Powers contained in the said Act or in this Act, shall be submitted to Her Majesty in Council for Approval, and shall, if so approved, but not otherwise, have the Force and Effect of Law. *Power to make Alterations.*

XXIV. Every Order in Council made in pursuance of the Provisions herein-before contained shall be laid before both Houses of Parliament as soon as possible after the making thereof. All such Orders to be laid befor Parliament.

XXV. This Act shall, so far as the Context and Subject Matter admit, extend to all Ports and Districts in *Great Britain* or *Ireland* or the *Isle of Man*, or in the Rivers thereof respectively, or in the Seas or Channels adjacent thereto respectively, in which any Masters of Vessels are compelled by Law to employ Pilots, or in which any Persons are licensed or authorized to act as Pilots by or under the Authority of Law, or in which the Rates or Prices to be demanded or received for Pilotage Services are fixed by Law or under Authority derived from Law. *Miscellaneous* Places, &c. to which the Act is to extend.

XXVI. In the Construction of this Act the following Words and Expressions in this Act shall have the Meanings hereby assigned to them, if not inconsistent with the Context or Subject Matter; that is to say, Interpretation of Terms.

The Expression "Board of Trade" shall mean the Committee of Privy Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations:

The Word "*Trinity House*" shall mean the Master, Wardens, and Assistants of the Guild, Fraternity, or Brotherhood of the Most Glorious and Undivided *Trinity* and of *Saint Clement* in the Parish of *Deptford Strond* in the County of *Kent*, commonly called the Corporation of *Trinity House of Deptford Strond:*

The Expression "Pilotage Authority" shall include the said *Trinity House*, and all other Bodies or Persons authorized to appoint or license Pilots, or to fix or alter Rates of Pilotage, or to exercise any Jurisdiction in respect of Pilotage:

The Expression "Cinque Port Pilots" shall mean the Pilots of the Society or Fellowship of the *Trinity House* of *Dover*, *Deal*, and the *Isle of Thanet.*

XXVII. This Act shall come into operation on the First Day of *October* One thousand eight hundred and fifty-three. Time of Commencement.

XXVIII. This Act may be cited as the "Pilotage Law Amendment Act, 1853." Short Title.

XXIX. No Provision contained in the First Section of an Act of the Fourth Year of the Reign of Her present Majesty, Chapter Sixty-eight, and no Order or Certificate duly made and issued by virtue thereof, shall cease or become void by reason of the passing of this Act. Proviso as to 3 & 4 Vict. c. 68. s. 1.

CAP. CXXX.

An Act to amend the Acts for promoting the Drainage of Lands and Improvements in connexion therewith in *Ireland.* [20th *August* 1853.]

'WHEREAS an Act was passed in the Session of Parliament holden in the Fifth and Sixth Years of Her Majesty, intituled *An Act to promote the Drainage of Lands, and Improvement of Navigation and Water Power in connexion with such Drainage, in* Ireland, which Act was amended by an Act passed in the Session of Parliament holden in the Eighth and Ninth Years of Her Majesty, Chapter Sixty-nine, and an Act passed in the Session of Parliament holden in the Ninth and Tenth Years of Her Majesty, Chapter Four, and an Act passed in the same Session of Parliament, Chapter Eighty-six, and an Act passed in the Session of Parliament holden in the Tenth and Eleventh Years of Her Majesty, Chapter Seventy-nine: And whereas various Works for the Drainage of Lands, and Improvement of Navigation and Water Power in connexion therewith, in *Ireland*, have been undertaken and carried on by the Commissioners appointed to act in execution of the said Acts both under the ordinary Provisions and the Provisions for summary Proceedings in the said Acts respectively 5 & 6 Vict. c. 89. 8 & 9 Vict. c. 69. 9 & 10 Vict. cc. 4. and 86. 10 & 11 Vict. c. 79.

'respectively contained: And whereas in many Instances the Estimates of the Expenses of 'such Works respectively have been exceeded, and many of the said Works are still unfinished, 'and in certain Cases the Assents requisite to authorize the Charge on the Lands to be 'improved, of the Sums necessary for completing the proposed Works have not been obtained: 'And whereas Inquiries have been already made under the Direction of the Commissioners 'of Her Majesty's Treasury in relation to certain of the said Works now remaining 'unfinished, and the said Commissioners have directed like Inquiries in relation to others of 'the said Works: And whereas it is expedient that Provision should be made for the Com-'pletion of the said Works, or such of them as upon the Inquiries already made as aforesaid, 'or upon the Inquiries to be hereafter made in relation thereto, the said Commissioners of 'the Treasury may think fit, and with such Modification (if any) as to them may seem proper, 'and that such Commissioners should be authorized to direct where they see fit that the 'Expense of such Works to be charged against the Proprietors of Land should be limited to 'such Amount as between such Proprietors and the Public may appear to the said Commis-'sioners to be just, and that the said Acts should be amended as herein-after mentioned:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Treasury may give Directions concerning Completion of Works.

I. The said Commissioners of the Treasury may authorize and direct the Commissioners of Public Works in *Ireland* to cause to be completed the Works commenced under the Provisions of the said Acts or any of them, or such of the same Works or such Parts thereof respectively as, upon the Inquiries already made as aforesaid, or to be hereafter made under the Directions of the said Commissioners of the Treasury, such Commissioners of the Treasury may think fit, and with any Modifications or Alterations which to the said Commissioners of the Treasury may appear expedient, or to make and execute any other Works which to them may seem fit for effecting all or any of the Objects intended to be effected by the said Works; and the said Commissioners of Public Works shall, without any Assents or further Assents of Proprietors, Notice, or other Preliminary or Proceeding by the said Acts required to be given or taken before the Execution of any Works, have full Power and Authority to cause to be executed or completed the Works so authorized and directed by the said Commissioners of the Treasury to be completed or executed, and for that Purpose to do and execute all Acts, and exercise all Powers and Authorities by the said Acts or this Act given for the Execution of any Work, and in and by an Award to be made in relation to such Works in manner provided by the said Acts upon the Completion of Works authorized to be executed thereunder to provide for the Repayment of the Amount of all Costs, Charges, and Expenses incurred under the said Acts and this Act, or any of them, in relation to such Works (inclusive of Interest on Money borrowed), or such lesser Sum as under the Provision herein-after contained may be authorized in this Behalf, with Interest from the Date of such Award as provided by the said Acts, any Provision in the said Acts or any of them requiring or concerning Assents or any other Provisions therein to the contrary in anywise notwithstanding.

Treasury may reduce the Amount to be charged against Proprietors of Lands.

II. It shall be lawful for the said Commissioners of the Treasury, where, upon any Inquiries made or to be made as aforesaid, it appears to them just that the Proprietors to be charged under the Award in relation to any Works to be executed or completed as aforesaid, or which have been completed before the passing of this Act, and in relation to which an Award has not yet been made, should be relieved from a Portion of the Amount of the Expenses incurred in relation to such Works, to authorize and direct the said Commissioners of Public Works in and by their Award to be made under the said Acts or any of them to charge upon the Lands made liable under such Award in respect of such Works such lesser Sum than the full Amount of the Expenses of and incidental to such Works (inclusive of Interest on Money borrowed) as to the said Commissioners of the Treasury may, under the Circumstances of each Case, appear just; and it shall also be lawful for the said Commissioners of the Treasury to direct that the Rate of Interest which shall be charged in such Award on the Sum or Sums payable thereunder shall be Four Pounds *per Centum per Annum*: Provided always, that in all Cases the whole Amount of the Purchase Money or Compensation payable in respect of Land taken for or injuriously affected by any Works commenced and completed or executed under

under the said Acts or this Act shall be included in and charged under the Award to be made in relation to such Works.

Treasury to cause Reports on Inquiries to be deposited with the Clerk of the Peace, and Notice of Deposit published, and until Directions of the Treasury are given, Works may be continued as if this Act had not been passed.

III. Provided also, That before the said Commissioners of the Treasury give any Authority or Direction, in pursuance of the foregoing Provisions, to the said Commissioners of Public Works for the Execution or Completion of any Works, or as to the Amount of Principal Money to be charged under any Award as aforesaid, the said Commissioners of the Treasury shall cause a Copy of any Report which may have been made to them in pursuance of any Inquiries to be hereafter made under their Directions as aforesaid in relation to such Works or the Amount to be charged under such Award, to be deposited by the said Commissioners of Public Works with the Clerk of the Peace of each County in which the District shall be situate, who is hereby required to receive the same, and all Persons shall have Liberty to inspect the same on the Payment of Sixpence for each Inspection; and the said Commissioners of the Treasury shall limit a Time, not less than Twenty-one Days from the Time of the Publication of Notice of such Deposit, within which Objections to such Report may be made; and the said Commissioners of Public Works shall cause Notice of such Deposit, of the Time so limited for making Objections to such Report, and of the Manner in which such Objections are to be transmitted to the said Commissioners of the Treasury, to be forthwith published in some Newspaper circulating in such District: Provided also, that until Directions shall be given by the said Commissioners of the Treasury in relation to any Works now in progress, nothing herein-before contained shall be construed to prevent the said Commissioners of Public Works from proceeding with such Works in like Manner as if this Act had not been passed.

Power to Treasury to reduce Amount charged under existing Awards.

IV. It shall be lawful for the said Commissioners of the Treasury, if they see fit, (upon the Recommendation of the said Commissioners of Public Works, or of such Persons as may be appointed by the said Commissioners of the Treasury to make Inquiries for the Purposes of this Provision,) in any Case where a final Award has been already made, whether the same has been enrolled or not, to reduce the total Amount of Principal Money charged upon the Lands under such Award, and also, if they see fit, where the Rate of Interest charged by such Award exceeds Four Pounds *per Centum per Annum*, to reduce such Interest to that Rate, and to direct the said Commissioners of Public Works to make a rateable Reduction in the respective Portions of such Amount charged by the said Award upon the several Lands charged thereunder, and for that Purpose to make such Alteration in the Amount or Duration of the Instalments payable under such Award, or as well in the Duration as in the Amount thereof, as the said Commissioners of the Treasury may think fit, and where the said Commissioners of the Treasury so direct, to reduce the Rate of Interest to be thereafter payable in respect of the Sums charged under such Award to such Rate as aforesaid, and the said Commissioners of Public Works shall make such Reduction accordingly, and shall forthwith proceed to frame and settle a supplemental or new Award in conformity with the Directions of the said Commissioners of the Treasury without any Meeting, Notice, or other Proceeding previously to finally settling the same, and such supplemental or new Award shall be enrolled in the Rolls Office of Her Majesty's Court of Chancery in *Ireland*, and a Copy thereof deposited with the Clerk of the Peace in manner directed by the said Acts concerning the final Award of the Commissioners, and a Copy of such supplemental or new Award certified by the proper Officer of the said Rolls Office shall be Evidence thereof: Provided always, that in case any Proprietor shall, under the Provisions of the said Acts, have paid off the Principal Sum charged upon his Lands by any such Award, he shall be entitled to the Benefit of any Reduction so directed by the Commissioners of the Treasury as aforesaid, and to be reimbursed accordingly.

Awards when enrolled to be conclusive.

V. All supplemental or new Awards to be made as aforesaid, when enrolled as aforesaid, shall be binding and conclusive, and, subject to the Provision lastly herein-before contained, all final Awards heretofore made or purporting to have been made by the said Commissioners of Public Works, and enrolled as by the said Acts required, shall be and be deemed to have been valid and binding and conclusive.

Commissioners may pay off Debentures on Notice.

VI. Anything in the said Acts to the contrary notwithstanding, it shall be lawful for the Commissioners of Public Works, by and with the Sanction and Direction of the said Commissioners of the Treasury, from Time to Time to pay off all or any of the Certificates or Debentures heretofore issued and granted under the said Acts or any of them, on giving a Notice in the *Dublin Gazette* of their Intention so to do, and fixing a Day, not sooner than Two Months from the Date of such Notice, in which the Certificates or Debentures therein referred to shall be paid off; and from and after the Day in such Notice mentioned for the Payment of any such Certificates or Debentures the Interest on the Principal Money secured thereby shall cease and determine.

Treasury may remit Amount not charged against Proprietors.

VII. It shall be lawful for the said Commissioners of the Treasury where, under the Provisions of this Act, they authorize the Reduction of the Amount to be charged under any Award to be hereafter made, or the Amount charged under any Award already made, to direct so much of the Monies which may be payable in respect of any Loan or Loans made by the said Commissioners of Public Works for the Purposes of any Works under the said Acts or this Act as may be equal to the Sums by which the Amount charged or to be charged under such Award shall be reduced, shall be remitted and cease to be payable.

Saving for Creditors.

VIII. Provided always, That where the reduced Amount which may be charged by any Award made under the Provisions of this Act may be less than the Monies which may be secured and remain unpaid on the Certificates or Debentures issued in respect of the Expenses of the Works to which such Award relates, the Commissioners of Her Majesty's Treasury shall cause to be paid off such Certificates or Debentures, or so much of the Monies secured thereby as will reduce the Amount which shall remain owing thereon to or below the Amount charged by such Award.

Commissioners to account and report annually to Parliament.

IX. The Commissioners shall cause detailed Accounts in Writing of the several Sums received by them as such Commissioners, and of the Sums expended by them, and the Mode of such Expenditure, and of the several Works made or in progress under the said Acts or this Act, to be made up to the Thirty-first Day of *December* in each Year, and such Accounts shall be laid before both Houses of Parliament within Thirty Days thereafter if Parliament be then sitting, or within Thirty Days after the First Meeting of Parliament subsequent to the Thirty-first Day of *December*; and the Commissioners shall, as often as they shall be required so to do by the Commissioners of the Treasury, transmit to them Accounts made up to such Period as such last-mentioned Commissioners shall direct, and shall also transmit to the Commissioners for auditing the Public Accounts, Accounts of the Receipt of Monies which shall come to their Hands under the said Acts or this Act, and of its Application and Expenditure, for the Purpose of Examination and final Audit.

Parts of Acts set forth in the Schedule to this Act repealed.

X. The several Parts of Acts set forth in the Schedule to this Act annexed shall be repealed, except as to anything heretofore done, and except so far as the Provisions so repealed may be necessary for the Purpose of supporting any Proceedings heretofore taken.

Treasury to appoint Persons to act as Arbitrators.

XI. It shall be lawful for the said Commissioners of the Treasury from Time to Time to appoint Two or more Persons as Occasion shall require to be Arbitrators for the Purposes herein-after mentioned, and to remove, where such Commissioners see fit, any Person so appointed.

Commissioners may purchase Lands for Works.

XII. The said Commissioners are hereby authorized to purchase any Lands which they shall think it necessary or proper to purchase for accomplishing any of the Purposes of the said Acts and of this Act, making such reasonable Satisfaction and Recompence to the Persons entitled to or interested in such Land as shall be settled and ascertained in manner herein-after mentioned.

Notice to be given to Proprietors and Occupiers of Land with respect to Purchase or Compensation.

XIII. The said Commissioners of Public Works shall cause Notices in Writing, specifying therein with reasonable Certainty the Quantity of Land taken or required to be taken, or injured or liable to be injuriously affected, and the Nature of the Injury that may be done or proposed to be done thereto, to be delivered to or left at the usual Places of Abode of the Proprietors or Occupiers, or reputed Proprietors or Occupiers, and all Persons interested,

(where

(where the same may be known to the Commissioners,) of and in all such Land as may be or have been taken or required to be taken for, or be or have been injured or liable to be injuriously affected by, the Works made or proposed to be made under the said recited Acts and this Act, requiring such Proprietors, Occupiers, or other Persons, on or before a Day to be named in such Notice, to prefer their respective Claims to such Commissioners for the Value of such Land, or the Compensation to be allowed for any Loss, Damage, or Injury, together with a short Statement or Particulars of the Title of the Party making such Claim thereto, and that in case the Commissioners and the Parties making such Claim shall not agree as to the Amount thereof, that a Meeting will be held by the Arbitrator to be nominated for the Purpose as herein-after mentioned for inquiring into all such Claims; and the said Commissioners shall, if they see fit, cause a like Notice to be published in some Newspaper circulating in the County or Counties in which such Land as aforesaid shall be situate.

Arbitrator to be appointed where Parties do not agree,

XIV. In all Cases in which any Corporation, Trustee, or other Person interested in or authorized by the said recited Acts to contract for, sell, and convey any Lands, shall neglect or refuse to treat or not agree with the Commissioners, or by reason of Absence or Disability cannot agree or be not found or known, or shall not prove a clear Title to the Land or to the Estate or Interest which such Corporation, Trustee, or Person shall claim therein, to the Satisfaction of the Commissioners, it shall and may be lawful for the Commissioners to nominate One of the Persons so appointed by the said Commissioners of the Treasury Arbitrators as aforesaid to be an Arbitrator for the Purpose of ascertaining the Purchase Money or Compensation (if any) to be paid for or in respect of the Lands, or any Loss, Damage, or Injury thereto, mentioned in any such Notice so given by the Commissioners.

Arbitrator may call for Papers, &c. and examine Witnesses.

XV. Such Arbitrator may call for the Production of any Documents in the Possession or Power of the Commissioners, or of any Party making any Claim under the Provisions of this Act, which such Arbitrator may think necessary for determining any Question or Matter to be determined by him under this Act, and may examine any such Party and his Witnesses, and the Witnesses for the Commissioners or the Proprietors of Lands within the District referred to in any such Notice, on Oath, and administer the Oaths necessary for that Purpose.

Arbitrator to make a Declaration.

XVI. Before any Arbitrator shall enter upon any Inquiry he shall in the Presence of a Justice of the Peace make and subscribe the following Declaration; that is to say,

'I *A.B.* do solemnly and sincerely declare, That I will faithfully and honestly, and to the 'best of my Skill and Ability, hear and determine the Matters referred to me under the 'Provisions of the Act (*naming this Act*).

'*A.B.*

'Made and subscribed in the Presence of '

And such Declaration shall be annexed to the Award when made, and if any Arbitrator having made such Declaration wilfully act contrary thereto he shall be guilty of a Misdemeanor.

Documents to be delivered to Arbitrator, and Parties to be summoned to attend.

XVII. Upon Nomination of any such Arbitrator as aforesaid, the Commissioners shall deliver to the Person so nominated a Copy of the Notice given by them, together with a Map (if any) of the Premises referred to in the said Notice, and all Claims sent in to the Commissioners pursuant to such Notice, and such other Documents as the Commissioners shall think necessary, and thereupon such Arbitrator shall issue his Summons to all Parties concerned in the Matter so referred to his Arbitration, requiring them to attend before him at a Place and on a Day to be fixed by him in such Summons, not earlier than Fourteen Days from the Date thereof, and shall inquire and adjudicate on such Matter, and proceed to make his Award in the Premises as herein-after provided.

Arbitrator to adjudicate upon Claims and make his Award.

XVIII. The Arbitrator shall at the Time and Place mentioned in such Summons (and whether the Parties summoned, or any of them, attend before him or not,) proceed to inquire into and adjudicate upon the Value of the Lands required for the Purposes of the said Acts and this Act, or in respect of which a Claim for Compensation may be made for any Injury thereto, and the several Interests in such Lands in respect of which no Agreement shall have been

been come to between the Commissioners and the Parties entitled thereto, and the Purchase Money to be paid for such Lands, and the Compensation to be paid for Injury to any Lands injuriously affected by the Execution of the Works of the Commissioners; and the Arbitrator shall, after due Inquiry and Examination, frame a Draft Award setting forth the Price or Compensation to be paid by the Commissioners in respect of the several Interests in the Lands so required or injuriously affected, and also what Abatement (if any) shall be made in the Rents payable out of the Land named and described in the Award, or any Land held under the same Lease or Instrument in conjunction therewith; and where any Inquiry relates not only to the Value of the Lands to be purchased, but also to Compensation claimed for Injury done or to be done to any Lands, the Arbitrator shall award separate and distinct Sums to be paid for the Purchase of such Lands, or of any Interest therein, to which the Inquiry may relate, and for the Damage (if any) to be sustained by reason of the severing of the Lands taken from the other Lands, or otherwise injuriously affecting such other Lands by the Exercise of the Powers of the Commissioners; and such Draft Award and Copies thereof shall be deposited with the Clerk of the Peace of every County in which such Lands or any Part thereof may be situate; and the Arbitrator shall cause Notice of such Award to be given to all Persons entitled to Payment or Compensation under the same, or who shall have been heard before such Arbitrator as Claimants for Compensation, and shall in such Notice appoint a Time and Place or Times and Places for holding a Meeting or Meetings to hear Objections against such Draft Award (the First such Meeting to be not earlier than Fourteen Days after the last Day of giving such Notice), and shall hold such Meeting or Meetings accordingly, and thereat hear and determine any Objections which may then and there be made to such Draft Award by any Person interested therein, or adjourn the further Hearing thereof, if the Arbitrator see fit, to a future Meeting, and may take any Measures which he may deem proper for ascertaining the Value of any such Lands or Interests as aforesaid, or the Justice or Propriety of any other Matter of such Draft Award, and may from Time to Time, if he see Occasion, appoint and hold further Meetings for hearing and determining Objections to such Draft Award, of which further Meetings when not holden by Adjournment Notice shall be given in manner herein-before directed; and when the Arbitrator has heard and determined all such Objections, and made such Inquiries as he may think necessary in relation thereto, and made such Alterations (if any) as he may deem proper in the Draft Award, he shall make his Award under his Hand and Seal accordingly; and every such Award shall be binding and conclusive, subject to the Provisions concerning Traverse herein-after contained, upon all Persons whomsoever; and no such Award shall be set aside for Irregularity in Matter of Form; and every such Award shall be deposited with the Commissioners, and a Copy thereof shall be deposited with the Clerk of the Peace for every County in which such Lands or any Part thereof may be situate; and the Commissioners shall thereupon, in all Cases where it shall appear to them necessary so to do, require all Persons claiming to have any Right to or Interest in the Lands, the Price or Compensation to be paid in respect of which is ascertained by such Award, to deliver to the Commissioners, on or before a Day to be named by them (such Day not to be earlier than Fourteen Days from the Date of such Requisition), a short Abstract of the Title to the Interest in respect of which the Award is made, and such Abstract shall be paid for by the Commissioners, and all Sums so paid shall form Part of the Expenses incidental to the Execution of the Works in the District to which the Arbitration may relate.

Remuneration of Arbitrator.

XIX. The Salary or Remuneration, travelling and other Expenses of the Arbitrator, including all Costs reasonably and properly incurred by him, shall be paid by the Commissioners, and the Amount of such Costs, Charges, and Expenses shall from Time to Time be included in and form Part of the Expenses incidental to the Execution of the Works in the Districts in relation to which such Expenses shall be incurred, and shall be defrayed accordingly.

Arbitrator may direct by whom Costs to be paid.

XX. It shall be lawful for the Arbitrator, where he thinks fit, on the Application of the Commissioners or of the Claimant, to adjudicate by whom the Costs of such Arbitration shall be borne, and to certify the Amount of the Costs properly payable to the Party entitled thereto in relation to the Arbitration, and the Amount of the Costs so certified shall be paid by the Commissioners or the Claimant as the said Arbitrator may award.

XXI. Where

Party dissatisfied with Award may enter a Traverse.

XXI. Where the Party named in any Award under the Provisions herein-before contained (or any Party claiming under the Party so named) shall be dissatisfied with the Amount in such Award stated to be payable, it shall be lawful for such Party, at the Assizes for the County in which the Lands are situate, or where the Lands are situate in the County of *Dublin*, or County of the City of *Dublin*, in the Term next following the making of the Award, or where such Assizes are holden or such Term begins within less than Thirty Days after the making of the Award then at the next subsequent Assize or in the next subsequent Term (as the Case may be), upon giving Fifteen Days Notice in Writing previously to such Assizes or Term respectively to the Secretary of the Commissioners of the Amount intended to be claimed, to have a Traverse for Damages entered in the Crown Book in respect of such Claim, and which Traverse shall be entered as follows: "In the Matter of "Traverser, the Proprietors of Lands in the Drainage District of Respondents," and thereupon such Traverse shall be tried in like Manner, and like Proceedings shall be had and subject to the like Provisions, as far as the same can be applied, as in the Case of Traverses entered for Damages under the Acts for consolidating and amending the Laws relating to the Presentment of Public Monies by Grand Juries in *Ireland:* Provided always, that the Sum to be awarded or allowed as the Costs, Charges, and Expenses of the Trial of every such Traverse for Damages shall in no Case exceed the Sum of Ten Pounds, and further, that no Party shall have any other Remedy for the Purpose of impeaching the Amount of any Price or Compensation ascertained by any such Award as aforesaid other than by means of such Traverse as aforesaid, anything in any Act to the contrary notwithstanding: Provided also, that the Jury which shall try such Traverse shall be sworn a true Verdict to give whether any and what Damages will be sustained by the Traverser, regard being had to the Value of the Lands of such Traverser required, and to the Injury to any Lands of such Traverser injuriously affected by the Works of the Commissioners, and also regard being had in Cases of Mills or Factories to any Benefit resulting or which may result from any Improvement which shall be effected by the Execution of the Works in the Water Power of or Constancy of Supply of Water to such Mill or Factory, or by Relief from Back Water afforded to it.

Commissioners may convene a Meeting of Proprietors for electing a Standing Committee.

XXII. For the Purpose of the Protection of the Interests of the Proprietors in any Drainage District it shall be lawful for the Commissioners to call a Meeting of the Proprietors of the Land included in such District to make Choice of a Standing Committee to represent such Proprietors on any Arbitration, Trial of Traverse, or Proceeding under the said Acts or this Act, and such Meeting shall be convened by not less than Fourteen Days Notice in some Newspaper circulating in the County or Counties in which such District may be situate, and at such Meeting the Proprietors then present, or their known Agents, or such of the said Proprietors or Agents as may represent the greater Portion of the Lands belonging to the whole Number of Proprietors, who or whose Agents shall be present at such Meeting, shall elect not less than Three nor more than Thirteen Persons from among the Proprietors of Land in such District, or their known Agents, to be such Committee as aforesaid, and the Names of the Persons so elected shall be certified to the Commissioners under the Hand of the Chairman or Person presiding at such Meeting, and shall be transmitted to the Commissioners at their Office in *Dublin*, and there preserved; and any Document purporting to be a Copy of any such Certificate, signed by the Commissioners or their Secretary for the Time being, shall be received in Evidence as a true Copy of such Certificate, and of the Validity of the Original of which the same purports to be a Copy, and of the due Election according to this Act of the Persons named therein.

In case of Default of Proprietors, Commissioners may appoint such Committee.

XXIII. In case of Default on the Part of the Proprietors to meet, pursuant to such Notice as aforesaid, or at such Meeting to elect such Committee as aforesaid, or in case such Certificate as aforesaid of such Election be not transmitted to the Commissioners within Seven Days after the Time appointed for such Meeting, it shall be lawful for the Commissioners, if they see fit so to do, by Writing under their Hands, to appoint such Committee as aforesaid; and any Document purporting to be a Copy of any such Appointment, signed by the Commissioners or their Secretary for the Time being, shall be received in Evidence of such Appointment and of the Validity thereof.

XXIV. In

Committee may appear upon Arbitration, Trial of Traverse, &c.

XXIV. In case any Member of a Standing Committee appointed as aforesaid shall die, resign, or become incapable to act, it shall be lawful for a Majority of the surviving or continuing Members of such Committee to appoint a Person to act in the Place and Stead of such Member so dying, resigning, or becoming incapable to act, and in default of such Appointment for the Space of Two Months it shall be lawful for the Commissioners to appoint a Person instead of the Member so dying, resigning, or becoming incapable to act.

On Neglect of Committee, Commissioners may appoint a Person to represent them.

XXV. The Commissioners or their Secretary shall, upon any Summons or Notice being served on or given to them or him in relation to any Arbitration, Traverse, or other Proceeding under the said Acts or this Act, forthwith communicate the same to the Committee elected or appointed for the District as herein provided; and such Committee may appear upon such Arbitration, or the Trial of such Traverse, or such other Proceeding, by any Counsel, Solicitor, or Agent to be appointed by them for such Purpose.

Filling up Vacancies in Committee.

XXVI. Upon any Arbitration or the Trial of any Traverse or other Proceeding under the said Acts or this Act, in case the said Committee neglect to appoint a Counsel, Solicitor, or Agent to represent them on such Arbitration, Trial of Traverse, or other Proceeding, it shall be lawful for the Commissioners, if they see fit, to appoint some Counsel, Solicitor, or Agent for that Purpose.

Expenses of employing Counsel, &c., to be Part of the Expenses in the District.

XXVII. The Expenses attending the Employment of any Counsel, Solicitor, or Agent, or any Clerk, appointed by any such Committee as aforesaid, or by the Commissioners as herein-before provided, when taxed and ascertained by the Commissioners, may be paid by them, and the same shall form Part of the Expenses incidental to the Works in the District in respect of which such Employment may take place, and be paid for accordingly.

Receipt to be given for Purchase Money or Compensation, and Receipt for Purchase Money to operate as a Conveyance.

XXVIII. Anything in the said Acts to the contrary notwithstanding, in every Case in which any Monies are paid by the Commissioners under the Provisions of the said Acts or this Act for such Purchase or Compensation as aforesaid, the Party receiving such Monies shall give to the Commissioners a Receipt for the same; and such Receipt for any Purchase Money shall have the Effect of a Grant, Release, and Conveyance of all the Estate and Interest of such Party, and of all Parties claiming under or through him, in the Lands in respect of which such Monies are paid, so as such Receipt shall have an *ad valorem* Stamp of the same Amount impressed thereon in respect of the Purchase Monies mentioned in such Receipt (but exclusive of the Amount of Compensation for Damage by Severance or other Injury) as would have been necessary if such Receipt had been an actual Conveyance of such Estate or Interest, every such Receipt to be prepared by and at the Costs of the Commissioners, and be charged and defrayed in like Manner as the Purchase Money or Compensation for which such Receipt shall be given.

Provisions concerning Compensation for Land to extend to Interference with Mills, &c.

XXIX. The Provisions herein contained for ascertaining the Amount of Purchase or Compensation Money to be paid in respect of Land taken for or injuriously affected by any Works made under the said Acts and this Act, shall extend and be applicable to and for the ascertaining the Amount of Purchase Money, Satisfaction, or Compensation, or Damages to be paid for or in respect of any Mill, Dam, River, Water Power, or other Matter or Thing which the Commissioners are by the said Acts or this Act authorized to purchase or interfere with for the Purpose of any Works executed by them.

Power of Entry for executing Works pending Proceedings for Purchase or ascertaining Compensation.

XXX. For the Purposes of the said Acts and of this Act the Commissioners, or any Engineer, Workman, or other Person authorized by them, at any Time pending the Purchase or ascertaining of the Price or Compensation of any Land, Mill, or Hereditament, and after Three Days previous Notice in Writing given to the Party in occupation, may enter upon and into such Land, Mill, or Hereditament for the Purpose of executing any Works by the said Acts or this Act authorized, or doing any other Act, Matter, or Thing required in the Opinion of the Commissioners for carrying fully into effect the Purposes of the said Acts or of this Act.

Power to dig for Materials.

XXXI. The Commissioners, or any Engineer, Workman, or other Person authorized by them, after Three Days previous Notice in Writing given to the Party in occupation, may enter

enter into and search for, dig, take, and carry away Materials out of any Land for the Purpose of executing or repairing any Works, making such Compensation for the Surface Damage done to the Proprietors, Lessees, or Occupiers of such Lands according to their respective Interests therein as shall be agreed on; but in all Cases where the Commissioners shall take Materials from an open Quarry *bonâ fide* demised to any Person with Liberty to raise, sell, and dispose of the Materials therein, the Value of such Materials shall be paid for by the Commissioners as shall be agreed on; and in case of Dispute concerning the Amount of such Compensation for Damages, or the Value of such Materials, such Compensation or Value shall be settled, on a Summons to be issued for that Purpose by the Party claiming such Compensation or Value by any One or more Justice or Justices of the Peace for such County in which such Land is situate at Petty Sessions; and Service of such Summons on the Engineer of the Commissioners in charge of the Works in the District for the Purpose of which such Materials shall be taken shall be sufficient: Provided always, that no such Summons shall issue or be proceeded on until the whole Extent of the Damage to be done by the Commissioners, or the whole of the Materials to be taken by them shall be ascertained.

Summary Proceedings to be deemed to authorize Interference with Mills.

XXXII. It is hereby declared, That all the Provisions contained in the said Acts of the Ninth and Tenth Years of Her Majesty, Chapter Four, and of the Tenth and Eleventh Years of Her Majesty, Chapter Seventy-nine, respecting the summary Course of Procedure by the said Acts provided, shall be deemed to authorize and justify and to have authorized and justified the Commissioners in interfering and dealing with all Mills and Factories, and the Water Power thereof, according to the said summary Course of Procedure by the said Acts provided, in such Manner as by the Commissioners may be or have been considered requisite for enabling them to carry on the Works under the said Acts and this Act, and for the due Execution thereof: Provided always, that nothing herein contained shall extend to prejudice or affect any Proceedings in any Court of Law or Equity had or commenced before the passing of this Act.

Remedy by summary Application to the Court of Chancery in the event of Commissioners failing to secure the due Amount of Water Power to the Owner of any Mill or Factory.

XXXIII. Any Person interested in any Mill or Factory permanently affected or proposed to be permanently affected by anything done or proposed to be done under the Provisions of the said Acts or of this Act may apply by Petition in a summary Way to the Court of Chancery, complaining that the due Amount of Water Power has not been properly secured to or for such Mill or Factory, or that any Act has been done or has been threatened or proposed to be done by the Commissioners, or by any Person acting or pretending to act under the Provisions of this Act, by which permanent Injury has been or may be sustained by such Mill or Factory, or by such Person so interested in respect thereof, and whether the Act complained of has been authorized by this Act or otherwise, and thereupon such Court shall make such Order directing such Proceedings as shall seem proper before One of the Masters of such Court in relation to the Matter of the said Petition; and upon the Report of such Master it shall be lawful for such Court to direct such Works to be made by such Commissioners as to such Court of Chancery shall seem necessary or proper, and to make from Time to Time such further or other Order, whether for Compensation to any Party interested in such Mill or Factory, or for restraining the Commissioners or any other Person from doing any Act or otherwise, as to such Court shall seem just, and to issue any Writ or Writs of Injunction for any of the Purposes aforesaid for which the same may be required, and such Court shall have Power to award Costs to either Party: Provided always, that such Petition shall be presented within Six Months after the Act complained of.

Commissioners and Trustees may proceed for Maintenance Rates.

XXXIV. The Commissioners and the Trustees having the Maintenance of any Works executed under the said Acts or this Act shall have the same Powers, Rights, and Remedies to enforce Payment of the Rates at any Time heretofore or hereafter to be imposed by the Commissioners or such Trustees under the Powers of the said Acts as are in and by the said Acts given to the Commissioners for Recovery of the Sums or Instalments charged under their final Award; and the Trustees in all Cases where it may be necessary to take any Proceedings in Recovery of any such Rate or otherwise may sue in the Names of Two of them.

Rents may be increased

XXXV. It shall be lawful for the Commissioners where they see fit, on determining, under the said Act of the Fifth and Sixth Years of Her Majesty, the Amount of increased Rent

by separate Instrument.

Rent to be paid in respect of any Land drained or improved as therein mentioned, to signify their Decision by a separate Instrument.

Parties entitled to Purchase Money, Compensation, or Damages to have same ascertained as herein provided.

XXXVI. In all Cases where any Person shall consider himself entitled to be paid Compensation or Damages for or by reason of any Act or Omission by or on the Part of the Commissioners, or for or by reason of any Works or Acts whatsoever done or professed to be done by the Commissioners under the Authority or in pursuance of the Provisions of the said Acts or of this Act, such Person (save as herein-before provided) shall not be entitled to proceed at Law or in Equity for or in respect of the same, but the Right to such Compensation or Damages, and the Amount thereof, shall be ascertained in the Manner herein-before provided, and not otherwise, anything in the said Acts contained notwithstanding.

Commissioners may remove any insufficient Bridge, erecting a temporary Bridge.

XXXVII. Anything in the said first-recited Act to the contrary notwithstanding, if any existing Bridge, Culvert, or Archway for the Discharge of Water under any public Road shall in the Opinion of the Commissioners be insufficient for the free Discharge of such Water, and shall by reason of such Insufficiency cause or tend to cause the flooding of any Land to be drained or improved by the Works of the Commissioners, it shall be lawful for the Commissioners to take down and remove such Bridge, Culvert, or Archway, the Commissioners constructing a temporary Bridge, Culvert, or Archway in the Place of that so to be taken down and removed, and supporting and maintaining the same for the Space of Twelve Months, the Expense of the taking down and Removal of such Bridge, Culvert, or Archway, and constructing, supporting, and maintaining such temporary Bridge, Culvert, or Archway, to form Part of the Costs of the Works in the District within which any such Bridge, Culvert, or Archway may be situate: Provided always, that before proceeding to remove any such Bridge, Culvert, or Archway the Commissioners shall cause Thirty-one Days Notice to be given to the County Surveyor of the County or of each County (if more than One) in which such Bridge, Culvert, or Archway shall be wholly or in part situate, stating the Intention of the Commissioners to remove such Bridge, Culvert, or Archway, and communicating such precise Information, including a detailed Plan and Cross Section of the River or Stream over which a new Bridge, Culvert, or Archway is to be built, as may be requisite to show the Dimensions of the Waterway of such new Bridge, Culvert, or Archway, for the Purpose of enabling the County Surveyor to prepare a proper Plan, Specification, and Estimate for such new Bridge, Culvert, or Archway, and the Surveyor of any such County to whom such Notice shall be given shall at the next Assizes after the Receipt of such Notice lay the same, together with a proper Plan, Specification, and Estimate for such new Bridge, Culvert, or Archway, before the Grand Jury of such County.

Grand Jury to present for new Bridge.

XXXVIII. The Grand Jury of the County in which any such new Bridge, Culvert, or Archway shall be required to be built or constructed is hereby authorized and required (without any Application to Presentment Sessions) to present the Amount necessary for the building of such Bridge, Culvert, or Archway according to such Plan, Specification, and Estimate as aforesaid, or such other Plan, Specification, and Estimate as such Grand Jury may approve, and the Grand Jury of such County shall thereupon appoint a Committee of not less than Three or more than Five Persons, any Three of whom shall be a Quorum, to contract and agree with any Party or Person willing to undertake the building of such Bridge, Culvert, or Archway, or the said Grand Jury may authorize and direct that the said Bridge, Culvert, or Archway may be built and constructed, out of the Money so presented, under the immediate Superintendence and Direction of the County Surveyor of such County.

Where any new Bridge, &c. is formed over a Stream between Two Counties, each to pay equal Moieties.

XXXIX. Where any such new Bridge, Culvert, or Archway shall be over any River or Stream forming a Boundary between Two Counties, the same shall be built or constructed at the Expense of such Two Counties in equal Moieties; and the Grand Jury of each such County shall (without any Application to Presentment Sessions) present the Moiety of the Sum necessary for building or constructing such new Bridge, Culvert, or Archway, and appoint a Committee, as herein-before provided in the Case of One County; and the Committees so appointed shall meet and act as a joint Committee, for the Purpose of contracting as aforesaid for the building or constructing of such new Bridge, Culvert, or Archway, at the joint Expense of the said Counties, as aforesaid; and in case both or either of such Grand Juries

Juries shall neglect to make such Presentment and appoint such Committees as aforesaid, or in case both or either of such Committees shall neglect to contract for the Construction of such Bridge, Culvert, or Archway, or if from any other Cause such Bridge, Culvert, or Archway shall not be built or constructed within Twelve Months after such Notice by the Commissioners to the Surveyor of each County, as herein-before provided, it shall be lawful for the Commissioners to have such new Bridge, Culvert, or Archway built in such Manner as to them shall seem sufficient, and by a Certificate under their Hands and Seals to signify to the Secretary of the Grand Jury of each such County the Amount of the Moiety of the Expenses incurred by them in building or constructing such Bridge, Culvert, or Archway, and the Secretary of the Grand Jury of each such County shall lay such Certificate before the Grand Jury of such County at the Assizes to be held for such Counties respectively next after the Receipt of such Certificate, and thereupon the Grand Jury of each such County shall (without any Application to Presentment Sessions) present the Amount mentioned in such Certificate, to be levied off such County immediately after such Assizes, and to be paid to the Commissioners; and in case the Grand Jury of any such County shall neglect or refuse to present the Sum so mentioned in such Certificate the Judge of Assize shall make an Order directing that the Treasurer for such County shall insert such Sum in his Warrant, and the same shall be levied off such County in the same Manner as if the same had been presented by such Grand Jury.

Foregoing Provisions applicable where Bridges have been already removed.

XL. In all Cases where before the passing of this Act any Bridge, Culvert, or Archway has, in the Execution of any Works under the said Acts, been removed by the Commissioners, and a new permanent Bridge, Culvert, or Archway has not been built or constructed or commenced, the Commissioners shall, as soon as conveniently may be after the passing of this Act, give Notice to the County Surveyor of any or every County in which any such Bridge, Culvert, or Archway so removed was wholly or in part situate, containing the like Information, for the building or constructing of such new Bridge, Culvert, or Archway, as herein-before required in the Case of a Bridge, Culvert, or Archway hereafter removed; and the Provision herein-before contained for rebuilding or re-constructing any Bridge, Culvert, or Archway upon Notice of any existing Bridge, Culvert, or Archway being about to be removed, shall be applicable for the rebuilding or Re-construction of any such Bridge, Culvert, or Archway so already removed as aforesaid.

Trustees having Maintenance of Works to appoint a Superintendent.

XLI. For the Purpose of more effectively preserving and maintaining the Works executed by the Commissioners under the said Acts, the Trustees for the Time acting under the said Acts for such Purposes in any District shall meet in the Month of *February* in every Year, and at such other Times as they think fit, and shall appoint the County Surveyor or any other competent Person to be the Superintendent of the Works in such District, at such Salary, to be paid out of the Rates imposed by such Trustees, as they may think proper, and such Superintendent shall, in the Month of *February* in each Year, and from Time to Time as Occasion may require, report to the said Trustees the State of the whole of the principal Rivers and Main Drains forming Part of the Works improved or executed in such District, and whether any and what Repairs or Works are necessary for cleansing and preserving the same, and shall generally direct the carrying into effect of such Works as the Trustees may from Time to Time direct and approve for the Purposes aforesaid.

Proprietors or Occupiers may complain to Superintendent.

XLII. In case any Proprietor or Occupier of Land within any such District shall complain to such Superintendent of any Injury to the Works or Obstruction to the free Discharge of the Waters in such District, it shall be lawful for the Party so complaining to require such Superintendent to examine into the Matter so complained of, and to make his Report to the Trustees thereon; and thereupon it shall be lawful for the Trustees or any Two of them, if they see fit, on receiving such Report, to require that such Injury shall be remedied or such Obstruction removed by such Superintendent.

Parties may appeal to Petty Sessions.

XLIII. In case the Trustees shall decline or refuse to have the necessary Works executed for the Removal of such Injury or Obstruction, it shall be lawful for the Party complaining to apply in a summary Way to the Justices assembled at the next Petty Session for the District in which the Cause of Complaint may arise, and thereupon such Justices shall proceed to hear the Matter of such Complaint and make such Order thereon as to such

Justices shall seem proper, and thereby (if they see fit) to authorize and require such Superintendent to remove such Injury or Obstruction, and thereupon such Superintendent shall remove the same in like Manner as if the same had been authorized and directed by the said Trustees.

Acts to be construed as One Act.

XLV. The several Acts mentioned in this Act and this Act shall be construed together as One Act; and the several Words and Expressions to which an extended Signification is given in the said Acts, or any of them, shall have the like Signification in this Act; and (save where such Construction would be inconsistent with the Context) the Expression "the Commissioners," where used in this Act, shall mean the Commissioners of Public Works in *Ireland*.

Interpretation of "the Commissioners."

The SCHEDULE to which the foregoing Act refers.

Date of Act.	TITLE.	Extent of Repeal.
5 & 6 Vict. c. 89.	An Act to promote the Drainage of Lands, and Improvement of Navigation and Water Power in connexion with such Drainage, in Ireland.	Sections 52. 54. 65. 66. 70. 71. 72. 73. 74. 75. 84. 105. 129.
9 Vict. c. 4. -	An Act to amend the Acts for promoting the Drainage of Lands, and Improvement of Navigation and Water Power in connexion with such Drainage, in Ireland; and to afford Facilities for increased Employment for the Labouring Classes in Works of Drainage during the present Year.	Section 41.

CAP. CXXXI.

An Act to amend various Laws relating to Merchant Shipping.

[20th *August* 1853.]

'WHEREAS it is expedient to amend various Laws relating to Merchant Shipping:' Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Preliminary.

Interpretation of Terms in this Act.

I. In the Construction of this Act the following Words and Expressions shall have the Meanings hereby assigned to them, if not inconsistent with the Context or Subject Matter; (that is to say,)

The Expression "Board of Trade" shall mean the Committee of Privy Council appointed for the Consideration of Matters relating to Trade and Foreign Plantations:

The Word "*Trinity House*" shall mean the Master, Wardens, and Assistants of the Guild, Fraternity, or Brotherhood of the Most Glorious and Undivided *Trinity* and of *Saint Clement* in the Parish of *Deptford Strond* in the County of *Kent*, commonly called the Corporation of *Trinity House of Deptford Strond*:

The Expression "Commissioners of Northern Lighthouses" shall mean the Commissioners in whom the Management of *Scotch* Lighthouses is vested by the Act of the Twenty-sixth Year of the Reign of King *George* the Third, Chapter One hundred and one, and by various other Acts:

The Expression "the Port of *Dublin* Corporation" shall mean the Corporation for preserving and improving the Port of *Dublin*:

The