady's Island*, or any of the Lands in or adjoining thereto, or to execute any of the Works delineated on the said Plans in connexion with the said Lough: Provided also, that nothing herein contained shall be construed to oblige the said Undertaker to embank and inclose any such Lands or Parts thereof which in his Estimation would not remunerate him for the Cost of such Embankment, unless required to do so by the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or One of them, or of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, for the Time being.

No Embankment without Authority of Commissioners of Woods and of the Admiralty.

III. It shall not be lawful for the Undertaker, his Heirs or Assigns, to enclose and embank the said Lands under the Authority of this Act, or to construct below High-water Mark at ordinary Spring Tides any Work, without the previous Consent of Her Majesty, Her Heirs and Successors, to be signified in Writing under the Hands of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues,

or

or One of them, and of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, for the Time being, to be respectively signified in Writing under the Hand of the Secretary of the Admiralty, and then according to such Plan and under such Regulations as the said Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or One of them, and the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, shall respectively approve of, such Approval to be signified as last aforesaid; and where any such Inclosure, Embankment, or Work shall be constructing or shall have been constructed, it shall not be lawful for the Undertaker, his Heirs or Assigns, at any Time to alter or extend the same, without obtaining, previously to making any such Alteration or Extension, the like Consents or Approvals; and if any such Inclosure, Embankment or Work shall be commenced or completed, or be altered or extended, contrary to the Provisions of this Act, it shall be lawful for the said Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or One of them, or the said Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, to abate, alter, and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Undertaker, his Heirs or Assigns, and the Amount thereof may be recovered in the same Manner as a Debt due to the Crown, with Costs of Suit, or may be recovered, with the like Costs, as any Penalty is hereby recoverable against the Undertaker, his Heirs or Assigns.

Power to deviate, with Consent of Admiralty.

IV. It shall be lawful for the Undertaker to deviate within the Line of Embankments delineated on the Plans so deposited in reference to the said Bay of *Bannow*; provided that no such Deviation shall be made without the previous Consent of the Lord High Admiral, or the Lords Commissioners for the Time being for executing the Office of Lord High Admiral, to be certified in Writing under the Hand of the Secretary of the Admiralty for the Time being, and that the Works by means of such Deviation shall not be made to extend into the Lands of any Person, whether Owner, Lessee, or Occupier, whose Name is not mentioned in the Book of Reference, without the previous Consent in Writing of such Person.

Plans, &c. of Works to be deposited with Admiralty before commencing same.

V. Previously to commencing any Work hereby authorized, the Undertaker shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of the said Work, for the Approval of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, such Approval to be signified in Writing under the Hand of the

the Secretary of the Admiralty, and such Work shall be constructed only in accordance with such Approval.

Contractors empowered to dig for Materials.

VI. Every Contractor or other Person employed by the Undertaker for any Work to be executed under the Authority of this Act shall have Power and Authority to dig for, raise, deposit, and carry away, in, upon, or out of any Lands situate and being within One Quarter of a Mile of any of the Lands hereby authorized to be embanked, not being a Deer Park, Bleach Green, Orchard, walled Garden, Haggard, or Yard, or planted Walk, Lawn, or Avenue to a Mansion House, any Clay, Gravel, Stones, Sand, or other Materials, which may be wanted for the Construction of the said Embankment, Inclosure, or other Works to be executed under the Provisions of this Act; and such Contractor or other Person so employed is hereby further empowered to make Drains, in order to carry off Water which might injure such Embankment, Inclosure, or other Works, of, in, upon or through the Lands, not being a Deer Park, Bleach Green, Orchard, walled Garden, Haggard, or Yard, or planted Walk, Lawn, or Avenue to a Mansion House, and shall make such Satisfaction for the Damage done thereby, or by taking any such Materials as aforesaid, as shall be assessed by Three substantial Householders, which Householders shall view the Ground immediately previous to and immediately after such Damage shall be committed, One of such Householders to be named by the Owner or Occupier of the Land, and another by the Contractor, and the Third by the Justices of the Peace of the District assembled at Petty Sessions; and in case any Contractor or other Person employed as aforesaid shall refuse, or after Four Days Notice in Writing from such Landowner neglect, to name a Householder on his Part, then One shall be named for him by such Justices, and such Three Householders shall be sworn by such Justices (previous to the Damage being committed) to be Appraisers of such Damages as may occur, and to make a true Estimate of any Clay, Stones, Gravel, or other Materials so taken, and of the Damage occasioned by making a Passage through the Land: Provided nevertheless, that it shall not be lawful for any such Contractor to enter any Lands for any such Purpose, against the Will of the Occupiers thereof, without the previous Order of the Justices of the Peace assembled as aforesaid, which Order such Justices are hereby authorized and required to grant, on its being proved to their Satisfaction that the Clay, Gravel, Stones, or other Materials sought cannot be conveniently procured elsewhere, or that such Drain cannot be otherwise sufficiently made or cleansed.

Commissioner to be appointed.

VII. It shall be lawful for the Commissioners for the General Valuation of *Ireland* acting under the Public General Act of the Sixth and

and Seventh *William* the Fourth, Chapter Eighty-four, and under any Acts amending or continuing the said Act, and they are hereby authorized and required, on the Application of the Undertaker, to nominate and appoint under their Hands any One Person, who immediately upon his Appointment, and making the Declaration herein-after prescribed in that Behalf, shall be a Commissioner for the Purposes herein-after in that Behalf mentioned.

Commissioners of Valuations to supply Vacancies.

VIII. In case the Commissioner so appointed at last aforesaid, or any Commissioner hereafter to be appointed, shall die, or go to reside in Foreign Parts, or neglect, refuse, or become incapable to act, it shall be lawful for the said Commissioners for the General Valuation of *Ireland*, and they are hereby authorized and directed, from Time to Time to nominate and appoint such other Person, not being interested in the Premises, as to them shall seem proper, in the Stead of such Commissioner so dying, or going to reside in Foreign Parts, or neglecting, refusing, or becoming incapable to act as aforesaid; and every Commissioner so nominated and appointed shall, from and immediately after his Appointment, and making the Declaration herein-after prescribed in that Behalf, have the same or the like Powers and Authorities in all respects as if he had been originally named and appointed a Commissioner.

Commissioner to sign Declaration before acting.

IX. Provided always, That no Person shall act as a Commissioner in the Execution of this Act, except for the Purpose of signing and giving Notice of the First Sitting of the said Commission, until he shall have made and signed the Declaration following; (that is to say,)

'I *A.B.* do solemnly and sincerely declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Ability, execute and perform the several Trusts, Powers, and Authorities vested and reposed in me as a Commissioner by virtue of "The Bannow Embankment Act, 1854," according to Equity and good Conscience, and without Partiality, Fear, Favour, or Affection, Prejudice or Malice, to any Person whomsoever.'

Which Declaration it shall be lawful for any Justice of the Peace of the County of *Wexford* acting within his Jurisdiction to take and receive, and such Justice is hereby required to take and receive the same; and if any Commissioner shall corruptly make such Declaration, or, having made such Declaration, shall wilfully act contrary thereto, he shall be guilty of a Misdemeanor.

Evidence of Refusal to act.

X. If the Commissioner appointed or any Commissioner hereafter to be appointed under the Authority of this Act, and not prevented by Sickness or other unavoidable Cause, shall neglect to attend any Three successive Sittings of the Commission, such Neglect shall be deemed

deemed a Refusal on the Part of such Commissioner to act in the Execution of this Act.

Sittings and Adjournments of Commission.

XI. The said Commissioner shall and he is hereby required, within Fourteen Days next after he shall be requested so to do by the Undertaker, to hold a Sitting of the Commission, and after such First Sitting to hold such and so many subsequent Sittings by Adjournment or otherwise as he shall find necessary; and every Sitting of the said Commission shall be held at some convenient Place within the County of *Wexford*; and if on the Day appointed for such Sitting the said Commissioner shall not attend, it shall be lawful for the Clerk of the said Commissioner to adjourn such Sitting to be held at the same or other convenient Place on any future Day not exceeding Fourteen Days from the Day of Adjournment; and all the Powers and Authorities by this Act granted to or vested in the said Commissioner shall and may from Time to Time be exercised by him at any Sitting to be held in pursuance of this Act; and every Award, Order, and Determination of the said Commissioner, being reduced into Writing, and signed by the Commissioner at such Sitting, shall be filed of Record in the Office of Clerk of the Peace of the County of *Wexford*, who is hereby authorized and required to file the same; and any such Award, Order, and Determination, or an Office Copy thereof, certified by the Clerk of the Peace to be a true Copy, shall, without further Proof, be *primâ facie* Evidence in all Courts and in all Proceedings whatsoever of such Award, Order, or Determination; and the said Commissioner shall and he is hereby required to cause Notice to be given of the Time and Place of such his first and every other Sitting, by causing the same to be inserted in One of the Newspapers published in the County of *Wexford* Seven Days at least before every such Sitting (a Sitting by Adjournment only excepted), and every such Notice shall certify the particular Cause or Object of such Sitting being appointed.

Commissioner may appoint a Clerk.

XII. It shall be lawful for the said Commissioner from Time to Time to appoint some fit and proper Person to be Clerk to the said Commission, at such Salary as he may think reasonable, to assist the said Commissioner in the Execution of the Powers and Duties given to or imposed upon him by this Act, and to remove such Clerk from Time to Time, and appoint another in his Room, as the said Commissioner shall deem proper.

Remuneration of Commissioner.

XIII. The said Commissioner for executing this Act shall be allowed and paid by the Undertaker the Sum of Two Pounds Two Shillings, and no more, for each Day he shall travel or be employed in the Execution of this Act, in full Satisfaction for his Trouble and Expenses

Expenses in executing the same; and the said Commissioner and the said Clerk shall defray their own Expenses, except Charges for travelling, and for the Use of the Room in which the Sittings of the Commissioner shall be holden.

Power to summon Witnesses.

XIV. It shall be lawful for the said Commissioner under his Hand to summon any Person as a Witness whose Evidence the said Commissioner shall deem necessary or important, in reference to the several Matters and Things to be decided, fixed, and determined by him as herein mentioned, also to tender and allow a reasonable Sum to such Witness for his Loss of Time, Costs, and Charges; and in case any such Witness shall, after such Tender as aforesaid, refuse or neglect, without a reasonable Excuse, to attend and give Evidence pursuant to such Summons, or attend and refuse to be examined upon Declaration (which Declaration the said Commissioner is hereby empowered to take and administer), then and in either of the said Cases, and as often as the same shall happen, every such Person shall forfeit and pay any Sum not exceeding Five Pounds, to be recovered in like Manner as any Penalty recoverable under this Act.

Value of Lands to be ascertained and One Twentieth of such Value to be apportioned among Proprietors of adjoining Lands.

XV. And whereas the Undertaker has agreed, with the Consent and Approval of the Crown, to apportion in manner herein after mentioned the Value of One Twentieth Part of the said Waste Lands, Mud Banks, or Slobs, among the Proprietors or Owners of the Lands abutting upon or adjoining the said Waste Lands, Mud Banks, or Slobs, in respect of the Inclosure and Embankment hereby authorized to be made: Be it therefore enacted, That the said Commissioner shall, as soon as conveniently may be after such Inclosure and Embankment, or any Part thereof, shall from Time to Time be completed, ascertain and declare in Writing the Amount of One Twentieth Part of the Value in Money of the Waste Lands, Mud Banks, or Slobs so inclosed and embanked as aforesaid, such Value to be ascertained according to the Value of the said Waste Lands, Mud Banks, or Slobs respectively in the State in which they shall respectively be at the Time of such Inclosure and Embankment being completed, and shall apportion such One Twentieth Part amongst the Proprietors and Owners or reputed Proprietors and Owners of the Land abutting upon and adjoining to the same Waste Lands, Mud Banks, or Slobs, according and in proportion to the Extent of the Frontage of such Land abutting upon or adjoining the same Waste Lands, Mud Banks, or Slobs, and shall declare such Apportionment in Writing, and shall cause the same to be communicated to such Proprietors and Owners or reputed Proprietors or Owners respectively, their Guardians or Trustees; and notwithstanding anything herein-before contained, it shall be lawful for every Proprietor or Owner of any Land abutting upon

upon or adjoining to any Part of the Waste Lands, Mud Banks, or Slobs hereby authorized to be inclosed and embanked as aforesaid, or his Guardian or Trustee, to claim and be entitled to receive of and from the Undertaker the Amount to be so apportioned to him as aforesaid, in full Compensation and Satisfaction of and for all the Estate, Royalty, Interest, Right, or Easement which such Proprietor or Owner may have or claim to have in or to any Part of the said Waste Lands, Mud Banks, or Slobs, and of and for all Loss, Damage, Injury, or Prejudice arising by or in consequence of the Operations by this Act authorized to any Estates, Royalty, Interest, or Right of any Owner, Proprietor, or Occupier in or upon the said Waste Lands, Mud Banks, or Slobs, or any Part thereof, or in or upon any Lands abutting thereon or adjoining thereto, such Amount to be a Charge upon the said Waste Lands, Mud Banks, or Slobs, and upon such Grant being made as herein-after provided, when such Waste Lands, Mud Banks, or Slobs are embanked, and certified so to be, in manner herein-after mentioned, and such Proprietor, Owner, or Occupier having previously demanded of the Undertaker in Writing the Payment of the Amount so to be apportioned to him aforesaid, and Six Months having elapsed after such Demand without such Payment having been made, may raise, at any Time after such Grant has been made as aforesaid, such Amount, and his Costs and Charges, by Sale of a competent Part of the said Waste Lands, Mud Banks, or Slobs.

Power to Commissioner to mortgage or sell Lands for Payment of Expenses.

XVI. For all Costs, Charges, or Expenses properly payable by the Undertaker for any of the Purposes or incurred in the Execution of the several Powers or Provisions of this Act, relative to the Inclosure and Embankment of any Waste Lands, Mud Banks, or Slobs, and including the Fees of the said Commissioner, and the Remuneration of the said Clerk, it shall be lawful for the said Commissioner, at any Time after such Grant has been made by the Undertaker as is herein-after mentioned, with the Consent in Writing of the said Commissioners acting under the said Act of the 6 and 7 Wm. IV. Chapter 84, first had and obtained, unless such Costs, Charges, and Expenses shall be paid by the Undertaker, from Time to Time to raise by the Sale or Mortgage of a competent Part or Parts of such Waste or Slob Lands, when inclosed and embanked, a sufficient Sum or Sums to pay or discharge such Costs, Charges, or Expenses, and to make a good and legal Title to the Purchaser or Purchasers, Mortgagee or Mortgagees.

Commissioners of Woods to grant the Right of the Crown.

XVII. And whereas, for the Promotion of the Improvements contemplated by this Act, and for the Encouragement of the Undertaker to execute the same, it may be deemed expedient and proper to grant to the Undertaker, his Heirs and Assigns, all the Estate, Right, Title, or Interest of the Queen's Majesty, Her Heirs and Successors, in the said

said Waste Lands, or in such Part thereof as may be embanked and reclaimed by the Undertaker in manner herein mentioned: Be it therefore enacted, That the Commissioners for the Time being of Her Majesty's Woods, Forests, and Land Revenues, or either of them, and they and he are and is hereby authorized and empowered, with the previous Authority of the Lord High Treasurer, or the Commissioners of Her Majesty's Treasury for the Time being, or any Two of them, to be signified by some Warrant under his or their Hand or Hands, at any Time during the Term of Six Years from the passing of this Act, to grant to the Undertaker, his Heirs or Assigns, the Estate, Right, Title, or Interest of Her Majesty in the said Waste Lands, or in such Part or Parts thereof as shall from Time to Time during the said Term of Six Years be substantially embanked and effectually reclaimed by the Undertaker, for such Consideration in Money or Allotment in Land as will amount to One Fortieth Part of the aggregate Value of the said Lands when so effectually embanked and inclosed.

Mode of ascertaining Compensation for Grant of Her Majesty's Rights.

XVIII. That in order to ascertain and fix the Amount of such Compensation to be paid to Her Majesty, Her Heirs or Successors, or the Quantity of Land to be allotted to Her said Majesty, Her Heirs or Successors, it shall be lawful for Two Justices of the Peace of the County of *Wexford*, not being interested in the said Lands, as soon as conveniently may be after the Completion by the Undertaker of the Embankments and other Works for excluding the Sea from the said Waste Lands or such Parts as may from Time to Time be reclaimed by the Undertaker, on the Application in Writing of the Undertaker, and of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or One of them, to appoint some competent Surveyor to ascertain and declare in Writing the Amount of One Fortieth Part of the Value in Money or Land of the Waste Lands which shall be from Time to Time so embanked and reclaimed by the Undertaker as aforesaid, such Value to be ascertained according to the aggregate Value of the said Waste Lands in the State in which they shall be at the Time of such Embankment being completed, and to award and allot the Value of such One Fortieth Part in Money or Land to Her Majesty, Her Heirs and Successors, in full Compensation and Satisfaction of and for all the Estate, Right, Title, or Interest of the Queen's Majesty, Her Heirs and Successors, in or to the said Waste Lands, or such Part thereof as may from Time to Time be embanked and reclaimed.

Upon Completion of the Embankment, &c. Undertaker to be entitled

XIX. Upon Payment to the Commissioners of Her Majesty's Woods, Forests, and Land Revenues of any Money payable by the Undertaker, as herein-before provided, in respect of Her Majesty's Right and Interests in the said Waste Lands, Mud Banks, or Slobs, or

absolutely to the Waste Lands.

or any Part thereof, or upon such Allotment being made as aforesaid, and as soon as the Embankment of the said Waste Lands, Mud Banks, or Slobs, or any Part thereof, shall from Time to Time have been completed to the Satisfaction of the Lord High Admiral or the said Lords Commissioners, and such Completion shall have been certified under the Hand of the Secretary of the Admiralty, and after such Grant of Her Majesty's Estate and Interest in the same has been made as aforesaid, and not before, all and singular the Estate and Interest of Her Majesty in the Waste Lands, Mud Banks, and Slobs so embanked and reclaimed, or such Part thereof as shall from Time to Time have been granted as aforesaid, together with all the yearly and other Profits thereof, shall be vested in and become the Property of the Undertaker, his Heirs and Assigns, and thenceforth, and upon the Payment or legal Tender of any Money payable to the Frontage Proprietors, as herein-before provided, all the Estates, Rights, Titles, Interests, Claims, or Easements whatsoever of all such Proprietors, Persons, Bodies Politic or Corporate, and Corporations Aggregate or Sole, or any Person or Persons deriving from or under them, in or to the said Waste Lands, Mud Banks, or Slobs so granted as aforesaid, shall be barred and determined.

Undertaker not to injure Drainage of adjoining Lands.

XX. Provided always, That nothing herein contained shall extend or be construed to extend to empower the Undertaker, his Heirs or Assigns, to injure the Drainage of the Lands adjoining the said Waste Lands, Mud Banks, or Slobs to be inclosed and embanked, drained, and reclaimed, by virtue of this Act, or to prevent or impede the free Discharge of the Waters of any of the Rivers, Streams, or Creeks running from such adjoining Lands.

Roads to be laid out for the Use of Frontage Proprietors.

XXI. The said Undertaker, his Heirs and Assigns, shall, as soon as conveniently may be after the said Waste Lands, Mud Banks, and Slobs shall have been inclosed and reclaimed, lay out within the said Embankment a convenient Road or Roads for the Use of the Owners and Occupiers of the Lands abutting or adjoining, as the said Commissioner shall for that Purpose appoint.

Penalty for destroying Embankments or obstructing Persons in execution of this Act.

XXII. If any Person shall injure or damage any Embankment or other Work, or shall wilfully, and to the Detriment of the said Undertaker or of his Assigns, injure, break, throw down, destroy, or take away any Part of any Works erected or made by virtue of this Act, or Part of the Materials of such Works, so that the said Embankment or Works shall be liable to be injured, damaged, obstructed, impeded, or otherwise interrupted, or shall wilfully obstruct or prevent any Person in the lawful Exercise of this Act, he, and every Person aiding or assisting therein, shall forfeit and pay any Sum not exceeding Ten Pounds for every such Offence, to be recovered as herein-after mentioned,

tioned, besides making good the Damages, where Damages have arisen by or in consequence of such Offence.

Limiting the Time for Completion of Works.

XXIII. The Powers in this Act granted to the Undertaker, his Heirs or Assigns, to embank the several Waste Lands, Mud Banks, or Slobs herein-before described, shall not be exercised for a longer Term than Five Years from the passing of this Act; and immediately after the Expiration of the said Term all the Powers, Authorities, and Privileges given by this Act to the said Undertaker, his Heirs or Assigns, shall absolutely cease and determine, except as to any Portion of the said Waste Lands, Mud Banks, or Slobs which shall have been at the Time embanked from the Sea, with the Approbation, as herein-before directed, of the said Commissioners of Woods, Forests, and Land Revenues, and of the Lord High Admiral, or Lords Commissioners for executing the Office of Lord High Admiral, for the Time being.

If Works affecting tidal Waters are abandoned, Admiralty to restore the Site thereof at Expense of Undertaker.

XXIV. If any Works to be constructed by the Undertaker, his Heirs or Assigns, in, under, over, through, or across any tidal or navigable Water or River, or if any Portion of such Work which affects any such Water or River or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Undertaker, his Heirs or Assigns, and the Amount thereof shall be a Debt due from the Undertaker, his Heirs or Assigns, to the Crown, and be recoverable accordingly, with Costs of Suit.

Admiralty may appoint a local Survey at Expense of Undertaker.

XXV. That if at any Time or Times it shall be deemed expedient by the Lord High Admiral of the United Kingdom, or the Commissioners for executing the Office of Lord High Admiral, to order a local Survey and Examination of any Works of the Undertaker, his Heirs or Assigns, in, over, or affecting any tidal or navigable Water or River, or of the intended Site thereof, the Undertaker, his Heirs or Assigns, shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Undertaker, his Heirs or Assigns, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Undertaker, his Heirs or Assigns.

Embankments, &c. to be maintained by Owners of reclaimed Lands.

XXVI. The Undertaker, his Heirs and Assigns, Owner or Owners for the Time being of the Lands hereby authorized to be embanked and reclaimed, shall, at his or their own Expense, and in manner herein-after provided, maintain and keep in an efficient State of Repair all the Embank-

Embankments and Works hereby authorized to be constructed, or which may from Time to Time be essential for protecting the said Lands or any Part thereof from Inundation, including the Beds or Waterways of all new Cuts or Channels, and all such Drains, Sluices, and Culverts as may be made by him or them under the Provisions of this Act.

Commissioners to be appointed for maintaining Banks.

XXVII. In order to provide, after the Sale of any Portion of the Lands hereby vested or to become vested in the Undertaker, his Heirs and Assigns, from Time to Time, for the permanent Maintenance of the said Embankments and Works, and of the Drains and Culverts connected therewith, in an efficient State of Repair as aforesaid, the Owner for the Time being of not less than Fifty Acres of the reclaimed Land shall be and form a Board of Commissioners for the above Purpose; and any Two of the said Commissioners shall have Power at any Time to convene a Meeting of such Commissioners by Advertisement published at least for Seven Days prior to such Meeting in some Newspaper circulating in the County of *Wexford*, and any Three Commissioners who shall be present at such Meeting shall form a Quorum.

Chairman to be appointed.

XXVIII. The said Commissioners shall meet once at least in every Year, and at their First Meeting in each Year shall elect a Chairman, who shall remain in Office until another Chairman is elected in his Stead; and after the Appointment of such Chairman any Meeting of the Commissioners may be convened by Circular addressed to the respective Places of Abode of such Commissioners by Order of the said Chairman: Provided always, that it shall not be necessary for such Chairman to be present in order to constitute a Meeting of Commissioners.

Officers may be appointed.

XXIX. The said Commissioners shall, if necessary, have Power to appoint any Officer or Officers for the Purpose of superintending the said Embankments and other Works, and for collecting the Rates hereby authorized, and to pay to such Officer or Officers such reasonable Salary as they may think fit.

How Expense of Salaries, &c. to be provided for.

XXX. The Salary of such Officer or Officers, as well as all other Costs, Charges, and Expenses which may be incurred by the said Commissioners in carrying the said Purposes into execution, shall be defrayed by means of a Rate to be assessed and levied upon and in respect of the Lands for the Time being reclaimed from the Sea under the Powers of this Act.

How Contributions to be assessed.

XXXI. The Amount of such Rate shall from Time to Time be fixed and determined by the said Commissioners, and shall be assessed equally and proportionately in respect of every Acre of Land so reclaimed from the Sea.

XXXII. In

For Recovery of Assessment.

XXXII. In case the said Rate shall not be paid within a Period of Twenty-one Days after the Day appointed by the Commissioners for Payment thereof, it shall be lawful for the said Commissioners to levy the Amount thereof by Distress and Sale of the Goods and Chattels of the Occupier of the Lands subject to the Payment of such Rate, wheresoever the same may be found, and for such Purpose to enter upon the Lands and Premises of such Occupier, and to seize, and take and carry away and sell, such Goods and Chattels, as in the Case of a Distress for Rent, without being liable for any Action or Trespass or otherwise in respect thereof: Provided always, that, unless otherwise agreed between the Owner and Occcupier of any such Lands, it shall be lawful for the Occupier thereof to deduct from the Rent payable by him to his Landlord the Amount of the Rate which he may have paid, or in respect of which Distraint may have been made for and towards such Rate as aforesaid.

Recovery of Damages and Penalties.

XXXIII. That the Clauses 140 to 158, both inclusive, of the "Railways Clauses Consolidation Act, 1845," with respect to the Recovery of Damages and Penalties not specially provided for, shall be and the same are, so far as not inconsistent therewith, hereby incorporated with and shall form Part of this Act.

Saving Rights of Lods of Manors.

XXXIV. Nothing herein contained shall extend or be construed to extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Lord or Lords of any Manor adjoining or contiguous to any Part or Parts of the said Waste Lands, Mud Banks, or Slobs hereby authorized to be embanked and reclaimed as aforesaid, except so far as the same may be barred or extinguished by any Act, Deed, Matter, or Thing to be made, done, or executed in pursuance of this Act.

General Saving of Rights.

XXXV. Saving always to all Persons all such Right, Title, Estate, and Interest, Claim and Demand, other and except such as are expressly barred and extinguished by this Act, or as shall be paid for or compensated for, as any Person could have had, held, and enjoyed of, in, to, or out of the said Waste Lands, Mud Banks, and Slobs authorized to be inclosed and embanked by virtue of this Act, or any Part thereof, in case this Act had not been passed: Provided always, that nothing contained in this Act, or any of the Acts recited or referred to, shall extend or be construed to extend to authorize the Undertaker to take, use, or interfere with any Land or Hereditaments belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners or Commissioner of Her Majesty's Woods, Forests, and Land Revenues having the Management of the Land Revenue of the Crown in *Ireland*, to alienate, defeat, lessen, abridge, or derogate from any Estate, Right, Title, Interest, Franchise, Royalty, Prerogative,

Prerogative, or Jurisdiction vested in or appertaining to the Queen's most Excellent Majesty, Her Heirs or Successors, in right of Her Crown, or otherwise howsoever.

Short Title.

XXXVI. In citing this Act in other Acts of Parliament, and in legal Instruments, and in all other Proceedings, it shall be sufficient to use the Expression the "*Bannow* Embankment Act, 1854."

Expenses of Act.

XXXVII. All the Costs, Charges, and Expenses attending or incident to preparing, applying for, and obtaining this Act shall be paid, on the passing thereof, by the Undertaker.

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