CHAPTER cxcvi.

An Act for embanking and reclaiming certain Waste Land in the county of Clare. [21st July 1873.]

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WHEREAS the waste lands, mud-banks, or slobs alongside the river Fergus, herein-after described and referred to as the slobs or slob land in the county of Clare, are either under water or subject to be covered by the tidal waters, and in their present state incapable of cultivation, and are now unproductive:

And whereas the reclamation of such slob land and the bringing of the same into cultivation, and the construction for that purpose of the embankments and works by this Act authorised will be of local and public advantage:

And whereas the Queen's most Excellent Majesty in right of Her Crown is, or claims to be, seised of the soil of the lands so under water, or subject to be covered by the tidal water, or some part thereof, but under a grant made by His Majesty King James I., in the eighteenth year of his reign, and under other grants made by Her Majesty's predecessors, the Right Honourable Francis Nathaniel Marquis Conyngham, and the Right Honourable Henry Baron Leconfield also are, or claim to be, seised of the soil of the same lands:

And whereas the several persons herein-after named, with others, are willing at their own expense to execute the works and undertake the reclamation of the slobs aforesaid:

And whereas plans and sections of the proposed embankments and works showing the lines and levels thereof, with a book of reference to those plans containing the names of the owners and lessees or reputed owners and lessees, and of the occupiers of the slobs and other lands shown thereon, have been deposited at the office of the clerk of the peace for the county of Clare, and those plans, sections, and book of reference are in this Act referred to as the deposited plans, sections, and book of reference:

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But these purposes cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

Short title.

1. This Act may be cited for all purposes as "The Clare Slob Land Reclamation Act, 1873."

Provisions of general Acts herein named incorporated.

2. "The Companies Clauses Consolidation Act, 1845," Part I. of "The Companies Clauses Act, 1863," relating to cancellation and surrender of shares, "The Lands Clauses Consolidation Act, 1845," "The Lands Clauses Consolidation Act Amendment Act, 1860," section 17 of "The Railways Clauses Consolidation Act, 1845," and the sections of the last-mentioned Act with respect to the temporary occupation of lands near the railway, with the exception of section 42 thereof, and sections 13, 18, and 19 of "The Railways Clauses Act, 1863," are, except where expressly varied by or inconsistent with the provisions of this Act, incorporated with this Act: Provided, in construing the provisions of the last-mentioned Acts incorporated herewith, the words "work" and "railway" shall be taken to mean the works authorised by this Act.

Interpretation of terms.

3. In this Act the term "the Company" means the Company incorporated by this Act, and the term "the Commissioners" means the Commissioners appointed under the provisions of this Act.

Subscribers incorporated.

4. Arthur Chandler, Thomas Vivian Gurney, and Francis Higgins, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking by this Act authorised, and their executors, administrators, successors, and assigns respectively, shall be and they are hereby united into a company for reclaiming and converting to agricultural and other purposes the slobs herein-after described, and for making and maintaining the requisite embankments and reclamation works, and for other the purposes of this Act, and such Company shall be incorporated by the name of "The Clare Slob Land Reclamation Company," and by that name shall be a body corporate, and shall have perpetual succession and a common seal, and shall have power to purchase and hold the said slobs and other lands for the purposes of this Act, and also to sell and dispose of the same slobs and other lands within the restrictions herein and in the incorporated Acts respectively contained.

Capital.

5. The capital of the Company shall be sixty thousand pounds, in six thousand shares of ten pounds each.

Shares not to issue until one fifth paid up.

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

Calls.

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

Application of moneys.

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

First ordinary meeting.

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

Quorum of meetings.

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

Number of shareholders to convene extraordinary meeting.

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

Number of directors.

12. The number of directors shall be five, but the Company may from time to time reduce the number, provided that the number be not less than three.

Qualification of directors.

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

Quorum.

14. The quorum of a meeting of directors shall be three, and if the number of directors be reduced to three the quorum shall be two.

First directors.

15. Arthur Chandler, Thomas Vivian Gurney, and Francis Higgins, and two persons to be nominated by them and consenting to such nomination, shall be the first directors of the Company, and shall continue in office until the first ordinary general meeting held after the passing of this Act; at that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting, the shareholders present in person or by proxy shall (subject to the power

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herein-before contained for reducing the number of directors) elect persons to supply the places of the directors then retiring from office, agreeably to the provisions in "The Companies Clauses Consolidation Act, 1845," contained, and the several persons elected at any such meeting, being neither removed nor disqualified nor having resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Company may embank lands.

16. Subject to the provisions of this Act, the Company may embank, reclaim from the sea, inclose, improve, drain, and convert to agricultural and other purposes, the slobs shown on the deposited plans as intended to be embanked, and herein-after described, and for that purpose may make and maintain the embankments and other works in connexion therewith in the lines and upon the slobs and other lands delineated on the deposited plans and described in the deposited book of reference, and according to the levels shown on the deposited sections; and the Company may enter upon, take, and use such of the slobs and other lands as shall be necessary for such purposes; and for the purposes of this Act the Company, their agents and workmen, may make, alter, and maintain good and sufficient walls, banks, and fences, and also such waterways, tunnels, engines, sluices, roads, ways, drains, culverts, bridges, and other works in or upon, through, or over the slobs, and divert or turn the course of any river, stream, creek, drain, or water which does or shall flow in, through, over, or upon the slobs, and may embank such rivers, streams, creeks, drains, or waters, and use and employ the slobs and waters in such manner as to the Company shall seem fit and proper.

Description of slobs.

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

Certain slob land adjoining the townlands of Lissan West, Islandmagrath, Buncraggy, and Ballyveskill, in the parish of Clare Abbey, Teermaclane in the parish of Killone, and Craggykerrivan in the parish of Cloondagad.

Rights of way over lands.

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

Limits of deviation.

19. In the construction of the works by this Act authorised, the Company may make lateral deviations from the lines of such works within the limits of lateral deviation shown on the deposited plans,

and may make vertical deviations from the levels of the works delineated on the deposited sections to any extent not exceeding five feet upwards and five feet downwards.

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

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

Agreement for land of Thomas Bamford Hudson.

21. And whereas Thomas Bamford Hudson, of Rochdale in the county of Lancaster, contractor, is, or claims to be, owner of certain of the lands and other property required for the purposes of the undertaking authorised by this Act, not being part of the slob land; and the agreement for the purchase thereof for those purposes set forth in the schedule to this Act, dated the 21st day of February 1873, has been entered into between Andrew Douglas Johnstone, one of the principal promoters of the Bill for this Act, on behalf of himself and the other promoters, of the one part, and the said Thomas Bamford Hudson of the other part: Be it enacted, that the said agreement shall be binding on the Company and have the same force and effect as if it had been entered into between the said Thomas Bamford Hudson and the Company immediately after the passing of this Act.

Roads and footpaths to be formed.

22. The Company shall at their own expense, within three years after any slob land shall have been reclaimed by them, set out therein such convenient roads and footpaths as shall be necessary for the occupation thereof, and for communication between the same and adjoining slobs or other lands; and if any difference shall arise between the Company and the owners of such adjoining slobs and other lands respecting the sufficiency, either as to position or number or dimensions of the roads or footpaths set out by the Company; such difference shall be determined by two justices of the peace of the county of Clare, one to be chosen by such owner or owners and the other to be chosen by the Company, which two justices shall have power to name a third justice of the peace as an umpire, and the decision of any two of the said justices shall be binding upon all

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parties, and costs of the reference shall be in their discretion; and such reference to justices shall be made from time to time at the instance of any owner of such adjoining slobs and other lands, and after due notice to the Company of the matter to be inquired into; and when the justices shall have determined the matter in difference, the Company shall construct to the satisfaction of the surveyor of the county of Clare the roads approved by the justices, or any two of them: Provided always, that any objection on the part of such landowners shall be notified to the Company in writing within two months after the said roads and footpaths shall have been set out.

Company not to injure the drainage of adjoining lands.

23. Nothing in this Act shall authorise the Company to injure the drainage of the lands adjoining the slob land without providing other and equally efficient drainage, and maintaining the same where the works for such drainage pass over or through any part of the reclaimed land.

Company not to execute any works under this Act which might prejudicially affect navigation of river Shannon, &c.

24. Provided always, that notwithstanding anything in this Act contained, it shall not be lawful for the Company to execute any of the works by this Act authorised which, in the opinion of the Commissioners of Public Works in Ireland, acting in execution of an Act passed in the session of Parliament holden in the second and third years of the reign of Her present Majesty, intituled "An Act for the Improvement of the Navigation of the River Shannon," can in any manner prejudicially affect the navigation of the said river Shannon, or any of the piers, quays, landing places, or other property vested in or being within the jurisdiction of the said Commissioners, as herein-before defined, under the provisions of the said Act; and it shall not be lawful for the said Company to commence or undertake the execution of any of the works by this Act authorised except upon such terms and conditions, under such restrictions, and according to such plans and sections as shall, previously to the commencement of the said works, be approved of by the said Commissioners of Public Works, or any two of them, and so signified in writing under their hands for that purpose.

Works below high-water mark to be executed according to plans, &c. approved of by the Board of Trade.

25. Previously to commencing any work below high-water mark, for the reclamation of land or otherwise under this Act, the Company shall deposit at the Board of Trade plans, sections, and working drawings of each and every of such works, for the approval of the said Board, such approval to be signified in writing under the hand of the secretary of the Board, and such works shall be constructed only on such lines and in such direction and to such extent and in such manner as shall be so approved of by the Board; and when any such work shall have been commenced or constructed it shall

not be lawful for the Company at any time to alter or extend the same without obtaining, previously to making any such alteration or extension, the like consent or approval; and if any such works shall be commenced or completed, or be altered, extended, or constructed contrary to the provisions of this Act, it shall be lawful for the said Board to abate, alter, and remove the same, and to restore the site thereof to its former condition, at the cost and charge of the Company, and the amount thereof shall be a debt due from the Company to the Crown and be recoverable accordingly, with costs of suit, or may be recovered, with costs, as a penalty is or may be recoverable from the Company.

No alteration to be made in the channel of the river unless approved of by the Board of Trade.

26. No alteration in the course of the channel of the river Fergus shall be made except what may be previously approved of and sanctioned by the Board of Trade, and every such approval and sanction is to be signified in writing under the hand of the secretary of the Board of Trade.

If made without such approval the same may be restored at the cost of the Company.

27. If any alteration which requires the previous approval and sanction of the Board of Trade be made without such approval and sanction, signified as aforesaid, it shall be lawful for the said Board to restore the course of the said channel, and the cost of every such restoration shall be a debt due from the Company to the Crown, and be recoverable accordingly, with costs of suit, or may be recovered, with costs, as a penalty is or may be recoverable from the Company.

Power for compulsory purchase of lands limited.

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

Limiting time for completion of works.

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

Purchase of other lands of easements by agreement.

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

Embankments, &c. to be maintained.

31. The Company shall maintain and keep in an efficient state of repair all the embankments and works hereby authorised to be constructed, or which may from time to time be essential for protecting the slobs or any part thereof from inundation, including all such roads, drains, sluices, and culverts as may be made by them under the provisions of this Act, until Commissioners shall be

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appointed for such purpose in terms of this Act, and until the appointment of such Commissioners the Company may, on any conveyance, sale, or lease of any of the slobs, provide for a payment of a proportionate part of the expense of maintaining the embankments and other works.

Provision for permanent maintenance of undertaking.

32. As soon as the embankments shall have been completed, and there shall not be less than three persons duly qualified to be Commissioners, as herein-after provided in respect of lands reclaimed by such embankments, the said embankments and the works in connexion therewith shall cease to be maintained by the Company, and shall thenceforth be maintained by the Commissioners.

Qualification of Commissioners.

33. Every owner for the time being of not less than thirty acres of the reclaimed slobs shall be a Commissioner for the purposes of this Act.

Part of 10 & 11 Vict. c. 16. incorporated.

34. Subject to the provisions of this Act, the following clauses of "The Commissioners Clauses Act, 1847," shall be incorporated with this Act, viz.:

The clauses with respect to the construction of the Commissioners Clauses Act and this Act, except the construction of the term "the undertaking:"

The following clauses with respect to the meetings and other proceedings of the Commissioners and their liabilities, viz., clauses 38, 39, 41 (except that it shall not be necessary that the meeting be held within any particular limits), 48, 49, 50, 51, 52, 55:

The clauses with respect to the contracts to be entered into and the deeds to be executed by the Commissioners:

The clauses with respect to the liabilities of the Commissioners, and to legal proceedings by or against the Commissioners:

The following clauses with respect to the appointment and accountability of the officers of the Commissioners, viz., 65, 67, 70, 71, 72, 73, 74:

The clauses with respect to giving notice and orders.

Interpretation of term undertaking.

35. Unless there be anything in the subject or context repugnant to such construction, the expression "the undertaking" in the clauses of "The Commissioners Clauses Act" incorporated herewith and in this Act, where such expression is used in reference to the maintenance and repair of the works, shall mean the maintaining and keeping in an efficient state of repair the embankments and works hereby authorised to be constructed, or which may from time to time be essential for protecting the slobs or any part

thereof from inundation, including all such roads, drains, sluices, and culverts as may be made or may be requisite for the purposes of this Act.

Appointment of Commissioner by Company.

36. So long as the Company shall retain the qualification of a Commissioner it shall be lawful for them from time to time to appoint by writing under the seal of the Company any person to act as Commissioner for them, and such appointment shall continue in force until another person shall be appointed to be such Commissioner.

Chairman to be appointed.

37. The 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 the Commissioners by order of the chairman: Provided always, that it shall not be necessary for such chairman to be present in order to constitute a meeting of Commissioners.

Quorum of meetings.

38. The quorum of a meeting of the Commissioners shall be two.

Meetings.

39. Any two Commissioners shall have power at any time to convene a meeting of the Commissioners by advertisement, published at least seven days prior to such meeting, in some newspaper circulating in the county of Clare.

Officers may be appointed.

40. The Commissioners shall, if necessary, appoint any officer or officers for the purpose of superintending the said embankments and other works, and for collecting the rates hereby authorised, and pay to such officer or officers such reasonable salary as they may see fit.

How expense of salaries and maintenance of undertaking, &c. to be provided for.

41. The salary of such officer or officers, as well as all other costs, charges, and expenses which may be incurred by the Commissioners, and also the expenses of the maintenance and repair of the embankments and works, shall be defrayed by means of a rate to be assessed and levied upon and in respect of the whole of the slob lands for the time being reclaimed under the powers of this Act.

How rates to be assessed.

42. The amount of such rate shall from time to time be fixed and determined by the Commissioners, and shall be assessed equally and proportionably on the slob lands which shall have been reclaimed according to the annual value thereof.

The recovery of rates.

43. In case the said rate shall not be paid within a period of twenty-one days after the day appointed by the Commissioners for

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payment thereof, and after notice and demand, the Commissioners may levy the amount thereof by distress and sale of the goods and chattels of the occupier of the reclaimed slob land subject to the payment of such rate, wheresoever the same may be found, and for such purpose may enter upon the lands and premises of such occupier and 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 of trespass or otherwise in respect thereof: Provided always, that unless otherwise agreed between the owner and occupier of any such slob land, the occupier thereof may 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.

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

44. The Lord Lieutenant of Ireland, by and with the advice of Her Majesty's Privy Council in Ireland, may, if deemed expedient, annex such of the slobs, after the same shall have been reclaimed, as are not at the passing of this Act situated within any townland or parish, to one or more of the adjoining townlands or parishes, under the powers and in the manner prescribed by and subject in every respect to the provisions of the Act 17 Victoria, cap. 17, intituled "An Act to make further provision for defining the boundaries of "counties, baronies, half baronies, parishes, townlands, and other "divisions and denominations of land in Ireland for public purposes," and "The Survey Act, 1870."

Compensation for right of the Crown.

45. As compensation for and in satisfaction of all the estate, right, title, interest, claim, or demand of Her Majesty, and of the said Francis Nathaniel Marquis Conyngham, and Henry Baron Leconfield, claiming under the grant made by King James the First, and the other grants made by Her Majesty's predecessors as hereinbefore mentioned, in and to the soil of the slob land, or any part thereof, the sum of six thousand pounds shall be paid by the Company on or before the 1st day of January 1877, into the Bank of England, in the name and with the privity of the Paymaster General of the Court of Chancery in England, to be placed to an account there of such Paymaster General to an account to be entitled the Account of the Queen's most Excellent Majesty, and of Francis Nathaniel Marquis Conyngham and Henry Baron Leconfield, pursuant to the method prescribed by any Act for the time being regulating money paid into the said court; and if the said sum of six thousand pounds shall not be paid on the day aforesaid, the amount unpaid shall thenceforth carry interest at the rate of 4*l.* per centum per annum, to be paid into the Bank of England in the like

manner as the principal, until the principal is wholly paid, and such principal and interest thereon (if any) shall be charged in favour of Her Majesty, her heirs and successors, and of the said Francis Nathaniel Marquis Conyngham and Henry Baron Leconfield, claiming under grants made as aforesaid, according to their respective interests upon the slob land and all the works of the Company; and the charge shall take priority over all other charges and incumbrances whatsoever, and if all principal and interest be not so paid on or before the 1st day of January 1877, the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, may from time to time sell in such manner as they or he may deem expedient so much of the slob land and of the works of the Company as they or he may think requisite to pay the principal, interest, and costs; and every conveyance which the Commissioners, or either of them, execute in favour of a purchaser at or under any such sale shall be effectual to pass the fee simple and inheritance in possession of such part of the slob land and works as shall be expressed to be thereby conveyed; and the purchaser or purchasers of the slob land and works sold shall be respectively entitled and have the same rights and powers with respect to the execution of the works by this Act authorised, and with respect to the embankment and reclamation of the slob land sold to them or him respectively, and otherwise so far as such rights and powers affect such lands as are by this Act vested in and conferred upon the Company, and as shall be sold to each such purchaser as aforesaid; and the receipt of the Commissioners, or either of them, for the purchase money shall in every case be a sufficient discharge to the purchaser, who shall not be bound or be at liberty to inquire whether any default in payment has been made, or as to a necessity for any such sale, and the purchase money arising from such sale shall be applied in paying first the costs of the Commissioners, and next the principal and interests then due, which principal and interest shall be paid by the Commissioners into the Bank of England to the like account and in the like manner as the same is herein-before directed to be paid by the Company, and the balance, if any, of such purchase money shall be paid to the Company: Provided always, that the sum of six thousand pounds and interest shall be deemed to be charged and paid in respect of the rights in the soil only of the slob land by this Act authorised to be reclaimed, and such charge and payment shall not affect any rights or claims which Her Majesty, or the said Francis Nathaniel Marquis Conyngham and Henry Baron Leconfield as aforesaid may have under the provisions of this Act as owners of the frontage abutting on the slob lands.

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Compensation to the Crown is or otherwise to be paid on petitions.

46. The principal money and interest so to be paid into the Bank of England as aforesaid by the Company or the said Commissioners shall, on application to the said court by petition, be paid out by the said court and distributed to or between the said Commissioners on behalf of Her Majesty and her successors, and the said Francis Nathaniel Marquis Conyngham and Henry Baron Leconfield, claiming under the grants made as aforesaid, and their respective heirs and assigns, according to their respective shares, rights, and interests before the passing of this Act in the slob land: Provided always, that it shall not be lawful for the Court of Chancery to order any sum of money so to be paid into the Bank of England, or any part thereof, or any interest on the same to be paid to the said Commissioners, or to the said Francis Nathaniel Marquis Conyngham or the said Henry Baron Leconfield, or their respective heirs or assigns, unless the court shall be satisfied of the right or title of the said Commissioners, and the said Francis Nathaniel Marquis Conyngham or the said Henry Baron Leconfield, or their respective heirs or assigns, to the money ordered to be paid out to them respectively, or to the interest on the same.

For apportionment of one twentieth of reclaimed lands among the owners, &c.

47. And whereas the Company have agreed conditionally on obtaining the grant from the Crown effected by this Act to apportion, as by this Act provided, among the owners of the lands abutting upon the slob land, when the same are reclaimed, including among such owners Her Majesty, or the said Francis Nathaniel Marquis Conyngham and Henry Baron Leconfield, claiming under the said grant herein-before mentioned, one twentieth part of the slob land reclaimed as compensation in full for any deterioration of their lands by reason of the works by this Act authorised, and in full discharge and satisfaction of all estate rights, title, and interest, if any, which they may claim in the slob land, or in respect thereof: Therefore, upon completion of any embankment and works for excluding the sea from any of the slob land, or so soon as conveniently may be afterwards, the Company shall appoint one arbitrator, and the several persons who as owners for the time being in possession of the land abutting on the slob land are interested in the land so reclaimed, or the majority in number of such several persons, on the application in writing of the Company, shall appoint one other arbitrator, and the two arbitrators shall before proceeding to an inquiry select a third to act as umpire, to be called on only in the event of their disagreeing; and the provisions with respect to the settlement of dispute by arbitration of the Companies Clauses Consolidation Act, 1845, shall apply to every

such arbitration or umpirage; and the reference to arbitration hereby provided for may be enforced and carried into effect in the same manner as a reference to arbitration under an agreement for reference may be by law enforced and carried into effect: Provided always, that in order to provide for the appointment of an arbitrator on behalf of owners entitled, to allotments in respect of slob land reclaimed under this Act, the Company shall convene a meeting of the owners so entitled, to be held at some convenient place in the neighbourhood of the reclaimed lands, and every such meeting shall be called by public advertisements inserted once at least in two consecutive weeks in some newspaper circulating in the county of Clare and in the neighbourhood of the reclaimed lands, the last of such insertions being not less than fourteen days prior to the meeting, and the meeting so called shall appoint an arbitrator to act on behalf of the owners, and at such meeting the decision of the majority of the owners present (Her Majesty being represented by the Board of Trade, or some person deputed by them in writing to act for Her Majesty in that behalf) shall bind the minority and all absent owners: Provided also, that if there be not more than one owner so entitled he shall be entitled to appoint such arbitrator, and on his failure to appoint an arbitrator, and if there be two or more owners so entitled, then on the failure of the meeting so convened to appoint an arbitrator, the Board of Trade, on the application of any owner or of the Company, may appoint an arbitrator to act on behalf of the owners.

Duty of arbitrators.

48. The arbitrators or, as the case may be, the umpire shall forthwith proceed to ascertain and declare in writing the several propositions in which the owners are respectively entitled, and shall fix and determine on the several lots into which the one twentieth part of the reclaimed lands shall be divided between the several owners, regulating the same in such manner as the arbitrators or umpire shall think proper and just, having regard to the extent of the frontage of the lands of such owners so abutting on the slob land reclaimed, and also to the convenience and wishes of the owners as to position on the slob land where their respective lots shall be, it being the intention of this Act that the owners shall have the advantage of selecting the situation of their lots, so far as seems just and reasonable to the arbitrators or umpire, and the arbitrators or umpire shall notify by public advertisement, or by such other means as they or he shall deem sufficient, but at the expense of the Company, the fact that they or he have or has made the award, and the apportionment of the arbitrator or umpire shall be final and conclusive on the Company, and on the owners, their guardians or trustees, and

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the land so apportioned shall on and after the publication of the award belong to the owners to whom they are so apportioned.

Company to convey to frontage owners.

49. Immediately after the publication of the award, and after the payment of the said sum of six thousand pounds and interest into the Bank of England, as by this Act provided, the respective lots shall vest in the respective owners of the lands abutting on the slob land reclaimed to whom the same lots shall be allotted respectively, for the same estate right and interest as such owners respectively have in the lands so abutting, and as part of the lands in respect of which the respective lots are allotted, and as if the same had been included in the assurance affecting the lands in respect of which they are so allotted, but so that no lessee at a rack rent of any abutting lands shall be entitled to any right or interest in the lands allotted in respect thereof; and every owner for the time being, or his guardians or trustees, or other person so interested, shall accept the lot so apportioned to him in full compensation for all his estate, royalty, interest, or right in the slob land so reclaimed, or in respect thereof, and for all loss, damage, injury, or prejudice occasioned by the execution of this Act to his land, estate, royalty, interest, or right.

For protection of the Marquis Conyngham.

50. Provided always, that the Company shall not, without the consent in writing of the said Marquis Conyngham, his heirs or assigns, purchase or take for the purpose of their undertaking any greater quantity than forty acres of Irish plantation, measure of the lands specified in the plans and book of reference deposited as aforesaid, and whereof the said Marquis Conyngham is therein described as the owner or reputed owner, and shall not without such consent as last aforesaid purchase or take any greater portions of such forty acres than shall be absolutely necessary for the works, roads, and other conveniences of the Company's said undertaking.

Seaweed may be gathered *on slob* lands until reclaimed.

51. Provided always, that until the works are so far completed as to exclude the sea from the slob land or any part thereof, all persons who have been so accustomed may still take and gather away seaweed, sand, glar, or shells upon or from the slob land as if this Act were not passed: Provided nevertheless, that in order to protect the embankments from injury, it shall not be lawful to gather or take away sand, mud, or stones within a line to be defined and marked off by the Company, which line shall not be distant in any one place more than one hundred yards from the foundations of the embankments.

Residue of lands belonging to Com-

52. Such part of the slob land from time to time reclaimed under this Act as are not awarded to the owners shall, after payment of

the six thousand pounds and interest belong to the Company, for their absolute use and benefit; and they from time to time may cultivate, improve, build, or lease, exchange, mortgage, sell, and convey, and otherwise deal with and dispose of the same as they think advantageous; and the provisions with respect to lands acquired by promoters of the undertaking under the provisions of this or the special Act, or any Act incorporated therewith, but which shall not be required for the purposes thereof, of the Lands Clauses Consolidation Act, 1845, shall not apply to those reclaimed lands or any part thereof.

Company may be leased, sold, &c. by them.

53. Provided that the Company, until Commissioners shall be appointed in terms of this Act, shall, in disposing of any of the slobs, make due provision for the maintenance and repair from time to time, by and at the expense of the owners from time to time of such slobs, of the embankments and other works made under this Act in connexion with such slobs.

Power to Company to dispose of slobs.

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

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

55. If and when the Company dispose of the whole of their slob and other lands, or otherwise wholly cease to have any estate or interest in or right to, or claim affecting any of the lands acquired by them under this Act, and all their debts, liabilities, and engagements are fully paid, satisfied, or discharged, and their net assets are duly distributed among their shareholders or their respective representatives, and the affairs of the Company are finally wound up, the directors of the Company shall give notice thereof in the Dublin Gazette, and after a day to be named for that purpose in such notice the Company shall be by this Act dissolved and shall cease to exist.

Provision for ultimate dissolution of Company.

56. If any land to the seaward of the lands by this Act authorised to be embanked or reclaimed shall at any time after the execution of any works under the authority of this Act become raised in height or reclaimed, whether gradually or imperceptibly or otherwise, so as to be above, instead of being, as all land to the seaward of the lands by this Act authorised to be reclaimed now is,

Saving rights as to future accretions.

A.D. 1873.

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

Saving rights of Crown under Crown Lands Act.

57. Nothing contained in this Act, or to be done under the authority thereof, shall in any manner affect the title to any of the subjects, or any rights, powers, or authorities mentioned in or reserved by sections 21 and 22 of the Crown Lands Act, 1866.

Expenses of Act.

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

SCHEDULE.

THE SCHEDULE REFERRED TO IN THE FOREGOING ACT.

AN AGREEMENT made and entered into this 21st day of February 1873, between Andrew Douglas Johnstone, of Number 67, Gloucester Street in the county of Middlesex, civil engineer, on behalf of himself individually, and also for and on behalf of the promoters of a Bill now before Parliament, entitled "A "Bill for embanking and reclaiming certain Waste Lands in "the County of Clare," of the one part, and Thomas Bamford Hudson, of Rochdale in the county of Lancaster, contractor, of the other part. A.D. 1873.

Whereas a Bill is now pending in Parliament, entitled "A Bill for em-"banking and reclaiming certain Waste Land in the County of Clare:" And whereas the said Thomas Bamford Hudson is the owner or reputed owner of certain lands and hereditaments affected by the said Bill, known as Island Avanna, and which was conveyed to him by James Gow Steuart, deceased. And whereas the said Thomas Bamford Hudson is also the owner of the plant, rails, materials, sheds, and other articles now being in and upon the said island: And whereas the said Andrew Douglas Johnstone, acting for and on behalf of the Company intended to be incorporated by the said Bill, has agreed to buy, and the said Thomas Bamford Hudson has agreed to sell, the said lands and hereditaments, plant, rails, materials, sheds, and other articles before mentioned: Now this Agreement witnesseth, and it is hereby mutually agreed as follows:

1. In case the said Bill shall pass into law and receive the royal assent in the year 1873, the Company intended to be thereby incorporated shall purchase from the said Thomas Bamford Hudson, and he shall sell to them, the fee simple and inheritance in possession of and in the said lands and hereditaments known as Island Avanna, and also all the said plant, rails, sheds, and materials belonging to the said Thomas Bamford Hudson, for the sum of five thousand pounds sterling, and six thousand pounds in fully paid-up shares of the said Company intended to be incorporated by the said Bill, such sum of five thousand pounds to be paid, and the said six thousand pounds in such fully paid-up shares to be allotted or transferred, to the said Thomas Bamford Hudson within four calendar months after the said intended Act shall receive the royal assent. On payment and delivery to him of the said five thousand pounds in cash and six thousand pounds in fully paid-up shares, the said Thomas Bamford Hudson shall execute a proper conveyance and assignment of the said land and other property to the said Company intended to be incorporated by the said intended Act, or to such persons and in such manner as they shall direct.

A.D. 1873.

2. If on investigation of the title of the said Thomas Bamford Hudson it shall prove that the said Thomas Bamford Hudson cannot make out a good title to the fee simple and inheritance in possession of the said lands and hereditaments, then this contract shall not be thereby rendered void, but the Company shall be at liberty to acquire such fee simple title either under their compulsory powers or otherwise; and any compulsory payment by them for such purpose shall be deducted, paid, or allowed of and from the same purchase-money of five thousand pounds.

3. The said Andrew Douglas Johnstone, or the said promoters, shall pay to the said Thomas Bamford Hudson all the costs, charges, and expenses of and relating to this agreement, and also of and relating to and furnishing an abstract of the title of the said Thomas Bamford Hudson to the said land and other property, and of evidencing and deducing his title thereto, and of conveying and assuring the same to the said intended Company, or as they may direct or appoint, and of or in any manner incident to the said several matters, all such costs, charges, and expenses to be paid to the said Thomas Bamford Hudson at or upon the execution of the conveyance and assignment of the said land and other property within four calendar months after the said Bill shall pass into an Act and receive the royal assent.

4. That in case of default on the part of the said Company the said purchase money of five thousand pounds shall not be paid within such period of four calendar months, then such purchase money shall bear interest at the rate of five pounds per cent. per annum from such period of four calendar months until the same shall be paid.

5. A clause, in such terms as the parliamentary agents of the said Thomas Bamford Hudson and Andrew Douglas Johnstone shall approve of, shall be inserted in the said Bill for the purpose of confirming this agreement, and rendering it absolutely binding on the said Company intended to be thereby incorporated.

A. D. Johnstone.
Thos. B. Hudson.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1873.