ANNO PRIMO & SECUNDO

VICTORIÆ REGINÆ.

****

Cap. lxxxvii.

An Act for draining and embanking certain Lands in *Lough Swilly* and *Lough Foyle* in the Counties of *Donegal* and *Londonderry*. [27th *July* 1838.]

WHEREAS there are in the Lakes or Loughs called respectively *Lough Swilly* and *Lough Foyle*, situate respectively in the Counties of *Donegal* and *Londonderry* in that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*, certain Waste Lands or Mud Banks usually called Slobs, which, being subject to be covered by the Tide Waters, are in their present State incapable of Cultivation, and of little Value: And whereas the Queen's most Excellent Majesty, in right of Her Crown, claims to be entitled to some Portion of the said Waste Lands, Mud Banks, or Slobs: And whereas it would be of great public Advantage if the said Waste Lands, Mud Banks, or Slobs were respectively embanked from the Sea, drained, and otherwise improved and brought into Cultivation; And whereas the several Persons herein-after named are willing at their own Expence to undertake the Embankment, Drainage, and otherwise the Improvement 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

Meaning of certain Words in this Act.

Authority of the same, That in the Construction of this Act every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing; and every Word importing the Plural Number shall extend and be applied to one Person or Thing as well as several Persons or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; and the Word "Undertakers" shall extend to and mean all and every of the Persons for the Time being respectively who are by this Act declared to be Undertakers for executing each of the several and respective Purposes of this Act; and the Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure; and the Word "Corporation" shall mean a Body Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole, 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.

Undertakers empowered to drain Waste Lands, &c.

II. And be it further enacted, That *John Gyllyatt Booth* of *Crouch-end*, *Hornsey*, *Thomas Isaac Dimsdale* of *Hanley Road*, *Upper Holloway*, *Thomas Edge* of *Peter Street*, *Westminster*, *John Robertson* of *Warnford Court* in the City of *London*, *Francis Stedman* of *Baron Street*, *Pentonville*, *Francis William Staines* of *Charlotte Street*, *Fitzroy Square*, and *James Whiskin* of *Ashby Street*, *Clerkenwell*, all in the County of *Middlesex*, their several and respective Heirs and Assigns, shall be and they are hereby declared to be the Undertakers for executing the Purposes of this Act so far as the Purposes, Provisions, Matters, and Things in this Act mentioned, expressed, or contained relate to or concern *Lough Swilly*, or the Waste Lands, Mud Banks, or Slobs of, in, or near to *Lough Swilly* aforesaid; and that the same several Persons, their several and respective Executors, Administrators, and Assigns, shall be and they are hereby declared to be the Undertakers for executing the Purposes of this Act so far as the Purposes, Provisions, Matters, and Things in this Act mentioned, expressed, or contained relate to or concern *Lough Foyle*, or the Waste Lands, Mud Banks, or Slobs of, in, or near to *Lough Foyle*; and such Undertakers shall be and they are hereby authorized and empowered to embank from the Sea, drain, and otherwise improve all and singular and such and so many and such Part and Parts of the said Waste Lands, Mud Banks, or Slobs in *Lough Swilly* as lie below High-water Mark at ordinary Spring Tides, except as herein-after is mentioned, and as are known or called by the Names or Descriptions, or as lie within the Boundaries or contiguous to or in the Places, herein-after mentioned; (that is to say,) between the Island of *Inch* in the said County of *Donegal* and the opposite Main Land between the *Farland* and *Runeraw* Points in the same County; also in the *Blanket Nook*, within a Line straight across the Entrance to the same, in a Direction about East-north-east from *Drumboy*, to the opposite Townland of *Ballymoney*; in, near, or contiguous to the Towns, Townlands, or Places called *Drumboy*, *Roughan Glebe*, *Moneygreggan*, *Glar*, *Moylemoss*, *Colehill*, *Castleforward Demesne*, *Tonyhabhoc*, *Bohullion*, *Lower Grange*, *Ballymoney*, *Castlequarter*, *Baylet*, *Carrickanee*, *Moress Grange*, *Elaghbeg*, *Ballyederowen*, *Carnashannagh*, *Tievebane Glebe*, *Large Glebe*, *Carrontlieve*, *Figarry*, *Carrowen*,

Carrowen, *Mulleny*, *Castlecooley*, *Moness*, *Speenoge*, *Carrownamaddy*, *Lisfanan*, and *Skeogue*, in the several Parishes of *All Saints*, *Burt*, *Inch*, and *Upper Fahan*, all in the County of *Donegal*; and all and singular and such and so many and such Part and Parts of the said Waste Lands, Mud Banks, or Slobs in *Lough Foyle*, South-eastward of a straight Line from the Pilot Stab at the Mouth of the River *Faughan* to *Magilligan Point*, as lie below High-water Mark at ordinary Spring Tides (except as herein-after is excepted), bounded or contiguous to the Towns, Townlands, or Places called *Lower Campsie Saltworks*, *Donnybrewer*, *Clantarkee*, *Drumaneeny*, *Longfieldmore*, *Longfieldbeg*, *Crigan*, *Tullybrisland*, *Gresteelbeg*, *Gresteelmore*, *Tullyvery*, *Faughanvale*, *Coolagh*, *Carrickhugh*, *Tullymane*, *Drummond*, *Walworth*, and *Walworth House Division*, *Ballykelly*, *Ballyspallan*, *Broharis*, *Broglasgow*, *Ballymacran*, *Carrowclare*, *Carrowreagh*, *Carrowmenagh*, *Carrowmuddle*, *Scotchtown*, *Minearney*, *Drumneheagh*, *Oughtemoyle*, *Ballymultimber*, *Ballyscullion*, *Drumavally*, *Lenamore*, *Margaymoughan*, *Ballymulholland*, *Drumahergan*, *Oughtymore*, *Ballymagoland*, *Lower Drummans*, and *Lower Doughs*, in the Parishes of *Faughanvale*, *Tamlaghtfinlagan*, and *Tamlaghtard* otherwise *Magilligan*, in the said County of *Londonderry*; and also (with the Consent of the Owners or reputed Owners of the adjoining Estates) any other of the said Waste Lands, Mud Banks, or Slobs situate at *Lough Foyle* or *Lough Swilly* respectively aforesaid: Provided always, that nothing herein contained shall extend or be construed to extend to give any Power to the said Undertakers, their Heirs or Assigns, to embank or drain the Slobs Northward of and Eastward of the Townland of *Drumskillen* on the *Donegal* Side of *Lough Foyle*, or to vest in the said Undertakers, their Heirs or Assigns, any Right or Title in or to, or to extend to authorize or empower the said Undertakers, their Heirs or Assigns, to embank or drain, or cause to be embanked or drained, any Part of the said Waste Lands, Mud Banks, or Slobs already reclaimed or partially reclaimed, or any Portion of the said Waste Lands, Mud Banks, or Slobs which at the Time of such Embankment and Drainage as aforesaid being commenced are or shall be capable of being grazed by Cattle, or any Part or Portion of the Bed of the River *Roe* within the Mouth thereof at *Stoney Point*; nor to do any Act that, in the Opinion of a competent Engineer, to be appointed jointly by the Commissioners for executing the Office of Lord High Admiral of the United Kingdom, and the said Undertakers, will injure the present Navigable Channel of *Lough Foyle*, nor to embank any Slobs on the *Donegal* Side of *Lough Foyle*, without the Consent of the Ballast Office Committee of *Derry*: Provided also, that nothing herein contained shall extend or be construed to extend to give any Power or Authority to the said Undertakers, their Heirs, Executors, Administrators, or Assigns, to embank or cause to be embanked, or do or cause to be done, or perform or cause to be performed, any Works under or by Authority of this Act whereby or by means whereof any of the Fisheries or Rights and Privileges belonging thereto vested in or hitherto enjoyed by the Society of the Governor and Assistants, *London*, of the New Plantation of *Ulster* within the Realm of *Ireland*, under or by virtue of any Charter heretofore granted to them by the Crown or otherwise, or their Lessees, in their Fisheries, and such other

other Rights as aforesaid, or Persons or Corporations claiming under them for the Remainder of their Leases (existing at the Time of the passing of this Act), may be damaged, injured, disturbed, or in any Manner affected: Provided always, that nothing herein contained shall bind the said Undertakers to embank or drain, or cause to be embanked or drained, any such Portions of the said Waste Lands, Mud Banks, or Slobs situate in the said Lakes or Loughs called respectively *Lough Swilly* and *Lough Foyle* as shall not in the Discretion of the said Undertakers be likely to compensate them for the Outlay necessary for such embanking and draining.

Certain Part of Embankment to be laid out under Direction of Ballast Office Committee of Derry.

III. And be it further enacted, That the Line of Embankment between the Right or Eastern Bank of the River *Faughan* and the *Great Shell Island* or *Ship Bank* shall be laid out, under the Direction and with the Approval of the Ballast Office Committee of *Derry*, or of a competent Engineer appointed with their Sanction, in such Manner as that the Navigation of the *Foyle* shall in nowise be prejudiced or endangered.

Appointment of Boards of Commissioners.

IV. And be it further enacted, That Sir *Robert Alexander Ferguson* Baronet, Sir *Robert Bateson* of *Castrues* Baronet, *Marcus M'Causland* Esquire, *John Acheson Smyth* Esquire, *David Cather* Esquire, *Charles Stewart* Esquire, and *John Claudius Beresford* Esquire, and their Successors, to be appointed as herein mentioned, shall be and they are hereby appointed a Board of Commissioners, to be called the *Lough Foyle* Board of Commissioners, for ascertaining and determining the High-water Mark Boundary at ordinary Spring Tides of the said Waste Lands, Mud Banks, or Slobs in *Lough Foyle*, and other the Purposes herein mentioned; and *Samuel Sproule* junior, Esquire, *James Grove Wood* Esquire, *Andrew Ferguson* Esquire, *James Johnston* Esquire, *Charles Norman* Esquire, and *Isaac Colhoun* Esquire, and their Successors to be apppointed as herein mentioned, shall be and they are hereby appointed a Board of Commissioners, to be called the *Lough Swilly* Board of Commissioners, for ascertaining and determining the High-water Mark Boundary at ordinary Spring Tides of the said Waste Lands, Mud Banks, or Slobs in *Lough Swilly*, and other the Purposes herein mentioned; and at the respective Meetings of the said Boards of Commissioners the Commissioners present at each Board shall appoint from amongst themselves One Commissioner to act as the Chairman of such Meeting; and the Chairman of each Board at every such Meeting shall have the same Right of voting as the other Commissioners present, and in case of an Equality of Votes such Chairman shall have the casting or decisive Vote.

Grand Juries of Donegal and Londonderry to fill up Vacancies in Commissioners.

V. And be it further enacted, That in case any Commissioner hereby appointed or hereafter to be appointed a Commissioner of either of the said Boards shall die, or neglect or refuse or become incapable to act, it shall be lawful for the Grand Jury of the County of *Donegal*, if such Vacancy shall occur in the *Lough Swilly* Board of Commissioners, and for the Grand Jury of the County of *Londonderry*, if such Vacancy shall occur in the *Lough Foyle* Board of Commissioners, and they are hereby respectively authorized and directed,

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 the Commissioner so dying, 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 prescribed in that Behalf, have such and the like Powers and Authorities as if he had been named and appointed a Commissioner in and by this Act.

Commissioners to sign a Declaration.

VI. Provided always, and be it further enacted, That no Person shall be capable of acting as a Commissioner in the Execution of this Act, except for the Purpose of signing and giving Notice of the First Meeting of the said Commissioners, until he shall have made and subscribed the Declaration following; (that is to say,)

Form of Declaration.

'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 an Act passed in the Year of the Reign of Queen *Victoria*, intituled [*here insert the Title of this Act*], 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 acting within his Jurisdiction to take and receive, and he is hereby required to take and receive the same.

What shall be deemed a Refusal to act by Commissioners.

VII. And be it further enacted, That if any Commissioner hereby appointed or hereafter to be appointed, and not prevented by Sickness or other unavoidable Cause, shall neglect to attend any Three successive Meetings of the Board of Commissioners to which he shall belong, such Neglect shall be deemed a Refusal on the Part of such Commissioner to act in the Execution of this Act.

Meetings and Adjournments of Commissioners.

VIII. And be it further enacted, That the said respective Boards of Commissioners shall and they are hereby required to meet within Fourteen Days after being requested so to do by the said Undertakers, their Heirs or Assigns, and after such First Meeting to hold such and so many subsequent Meetings for carrying this Act into execution, by Adjournment or otherwise, as to them shall seem necessary; and each Meeting of the said respective Boards of Commissioners shall be held at some convenient Place within the County to which such Meeting shall relate; and if on the Day appointed for any such Meeting Three Commissioners shall not attend, it shall be lawful for the Commissioners or Commissioner present, or for the Clerk to the said Commissioners respectively, to adjourn such Meeting to be held at the same or any 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 respective Boards of Commissioners shall and may from Time to Time be exercised by them or by the major Part of them present at any Meeting to be held in pursuance of this Act, such Commissioners present not being less than Three; and every Award, Order, and Determination

of the said Commissioners, being reduced into Writing, and signed by the Commissioners present at such Meeting, or the major Part of them as aforesaid, shall be filed of Record in the Office of the Clerk of the Peace of the County to which the same shall relate; and every such Award, Order, and Determination, or an Office Copy thereof, certified by the Clerk of the Peace of such County to be a true Copy, shall without further Proof be allowed to be adduced and read as *primâ facie* Evidence in all Courts and in all Proceedings whatsoever; and the said Commissioners shall and they are hereby required to cause Notice to be given of the Time and Place of such their First and every other Meeting or Sitting for carrying the same into execution by causing the same to be inserted in the Newspaper or Newspapers usually circulated in each of the said Counties of *Donegal* and *Londonderry* respectively Seven Days at least before every such Meeting or Sitting (Sitting by Adjournment only excepted), every such Notice to specify the particular Cause or Object of such Meeting being appointed.

Commissioners to appoint a Clerk.

IX. And be it further enacted, That it shall be lawful for the said respective Boards of Commissioners from Time to Time to appoint some fit and proper Person to be the Clerk to such Board to assist them in the Execution of this Act, and such Clerk from Time to Time to remove, and another to appoint in his Room, as to the said respective Boards shall seem proper.

Remuneration of Commissioners.

X. And be it further enacted, That each Commissioner of the said respective Boards shall be allowed and paid by the said Undertakers, their Heirs or Assigns, the Sum of One Pound and One Shilling, 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 Expences in carrying this Act into execution; and the said Commissioners and their Clerk, and all other Persons who shall attend any Meeting of the said Commissioners, shall defray their own Expences, except for the Use of the Room in which the Meetings of the said Commissioners shall be holden.

Duration of a Day in all Meetings of Commissioners.

XI. And for regulating the Duration of all Meetings of the said Commissioners to be holden for the Purposes of this Act, be it further enacted, That a Day shall be deemed to consist of Eight Hours in all Meetings between the Twenty-fifth Day of *March* and the Twenty-ninth Day of *September*, and Six Hours between the Twenty-ninth Day of *September* and the Twenty-fifth Day of *March*; and any Meeting for the Purposes of this Act of less Duration than Eight Hours or Six Hours, as the Case may be, shall be charged as only Half a Day, and the said respective Commissioners and their Clerk shall be paid accordingly; and a Book shall be kept by the said respective Commissioners or their Clerk, in which Book shall be entered the several Days of their Meetings, and at what Hour the said Commissioners and their Clerk respectively came to and left such Meetings; and such Book shall be signed by the said respective Commissioners or their Clerk at the Termination of each of their respective Sittings.

XII. And

Power for the Commissioners to summon Witnesses, &c.

XII. And be it further enacted, That it shall be lawful for the said Commissioners, or any Two of them, under their Hands and Seals, to summon any Person as a Witness whose Evidence the said Commissioners shall deem necessary or important in reference to the several Matters and Things to be decided, fixed, and determined by them as herein mentioned, and also to tender and allow a reasonable Sum to such Witness for his Loss of Time, Costs, and Charges; and in Default, Refusal, or Neglect, without a reasonable Excuse on the Part of such Witness, to attend and give Evidence at the Time and Place to be for that Purpose appointed, after such reasonable Sum shall have been paid or tendered to him, or in case such Witness appearing shall refuse to be examined upon Oath or Declaration, which Oath or Declaration the said Commissioners are hereby empowered to take and administer, then and in either of the said Cases every such Person shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, to be recovered in like Manner as any Penalty imposed by this Act may be recovered.

Commissioners to inquire into and determine Boundaries.

XIII. And be it further enacted, That it shall be lawful for the said respective Boards of Commissioners, and they are hereby authorized and required, by Examination of Witnesses upon Oath or Declaration, or by such other legal Ways and Means as they shall think proper, to inquire and examine, and, if necessary for the Purpose, by entering upon any Lands (which they are empowered to do), to ascertain, set out, fix, and determine the Boundaries of the said Estates, and of the said Waste Lands, Mud Banks, or Slobs at ordinary Spring Tides High-water Mark, as may be necessary for the Purposes of this Act; and so soon as they shall have ascertained, set out, fixed, and determined the said Boundaries, and reduced their Decision into Writing, and as soon as the Lines of the proposed Embankments shall have been approved of by the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom for the Time being, such Writing, with a Plan or Map of such Waste Lands, Mud Banks, or Slobs annexed thereto, shall be filed of Record in the Office of the Clerk of the Peace for the County in which the said Waste Lands, Mud Banks, or Slobs shall be respectively situated: Provided always, that it shall be lawful for the said respective Boards of Commissioners to adopt the Maps of the Ordnance Survey, if they shall think proper, to determine the Boundaries of the said Loughs respectively, without requiring any further Survey, Admeasurement, or Plan to be made of the same: Provided always, that nothing herein contained shall extend or be construed to extend to give Power to the Commissioners hereby appointed or hereafter to be appointed to include within the Boundaries of the said Waste Lands, Mud Banks, or Slobs, which they are hereby authorized and required to ascertain, set out, fix, and determine for the Purposes of this Act, any Part of the said Waste Lands, Mud Banks, or Slobs already reclaimed or partially reclaimed which at the Time of such Embankment and Drainage as aforesaid being commenced are or shall be capable of being grazed by Cattle, whether they are situated between the High-water and Low-water Mark Boundary at ordinary Spring and Neap Tides or otherwise, or any Part or Portion of the River *Roe* at *Stony Point*, or to determine the Boundary of the Estate of the Townland of *Donny-*

Commissioners not to include reclaimed Lands within Boundaries.

Donnybrewer, or the Waste Lands, Mud Banks, or Slobs adjoining thereto.

Reserving Part of Waste Lands for the Benefit of the Grocers Company.

XIV. And be it further enacted, That a Proportion equal to One Tenth in the whole of the said Waste Lands, Mud Banks, or Slobs, not being Part of *Shell Island* called the *Great Shell Bank*, which are adjacent to and lie opposite to the Frontage of the Townlands of *Drummaneeny*, *Longfieldmore*, *Longfieldbeg*, *Crigan*, and *Tullybrisland*, being or being claimed to be the Lands of the Wardens and Commonalty of the Mystery of Grocers of the City of *London*, when embanked and drained as aforesaid, at the Expence in all Things of the said Undertakers, their Executors, Administrators, and Assigns, shall be hereby vested in the Owners of the said Townlands, their Executors or Successors and Assigns, for the Term of Three hundred Years from the First Day of *January* One thousand eight hundred and thirty-seven, to their own Use and Benefit, any thing herein contained to the contrary thereof notwithstanding, and without Prejudice to such (if any) Estate, Right, Title, or Interest as the Owners of the said Townlands are or claim to be seised or entitled in respect of the Freehold and Inheritance of the said Waste Lands, Mud Banks, or Slobs, or any Part or Parts thereof, subject to the said Term: Provided always, that such Proportion shall be Part of the Slob opposite to such Frontage, and shall be selected by the said Owners and the said Undertakers, their Executors, Administrators, and Assigns, with due Regard to the Convenience and Interest of the said last-mentioned Wardens and Commonalty.

No Part of High Slob adjoining certain Towns to be included in the Act.

XV. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize and empower the Commissioners hereby appointed or hereafter to be appointed to include within the Boundaries of the said Waste Lands, Mud Banks, or Slobs, which they are hereby required to ascertain and determine for the Purposes of this Act, any Portion of the High Slob edging the Shore of the Townlands of *Drummaneeny*, *Longfieldmore*, *Longfieldbeg*, *Crigan*, and *Tullybrisland* to the Width of One hundred Yards on the Average from the Line laid down on the Ordnance Map as and for the Shore Line.

Portion of Waste Lands reserved to Fishmongers Company.

XVI. And be it further enacted, That such Part of the said Waste Lands, Mud Banks, and Slobs, not being Part of *Shell Island*, as is adjacent to and lies opposite to Part of the Estate being or being claimed to be the Estate of the Wardens and Commonalty of the Mystery of Fishmongers of the City of *London*, and as is comprehended within the Boundaries or supposed Boundaries following; (that is to say,) the Canal of the said Wardens and Commonalty now partially formed, and which is intended to be extended in and over Part of the said Waste Lands, Mud Banks, or Slobs, and now known as the *Ballykelly* Canal on the East, and an imaginary Line across the Slob in continuation of the Stream known by the Name of the *Mill Burn Stream*, on the West, and the Continuation or Production of the said Canal and imaginary Line respectively until they meet in an Apex at a Point Four hundred Statute Perches from the Commencement of the *Ballykelly* Canal to or towards the Embankment

intended to be made by the said Undertakers, wherever such Embankment may be, and which Part or Portion of the said Slob and the Boundaries thereof are laid down and described in the Map or Plan deposited in the Office of the Clerk of the Parliaments in the House of Lords, shall, when embanked and drained at the Expence in all Things of the said Undertakers, their Executors, Administrators, and Assigns, be vested in the Owners of the said Estate, their Executors or Successors and Assigns, for the Term of Three hundred Years from the First Day of *January* One thousand eight hundred and thirty-seven, to their own Use and Benefit, any thing herein contained to the contrary thereof notwithstanding; and the same shall be vested without Prejudice to any Claim of the said Owners in respect of the Fee Simple of the said Lands, subject to the said Term.

Portion of Waste Lands reserved to R. Ogilby, Esquire.

XVII. And be it further enacted, That a Portion equal to One Tenth in the whole of the said Waste Lands, Mud Banks, or Slobs, (not being Part of *Shell Island*,) which are adjacent to and lie opposite to the Frontage of certain Lands claimed to belong to *Robert Ogilby* of *Dungiven* in the said County of *Londonderry*, Esquire, when embanked and drained as aforesaid at the Expence in all Things of the said Undertakers, their Executors, Administrators, and Assigns, shall be hereby vested in the Owner of the said Lands, his Executors, Administrators, and Assigns, for the Term of Three hundred Years from the First Day of *January* One thousand eight hundred and thirty-seven, to his and their own Use and Benefit, any thing herein contained to the contrary thereof notwithstanding, and without Prejudice to any Claim the said Owner may make in respect of the Fee Simple of the said Lands, subject to the said Term: Provided nevertheless, that such Proportion shall be selected by the said Owner and the said Undertakers, their Executors, Administrators, and Assigns, and they are hereby required to select the same, with due Regard to the Convenience and Interest of the said Owner, and that the Land to be assigned and allotted to the said Owner, or such Part thereof as may be required by him, shall be opposite the Lands held under the said Owner by *John Scott*, *Samuel Watson*, and *Nathaniel Moore* in the Townland of *Carrowclare*, due Regard being had to Quantity and Quality.

Portion of Waste Lands vested in Thomas Scott and James Major, Esquires, and the Tenants of Thomas Scott, in perpetuity.

XVIII. And be it further enacted, That a Proportion equal to One Tenth in the whole of the said Waste Lands, Mud Banks, or Slobs in *Lough Foyle*, (not being Part of *Shell Island*,) which are adjacent to and lie opposite to the respective Frontages of certain Lands in the Townland of *Donnybrewer* claimed to belong to *Thomas Scott* and *James Major* Esquires, and of which certain Portions are let in perpetuity, when embanked and drained as aforesaid at the Expence in all Things of the said Undertakers, their Executors, Administrators, and Assigns, shall be vested in the Owners of the said Lands according to their respective Interests therein, and the said Tenants in perpetuity, in proportion to the Extent of the Frontage of their Lands respectively on *Lough Foyle*, their Executors, Administrators, and Assigns, for the Term of Three hundred Years from the First Day of *January* One thousand eight hundred and thirty-seven, to their own

own respective Use and Benefit, any thing herein contained to the contrary thereof notwithstanding; the said Proportion of the said One Tenth to be selected by the said Owners from any Part of the said Waste Lands, Mud Banks, and Slobs, when reclaimed, adjoining to the aforesaid Townland of *Donnybrewer*, as shall suit their own Convenience, and consist with the Cession of a due Proportion of the said Tenth to the aforesaid Tenants in perpetuity.

Reserving Part of Waste Lands for the Benefit of the Heir of Sir James Bruce.

XIX. And be it further enacted, That a Proportion equal to One Tenth in the whole of the said Waste Lands, Mud Banks, or Slobs, adjacent to and abutting upon the Proportion of the Estate claimed to belong to the late Sir *James Robertson Bruce* which is opposite to the Frontage of the Townlands of *Drumahorgan*, *Oughtymore*, *Ballymagoland*, *Lower Drummans*, and *Lower Doughs*, when embanked and drained as aforesaid at the Expence in all Things of the said Undertakers, and their Executors, Administrators, and Assigns, shall be and the same is hereby reserved to the Owner of the said Estate, his Executors, Administrators, and Assigns, for the Term of Three hundred Years from the First Day of *January* One thousand eight hundred and thirty-seven, to his and their own Use and Benefit, any thing herein contained to the contrary in anywise notwithstanding, without Prejudice however to any Right or Title the said Owner may have to the Fee thereof; and that the said One Tenth of the said Slob or Waste Lands shall, when so reclaimed, be selected by the said Owner, or other Person or Persons deriving from or in Possession of the said Lands in such Part of the said Slob so intended to be inclosed, in such Manner and Form and Extent so as to the said Owner or other Person or Persons deriving from or in Possession of the said Lands shall seem proper; provided such Selection of such One Tenth shall be all in One Place of the said Lands, and that in such Selection free Access shall be retained or given to the other Slobs to be reclaimed, and which shall become the Property of the said Undertakers, their Executors, Administrators, or Assigns.

Reserving Part of Waste Lands for the Benefit of P. B. Maxwell.

XX. And be it further enacted, That a Proportion equal to One Tenth in the whole of the said Waste Lands, Mud Banks, or Slobs, (not being Part of *Shell Island*,) which are abutting upon, adjacent or opposite to the Frontage of the Townlands of *Tullyverry*, *Faughanvale*, and *Coolagh*, in the County of *Londonderry*, being or claimed to be the Lands of *Peter Benson Maxwell* of *Bridstown* in the County of *Donegal*, Clerk, when embanked and drained as aforesaid at the Expence in all Things of the said Undertakers, their Executors, Administrators, and Assigns, shall be and are hereby vested in the Owner for the Time being of the said Lands, his Executors, Administrators, or Assigns, for the Term of Three hundred Years from the First Day of *January* One thousand eight hundred and thirty-seven, to his and their own Use and Benefit, any thing herein contained to the contrary thereof in anywise notwithstanding, and without Prejudice to such, if any, Estate, Right, Title, or Interest as the said Owner, his Executors, Administrators, or Assigns, claim to be seised or entitled in respect of the Freehold and Inheritance of the said Waste Lands, Mud Banks, or Slobs, or any Part or Parts thereof, subject to the same Term: Provided always, that such Proportion

shall be Part of the Slob opposite to such Frontage, and shall be selected by the said Owner, his Executors, Administrators, and Assigns, and the said Undertakers, their Executors, Administrators, and Assigns, with due Regard to the Convenience and Interest of the said Owner of the said Lands.

Proportion of the High Slob adjoining certain Townlands not to be included in this Act.

XXI. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to authorize or empower the Commissioners hereby appointed or hereafter to be appointed to include within the Boundaries of the said Waste Lands, Mud Banks, or Slobs, which they are hereby required to ascertain and determine for the Purposes of this Act, any Portion of the said Waste Lands or High Fringe of Slob, which is already partially reclaimed, immediately fronting upon and adjoining the several Townlands aforesaid, now being or claimed to belong to the said *Peter Benson Maxwell*.

Claims for Compensation may be referred to Commissioners.

XXII. And be it further enacted, That as soon as conveniently may be after the passing of this Act, in all Cases where no Agreement shall be made or entered into between the said Undertakers, or any or either of them, their or his Heirs or Assigns, with any Person or Corporation, or with the Guardian or Trustee of any Person claiming Compensation for the Loss, Damage, Injury, or Prejudice, or to be entitled to any Estate, Royalty, Interest, Right, or Easement in or upon the said Waste Lands, Mud Banks, or Slobs, or any Part thereof, for or in respect of and as Compensation for such Loss, Damage, Injury, or Prejudice, or Estate, Royalty, Interest, Right, or Easement, it shall be lawful for the said respective Boards of Commissioners, and they are hereby required, on a Request in Writing being made to them respectively by such Person, and by the said Undertakers, or their respective Heirs or Assigns, Guardians or Trustees, to inquire into, determine, and declare if any and what Part, Share, and Proportion of or in the said Waste Lands, Mud Banks, or Slobs when embanked and drained, or what Sum of Money, will be proper and reasonable to be awarded or given to such Person or Corporation; and where no Agreement shall be entered into between the Person or Corporation claiming to be entitled as aforesaid and the said Undertakers, any or either of them, their Heirs or Assigns, Guardians or Trustees, the said Commissioners shall allot and determine the Position, Situation, and Locality of the several Parts, Shares, and Proportions of the several Persons unto whom any such Part, Share, or Proportion of the said Waste Lands, Mud Banks, or Slobs is to be awarded or given (the Part, Share, or Proportion of the said Lands, Mud Banks, or Slobs, when reclaimed, to be awarded and given by the said Commissioners as aforesaid to such Person or Corporation having any Landed Estate in the Neighbourhood, being as contiguous thereto as Circumstances will permit); and the Decision of the said Commissioners awarding Compensation to any Person or Corporation entitled thereto as aforesaid, whether such Compensation be in Land or Money, and if in Land the Determination of the said Commissioners as to the Position, Situation, and Locality of the several Parts, Shares, and Proportions to the Person or Corporation entitled thereto, shall be binding and conclusive to all Intents and Purposes; and the Decision,

Award,

Award, or Apportionment of the said Commissioners, being first signed by the said Commissioners, shall be filed with and kept of Record by the Clerk of the Peace for the County or Place in which such Question or Matter in dispute shall have arisen among the Records of the Quarter Sessions for such County or Place, 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 or Corporations shall be allowed to inspect the same, paying for such Inspection the Sum of One Shilling, and also to take or make Copies thereof, paying for every Copy after the Rate of Sixpence for every One hundred Words: Provided always, that in all Cases in which, either by the Decision of the said Commissioners or of a Jury, as is herein-after given, any Person shall for such Loss, Damage, Injury, or Prejudice, Estate, Royalty, Interest, Right, or Easement as aforesaid, be compensated in Money, such Sum of Money so ordered and awarded to be paid shall immediately thence become a Charge on the respective Waste Lands, Mud Banks, or Slobs to be reclaimed as aforesaid, and not allotted or set apart as herein mentioned to any other Person or Corporation, and shall become a Debt due by the Undertakers, their Heirs or Assigns; but when the same shall be a Compensation for any Estate or Interest in the said Waste Lands, Mud Banks, or Slobs, the same shall not be payable until the Waste Lands, Mud Banks, or Slobs in respect of which such Sum of Money shall be awarded to be paid shall be embanked and drained; and immediately on the Embankment and Drainage of the said respective Waste Lands, Mud Banks, or Slobs being certified by the said respective Commissioners to be completed it shall be lawful for such Person or Corporation to whom such Sum shall be awarded as aforesaid, upon Demand made, and the Amount not being paid within Fourteen Days after such Demand, to raise by Sale of a competent Part of such Waste Lands, Mud Banks, or Slobs not allotted to any other Person or Corporation as and for Compensation such Sum so charged as aforesaid, or to enforce the Payment thereof from the said Undertakers, their Heirs or Assigns, by any Proceeding at Law or in Equity by which the Payment of Debts can now be enforced.

Parties claiming Compensation to furnish Undertakers with Particulars of their Claims.

XXIII. And be it further enacted, That all Persons and Corporations who are or shall be entitled or claim to be entitled to any Compensation for Loss, Damage, Injury, or Prejudice in respect of the said Waste Lands, Mud Banks, or Slobs shall, in the Cases which the Commissioners shall be required to investigate, deliver or cause to be delivered to the said Undertakers, their Heirs or Assigns, Ten Days previous to the Meeting of the said Commissioners to determine on such Claim, and of which Meeting One Calendar Month's Notice in Writing shall be given by the said Commissioners to such Persons or Corporations, and to the said Undertakers, their Heirs or Assigns, stating the Time, Place, and Purpose of such Meeting, an Account, particular Description, or Schedule in Writing signed by them respectively, or by their respective Husbands, Guardians, Trustees, Committees, or Agents, of such their respective Rights or Claims, and shall therein describe the Estate, Royalty, Interest, Right, or Easement, if any, in respect whereof they shall respectively

respectively so claim to be entitled, with the Name of the Person then in the Possession thereof, and the particular or computed Quantities of such Lands respectively, and of what Nature and Extent such Right is, and in respect of what Rights and for what Estates and Interest they claim the same respectively, distinguishing the Freehold from the Copyhold or Leasehold.

Commissioners to settle Disputes.

XXIV. And be it further enacted, That if any Dispute or Difference shall arise between any of the Parties who now are or before the Determination of the said respective Boards of Commissioners as aforesaid may be interested in the said Embankment and Drainage, touching or concerning their respective Rights and Interests in, over, or upon the said Waste Lands, Mud Banks, or Slobs, or touching or concerning any other Matter or Thing relating to the said Embankment and Drainage, not being a Question of Title or the Subject of Agreement, it shall be lawful for the said Commissioners, upon Request made to them by the Parties in dispute, and they are hereby authorized and required, to examine into, hear, and determine the same.

Commissioners may award Costs

XXV. And be it further enacted, That if the said respective Boards of Commissioners shall, upon the hearing and determining of any Claim or Objection to be delivered to them in pursuance of this Act, or of any Dispute or Difference as aforesaid, see Cause to award any Costs, it shall be lawful for the said respective Boards of Commissioners, and they are hereby empowered, upon Application made to them for that Purpose, to settle, assess, and award such Costs and Charges as they shall think reasonable to be paid to the Party in whose Favour any Determination shall have been made by the Person, Corporation, or Body whose Claim or Objection shall have been thereby disallowed or overruled, or against whom the said respective Commissioners shall have made any Determination as aforesaid; and in case the Person, Corporation, or Body liable to pay such Costs shall neglect or refuse to pay the same, or any Part thereof, on Demand, the same may be recovered by Civil Bill in any of the Civil Bill Courts in *Ireland*.

Commissioners not to determine Title.

XXVI. Provided always, and be it further enacted, That nothing in this Act contained shall authorize the said Commissioners to hear or determine any Difference or Dispute which may arise touching the Right or Title to any of the said Waste Lands, Mud Banks, or Slobs, or to any Lands, Tenements, or Hereditaments whatsoever, nor to determine any Right between any Parties, but that the Compensation or Satisfaction to be determined and assigned by the said Commissioners shall follow the Event of any Suit or Suits already commenced or prosecuted, or hereafter to be commenced or prosecuted, and may be taken by the Person or Corporation who upon the Determination of such Suit or Suits shall become entitled to the same; and also that the Assignment or Allotment of any such Part or Share of any such Lands, Mud Banks, or Slobs to any Person or Corporation claiming in respect of any Lands or Hereditaments as aforesaid shall be good, valid, and effectual as an Assignment or Allotment of such Parts or Shares to or for the Person or Corporation legally entitled to the Lands

or Hereditaments in respect of which such Parts or Shares shall be so assigned and allotted, and to and for no other Person or Corporation whomsoever, notwithstanding any Defect or Want of Title in any Person or Corporation who shall have made any such Claim as aforesaid.

Death of Parties not to bar the Proceedings.

XXVII. Provided always, and be it further enacted, That if any Parties in Possession of any Lands awarded or given as Compensation as aforesaid against whom any such Action might have been brought if living shall die before any such Action shall have been brought, it shall be lawful for the Person or Body Politic, Corporate, or Collegiate who might have brought such Action against the Person so dying to bring the same against such Person as if actually living, and to serve the Clerk to the said Commissioners with Process for commencing such Action in the same Manner as the Person so dying might have been served therewith if living; and such Commissioners or their Clerk shall serve the Heir or other Person with such Process; and it shall thereupon be incumbent on the Heir or other Person who shall claim the Benefit of such Determination as aforesaid to appear and defend such Action in the Name of the Person so dead, and Proceedings shall be had therein in the same Manner as if such Person had been actually living, and the Right of all Parties shall be equally bound and concluded by the Event of such Action: Provided also, that no Action or Suit touching the Matters aforesaid shall impede or delay the Commissioners in the Execution of the Powers vested in them by this Act, but the Embankment and Drainage hereby directed to be made shall be proceeded in notwithstanding any such Action or Suit.

Death of Parties entitled not to delay Commissioners Determination.

XXVIII. And be it further enacted, That if the Parties in any Action concerning the said Embankment and Drainage shall die before the same shall be completed and adjusted, such Action shall not abate by reason thereof, nor shall the Powers and Authorities hereby given to the said Commissioners be thereby determined or suspended, but the said Action shall proceed, or the said Commissioners shall execute the Powers given to them by this Act in such Manner as they might have done if such Parties had not died; and the Part or Share to be awarded, allotted, or assigned to the Person so dying shall be awarded, allotted, or assigned to the Person who by Descent, Will, or otherwise shall become entitled to the same, and shall be accepted by him according to the Directions of this Act, and he shall be liable to the Charges, Expences, and other Conditions of this Act.

Suits not to be impeded by reason of the passing of this Act.

XXIX. And be it further enacted, That if any Suit shall have already been commenced or prosecuted or shall be hereafter commenced or prosecuted touching or concerning the Right, Title, or Interest of any Person or Corporation whomsoever in or to any Part of the said Waste Lands, Mud Banks, or Slobs or Hereditaments whatsoever for or in respect of which any Right or Interest in, over, or upon the said Waste Lands, Mud Banks, or Slobs should be claimed, such Suit shall not impede, delay, or hinder the said Commissioners, nor the said Undertakers, their Heirs or Assigns, from proceeding in the Execution of the several Powers vested in them respectively by this Act, but the several Objects and Purposes of this Act shall be

proceeded in notwithstanding such Suit; and the said Commissioners shall allot and decide the Parts, Shares, and Proportions of the Waste Lands, Mud Banks, or Slobs or other Hereditaments to which such Suit shall relate to the Person, Corporation, or Party who shall be in the Possession or Enjoyment of such Waste Lands, Mud Banks, or Slobs or other Hereditaments; and the same Parts, Shares, or Proportions shall follow the Event of such Suit, and may be had and taken by the Person or Corporation who upon the Determination of such Suit shall become entitled to the same.

Lands given as Compensation to be upon like Trusts, &c. as the Lands in respect of which the Compensation is made.

XXX. And be it further enacted, That all the Parts, Shares and Proportions of the said Waste Lands, Mud Banks, or Slobs, when embanked and drained and agreed for or awarded and allotted as aforesaid, shall respectively remain and be, and the several Persons and Corporations unto, amongst, and by whom the said Lands or Parts or Shares thereof shall respectively be agreed for or awarded and allotted as aforesaid shall thenceforth stand and be seised and possessed thereof respectively, to, for, and upon such and the same Uses, Trusts, Intents, and Purposes, and for and during such and the same Estates, Terms, and Interests, and with, under, and subject to such and the same Wills, Settlements, Limitations, and Remainders, Conditions, Charges, and Incumbrances, in all respects as the same Hereditaments in respect whereof the same shall have been respectively agreed for or awarded and allotted would have stood severally limited, settled, vested, or subject or liable to in case this Act had not been passed: Provided that nothing herein contained shall extend or be construed to extend to give to any Party or Parties in any Portion of the Waste Lands, Mud Banks, or Slobs of *Lough Foyle* any greater Estate or Interest than is by this Act vested in the said Undertakers in respect of the same Waste Lands, Mud Banks, and Slobs respectively.

Land in Fee Simple to vest in Persons to whom it may be granted as Compensation, although Fee may not vest in Undertakers at Time.

XXXI. And be it further enacted, That the Conveyance in Fee Simple of any Land agreed upon as Compensation between the said Undertakers or any of them and any Person or Persons whatsoever shall be made by the said Undertakers respectively, or their respective Heirs or Assigns; and every such Conveyance shall as to the Land thereby conveyed be as effectual for the Purpose of limiting the same to the Person, his Heirs and Assigns, or to the Corporation, their Successors and Assigns, to whom the same shall be conveyed, or to such Uses and in such Manner as such Person or Corporation, or his or their Heirs, Successors, or Assigns, shall direct or appoint, as the same would have been if the Fee Simple and Inheritance of such Land had by virtue of this Act been previously vested in and become the Property of the said Undertakers, their Heirs and Assigns.

Commissioners to decide what Compensation in Land to be given to Wrack-bed Owners.

XXXII. And be it further enacted, That the Board of Commissioners for *Lough Swilly* aforesaid shall and they are hereby authorized and empowered, on the Application of any Person or Corporation having previous to the First Day of *May* One thousand eight hundred and thirty-eight laid or planted certain Beds of Stones called Wrack-beds for the Purpose of collecting, growing, or procuring Sea-weed on Parts of the said Waste Lands, Mud Banks, or Slobs situate in or near *Lough Swilly* aforesaid, to inquire into, decide, and determine whether any and what Portion of the said Waste Lands, Mud Banks,

or

or Slobs it may be proper and reasonable to award to such Persons or Corporations as a Compensation for any Damage which may be done or suffered by them in respect of the said Wrack-beds; and the Position, Situation, and Locality of any Land that may be so awarded and allotted shall be so allotted and assigned by the said Commissioners amongst the said respective Persons and Corporations, unless any Agreement shall be made and entered into between the said Undertakers, or any or either of them, their Heirs or Assigns, and the said Persons or Corporations, or any or either of them, for any particular Portion of the said Waste Lands, Mud Banks, or Slobs, in lieu of the Portion to which they or either of them would otherwise be entitled by virtue of this Act; and the Decision of the said Commissioners shall be binding and conclusive to all Intents and Purposes upon all Persons and Corporations whomsoever.

Incapacitated Persons authorized to take Compensation in Land.

XXXIII. And be it further enacted, That it shall be lawful for all Bodies Politic, Corporate, or Collegiate, and Corporations Aggregate or Sole, Tenants for Life or in Tail, or for any other partial or qualified Estate or Interest, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable and other Purposes, Committees, Executors, and Administrators, and for all Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of the Persons entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, and for and on behalf of their Cestuique Trusts, whether Infants, Issues unborn, Lunatics, Idiots, Femes Covert, or other Persons, and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest, to agree for and have, receive, and take Satisfaction and Compensation in Land in manner aforesaid for any Estate, Royalty, Interest, Right, or Easement in or upon the said Waste Lands, Mud Banks, or Slobs which may be taken, lost, damaged, injured, or prejudiced in carrying into effect the said Embankment and Drainage.

Expences of Titles to be paid by the Undertakers.

XXXIV. And be it further enacted, That all the Costs, Charges, and Expences, on the Part as well of the Seller as the Purchaser, of all Conveyances and Assurances of any Lands, Mud Banks, or Slobs which shall be purchased or taken by the said Undertakers for the Purposes of this Act, and of deducing, evidencing, and verifying such Title as the said Undertakers may require, and of making out and furnishing such Abstract and such attested Copies as the said Undertakers may require, and all Expences whatsoever incident to the Investigation, Deduction, and Verification of such Title, shall be exclusively borne and paid by the said Undertakers; and the said Undertakers, before entering into Possession of the Premises so purchased or taken, shall pay the Amount of such Costs, Charges, and Expences, or, in case there shall be any Dispute about the same, shall obtain such Order as herein-after mentioned, and shall deposit, for the Purpose of paying the same in such Manner as herein-after mentioned, the Amount of the Costs, Charges, and Expences obtained by the Party from whom the Premises shall be purchased or taken: Provided always, that the said Undertakers shall not be prevented from entering into Possession of the said Premises so purchased by reason of the Nonpayment of the said Costs, Charges, and Expences, or by reason

of

of the Order herein-before mentioned not having been obtained, or the Deposit herein mentioned not having been made, unless the Party from whom such Lands, Mud Banks, or Slobs shall have been purchased shall, within Seven Days after Notice in Writing for that Purpose shall have been given to them by the said Undertakers, deliver a Bill of their said Costs, Charges, and Expences to the said Undertakers: Provided also, that in case the said Undertakers shall not require the making out or furnishing such Abstract of Title as aforesaid, but shall be satisfied with an Inspection of the Title Deeds of the Seller of the Property purchased or taken, such Seller shall be bound, at the Expence of the said Undertakers, to produce or cause the Production of the Title Deeds relating to the said Lands, Mud Banks, or Slobs when required by the said Undertakers so to do, without furnishing any Abstract of his Title.

How such Expences are to be ascertained.

XXXV. And be it further enacted, That if the said Undertakers and the Party aforesaid cannot agree as to the Amount of such Costs, Charges, and Expences, the same shall be ascertained by the said Court of Chancery; and it shall be lawful for the said Court, on Petition to be presented by the said Undertakers, to order and direct that such Costs, Charges, and Expences shall be referred to One of the Masters of the said Court to be taxed in the usual Manner; and such Order shall be served on the Party aforesaid, who shall be at liberty to proceed under the same; and after Taxation thereof it shall be lawful for the said Court to order and direct the Amount of such Costs, Charges, and Expences so taxed, together with the Costs, Charges, and Expences attending the Taxation thereof, or so much of the same as shall be payable by the said Undertakers to the Party from whom the Premises shall have been purchased or taken, to be paid to the Party aforesaid: Provided always, that the said Undertakers shall not be at liberty to enter into Possession of the Premises so purchased or taken until an Order shall have been made for the Tax ation of te said Costs, Charges, and Expences, and the said Undertakers shall have deposited the Sum claimed in respect of the same in 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 there *ex parte* the said Undertakers; which Sum shall be applied, under the Order of the said Court, in Payment of the said Costs, Charges, and Expences: Provided always, that the Expence of determining such Costs, Charges, and Expences as aforesaid, and of obtaining the Order or Orders referring the same to be taxed, shall be paid and borne by the said Undertakers, unless the Sixth of the said Costs, Charges, and Expences shall be disallowed, in which Case the said Expence shall be paid and borne by the Party from whom the said Premises were purchased and taken, and the Amount thereof may then be paid to the said Undertakers out of the said Sum so deposited by them as aforesaid.

Compensation may be determined by a Jury.

XXXVI. And be it further enacted, That in case the said Undertakers, their Heirs or Assigns, and any Person or Corporation interested in or entitled to any Estate, Royalty, Interest, Right, Property, or Easement in or upon the said Waste Lands, Mud Banks, or Slobs which shall be lost, damaged, injured, or prejudiced in the Execution of

of the Powers and Provisions of this Act, shall not agree between themselves as to the Satisfaction and Compensation or other Matters in dispute, within the Space of One Calendar Month after an Application shall have been made from one Party to the other Party to enter into an Agreement in respect of the same, or to leave the same to the Determination of the said Commissioners, it shall be lawful for such Person or Corporation, at the Expiration of such One Calendar Month, by Notice in Writing, to request such Undertakers, their Heirs or Assigns, that the Amount of such Satisfaction or Compensation or other Matters in dispute may be submitted to the Determination of a Jury, and to serve a Copy of such Notice on any one of the said Commissioners; or if any Person or Corporation so entitled or interested as aforesaid shall by reason of Absence or any other Cause be prevented or incapacitated from agreeing as aforesaid, or shall be unknown to the said Undertakers, their Heirs or Assigns, it shall be lawful for the said Undertakers, their Heirs or Assigns, in like Manner to give Notice thereof in Writing to any one of the said Commissioners; and on the Receipt of any such Notice such Commissioner shall and is hereby required to issue his Warrant under his Hand and Seal to the Sheriff of the County in which the Lands in Question shall be situate or the Matter in dispute shall arise, or in case such Sheriff or his Under Sheriff shall be in anyways 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 then living in the said County, and free from personal Disability, who shall have filled the Office of Sheriff or Coroner in the said County respectively, and not interested as aforesaid, (a Person having more recently served either Office being always preferred,) commanding such Sheriff or Coroner or other Person to impannel, summon, and return a Jury of at least Twenty-four sufficient and indifferent Men qualified according to the Laws of this Realm to be returned for the Trials of Issues in Her Majesty's Courts of Record at *Dublin*; and the Persons so to be impannelled, summoned, and returned are hereby required to appear before the said Sheriff, Under Sheriff, Coroner, or other Person at such Time and Place as in such Warrant shall be directed, and to attend from Day to Day until duly discharged; and out of such Persons so to be impannelled, summoned, and returned a Jury of Twelve Men shall be drawn by the said Sheriff, Under Sheriff, or Coroner or other Person, or by some Person to be by him respectively appointed, in such Manner as Juries for Trials of Issues joined in Her Majesty's Courts of Record at *Dublin* are by Law directed to be drawn; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid, such Sheriff, Under Sheriff, Coroner, or other Person shall return other honest and indifferent Men of the Standers-by, or of others that can speedily be procured to attend that Service (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 against any of the said Jurymen, but shall not challenge the Array; and the said Sheriff, Under Sheriff, Coroner, or other Person is hereby empowered and required to summon before him all Persons who shall be thought necessary to be examined as Witnesses touching the Matters in question, and may authorize or

order the said Jury, or any Six or more of them, to view the Place or Matter in controversy; and such Jury shall upon their Oaths, or, being of the Society of Persons called Quakers, upon their solemn Affirmations, (which Oaths and solemn Affirmations, as well as the Oaths and solemn Affirmations of all such Persons as shall be called upon to give Evidence, the said Sheriff, Under Sheriff, Coroner, or other Person is hereby empowered and required to administer,) inquire into, assess, ascertain, and give Verdict for such Compensation in Land (such Land to be Part of the said Waste Lands, Mud Banks, or Slobs), where the Claim shall be for any Estate or Interest in the said Waste Lands, Mud Banks, or Slobs, and for such Sum of Money where the Claim shall be for Damage to Property, as a Satisfaction for such Estate or Interest, Loss or Damage, as the Case may be, as shall be proved to the Satisfaction of the said Jury to be a Compensation and Satisfaction for such Interest, Loss, or Damage, Injury or Prejudice as aforesaid, such Satisfaction and Compensation to be ascertained and determined separately and distinctly the one from the other: Provided always, that not less than Fourteen Days Notice in Writing of the Time and Place at which such Jury are so required to be returned shall be given by the Party requiring such Jury to the other Party interested in such Determination by leaving such Notice at the Dwelling House of the Party, or of the Clerk or Agent or principal Officer of the Corporation: Provided also, that in all Cases the Party claiming such Compensation or Satisfaction shall be treated as the Plaintiff, and shall be entitled to all such Advantages and Privileges as Plaintiffs in Actions tried in any of Her Majesty's Courts in *Dublin* are by Law entitled to.

Compensation to be apportioned.

XXXVII. And be it further enacted, That the said Juries shall and they are hereby respectively empowered, if thereunto required, to settle what Share and Proportion of any Land or Satisfaction as aforesaid shall be allowed to any Tenant or other Person or Corporation having a particular Estate, Term, or Interest in the Premises for his Interest therein, and to determine precisely the Position, Situation, and Locality of any Land which shall be awarded as Compensation for such Loss and Damage as aforesaid, the same to be as contiguous to the Lands in respect of which such Compensation shall be awarded or given as conveniently may be.

Verdicts to be recorded.

XXXVIII. 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 the same, shall be kept by the Clerk of the Peace for the County in which the Matter in 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 read in Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of One Shilling, and also to take or make Copies thereof, paying for every Copy after the Rate of Sixpence for every One hundred Words.

Penalty on Sheriff, &c., Jurors or

XXXIX. And be it further enacted, That if the said Sheriff or his Under Sheriff, or any Coroner or other Person herein-before authorized

Witnesses, making default.

rized 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 the Sum of Fifty Pounds, to be recovered by any Person or Corporation who shall sue for the same, with full Costs of Suit, in any of Her Majesty's Courts of Record at *Dublin*; and if any Person so summoned and returned upon any such Jury as aforesaid shall not appear, or appearing shall refuse to be sworn, or (being of the Society of Persons called Quakers) to make his solemn Affirmation, or to give his Verdict, or shall in any other Manner wilfully neglect 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, on Proof being made of such Person being paid or tendered a reasonable Sum for his Costs and Expences, or appearing shall refuse to be sworn or to give Evidence, every Person so offending, having no reasonable Excuse, (to be judged of and determined by the said Sheriff, Under Sheriff, Coroner, or other Person), 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 and Seal of any Justice of the Peace for the County or Place in which the Lands shall be situate or the said Inquisition shall be held, by Distress and Sale of the Goods and Chattels of the Person 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.

Jurors to be under the same Regulations as in the Courts of Record at Dublin.

XL. And be it further enacted, That every such Jury and Juryman shall also be subject to the same Regulations, Pains, and Penalties as if such Jury or Juryman had been returned for the Trial of any Issue joined in any of Her Majesty's Courts of Record at *Dublin*; and all Persons who in any Examination to be taken by virtue of this Act upon their Oath, or (being of the Society of Persons called Quakers) upon their solemn Affirmation, shall wilfully and corruptly give false Evidence before any such Jury, Sheriff, Under Sheriff, Coroner, or other Person, or before any Justice of the Peace acting as such in the Execution of this Act, shall and may be prosecuted for the same, and upon Conviction thereof shall be subject to the Pains and Penalties to which Persons guilty of wilful and corrupt Perjury are by the Laws in being subject.

By whom Expences of Juries shall be paid.

XLI. And be it further enacted, That in every Case where no Offer shall have been made by the said Undertakers, or where the Verdict of a Jury shall be for the same or a greater Amount or Value than shall have been previously offered by the said Undertakers, or any or either of them, their Heirs or Assigns, as Compensation for any Estate, Interest, Loss, Damage, Injury, or Prejudice as aforesaid, all the Costs of summoning, impannelling, and returning such Jury, taking such Inquisition, and recording the Verdict or Judgment thereon, and otherwise incident to the said Inquisition, and the Expences of Witnesses, shall be defrayed by the said Undertakers, or any or either of them, their or his Heirs or Assigns, 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

shall not be paid to the Party entitled to receive the same within Twenty-one 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 and Chattels of the said Undertakers, or any or either of them, their or his Heirs or Assigns, under a Warrant to be issued for that Purpose by any Justice of the Peace for the County or Place where such Inquisition shall be held, not being interested in the Matter in question, which Warrant such Justice is hereby authorized and required to issue under his Hand and Seal 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 smaller Amount or Value than shall have been previously offered by the said Undertakers, or any or either of them, their or his Heirs or Assigns, one Moiety of such Costs and Expences, having been ascertained and settled in manner herein-before mentioned, shall be defrayed by the Party who shall have refused such Offer, and the other Moiety thereof shall be defrayed by the said Undertakers, their Heirs or Assigns; and the former Moiety thereof shall and may be deducted out of any Money (if any) adjudged to be paid to such Party as aforesaid as so much Money paid or advanced to and for his Use; and the Payment or Tender of the Remainder of such Money shall be deemed and taken to all Intents and Purposes to be a good Payment or Tender and Satisfaction of the whole thereof; and in case any Portion of such Costs and Expences shall not be paid to the said Undertakers, or any or either of them, their or his Heirs or Assigns, within Twenty-one Days after the Amount thereof shall have been settled and determined as aforesaid, then the same shall and may be levied and recovered by Distress and Sale of any Goods or Chattels of such Party as aforesaid by Warrant in manner aforesaid: Provided always, that in Cases where by reason of Absence in Foreign Parts, or from any other Cause or Disability not herein-before provided for, any Person or Corporation shall have been prevented from treating and agreeing as aforesaid, the whole of such Costs and Expences shall be borne and paid by the said Undertakers, or any or either of them, their or his Heirs or Assigns.

Application of Compensation Money whenamounting to 200*l.*

XLII. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Compensation under this Act in respect of any Estate, Royalty, Interest, Right, or Easement which any Trustee for or on behalf of any Infant, Idiot, Lunatic, Feme Covert, or other Cestuique Trust, or any Person or Corporation whose Lands are limited in strict or other Settlement, or any Person under any other Disability or Incapacity, shall be entitled unto or interested in, such Money shall, in case the same shall amount to or exceed 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 in *Ireland*, to be placed to his Account there *ex parte* the said Undertakers, 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 shall, by Order of the said Court made upon Petition to be presented to the said Court in a summary Way by the Person or Corporation entitled to the Rents and Profits of the said Estate, Royalty, Interest, Right, or Easement in respect of which such Compensation shall be agreed or awarded, be applied either in the Purchase or Redemption of any Quit Rent or

Crown Rent, or in or towards the Discharge of any Debt or other Incumbrance affecting any Estate, Royalty, Interest, Right, or Easement standing settled to the same or the like Uses, Trusts, Intents, and Purposes as the said Court of Chancery shall authorize to be purchased or paid, or such Part thereof as shall be necessary; or until the same shall, upon the like Application, be laid out in a summary Way by Order of the said Court in the Purchase of Lands 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 Estate, Royalty, Interest, Right, or Easement in respect of which such Compensation shall be paid stood settled or limited, or such of them as shall be existing undetermined or capable of taking effect; and in the meantime, and until such Order can be made, the said Money may, by Order of the said Court upon Application thereto, be invested by the said Accountant General 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 or Corporation who would for the Time being be entitled to the Rents and Profits of the Lands in respect of which such Compensation has been agreed or awarded.

Application when Money is less than 200*l.*

XLIII. Provided always, and be it further enacted, That if any Money agreed or awarded to be paid for Compensation as aforesaid in respect of any Lands belonging to any Person or Corporation under Disability or Incapacity 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 Parties for the Time being entitled to any Estate, Royalty, Interest, Right, or Easement, or of their respective Guardians or Committees, in case of Coverture, Infancy, Lunacy, or other Incapacity, with the Approbation of the said Commissioners signified in Writing under their Hands, be paid into the said 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 otherwise the same may be paid, at the like Option and with the like Approbation, to Two Trustees, to be nominated by the respective Parties exercising such Option, such Nomination being approved by the said Commissioners, and such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties; 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 Money does not exceed 20*l.*

XLIV. Provided also, and be it further enacted, That where any Money so agreed or awarded to be paid as last herein-before mentioned shall not exceed Twenty Pounds, then the same shall be paid to the

respective Persons or Corporation who would for the Time being have been entitled to any Estate, Royalty, Interest, Right, or Easement in respect of which such Compensation shall be agreed or awarded, 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.

Court of Chancery may order reasonable Expences of Purchases and Costs to be paid by the Undertakers.

XLV. And be it further enacted, That where by reason of any Disability or Incapacity of any Person or Corporation entitled to any Lands to be purchased, taken, or used under the Authority of this Act, or from any other Cause except the wilful Refusal of such Person or Corporation to convey the said Lands, or to accept the Purchase or Compensation Money herein mentioned, the Purchase Money, or any Money to be paid by way of Compensation for the same, shall be required to be paid into the Bank of *Ireland*, it shall be lawful for the said Court of Chancery to order the reasonable Costs, Charges, and Expences attending any such Purchase or which may be incurred in consequence thereof, and also all the Costs, Charges, and Expences of the Investment of such Purchase or Compensation Money in Government or Real Securities, and of the Re-investment of the same or the Government or Real Securities purchased therewith in the Purchase of other Lands, together with the necessary Costs, Charges, and Expences of obtaining the proper Orders and of all other Proceedings for such Purposes, except such as may be occasioned by Litigation between Claimants, and for the Payment of the Dividend and Interest of the Government or Real Securities upon which such Purchase or Compensation Money may be invested, and for the Payment out of Court of the Principal of such Purchase or Compensation Money, or of the Government or Real Securities as aforesaid, to be paid by the said Undertakers; and the said Undertakers shall from Time to Time pay such Sums of Money for the Costs, Charges, and Expences herein-before mentioned as the said Court shall direct.

Disposal of Compensation Money.

XLVI. And be it further enacted, That in case any Person or Corporation to whom any Compensation shall be agreed or awarded as aforesaid shall refuse to accept the same, or shall refuse, neglect, or be unable to make a good Title to any Premises in respect of which any such Compensation shall be awarded to the Satisfaction of the said Undertakers, their Heirs and Assigns, or shall be absent from *Ireland*, or cannot be found, or be not known, then and in every such Case it shall be lawful for the said Undertakers, their Heirs or Assigns, if such Compensation be in Land, to sell the same by public Auction or private Contract for the most Money that can be obtained for the same, and to pay the Money arising from such Sale, or any Money agreed or awarded to be paid as Compensation as aforesaid, into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the Court of Chancery in *Ireland*, to be placed to his Account to the Credit of the Parties interested in the Lands in respect of which such Compensation shall have been agreed or awarded, and (describing them, so far as the said Undertakers, their Heirs or Assigns, can do so) subject to the Control and Disposition of the said Court; which said Court, on the Application of any Person or Corporation making

making claim to such Money or any Part thereof by Petition, is hereby empowered, in a summary Way of proceeding, as to such Court shall seem meet, 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, Titles, or Interests of the Parties making claim thereunto, and to make such other Order in the Premises as to the Court shall seem proper; and the Cashier of the Bank of *Ireland* who shall receive such Money is hereby required to give a Receipt to the said Undertakers, their Heirs or Assigns, for such Money, mentioning and specifying therein for what and for whose Use (described as aforesaid) the same is received.

Persons in Possession presumptively entitled.

XLVII. Provided always, and be it further enacted, That when any Question shall arise touching the Title of any Person or Corporation 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 pursuance of this Act, or to Compensation as aforesaid, for any Estate, Right, Title, or Interest, the Person or Corparation who shall have been in Possession of the Estate, Royalty, Interest, Right, or Easement at the Time of such Compensation being agreed or awarded as aforesaid, and all Persons claiming under such Person or Corporation, or consistently with the Possession of such Person or Corporation, shall be deemed to have been lawfully entitled to such Estate, Royalty, Interest, Right, or Easement according to such Possession, until the contrary shall be shown, either to the Satisfaction of the said Court or by the Determination of some Court of competent Jurisdiction of Law or Equity; 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 be made to appear to the Satisfaction of the said Court that such Possession was a wrongful Possession, and that some other Person or Corporation was entitled to some and what Part of such Lands, or to some Estate or Interest therein.

Power to erect Walls and other Works, &c.

XLVIII. And be it further enacted, That for the Purpose of effecting the Embankment and Drainage of the said Waste Lands, Mud Banks, or Slobs, and other Works hereby authorized, it shall be lawful for the said Undertakers, their Heirs and Assigns, their Deputies, Agents, Workmen, and Servants, to make, erect, alter, and maintain good and sufficient Walls, Banks, and Fences, and also such Waterways, Tunnels, Engines, Sluices, Roads, Ways, and other Works, in, upon, through, or over the said Waste Lands, Mud Banks, or Slobs; and also to divert or turn the Course over the said Waste Lands, Mud Banks, or Slobs of any River, Stream, Creek, Drain, or Water which does or shall flow in, through, over, or upon the said Waste Lands, Mud Banks, or Slobs, and to embank such Rivers, Streams, Creeks, Drains, or Waters, and to use and employ the said Waste Lands, Mud Banks, or Slobs and Water, in such Manner as to the said Undertakers, their Heirs and Assigns, shall seem fit and proper.

Undertakers not to injure the Drainage

XLIX. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to empower the

the said Undertakers, their Heirs or Assigns, to injure the Drainage of the Lands adjoining the said Waste Lands, Mud Banks, or Slobs to be embanked and drained by virtue of this Act, nor to prevent the free Discharge of the Waters of the *Swilly* or *Letterkenny* River, the River *Roe*, and the River *Faughan*, or of the Navigation of the same respectively, or any existing Fisheries on the said River *Roe* and River *Faughan*; and the said Undertakers shall leave or form convenient open Channels navigable for Boats and Lighters in a direct Line across the said Waste Lands, Mud Banks, or Slobs in *Lough Swilly* and *Lough Foyle* respectively for the Rivers, Streams, or Canals herein-after mentioned; that is to say, in the *Blanket Nook* for the *Newtown-Cunningham* River, and in *Lough Foyle* for the *Donnybrewer* Canal, the *Muff* River at *Longfield*, the *Faughanvale* River, and the *Ballykelly* Canal.

of Lands, Navigation of Rivers, &c.

L. And whereas it is of the greatest and most vital Importance to the Owners and Occupiers of Land adjacent to the said River *Roe*, whose Lands are liable to be flooded by the Waters thereof, that the proposed new Channel and Outfall of the said River into *Lough Foyle* aforesaid shall at the least be as effective to carry away the Waters thereof as the present Outfall now is; be it therefore enacted, That *Marcus M'Causland* of *Fruit Hill*, Esquire, *Connolly Gage* of *Bellarena*, Esquire, *David Cather* of *Newtown-Limavady*, Esquire, *Robert Leslie Ogilby* of *Dungiven*, Esquire, *John Given* of *Farlow*, Esquire, and *William Patten* of *Culmore*, Esquire, and the Manager of the Fisheries of the *Irish* Society for the Time being, shall be and they hereby are appointed Inspectors of the Embankments to be made by the said Undertakers, their Heirs or Assigns, for forming the Channel to convey the Waters of the said River from the present Mouth or Outfall thereof over the said Slobs or Waste Grounds to the outer Embankment of the said Channel, and of the Works connected therewith.

Appointment of Inspectors of Embankment for new Channel of River Roe.

LI. And be it further enacted, That before the Commencement of the said proposed Embankments or Channel, or any Works connected therewith, a competent Engineer to be named and appointed by the said Undertakers, their Executors, Administrators, or Assigns, and another competent Engineer to be named and appointed by the said Inspectors, and which said Engineers shall, if it become necessary, have Power and Authority to appoint a Third to decide upon any Difference which may arise between them, shall prepare and cause to be prepared a Description and Specification of the proposed Embankments and Channel, and a proper and sufficient Map, Plan, and Section, or Maps, Plans, and Sections thereof, and which Maps and Plans shall describe the Line and Course of the said proposed Channel, and such Section or Sections shall specify the Levels, and describe the same by Feet and Inches, and which said Documents shall contain all necessary and usual Scales and all other Matters usually contained in such Documents in order to specify and describe the Works to be performed; and such Specification shall express the Manner in which such Embankments or Channel and Works shall be formed; and the said Engineers shall deliver an exact and accurate Copy thereof to the said Inspectors, to by them retained and kept for their own Use, and shall

Engineers to be appointed for such Embankment.

deliver another such Copy to the Clerk of the Peace of the County of *Londonderry*, to be by him kept and preserved amongst the Records of the County for the Inspection of any Person having an Interest therein; and thereupon it shall be lawful for the said Undertakers, their Executors, Administrators, or Assigns, to make the said Embankments and Channel according to and in pursuance of the said Documents, and in no other Manner whatsoever; and the said Embankment and Channel shall be made under the Superintendence and Direction of an Engineer to be appointed by the said Undertakers, their Executors, Administrators, or Assigns, and approved of by the said Inspectors: Provided always, that all the said Engineers so named and appointed as aforesaid, and the Expences incidental to their said Employment, shall be paid and borne by the said Undertakers, their Executors, Administrators, or Assigns.

Inspectors empowered to enter Lands.

LII. And be it further enacted, That it shall be lawful for the said Inspectors or any of them, either alone or with any other Person or Persons, to enter in and upon the said Slobs or Waste Grounds in order to inspect the said Embankments and Channel, and the making thereof, and to use all and every Means they or any of them may think fit to ascertain whether the said Embankments and Channel are being made in pursuance of and according to the said Documents.

Provision in case of Outfall being impeded.

LIII. And be it further enacted, That in the event of its being found by Experience, either during the making of the said Embankments and Channel or after their Completion, that the Outfall of the said River shall be impeded or obstructed thereby, or by reason or in consequence thereof, or of the said Works, it shall be lawful for the said Inspectors to appoint some competent Engineer, and if the said Undertakers, their Executors, Administrators, or Assigns, shall not be satisfied with such Engineer, it shall be lawful for them to appoint another Engineer; which Two Engineers shall, if it become necessary, appoint a Third, and which Engineer or Engineers, as the Case may be, shall examine into and ascertain the Cause of such Impediment or Obstruction, and direct what should be done for the Removal and Remedy thereof; and thereupon the said Undertakers, their Executors, Administrators, or Assigns, shall from Time to Time forthwith at their Expence execute the said Directions of the said Engineer or Engineers, and effectually remove and remedy such Impediment or Obstruction: Provided always, that the said Engineer or Engineers as last aforesaid, and the Expences incidental to their said Employment, shall be paid and borne by the said Undertakers, their Executors, Administrators, or Assigns.

In case of Death of Inspector the Grand Jury to appoint another.

LIV. And be it further enacted, That upon the Death of any of the said Inspectors herein named respectively, or of any other Inspector to be appointed as herein-after mentioned, it shall be lawful for the Grand Jury of the City and County of *Londonderry* from Time to Time to appoint some fit and proper Person to succeed the Inspector so being dead; and such Person so appointed shall thereupon become and be entitled to all the Powers, Privileges, and Authorities hereby conferred upon the Inspectors named herein or any of them.

LV. And

Enabling Her Majesty's Commissioners of Woods, Forests, &c. to make an absolute Grant of Her Majesty's Rights, &c.

LV. And whereas for the Promotion of the Improvements contemplated by this Act, and for the Encouragement of the said Undertakers to execute the same, it may hereafter be deemed expedient and proper to grant, convey, and dispose of to the said Undertakers, their Heirs and Assigns, any Estate, Right, Title, or Interest which the Queen's Majesty, Her Heirs and Successors, may have or claim into, out of, or upon the said Waste Lands, Mud Banks, or Slobs, or into, out of, or upon such Part thereof as may be embanked and drained by the said Undertakers, their Heirs or Assigns, in manner herein mentioned; be it therefore further enacted, That it shall be lawful for the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and they are 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, to be signified by some Warrant under his or their Hand or Hands, at any Time during the Term of Ten Years from the passing of this Act, to grant, convey, and dispose of to the said Undertakers, their Heirs and Assigns, the Whole or any Part of such Estate, Right, Title, or Interest as Her Majesty may so have or claim as aforesaid into, out of, or upon the said Waste Lands, Mud Banks, or Slobs, or into, out of, or upon such Part thereof as during the said Term of Ten Years may be substantially embanked and effectually drained by the said Undertakers, their Heirs or Assigns, for such Consideration in Money, or without any Consideration, for such Grant, Conveyance, and Disposition, and either absolutely or subject to such Conditions, Limitations, and Provisoes, as the said Commissioners for the Time being shall in their Discretion think expedient.

Agreement between the Undertakers and the Governor and Assistants of the New Plantation in Ulster not to be affected by this Act.

LVI. And whereas the Governor and Assistants, *London*, of the New Plantation in *Ulster* within the Realm of *Ireland*, claim to be entitled to Parts of the said Waste Lands, Mud Banks, or Slobs forming the Shores of *Lough Foyle* aforesaid, and an Agreement in Writing dated the Twenty-first Day of *May* One thousand eight hundred and thirty-eight has been entered into between the said Governor and Assistants of the one Part, and the said *Thomas Isaac Dimsdale* and *John Robertson* of the other Part, whereby the said Governor and Assistants have agreed to grant, and the said other Parties thereto have agreed to accept, a Lease of the said Waste Lands, Mud Banks, or Slobs of *Lough Foyle* for a Term of One hundred Years from the First Day of *January* One thousand eight hundred and thirty-seven, at the several yearly Rents in the said Agreement mentioned, with a Proviso for a further Extension of the said Term for Two further successive Terms of One hundred Years each, upon Payment of the Fines and at the yearly Rents in the said Agreement mentioned; and it is by the said Agreement provided, amongst other things, that if the Sum of Twenty thousand Pounds be not expended by the said Undertakers upon the Premises agreed to be demised within Four Years from the First Day of *January* One thousand eight hundred and thirty-seven, then the said Agreement shall be void, and that it shall be lawful for the said Governor and Assistants to reclaim and re-enter upon all and every the Premises thereby agreed to be demised; be it therefore further enacted, That nothing in this Act contained shall extend or be construed to extend to confirm, alter, weaken, or in anywise

anywise prejudice or affect the said recited Agreement or any of the Provisions therein contained: Provided always, that nothing in this Act contained shall be deemed or construed to prejudice or affect any Question of Title to the Reversion, Freehold, or Inheritance of the said Waste Lands, Mud Banks, or Slobs in or upon *Lough Foyle* aforesaid subject to the said Term of One hundred Years, and the Extension of the said Term as aforesaid, as between the said Governor and Assistants and the Grocers Company and Fishmongers Company, or either of them, or any of the Companies of the City of *London*, or any other Persons whatsoever, nor to operate as a Recognition of the Right of the said Governor and Assistants to enter into the said Agreement, or to demise the said Waste Lands, Mud Banks, or Slobs, or any Part whatsoever of the Waste Land, Mud Bank, or Slob of or adjoining to *Lough Foyle*.

Slobs of Lough Foyle vested in the Undertakers for a Term of 300 Years.

LVII. And be it further enacted, That upon Payment or legal Tender of any Money and upon the Assignment of any Land agreed on as Compensation between the said Undertakers, or any of them, and any Person or Persons whatsoever, or awarded or assessed as Compensation in manner herein provided, and as soon as the said Embankment and Drainage shall have been completed, and not before, all and singular the Waste Lands, Mud Banks, and Slobs in *Lough Foyle* hereby authorized to be embanked and drained, (except as to the several and respective Parts, Shares, and Proportions to be given, allotted, assigned, agreed for, or appointed as herein is mentioned,) together with all yearly and other Profits thereof, and all the Estate, Right, Title, Interest, Use, Trust, Possibility, Claim, and Demand whatsoever therein or thereto, either at Law or in Equity, of any Person or Persons, Bodies Politic or Corporate, and Corporations Aggregate or Sole, shall, subject to the Provisoes herein-after contained, be vested in and become the Property of the said Undertakers, their Executors, Administrators, and Assigns, for the Term of Three hundred Years from the First Day of *January* One thousand eight hundred and thirty-seven, in such Shares and Proportions as may be agreed upon between themselves; and thenceforth all and every the Estates, Rights, Titles, and Interests of all Persons and Corporations whatsoever in the said Waste Lands, Mud Banks, and Slobs shall, save as herein is provided, be barred and determined: Provided always, that nothing in this Act contained shall be deemed or construed to confirm, prejudice, or affect the said Agreement bearing Date the Twenty-first Day of *May* One thousand eight hundred and thirty-eight, and made between the Governor and Assistants, *London*, of the New Plantation in *Ulster* within the Realm of *Ireland* of the one Part, and the said *Thomas Isaac Dimsdale* and *John Robertson*, Two of the said Undertakers, of the other Part, in respect of the said Waste Lands, Mud Banks, and Slobs, or the Rent thereby reserved and made payable, or any of the Terms or Conditions therein contained: Provided also, that nothing in this Act contained shall be deemed or construed to give any Validity to the said Agreement as against any Person or Persons, or to affect or prejudice any Claim of Right, Title, Estate, or Interest on the Part of the Fishmongers Company, or any other Company of the City of *London*, or any other Person or Persons whatsoever.

Not to affect certain Agreements herein stated.

LVIII. And

Slobs of Lough Swilly vested in Undertakers.

LVIII. And be it further enacted, That upon Payment or legal Tender of any Money and upon the Conveyance of any Land agreed upon as Compensation between the said Undertakers, or any of them, and any Person or Persons whatsoever, or awarded or assessed as Compensation in manner herein provided, and as soon as the said Embankment and Drainage of the said Waste Lands, Mud Banks, or Slobs situated in *Lough Swilly*, or of any Part or Parts thereof respectively, including those to be given in such Part or Parts thereof in compensation, shall have been completed, the Fee Simple and Inheritance of and in the said Waste Lands, Mud Banks, or Slobs (except as to the several and respective Parts, Shares, and Proportions to be reserved, given, allotted, assigned, agreed for, or appointed as herein is mentioned) in respect of which such Compensation shall be granted, together with all yearly and other Profits thereof, and all the Estate, Right, Title, Interest, Use, Trust, Possibility, Property, Claim, and Demand whatsoever, either at Law or in Equity, of any Person or Persons, Bodies Politic or Corporate, and Corporations Aggregate or Sole, in respect of which such Compensation shall be granted, shall thenceforth be vested in and become the Property of the said Undertakers, their Heirs and Assigns for ever, in such Shares and Proportions as may be agreed upon between themselves, and thenceforth all and every the Estates, Rights, Titles, and Interests of any Tenant for Life or in Tail, and all other partial, limited, derivative, qualified, conditional, and contingent Estates, Rights, Titles, and Interests, and all Reversions and Remainders of any Person whomsoever, whether vested, conditional, or contingent, and all the Right and Title, Dower or Jointure or other Interest of the Wife of any such Person as aforesaid, shall absolutely cease, be barred, determined, and avoided.

Undertakers to have no Property in the Sea Weed or Shells outside the Embankment.

LIX. Provided always, and be it further enacted, That nothing herein contained shall extend or be construed to extend to confer upon the said Undertakers, their Heirs or Assigns, any Right, Title, Claim, or Property to or in the Land, Mud Banks, or Slobs, and the Sea Weed, Glar, or Shells growing, deposited, or found thereon, which may lay outside any Embankments that shall be constructed or formed under the Authority of this Act contrary to or against any Right, Title, Claim, or Interest of any Corporation or Person whomsoever: Provided always, that notwithstanding any thing herein contained, until the said Embankment and Drainage shall have been so far completed as to exclude the Sea from the said Waste Lands, Mud Banks, or Slobs in *Lough Swilly* or *Lough Foyle*, or any Part thereof respectively, it shall be lawful for all Persons who have been accustomed to collect, grow, or procure Slob, Marl, Shells, and Sea Weed to continue to collect, grow, or procure Slob, Glar, Marl, Shells, and Sea Weed as if this Act had not been passed.

Power to alter and make Roads.

LX. And be it further enacted, That it shall be lawful for the said Undertakers, their Heirs and Assigns, with the Consent in Writing of the Person in whom the Maintenance and Repair of any Road or Way is vested, to make or amend, lower, alter, or enlarge any such Road or Way (not being Mail Coach or County Roads or Ways, or a Road, Avenue, or Way through any Demesne, Park, or Pleasure Grounds) in, over, or through any Lands or Grounds of any Person whomsoever,

whomsoever, including the Queen's most Excellent Majesty, as the said Undertakers, their Heirs and Assigns, shall deem necessary or proper for carrying or conveying any Materials or Things which may be required for any of the Purposes of this Act; and also to place, carry, and convey all such Materials and Things in, over, and upon any Lands or Grounds whatsoever, not being a Demesne, Park, or Pleasure Ground, for any of the Purposes aforesaid, doing as little Damage as may be to and upon the said Premises, and first paying or tendering such Satisfaction to the Owners and Occupiers of such Lands or Grounds as may be agreed upon between and by such Owners and Occupiers and the said Undertakers, their Heirs and Assigns; and in case the said Parties cannot agree as to the Amount of such Satisfaction, and if the Parties shall decline to submit the same to the Determination of the said respective Commissioners, then the same shall be determined by the Verdict of a Jury in manner hereinbefore provided.

The Roads made over Lands to be embanked in a direct Line.

LXI. And in order to prevent any Inconvenience which might arise from the Loss or Difficulty of Access to the Waters of the said Loughs respectively by the said Embankment and Drainage, be it further enacted, That the said Undertakers, their Heirs and Assigns, shall continue over the said Waste Lands, Mud Banks, or Slobs, within Eighteen Months after the Embankment and Drainage of the aforesaid Levels shall have been respectively completed, all the presented or County Roads which at the Time of the passing of this Act extend to or terminate in or upon or are contiguous to the said Waste Lands, Mud Banks, or Slobs, in as direct a Line as Circumstances will permit, as far as the respective Embankments bordering upon the said respective Loughs, or the said Undertakers shall make such other Roads for the Prevention of any Inconvenience to the Public which may arise from Loss of or Difficulty of Access to the Water as the said respective Commissioners shall order and direct; and the said Undertakers, their Heirs or Assigns, shall allow to the Public the free landing and loading over the Embankments at the Termination of the said Roads, or in other necessary and convenient Places to be fixed by the said Commissioners, of all Goods, Wares, or Merchandize, Shells, Sea Weed, or Manure, from or upon Boats, Lighters, or other Vessels; but nothing herein contained shall authorize the landing or loading of Goods, Wares, or Merchandize at any other Parts of the said Embankment than the public and free Landing Places so to be appointed.

If Roads are made impassable others to be substituted.

LXII. And be it further enacted, That in all Cases when in exercise of the Powers hereby granted any Road or Way shall be found necessary to be so much injured or altered as to be impassable or less commodious for Carriages, Horses, or Passengers, or to the Persons entitled to the Use thereof, the said Undertakers, their Heirs or Assigns, shall, at their own Expence, before such Road shall be so injured or altered as aforesaid, cause a good and sufficient Road to be set out and made instead of such Road or Way so to be injured or altered; and such new Road or Way shall be made as convenient for Carriages, Horses, Passengers, or other such Persons as aforesaid as the Road so to be injured or altered as aforesaid, or as nearly so as may

may be; and in case the said Undertakers, their Heirs or Assigns, shall not in manner aforesaid cause a good and sufficient Road or Way to be set out and made before any Road or Way shall be so injured as aforesaid, or continue the aforesaid presented or County Roads after the Expiration of Eighteen Months from the Completion of the Embankment and Drainage of the several Levels respectively; then the said Undertakers, their Heirs and Assigns, shall forfeit and pay for each and every Day during which such good and sufficient Road shall be neglected to be made, or during which the aforesaid presented or County Roads or any of them shall not be continued after the Expiration of Six Calendar Months from the Period aforesaid as herein-before directed, a reasonable Penalty, not exceeding the Sum of Twenty-five Pounds, which Penalty shall be recoverable from the said Undertakers, their Heirs or Assigns, by the Surveyors or other Persons in whom the Management of any Road so diverted may be vested in such and the same Manner as any other Penalties incurred by the said Undertakers, their Heirs or Assigns, for which no special Provision is made by this Act, and shall be by them applied in setting out and making such Road or Way.

Lands to be divided into Levels for the Purpose of Drainage.

LXIII. And in order that the said Walls, Banks, Fences, Waterways, Tunnels, Engines, Sluices, Roads, Ways, and other Works may be maintained, supported, and kept in repair; be it further enacted, That the said Waste Lands, Mud Banks, or Slobs, with the Exception of that Portion thereof reserved to the Wardens and Commonalty of the Mystery of Fishmongers of the City of *London* as herein-after is mentioned, shall be divided into Two Levels as herein-after mentioned; that is to say, one of the said Levels to consist of all those Lands, Mud Banks, or Slobs situate in *Lough Swilly* aforesaid, to be called "The *Lough Swilly* Level;" and one other Level to consist of the Lands, Mud Banks, or Slobs situate on *Lough Foyle* aforesaid, to be called "The Level of the *Foyle*:" Provided always, that it shall be lawful for the said Undertakers, their Heirs and Assigns, at any Time within Ten Years from the passing of this Act, to make Application to the Justices in General Quarter Sessions assembled for the Counties of *Londonderry* or *Donegal* to divide respectively either or each of the said Levels into Two or more Levels, and on any such Application being made it shall be lawful for the said Justices so to divide either or each of the said Levels as to the said Justices may seem proper.

Fishmongers Company's Proportion to be a separate Level;

LXIV. And be it further enacted, That the Portion of the said Waste Lands, Mud Banks, and Slobs reserved to the Owners of the said Estate being or being claimed to be the Estate of the said Wardens and Commonalty of the Mystery of Fishmongers of the City of *London*, their Executors or Successors as aforesaid, shall be and is hereby declared to be One Level, to be held by the said Owners during the Term of Three hundred Years in this Act before mentioned.

to be maintained at their Expence without Interference of

LXV. And be it further enacted, That from and after the Completion of the said Level vested in the said Owners during the Term of Three hundred Years in the Act before mentioned, according to the Intention of this Act, by the said Undertakers as aforesaid, all the Powers

said Commissioners or Trustees herein named, or others.

Powers and Provisions herein contained in relation to such Level shall be void and ended, saving and excepting the before-mentioned Reservation to the said Owners, and to their Executors or Successors and Assigns, which shall remain in full Force and Effect; and that from and after such Completion the upholding, maintaining, and repairing the Embankment and Drainage of the said Level shall be and remain with and be undertaken, done, and performed by the said Owners, their Executors or Successors and Assigns or Agents, during the said Term, at their own Expence, in such Manner as they may deem fit and proper, without any Control, Interruption, Denial, or Disturbance of, from, by, through, or under the said Undertakers, their Successors or Assigns, or the said Commissioners or Trustees herein named, elected, or appointed, or hereafter to be named, elected, or appointed, or any other Person whomsoever.

Ballykelly Canal re-reserved to Fishmongers Company.

LXVI. And be it further enacted, That the Canal, and the Sides or Banks and the Bed thereof, standing and being at the Time of the passing of this Act in and upon Part of the said Waste Lands, Mud Banks, and Slobs to be embanked and drained as aforesaid, and called or known as the *Ballykelly* Canal, shall be and is hereby reserved to the said Wardens and Commonalty of the Mystery of Fishmongers, and their Successors, with the free Use and Occupation thereof, and with free Liberty for them, their Tenants and Agents, of Ingress and Regress into and from the Waters of the *Lough Foyle* at all Times hereafter with every Description of Craft or Vessel, and to moor and make fast the same to any Part of the Sides or Banks of the said Canal: Provided always, that the said Wardens and Commonalty, and their Successors and Assigns, shall at all Times allow the said Undertakers, their Heirs and Assigns, and their Workmen, to enter into the said Canal with Craft or Vessel, or otherwise, to dredge, clear away, and remove the Mud and Accumulations therefrom, and also for them to lead, turn, and conduct other smaller Streams in the Neighbourhood into the same; but that they the said Undertakers, their Heirs or Assigns, shall at all Times hereafter keep the said Canal and the Entrance thereof well dredged and cleared, in order that the said Craft and Vessels shall not be impeded in entering the same as aforesaid, and that no Injury or Damage shall arise to the well draining of the said Lands adjoining; and that the said Undertakers, their Heirs, and Assigns, shall, during such dredging, clearing away, and removing as aforesaid, obstruct or annoy as little as possible Ingress, Egress, and Mooring of the said Craft or Vessels as aforesaid of the said Wardens and Commonalty, their Successors, Tenants, and others, in any Way or Manner whatever.

Liberty to Undertakers to enter same to remove Mud, and to turn other Streams into same, without doing Injury or causing Obstruction.

Any Canal to connect Loughs Foyle and Swilly to have free Passage through the reclaimed Lands.

LXVII. And whereas the Junction of *Lough Foyle* with *Lough Swilly* by means of a Canal would be of great public Utility and Advantage to the said Counties of *Donegal* and *Londonderry*; be it further enacted, That the said Undertakers, their Heirs and Assigns, shall allow such Canal, if hereafter made, to be continued and pass free from all Charge for the Ground it shall occupy through the said Waste Lands, Mud Banks, or Slobs between the Island of *Inch* on *Lough Swilly* and the opposite Main Land of the County of *Donegal*, from a Place called the *Burnfoot* to *Runeraw*, or the *Farland Point*, both

both or either, as shall be hereafter determined, in as direct a Line as conveniently may be, consistent with the Preservation and Security of the said Lands embanked and drained.

For the Appointment of Boards of Trustees.

LXVIII. And be it further enacted, That when the said Lands, Mud Banks, or Slobs within either of the said Levels shall have been embanked and drained as aforesaid, and the same shall be certified to be complete by the said respective Commissioners upon due Examination had by some competent and disinterested Engineer, it shall be lawful for any Occupier of Twenty Acres of the said Lands, Mud Banks, or Slobs situate within the same Level to cause public Notice to be inserted in the Newspaper or Newspapers usually circulated in the County in which the said Level shall be situate, that the Occupiers of the Lands, Mud Banks, or Slobs within such Level will meet at some convenient Place either within the said City of *Londonderry*, or in the Towns of *Newtown-Limavady*, *Muff*, *Newtown-Cunningham*, or *Ramelton*, on *Thursday* Fortnight next after such Notice, between the Hours of Ten and Two of the Clock in the Day, then and there to make Choice of Five Persons, being respectively Owners or Lessees of at least Twenty Acres of Lands, Mud Banks, or Slobs within the same Level, to be a Board of Trustees for the Purpose of maintaining, supporting, and keeping in repair the said Walls, Banks, and other Works within such Level; and it shall be lawful for every Occupier of Twenty Acres or more of the said Lands, Mud Banks, or Slobs within such Level present at such Meeting to give One Vote for each and every such Trustee for every Twenty Acres he shall so occupy as aforesaid, provided the Number of Votes to be given by any one Occupier shall not exceed Ten Votes; and the Election of the said respective Trustees shall be from Time to Time certified by Writing, under the Hands of the Persons or Corporations so choosing them, in a Book, which Book shall be kept by the Clerk to the said respective Trustees; and such respective Trustees shall continue to act in the Execution of this Act until the Election of others in their Stead, as herein-after mentioned; and the said respective Trustees for the Time being shall and they are hereby fully authorized and empowered to erect, alter, and maintain all such Walls, Banks, Fences, Waterways, Tunnels, Engines, Sluices, Roads, Ways, and other Works in, upon, through, and over the Lands, Mud Banks, or Slobs within the Level for which they shall be so appointed as aforesaid as they shall think necessary, proper, or convenient for the Use, Enjoyment, and Occupation of the same; and when any of the said respective Trustees shall die, decline, neglect, or refuse to act for the Level for which he shall be so appointed a Trustee as aforesaid it shall be lawful for the Occupiers as aforesaid within the said Level, at any Time thereafter, upon such Notice as aforesaid, to choose a Trustee in the Place and Stead of each such Trustee so dying, declining, neglecting, or refusing to act in the same Manner as Trustees are hereby directed to be chosen; and every Trustee so chosen and certified shall have the same Powers and Authorities as the Trustee in the Stead of whom he shall be so chosen would have had by virtue of this Act: Provided always, that the said respective Five Trustees so to be elected as aforesaid shall not continue in Office longer than Three Years, or until the

First of *June* next succeeding the Expiration of the first Three Years; and on the said First Day of *June* which shall first follow the Expiration of the said Three Years, or within Fourteen Days afterwards, Five Trustees shall be elected for the next succeeding Three Years in manner herein first mentioned, who shall continue in Office for Three Years from the said First Day of *June;* and such Election as aforesaid shall from thence be made on the First Day of *June* in every Third Year following, or within Fourteen Days afterwards, for Five new Trustees: Provided always, that each Trustee going out of Office at the End of every Third Year shall be eligible to be elected as a new Trustee for the next Three Years.

Works to be vested in the Trustees.

LXIX. And be it further enacted, That after the said Trustees for either of the said respective Levels shall have been appointed as aforesaid all the Walls, Banks, and any Produce, Rent, or Profit therefrom, together with all Fences, Waterways, Engines, Sluices, Roads, Ways, and other Works, which shall at any Time hereafter be made, erected, supported, or maintained by virtue of this Act for the Purpose of the Drainage, Preservation, and Enjoyment of the said Lands, Mud Banks, or Slobs situate within such Level, and the Right and Property to and in the same, shall be and are hereby vested in the Trustees for the Time being of such Level; and the said respective Trustees are hereby authorized and empowered to insure such Engines from Fire, and to bring or cause to be brought any Action in their own Names, or in the Name of any one of them, or prefer or order or direct the preferring of Indictments or other Prosecutions, against any Person who shall dig up, break, or pull down, steal, take, carry away, destroy, damage, spoil, or injure any of them, or any Part thereof, or any of the Materials of which the same shall be made, built, or consist, or who shall wilfully injure the Drainage by flooding or otherwise of the said Lands, Mud Banks, or Slobs.

Meetings of the Trustees.

LXX. And be it further enacted, That the said respective Trustees shall and may from Time to Time respectively meet at such Times and Places within either of the said Counties of *Donegal* and *Londonderry* as shall to them respectively seem convenient, and may adjourn themselves to meet at any Place and at such Time as the said Trustees or the major Part of them present at any Meeting shall appoint; and at all their several and respective Meetings the said Trustees shall be paid and allowed a Sum not exceeding One Pound and One Shilling a Day for other their necessary Expences, including the Hire (if any) for the Room in which they shall meet; and all Orders and Determinations of the said respective Trustees shall be made at Meetings to be held as herein directed, and not otherwise; and no Order or Determination shall be made unless the major Part of the Trustees present shall concur therein; and all Acts, Orders, and Proceedings relating to this Act which are directed to be had, made, done, or exercised by or before the said respective Trustees, and all the Powers and Authorities vested in them, shall and may be had, made, done, and exercised by the major Part of the Trustees who shall be present at the respective Meetings to

be held by virtue of this Act, the whole Number present not being less than Three; and all Acts, Orders, or Proceedings had, made, or done by or before the major Part of such Three Trustees shall have the same Force and Effect, and be as binding and conclusive on all Persons and Corporations, and to all Intents and Purposes whatsoever, as if the same were had, made, done, or executed by or before all the said respective Trustees; and a Chairman shall and may in the first place be appointed at every Meeting of the said respective Trustees, who, in case of an equal Number of Votes (including the Chairman's Vote), shall have the casting or decisive Vote; and no Order or Determination at any Meeting of the said Trustees once made, agreed upon, or entered into shall be revoked or altered at any subsequent Meeting, unless Notice of the Intention to make such Revocation or Alteration shall have been given by Three or more Trustees, by Writing under their Hands, to the Clerk to the said Trustees at a previous Meeting, and entered in the Book of Proceedings of such Meeting, and unless Notice signed by any Two or more Trustees shall have been given in the Newspaper or Newspapers usually circulated in the County in which the Level for which they shall be Trustees shall be situate Fourteen Days at least before such Meeting.

Notice of Meetings to be given.

LXXI. And be it further enacted, That Notice of all Meetings to be held by the respective Boards of Trustees in pursuance of this Act (except where it shall be herein otherwise directed) shall be inserted in the Newspaper or Newspapers usually circulated in the County in which the Level in respect whereof the Meeting shall be called shall be situate at least Ten Days before the Day appointed for any Meeting, and such other Notice thereof shall be given and published in such Manner as the said respective Trustees at their said respective First Meeting or at any annual Meeting to be held by them respectively by virtue of this Act shall order and direct.

Proceedings of the Trustees to be kept in a Book.

LXXII. And be it further enacted, That all Orders, Resolutions, and Proceedings of the said respective Trustees shall be fairly written and entered by the respective Clerks of the said Trustees in proper Books to be kept for the Purpose, with the Names of the Trustees who shall be present at such Meetings, and, in case of Division upon any Question, stating the Number constituting the Majority, and be signed by the Chairman of such Meeting; and all such Entries therein, being so signed, shall be deemed and taken to be Originals, and the same or true Copies thereof shall be allowed to be read as *primâ facie* Evidence in all Courts whatsoever in all Causes, Suits, and Actions touching any thing to be done in pursuance of this Act; and the said Books shall be open to the Inspection of the said respective Trustees at all seasonable Times without Fee or Reward.

Account of all Sums of Money to be kept by their Clerk.

LXXIII. And be it further enacted, That the said respective Trustees shall and they are hereby required to order and direct a Book to be provided and kept by their Clerk for the Time being, in which Book such Clerk shall enter or cause to be entered true and regular

regular Accounts of all Sums of Money received and paid or laid out on account of the Level for which they shall be Trustees, and the several Articles, Matters, and Things for which any Sum of Money shall have been paid; which Book shall at all seasonable Times be open to the Inspection of the said respective Trustees, and any other Persons who shall be Proprietors or Occupiers of the Lands, Mud Banks, or Slobs within such Level, without Fee or Reward; and the said respective Trustees and other Persons shall or may take Copies of or Extracts from the said Book without paying any thing for the same; and in case the said respective Clerks shall not permit such Trustees or any such Person to inspect the same Book, or to take such Copies or Extracts as aforesaid, such Clerk shall forfeit and pay any Sum not exceeding Five Pounds, to be recovered as herein-after mentioned.

Engines and other Works to be provided.

LXXIV. And be it further enacted, That it shall be lawful for the said respective Trustees and they are hereby authorized and empowered to make, erect, employ, and maintain, at, in, and upon the said Lands, Mud Banks, or Slobs, such Engines or Mills, to be worked with Steam or otherwise, and other necessary Works, as they shall deem to be requisite or proper for facilitating the Discharge of the Waters from off the said Lands, Mud Banks, or Slobs, and effecting and maintaining the Drainage thereof.

Trustees to make Rates.

LXXV. And be it further enacted, That it shall be lawful for the said respective Trustees and they are hereby authorized and required, yearly and every Year, to meet at some convenient Place in the Towns of *Newtown-Limavady*, *Muff* in the County of *Londonderry*, *Newtown-Cunningham*, *Manor-Cunningham*, *Burnfoot*, *Ramelton*, or *Letterkenny*, or the City of *Londonderry* aforesaid; and the said respective Trustees shall then and there make a Rate or Assessment in respect of the Level for which they shall be respectively Trustees, and shall rate and assess the Occupiers of the Lands, Mud Banks, or Slobs situate within the said Levels respectively by such an equal and proportionable Acre Rate or Assessment, not exceeding Two Shillings *per* Acre for any One Year, in respect of the said Lands, Mud Banks, or Slobs occupied by them respectively, (except in the Case of a further or larger Rate or Tax being consented to as herein-after mentioned,) as shall be necessary to defray the Expences of maintaining and using the said Works within the said respective Levels, and for the Salaries and Wages of such Officers and Servants as may be employed by such respective Trustees, and any other Expences incurred in respect or on account of such Levels respectively; which said Rates and Assessments the said Trustees are hereby authorized and required to apply accordingly, and to appoint under their Hands such certain Days and Places for the Payment of such Rates and Assessments half-yearly to their respective Clerks, or any Collector or Receiver thereof, as they the said Trustees shall respectively think proper.

Provision for raising additional Rate,

LXXVI. And be it further enacted, That if in any Year it shall appear to either of the said respective Boards of Trustees that the said

said Rate or Tax of Two Shillings an Acre will not be sufficient for the maintaining and using the several Works aforesaid within such Level, it shall be lawful for the said Board of Trustees to cause public Notice to be given in the Newspaper or Newspapers usually circulated in the County in which such Level shall be situate that the Occupiers of Lands within such Level will meet at some convenient Place within the said Towns of *Newtown-Limavady*, *Muff* in the County of *Londonderry*, *Newtown-Cunningham*, *Manor-Cunningham*, *Burnfoot*, *Ramelton*, or *Letterkenny*, or the said City of *Londonderry*, on *Thursday* Fortnight next after such Notice, then and there to testify their Consent or Disapprobation to such Board of Trustees charging and levying for the Year then next following such further equal Rate or Assessment not exceeding Two Shillings, over and above the said Rate or Assessment of Two Shillings an Acre, as shall in such Notice be expressed, upon the several Occupiers of the Lands, Mud Banks, or Slobs within the said Level; at which Meeting the said Occupiers respectively shall have such Votes as are herein-before directed in the Choice of Trustees; and if the Majority of such Votes shall be given for charging and levying of such further Rate or Assessment as aforesaid, the same being certified under the Hands of such respective Occupiers voting for such further Rate or Assessment in a Book to be kept for that Purpose, the said Board of Trustees shall have the same Power and Authority to charge such further Rate or Assessment, or such Part or Share thereof as they shall think necessary, over and above the said first-mentioned Rate or Assessment of Two Shillings; and such further Rate or Assessment, Part or Share thereof, shall be rated, assessed, and collected upon and from the same Parties and on the same Lands as the said annual Rate or Assessment herein-before mentioned is directed to be rated, assessed, and collected.

Power to enforce Payment of Rates.

LXXVII. And be it further enacted, That if any Person or Corporation rated or assessed as aforesaid shall refuse or neglect to pay the said Rate or Assessment within Ten Days after the respective Times of Payment to be appointed as aforesaid, public Notice of the said Times of Payment being given in the Newspaper or Newspapers usually circulated in the County in which the Level in respect whereof such Rate or Assessment shall be made shall be situate, at such Place as shall be specified in such Notice, and after personal or written Application for Payment at his usual or reputed Place of Abode, it shall be lawful for any Person, by virtue of any Warrant or Precept under the Hands and Seals of the said respective Boards of Trustees, (which Warrant or Precept such Trustees are hereby empowered and required from Time to Time to grant as Occasion shall require,) to levy such Sum of Money so rated or assessed, and all Arrears thereof, by Distress and Sale of the Goods and Chattels of the Person or Corporation 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 of such Distress and Sale; or otherwise it shall be lawful for the said respective Trustees from Time to Time to enter upon the Lands occupied by such Person or Corporation within the said Level, and

the Rents and Profits thereof respectively to receive and take, until thereby or otherwise such Rate or Assessment, and all Arrears thereof, and all Costs, Charges, and Expences occasioned by or attending such Entry and Receipt of the Rents and Profits of such Premises, shall be fully paid and satisfied.

Application of Money raised.

LXXVIII. And be it further enacted, That the Money which shall be collected and received by the said Trustees by means of the Rates or Assessments aforesaid shall be by such respective Trustees applied, in the first place, in paying the Salaries and Wages of such Officers and Servants as may be employed by them respectively, and all other incidental Expences relative to the Meetings of the said Trustees, and then in paying the Expences of maintaining and using the Works within each of the said Levels respectively, and to and for no other Use or Purpose whatsoever.

Power to appoint a Treasurer and other Officers.

LXXIX. And be it further enacted, That each of the said respective Boards of Trustees shall have Power and Authority to appoint a Treasurer, also a proper Person to be a Collector or Receiver of the respective Rates and Assessments hereby authorized, and a Clerk, and such other Officers as shall be necessary for the Management, Superintendence, and keeping in repair the said Walls, Banks, Engines, and other Works, and to allow such Officers, out of such Rates and Assessments, such yearly or other Salary, Wages, or Recompence for executing such Offices as the said respective Trustees shall think reasonable; and every such Treasurer, Collector, Receiver, or Officer shall, before they act in execution of their respective Offices, give such Security for the due Execution thereof as the said Trustees shall respectively require; and every such Treasurer, Collector, or Receiver, Clerk, and other Officer shall, as often as required by the said respective Trustees, and at least once in every Year, at such Time or Times as shall be fixed by the said respective Boards of Trustees, make up and balance his Books and Accounts, and give a true, exact, and perfect Account in Writing under his Hand, with proper Vouchers, for all Monies which shall have been received and paid by him by virtue of his Office, and shall pay to the said respective Trustees, or such Person as they shall respectivly authorize to receive the same, all such Money as shall upon balancing the said Account be adjudged by the said respective Trustees to be due from such Officer, and deliver up the said Vouchers and all Books and Writings relating to the said Offices in his Possession or Power to the said respective Trustees; and in case any such Treasurer, Collector or Receiver, Clerk, or other Officer shall not give in and make Account and Payment as aforesaid, or shall neglect or refuse to deliver up all such Books and Writings in his Custody or Power to the said respective Trustees, or to such Person as they shall authorize to receive the same, then and in either of the said Cases, upon Complaint being made by the said respective Trustees, or by any Person whom they shall appoint for that Purpose, of any such Refusal or wilful Neglect as aforesaid, to any Justice of the Peace for the County, City, or Place wherein such Officer or Person so refusing or neglecting shall be or reside, such Justice may and he is hereby authorized and required to

issue a Summons under his Hand and Seal for the Officer or Person so refusing or neglecting to appear before the Justices in Petty Sessions; and upon the said Officer or Person appearing, or having been so summoned and not appearing, without some sufficient or reasonable Excuse, or not being found, it shall be lawful for such Justices in Petty Sessions to hear and determine the Matter in a summary Way; and if upon the Confession of the Party, or by the Testimony of any credible Witness or Witnesses upon Oath or Affirmation (which Oath or Affirmation such Justices are hereby empowered to administer), it shall appear to such Justices that any Monies remain due from such Officer or Person, such Justices may and they are hereby authorized and required, upon Nonpayment thereof, by Warrant under their Hands and Seals, to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if sufficient Goods and Chattels of such Officer or Person shall not be found to answer and satisfy the said Money and the Charges of distraining and selling the said Goods and Chattels, or if it shall appear to such Justices that such Officer or Person had refused or wilfully neglected to render and give such Account, or to produce the Vouchers relating thereto, or that any Books, Papers, or Writings in his Possession or Power relating to the Execution of this Act remained in the Hands or in the Custody or Power of such Officer or Person, and he shall have refused or wilfully neglected to produce or give Satisfaction respecting the same as aforesaid, or to give up the same on the Expiration of his Office, then and in every such Case such Justices may commit such Offender to the Common Gaol or House of Correction for the County, City, or Place where such Offender shall be or reside, there to remain without Bail or Mainprize until he shall have given a true and perfect Account as aforesaid, or until he shall have paid such Monies as aforesaid, or compounded with the said Trustees for such Money, and shall have paid such Composition in such Manner as they shall appoint (which Composition the said Trustees are hereby empowered to make and receive), and until he shall have produced such Books, Papers, or Writings, or have given Satisfaction in respect thereof, or delivered up the same at the Expiration of his Office to the said Trustees, or to such other Person as aforesaid; but no such Offender shall be kept or detained in such Common Gaol or House of Correction for any longer Space of Time than Three Calendar Months.

Clerk and Treasurer not to be the same Person.

LXXX. And be further enacted, That it shall not be lawful for the said respective Boards of Trustees to appoint the Person who may be appointed their Clerk, or other Person in the Service or Employ of such Clerk, or the Partner of any such Clerk, to be the Treasurer of the said respective Trustees, or to appoint any Person who may be appointed the Treasurer or the Clerk or other Person in the Service or Employ of any such Treasurer or the Partner of any such Treasurer, to be the Clerk of the said respective Trustees; and if any Person shall accept both the Offices of Clerk and Treasurer of the said respective Trustees, or if any Person being the Partner of any 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

or in any Manner officiate for the Treasurer, or being the Partner of any such Treasurer, or the Clerk or other Person in the Service or Employ of any 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 Clerk or Treasurer shall hold or accept any other Place or Office of Profit or Trust under the said respective Trustees other than that of Clerk or Treasurer, every such 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 Her Majesty's Courts of Record at *Dublin*, by Action of Debt or on the Case, or by Plaint, Bill, or Information.

Undertakers and their Assigns, &c. liable to Costs and Charges in the Execution of the Provisions, &c. of this Act.

LXXXI. Provided always, and be it further enacted, That for all Costs, Charges, or Expences properly payable by the said Undertakers, their Heirs or Assigns, for any of the Purposes or incurred in the Execution of the several Powers or Provisions of this Act, including the Fees of the said respective Commissioners and the Remuneration of their respective Clerks, unless supplied with Money for the aforesaid Purposes by the said Undertakers, it shall be lawful for the said Boards of Commissioners respectively from Time to Time to raise by the Sale or Mortgage of a competent Part or Parts of the said Waste Lands, Mud Banks, or Slobs, when reclaimed, (except such Part or Parts as may be allotted or set apart to any Person or Corporation as Compensation as aforesaid,) a sufficient Sum or Sums to pay or discharge such Costs, Charges, or Expences, and to make a good and legal Title thereto to such Purchaser or Purchasers, Mortgagee or Mortgagees.

For Service of Notices on Undertakers.

LXXXII. And be it further enacted, That in all Cases wherein it may be requisite or necessary for any Person or Party to serve upon the said Undertakers, their Heirs or Assigns, any Notice or Writ or other legal Proceedings, the Service left at the Office, House, or last known Place of Abode of the said Undertakers, their Heirs or Assigns, or of any One or more of them, or of their Agent in *Ireland* for the said Embankment and Drainage, shall be deemed good and sufficient Service of the same respectively upon the said Undertakers, their Heirs or Assigns.

Transfers, &c. to be entered in a Book.

LXXXIII. And be it further enacted, That no Assignment or Transfer by the said Undertakers, their Heirs, Executors, Administrators, or Assigns respectively, of the said Waste Lands, Mud Banks, or Slobs, or of any Part thereof, or of any Interest whatever therein, shall be of any Avail or Effect whatever until a Memorial of such Assignment or Transfer or other Instrument creating such Interest as aforesaid setting forth the Particulars thereof, and containing the Name, Description, and Place of Residence, or Names, Descriptions, and Places of Residence respectively, of all and every Assignee, Transferree, or other Person or Persons to whom any such Interest shall be granted, shall be entered in a Book or Register to be kept by the Clerk or Treasurer of the said Undertakers, one Copy of which shall

shall be kept at the chief Office of the said Undertakers in *Ireland*, and another Copy of which shall be kept at the chief Office of the said Undertakers in *London*; and every Person who shall be interested in the said Undertaking, or who shall be an Owner or Occupier of Lands adjoining the said Waste Lands, Mud Banks, or Slobs, or who shall be affected by the said Works, shall at all reasonable Times inspect such Register or Books; and in case the said Undertakers, or any Clerk, Treasurer, or other Officer of the said Undertakers having the Custody or Possession of the said Register or Books, shall refuse, at any such reasonable Time, to permit any such Person as aforesaid to inspect the same and take Copies thereof, then the said Undertakers shall forfeit and pay for each and every such Refusal at such reasonable Times as aforesaid any Sum not exceeding the Sum of Ten Pounds, which Penalty shall be recoverable from the said Undertakers, their Executors, Administrators, or Assigns, by the Person applying for such Inspection, and in the same Manner as other Penalties under this Act may be levied and recovered.

Copy of such Books to be transmitted to Clerks of the Peace for Counties of Donegal and Londonderry.

LXXXIV. And be it further enacted, That the said Undertakers, their Heirs, Executors, Administrators, and Assigns respectively, shall within the First Week in *January* in every Year transmit to the Clerk of the Peace of the County of *Londonderry* a true and faithful Copy of the said Register or Books, so far as the same regards the said Waste Lands, Mud Banks, or Slobs situate in the County of *Londonderry*, and to the Clerk of the Peace of the County of *Donegal* a true and faithful Copy of the same, so far as regards the said Waste Lands, Mud Banks, or Slobs situate in the County of *Donegal*; which said Copy shall be kept by the said Clerks of the Peace respectively amongst the Records of the said Counties respectively for the Inspection of all Persons interested therein, and shall be Evidence against the said Undertakers, their Heirs, Executors, Administrators, or Assigns.

Justices may proceed by Summons.

LXXXV. And be it further enacted, That in all Cases in which by this Act any Penalty or Forfeiture or Costs is or are made recoverable by Information before a Justice of the Peace it shall be lawful for the Justice of the Peace before whom Complaint shall be made for any Offence committed against this Act to summon before him the Party complained against, 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 or Costs incurred, and proceed in the Recovery of the same, although no Information in Writing or in Print shall have been exhibited before such Justice; and all such Proceedings by Summons without Information in Writing or in Print shall be as valid and effectual to all Intents and Purposes as if an Information in Writing or in Print had been exhibited.

For Recovery of Penalties.

LXXXVI. And be it further enacted, That all Complaints and Informations of Offences against this Act (except in Cases where the Manner of hearing and determining thereof is herein-before otherwise directed) shall and may be made before any Justice of the Peace for

the County or Place wherein the Offence shall be committed; and such Justice is hereby authorized and empowered to take cognizance thereof, and to summon the Person complained of to appear before him, or upon Complaint upon Declaration or Oath to issue his Warrant for the Apprehension of any such Person, and upon the appearing or not appearing of such Person pursuant to such Summons, or upon such Person being apprehended with such Warrant, to hear the Matter of every such Complaint and Information by Examination of any Witness upon Declaration or Oath, and to make such Determination thereon as such Justice shall think proper; and upon Conviction of any Person such Justice shall and may issue a Warrant under his Hand and Seal for levying the Fine, Penalty, or Forfeiture by virtue of this Act imposed for such Offence by Distress and Sale of the Goods and Chattels of the Person so convicted; and it shall be lawful for any such Justice to order any Person so convicted to be detained and kept in the Custody of any Constable or other Peace Officer until it can be ascertained whether such Person hath any Goods and Chattels whereon such Fine, Penalty, or Forfeiture can be levied; and in case sufficient Goods or Chattels of any Person liable to pay such Fine, Penalty, or Forfeiture cannot be found whereon to make such Distress, and such Fine, Penalty, or Forfeiture shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice, either by the Confession of the Offender or otherwise, that the Offender hath not sufficient Goods and Chattels whereon such Fine, Penalty, or Forfeiture and Charges may be levied if a Warrant of Distress were issued, such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender to any Common Gaol or House of Correction for any Time not exceeding Three Calendar Months, unless such Fine, 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, where the Application is not otherwise directed by this Act, be paid into the Hands of the said Undertakers, their Heirs or Assigns, or of the said Trustees after they shall have been appointed, and shall be applied and disposed of towards defraying the Expences of the said Embankment and Drainage, or the Maintenance and Preservation thereof, as the Case may be; and the Overplus (if any) arising from such Distress and Sale, after Payment of the Fine, Penalty, or Forfeiture, and the Charges attending the same, shall be returned, upon Demand, to the Owner of the Goods and Chattels so distrained.

For Apprehension and Commitment of Offenders in certain Cases.

LXXXVII. And be it further enacted, That it shall be lawful for any Person who shall see any Offence committed against this Act by any Person destroying or doing any wilful Damage to the Works by this Act authorized to be made, contrary to any of the Provisions herein-before contained as respects the said Embankments and Drainage, to apprehend and detain any such Offender, without any Warrant or other Authority than this Act, and to convey such Offender or cause him to be conveyed by some Constable or other

Peace Officer before any Justice of the Peace for the County in which the Offence was committed.

Form of Conviction.

LXXXVIII. And for the more easy and speedy Conviction of Offenders against this Act, be it further enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence, Matter, or Thing against this Act shall and may cause the Conviction to be drawn up according to the following Form; (that is to say,)

' } BE it remembered, That on the Day of
'to wit. } in the Year is convicted before
'me [*or* before us] One [*or* Two] of Her Majesty's
'Justices of the Peace for the County of [*here describe the Offence,*
'*and the Time and Place where committed*], contrary to an Act passed
'in the Year of the Reign of Her Majesty Queen *Victoria*,
'intituled [*here insert the Title of Act*]. Given under my Hand and
'Seal [*or* our Hands and Seals] the Day and Year first above
'written.'

Persons taking Distress irregularly not to be deemed Trespassers ab initio.

LXXXIX. And be it further enacted, That where any Distress shall be made for any Money to be levied by virtue of this Act the Distress itself shall not be deemed unlawful, nor shall any Party making the same be a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity which shall afterwards be committed by him, but all Persons aggrieved by such Defect or Irregularity shall and may recover full Satisfaction for any Damage by an Action on the Case.

Proceedings not to be quashed, or vacated, or removed.

XC. And be it further enacted, That no Proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari or by any other Writ or Process whatsoever into any of Her Majesty's Courts of Record at *Dublin* or elsewhere, any Law or Statute to the contrary notwithstanding.

Limiting the Time for commencing and completing Works.

XCI. Provided always, and be it further enacted, That in case the said Embankment and Drainage shall not have commenced within Two Years after the passing of this Act, or in case the several Sums hereinafter mentioned shall not have been expended in manner to be shown to the Satisfaction of the Commissioners on the aforesaid Levels respectively within the Period hereby limited, namely, Twenty thousand Pounds on the Level of the *Foyle*, and Three thousand Pounds on the *Swilly* Level, on or before the Thirty-first Day of *December* One thousand eight hundred and forty-one, then and in either of the said Cases all the Powers, Authorities, and Privileges in reference thereto shall absolutely cease and determine, and the respective Waste Lands, Mud Banks, or Slobs hereby authorized to be taken shall revert or go over to the respective Persons or Corporations who would for the Time being be entitled thereto, and in like Manner in

all respects as if and in case this Act had not passed; and in case the said Embankment and Drainage shall not be completed so that the said Lands, Mud Banks, or Slobs be improved and fit for Use or Occupation within Ten Years, to be computed from the passing of this Act, then and in such Case, from and immediately after the Expiration of the said several Terms, all the Powers, Authorities, and Privileges given by this Act shall absolutely cease and determine, and thereupon the said Waste Lands, Mud Banks, or Slobs shall revert to the respective Owners thereof as if this Act had not been passed: Provided that in case the said Undertakers, their Heirs or Assigns, shall hereafter apply to the Justices of the Peace for the County of *Londonderry* or *Donegal* to divide the Level of the *Foyle*, or the Level of the *Swilly* respectively, into Two or more Levels, or shall complete the Embankment and Drainage of any Portion of the Waste Lands, Mud Banks, or Slobs in *Lough Foyle* or *Swilly* independently of the remaining Portions of the same, that in either of the said Cases, after the Expiration of Five Years from the passing of this Act, it shall be lawful for such Justices to require the said Undertakers, their Executors, Administrators, or Assigns, to proceed immediately with the Embankment and Drainage of the other Portions of the Slobs, or such Parts thereof as in their Discretion they shall deem meet; and in case the said Undertakers shall decline or neglect for Three Months after being so required to commence to proceed with the Embankment and Drainage of such other Parts with reasonable Diligence, and expend the Sum of Two thousand Pounds on each of such newly formed Levels within One Year after such Commencement, the Powers and Authorities hereby vested in the said Undertakers in respect of such Levels shall absolutely cease and determine.

Saving the Rights of the Governor and Assistants, London, of the New Plantation in Ulster.

XCII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Society of the Governor and Assistants, *London*, of the New Plantation in *Ulster* within the Realm of *Ireland*, under or by virtue of any Charter heretofore granted to them by the Crown or otherwise, or of their Lessees, of the Fisheries in *Lough Foyle*, or Persons or Corporations claiming under them for the Remainder of the Term of their Lease existing at the Time of the passing of this Act, other than and except such as are expressly barred and extinguished by this Act, or as are intended to be barred and extinguished by any Act, Deed, Matter, or Thing made, done, or executed in pursuance of this Act.

Saving the Rights of the Marquis of Donegal.

XCIII. Provided always, and be it further enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Royalties, Privileges, Powers, or Authorities of the Most Honourable *George Augustus* Marquis of *Donegal*, his Heirs, Sequels in Right, or Assigns, in, over, or upon the said Waste Lands, Mud Banks, or Slobs under or by virtue of any Charter or Letters Patent heretofore granted to the Ancestors of the said Marquis by the Crown, or under or by virtue of any other Title whatsoever, or

or of the Lessees or Persons claiming under him or them, or his or their Ancestors, nor to enable the said Undertakers, or any other Person or Persons, to prejudice, injure, or affect, save and except as to the Ground upon which the Embankments are intended to be made by virtue of this Act, any Rights claimed by the said Marquis to the Fisheries or Fishing Places in *Lough Foyle* and *Lough Swilly*.

Saving the Rights of Lords of Manors.

XCIV. Provided always, and be it further enacted, That 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 in the said Loughs respectively hereby authorized to be embanked and drained 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.

Saving the Rights of the Admiralty.

XCV. And whereas the Conservation of the several Ports, Warehouses, Creeks, Estuaries, and Navigable Rivers in that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland* is by Law vested in the Lord High Admiral and the Commissioners for executing the Office of Lord High Admiral of the said Kingdom for the Time being; be it enacted and provided, That nothing in this Act contained shall extend or be construed to extend to authorize the making, constructing, or erecting any Work below the ordinary High-water Mark at Spring Tides without the Assent of the said Lord High Admiral, or of the Commissioners for the Time being for executing the Office of Lord High Admiral aforesaid, having been first obtained for that Purpose; such Assent to be signified in Writing under the Hand of the Secretary of the Admiralty.

Act not to prejudice Rights of the Fishmongers Company.

XCVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Royalties, Privileges, Powers, or Authorities claimed by the Wardens and Commonalty of the Mystery of Fishmongers of the City of *London*, their Successors or Assigns, in, to, upon, or over the said Waste Lands, Mud Banks, or Slobs in any Part thereof respectively, except so far as is in this Act provided for.

Saving Her Majesty's Rights.

XCVII. Saving always to the Queen's most Excellent Majesty, Her Heirs and Successors, and all other Persons, all such Right, Title, Estate, and Interest, Claim and Demand (other than and except such as are expressly barred and extinguished by this Act, or as are paid for or compensated for in pursuance of this Act), as Her said Majesty, Her Heirs and Successors, or any other Person, could have had, held, and enjoyed of, in, to, or out of the said Lands, Mud Banks, or Slobs authorized to be embanked and drained by virtue of this Act, or any Part thereof, in case this Act had not been passed.

Public Act.

XCVIII. 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 Queen's most Excellent Majesty. 1838.