ANNO QUINTO & SEXTO

VICTORIÆ REGINÆ.

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C A P. LXXXIX.

An Act to promote the Drainage of Lands, and Improvement of Navigation and Water Power in connexion with such Drainage, in *Ireland*.

[5th *August* 1842.]

WHEREAS it is expedient that Provisions should be made for promoting the Drainage of Lands in *Ireland*, and the Improvement of Navigation and Water Power in connexion with Drainage; 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, That the Commissioners of Public Works in *Ireland* for the Time being shall be the Commissioners for the Execution of this Act.

The Commissioners of Public Works to be the Commissioners under this Act.

II. Provided always, and be it enacted, That it shall and may be lawful to and for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, by Warrant under the Hands of any Three or more of them, if they shall so think fit, to appoint One or Two Persons to assist the said Commissioners of Public Works, and be Commissioners together with them for the Execution of this Act, during Pleasure, and to remove either or both of said last-mentioned Commissioners, and to appoint another or others in the Stead

Two additional Commissioners may be appointed.

Stead of the Person or Persons so removed, or dying, or resigning, and that all Matters and Things which the Commissioners for the Execution of this Act are by any of the Provisions of this Act required or authorized to do or execute may be done and executed by any Two of them.

How Persons interested in Lands liable to be flooded may proceed;

III. And be it enacted, That it shall be lawful for any Person interested in any Land liable to be flooded or injured by Water, or capable of being drained, or the Drainage whereof may be capable of being improved, to apply by Memorial to the Commissioners for the Execution of this Act, stating the Nature and Extent of such Land, and praying that the same may be drained, or that the Drainage thereof may be improved under the Provisions of this Act.

also Persons interested in any River near to any such Land.

IV. And be it enacted, That it shall be lawful for any Person interested in any River within, adjacent, or near to any such Tract of Land as aforesaid, and which River, or any Part thereof, may be capable of being rendered navigable in connexion with Drainage, or the Navigation whereof may be capable of being improved in connexion with Drainage, to apply by Memorial to the said Commissioners, describing such River, and praying that the same, or such Part thereof as aforesaid, may be rendered navigable, or the Navigation improved, in conjunction with the Drainage of the Land adjacent or near thereto, under the Provisions of this Act.

Grand Jury may present Memorial when a Navigation may be effected or improved.

V. And be it enacted, That it shall be lawful for the Grand Jury, at the Assizes of any County in which any such River as aforesaid, or any such Part thereof, may be situate, to make a Presentment directing their Secretary to apply by Memorial as aforesaid for the like Purpose to the said Commissioners, provided, One Month at least before the Meeting of such Grand Jury, a Notice, signed by One or more Cess-payers of such County, specifying that it is intended to bring under the Consideration of such Grand Jury the Propriety of such Memorial, shall have been published in Three successive Publications of a Newspaper circulating in such County, and shall have been, Ten Days before such Meeting of such Grand Jury, posted at the usual Places for posting Grand Jury Notices in every Barony in such County in which any such River, or such Part of a River, proposed to be improved, is situate, in the same Manner as Notices for Applications are to be posted under an Act passed in the Session of Parliament holden in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Presentment of public Money by Grand Juries in* Ireland.

6 & 7 W. 4. c. 116.

Where a Memorial is presented, the Commissioners may require a Deposit for defraying preliminary Expences.

VI. And be it enacted, That in every Case of Application by Memorial as aforesaid the said Commissioners shall require such a Sum to be deposited in their Hands, by or on behalf of the Person or Grand Jury so applying, as shall be sufficient for defraying the Expence of making the preliminary Inquiries, Inspection, and Report hereinafter mentioned, and shall also, whenever afterwards they shall have notified their Approval of the Matter of such Memorial, require to be deposited in their Hands, by or on the Part of such Person or Grand Jury,

Jury, such Sum as shall be sufficient for defraying the Expences of making the further Surveys, Schedules, Maps, Plans, Drawings, Sections, and Estimate herein-after directed to be made respecting the Land or River proposed to be drained or improved respectively, and the Works necessary for draining and improving the same, and for defraying the Expences of all other Measures herein-after directed to be taken for the Purposes herein-after expressed, previous to the actual Commencement of any Works under the Provisions of this Act.

Grand Jury may direct the Treasurer of the County to deposit the Sum required to be deposited with the Commissioners.

VII. And be it enacted, That it shall be lawful for any Grand Jury who shall direct any such Application by Memorial as aforesaid to present (without Application to Presentment Sessions) any Sum which they shall think necessary for or towards providing the Amount of such First Deposit as aforesaid, or, if they shall think fit, for or towards providing the Amount of both such Deposits; and in case such Grand Jury shall present only the Sum necessary for such First Deposit, it shall be lawful for the Grand Jury, at any subsequent Assizes, in like Manner, without Application to Presentment Sessions, if they shall so think fit, to present the Sum necessary for the Second Deposit; and the Amount so presented in either of such Cases shall be raised off such Baronies and Half Baronies as shall be specified in such Presentment; and it shall be lawful for any such Grand Jury to direct the Treasurer of the County, out of any public Monies which he may have in his Hands, to lodge with the said Commissioners such First Deposit, or both such Deposits, according as such Grand Jury shall direct in such Presentment, and as the said Commissioners shall require, for defraying the Expences aforesaid, and such Treasurer shall make such Deposit or Deposits, and the Amount so presented shall be raised and levied accordingly; and in case the Deposit or Deposits required by the said Commissioners shall not amount to the Sum so presented, the Surplus shall be applied to such Purposes as other public Monies levied off such Baronies or Half Baronies may be applicable.

Commissioners may appoint a Person to inspect any Land or River, and to report thereon.

VIII. And be it enacted, That whenever any such Memorial as aforesaid shall be presented to the said Commissioners, and the Sum required to be deposited with them for the Purpose of making such Inquiry, Inspection, and Report as aforesaid shall have been deposited accordingly, the said Commissioners shall direct some Engineer or other competent Person to inspect, and, if the said Commissioners shall deem fit, to make a Survey of the Land or River referred to in such Memorial, or of any other Land or River of which they shall deem it necessary for the Purposes of such Memorial that a Survey should be made, or to examine any Survey already made thereof, which the said Commissioners shall think sufficient, and to inquire into and ascertain the present State of such Land or River, and the Capacity of the said Land for Improvement by Drainage, and the probable Increase in the Value of such Land when so improved, and also the Capacity of such River for Improvement, and further to ascertain whether any existing Navigation would be injured by the Works necessary to be executed for Drainage, or whether any useful or necessary Navigation would or might be effected or improved either immediately

immediately or remotely in conjunction therewith, and whether it may be necessary or expedient for the Execution of such Works to purchase, remove, injure, or alter any Weir, Dam, Mill, Factory, or other Building or Property, and whether any and what Improvement would or might be effected in any existing Water Power, and whether any new Water Power would or might be created in conjunction with such Works, and whether, for the Prevention of sudden Floods, and the Preservation of surplus Water for the Supply of Towns, Mills, Factories, or Navigation, or for the Irrigation of or the warping or depositing Soil by means of Water on any Lands where same shall be a beneficial Manurance, that any and what Reservoirs should be constructed; and such Engineer or other Person shall report to the said Commissioners the Nature, Extent, and probable Expence of effecting the Purposes aforesaid, and the Lands, Mills, Factories, Weirs, and other Property to be affected by such Works, and the Benefit or Injury likely to arise to such Lands, Mills, Factories, Weirs, and other Property respectively from such Works, and the several Matters aforesaid.

Commissioners, &c. may enter Lands for the Purposes of Survey or Inquiry.

IX. And be it enacted, That, for the Purposes of any Inspection, Survey, or Inquiry directed or necessary under any of the Provisions of this Act, it shall be lawful for the said Commissioners, by themselves, their Surveyors, Engineers, Agents, Officers, and Workmen, to enter upon any Lands or Premises in any District within which it is proposed that any Works shall be executed under this Act, or any Lands and Premises adjoining thereto, and, if necessary, to dig or bore therein, and also to examine any Weir, Sluice, or Floodgate erected in or upon any River or Stream which it shall seem to them to be necessary to examine, and to open or raise any such Floodgate or Sluice for the Purposes of any such Inquiry, and to make any Soundings or bore the Bed or Channel of any Part of such River, or any Mill Course connected therewith, making reasonable Compensation for any Damage done thereby; and the Amount of such Compensation shall be ascertained by Two or more Justices of the Peace at Petty Sessions in or for the District wherein any such Damage shall be committed, and they are hereby authorized and required to inquire into and determine same, and for that Purpose to examine, on Oath or otherwise, all such Witnesses as shall be produced before them, and to make such Order as to them shall seem just for the Payment of the Amount of such Damage by the Commissioners to the Party aggrieved, which said Order shall be final and conclusive: Provided always, that the said Commissioners, their Surveyors, Engineers, Agents, Officers, and Workmen, may enter upon such Lands as aforesaid, and do all necessary Matters and Things by this Act authorized previously to or pending the Decision of such Justices.

If Commissioners think it inexpedient to execute the Works, they are to decide accordingly.

X. And be it enacted, That if, on the Report of such Engineer or other Person, the said Commissioners shall consider that the Benefits likely to arise would not be commensurate with the probable Cost of the necessary Works, or if from any other Consideration the said Commissioners shall deem it inexpedient that the Land or River referred to in any such Memorial as aforesaid should be drained or improved

improved under the Provisions of this Act, they shall decide accordingly, and shall transmit to the Person or Grand Jury who shall have presented such Memorial relating thereto a Notification in Writing of their Determination, together with a Copy of such Report.

If the Commissioners approve of the Works proposed, they shall cause Copies of the Report to be deposited for public Inspection.

XI. And be it enacted, That if on the Report of such Engineer or other Person the said Commissioners shall consider it expedient that any Works should be undertaken, they shall notify in Writing to the Person, or to the Secretary of the Grand Jury, who shall have applied by Memorial as aforesaid, their Approval of the Matter of such Memorial, and shall cause Copies of the Report to be made, and shall deliver a Copy thereof to any Person who shall apply for the same, on Payment of the reasonable Expence of preparing such Copy; and shall also cause Copies of such Report to be deposited with the Clerk of the Peace (and, where any Navigation is proposed to be improved by such Works, with the Secretary of the Grand Jury) of every County in which the Land or River, or the Part thereof proposed to be drained or improved, shall be situate, and also in such and so many convenient Places in the District where the said Works are proposed to be executed, or in the Vicinity thereof, as the said Commissioners shall think necessary, there to remain open for public Inspection at all reasonable Times for Six successive Weeks; and they shall cause Notice of the Places where such Copies are deposited to be given by public Advertisement in some Newspaper circulating in such County or Counties, or otherwise as to them shall seem expedient.

Commissioners may cause Surveys, &c. to be made.

XII. And be it enacted, That if in the last-mentioned Case the said Commissioners shall deem it expedient, they shall, upon receiving such Deposit as aforesaid of a Sum sufficient for the Purpose, cause further Surveys to be made of the Land proposed to be drained or improved, and of the River proposed to be improved in connexion with such Drainage, and proper Schedules, Maps, Plans, and Sections to be prepared, describing the District within which it is proposed to put the Powers of this Act into execution, and showing the Land to be drained or improved by such Drainage, and showing in One or more of such Schedules the reputed Proprietors, Lessees, and Occupiers thereof, and the Lands or other Property required to be taken for or likely to be injured by the proposed Works, and the reputed Proprietors, Lessees, and Occupiers thereof, and showing, so far as may be possible, the Line, Course, and Situation of the Streams, Watercourses, Drains, Rivers, and Lakes intended to be cleared, scoured, or embanked, and the requisite Variations, Divisions, Abridgments, or Enlargements of the same, and the Direction and Extent of any new Drains, Watercourses, or Works necessary to be made, and the Land in and through which the same are to be made; and they shall also cause to be made an Estimate of the Expence of the proposed Works, including in such Estimate the probable Amount of Money payable as Compensation in respect of any Injury likely to be occasioned by such Works, or for the Purchase of any Land, Houses, Fisheries, Weirs, Mills, or other Property required to be taken or purchased for the Purpose of such Works, and other miscellaneous Expences likely to be incurred; and they shall also cause the then actual Value of the Land to be drained or improved by Drainage by the proposed

Works to be ascertained, in such Manner and by such Means as they shall think proper, and the probable Increase in such Value by the proposed Works; and such actual Value and estimated Increase shall be stated in the said Schedules, and also the Proportions in which such Lands shall contribute towards the Payment of the Costs of the proposed Works, specifying such Proportions in the Ratio of the estimated Increase in the Value of such Lands; and in every Case where the Navigation of any such River, or such Part of a River, as aforesaid, shall be proposed to be improved, every such Estimate shall also and separately specify the Amount of the Costs which will be incurred in the Execution of such of the proposed Works as shall be necessary for the Improvement of the Navigation of such River, or Part of a River, and the District likely to be benefited by such Improvement, and the Baronies, Half Baronies, or Townlands in such District, and the Proportions in which such Baronies, Half Baronies, or Townlands, whether situate in One or more Counties, are likely to be benefited, and should contribute to such Costs; and the said Commissioners shall cause to be made Copies of the said Schedules, Maps, Plans, Sections, and Estimate, and shall cause such Copies to be deposited in such convenient Place or Places as the said Commissioners shall think proper, within or in the immediate Vicinity of the District in which such Land or River, or Part of a River, shall be situate, there to remain open for public Inspection at all reasonable Times for Six successive Weeks, which Period may be reckoned concurrently with the Period herein-before limited for the Publication of the Report before mentioned; and all Persons shall be at liberty to inspect and make Copies of or Extracts from the said Schedules, Maps, Plans, Sections, and Estimate, and Copies thereof or Extracts therefrom shall be made for any Person who shall require the same, on Payment of the Costs of making such Copies or Extracts.

Publication of a Notice that Maps, &c. have been deposited.

XIII. And be it enacted, That the said Commissioners shall cause a Notice, stating the Places in which Copies of the said Schedules, Maps, Plans, Sections, and Estimate have been deposited as aforesaid, to be published in some Newspaper usually circulated in the District in which the Land or River, or Part of a River, proposed to be drained or improved, shall be situated, or in the immediate Vicinity thereof, and also to be posted in the usual Places for posting Grand Jury Notices in or near such District; and in all Cases where it shall be proposed that the Navigation of any River, or Part of a River, shall be improved, a Copy of such Notice shall be served on the Secretary of the Grand Jury or Grand Juries of the County or Counties in which such River, or Part of a River, so to be improved shall be situate; and in all Cases where it shall be proposed to take or remove any Mill or Factory, or to lower, raise, or modify any Weir, Dam, or other Work or Obstruction connected with any Mill or Factory, a Copy of such Notice shall be served on the Owner, Lessee, or Occupier, or Person in charge of such Mill or Factory, or posted on the Door or Wall thereof; and by such Notice all Parties interested shall be required, on or before a Day to be therein named, not sooner than Six Weeks from such Publication and Posting or Service as aforesaid of such Notice, to transmit to the Secretary of the said Commissioners their Objections, if any, to the said Schedules, Maps, Plans, Sections,

and Estimate, and all other Objections which such Parties shall think fit to make with respect to any thing proposed to be done by the said Commissioners under the Provisions of this Act.

Grand Jury may appoint a Committee.

XIV. And be it enacted, That in every Case in which it shall be proposed that the Navigation of any such River, or Part of a River, as aforesaid, should be improved in conjunction with the Drainage of the adjacent Lands, it shall be lawful for the Grand Jury, at the Assizes of each County in which any such Improvement is proposed to be made, to appoint a Committee to act for the Purposes herein-after mentioned, until removed as herein-after provided; and such Committee shall consist of Seven Persons, each of whom shall be a Member of such Grand Jury, or shall have served upon some former Grand Jury at the Assizes of such County, or shall be a Justice of the Peace of such County, and any Three of such Committee shall form a Quorum; and it shall be lawful for the Grand Jury, at any subsequent Assizes, to remove any Member of such Committee, or to fill up any Vacancy anywise arising in such Committee, or to appoint a new Committee.

Committee of Grand Jury empowered to attend Meeting, and to object to the proposed Works.

XV. And be it enacted, That it shall be lawful for the Committee for the Time being appointed by any such Grand Jury as aforesaid to transmit to the said Commissioners such Objections as such Committee shall think proper to the said Report, Schedules, Maps, Plans, Sections, and Estimate which shall have been deposited as aforesaid, and also to attend at any Meeting to be convened by the said Commissioners under the Provisions of this Act, and at such Meeting to support such Objections, or to make such other Objections as such Committee shall think proper.

Meeting of the Persons interested to be called by public Notice.

XVI. And be it enacted, That the said Commissioners shall, either by the Notice to be published and posted as aforesaid, or by a subsequent Notice to be published and posted in like Manner, call One or more public Meetings of all Persons interested in the Land or River, or Part of a River, proposed to be drained or improved, or likely to be affected by any of the Works proposed to be executed for such Drainage or Improvement, to be held on such Day or Days subsequent to the Expiration of such Period of Six Weeks, and at such convenient Place or Places within the District wherein such Land or River, or Part of a River, so to be improved, shall be situate, or in the Vicinity thereof, as the said Commissioners shall specify in such Notice: Provided always, that if the said Commissioners shall call such One or more Meetings by a subsequent Notice as before provided, they shall fix for such Meeting a Day not sooner than Twenty-one Days from the Date of such subsequent Notice.

Proceedings at Meeting.

XVII. And be it enacted, That at the Time and Place named in such Notice as aforesaid the said Commissioners shall attend, and shall have Power to adjourn from Time to Time, or hold such new Meeting, as they may find necessary, and shall inquire into the Correctness of the Schedules containing the Names of such Proprietors and Occupiers as aforesaid, and shall hear all such Objections as shall have been or shall then be made by any Person or Persons interested in

said

said Lands or River, or any Persons on his or their Behalf, as to any Omission or Misdescription in such Schedules, or any Name improperly inserted therein, and shall hear all such other pertinent Objections as shall have been or shall be then and there made by such Person or Persons to the Schedules, Maps, Plans, Sections, and Estimate which shall have been made under the Provisions hereinbefore contained; and the said Commissioners shall also hear and inquire, on Oath or otherwise, into all such Objections, by any of the Persons aforesaid, to the said proposed Works, as shall have been or shall then and there be made, and also all Objections to the stated Value of the Land, or to the stated probable Increase in such Value, as the same shall have been respectively set forth in the said Schedules, and also into all such Objections as shall have been made, or shall then and there be made, by or on behalf of the Owner, Lessee, or Occupier, or other Person interested in any Mill or Factory likely to be affected by any thing proposed to be done by the Commissioners under any of the Provisions of this Act, and after having considered all such Objections as aforesaid they shall cause such Alterations (if any) as they may deem expedient to be made in the said Schedules, Maps, Plans, Sections, and Estimate, and shall sign the same; and the said Commissioners shall receive and hear all such Evidence as may be offered to them in relation to the several Matters aforesaid, and shall give to the Persons present at such Meeting full Information respecting the Nature and Extent of the proposed Works, and shall take or receive the Assents in Writing of the Proprietors of the Lands comprised in such Schedules to the Execution of the proposed Works; and such Schedules, Maps, Plans, Sections, and Estimates, so signed by the said Commissioners, and the Assents which shall be given, shall be preserved by the said Commissioners in their Office in *Dublin*, and a Copy thereof shall be deposited with the Clerk of the Peace of each County wherein such Works are proposed to be executed, and shall be open to public Inspection at all reasonable Times, on Payment of a Fee of One Shilling, and shall, when required by the Secretary of the Grand Jury of any such County, be produced for Inspection at any Presentment Session to be held within such County.

Power to Commissioners to adjourn Meetings.

XVIII. And be it enacted, That it shall be lawful for the Commissioners from Time to Time to adjourn any of the Meetings to be held by them under this Act to such Time and Place as they may think proper.

Presentment Session and Grand Jury may approve of Works, and undertake to pay the Costs thereof.

XIX. And be it enacted, That in every Case in which it shall be proposed that any River or Part of a River shall be made navigable, or the Navigation thereof improved as aforesaid, it shall be lawful for the Justices and associated Cess-payers, at the Presentment Session of each Barony or Half Barony within the District likely to be benefited by the Improvement of such River or Part of a River, and also at the Presentment Session to be holden for the County at large at any Time previous to or within Twelve Months after the Time of holding such Meeting as last aforesaid, to make a Declaration in the Form in the Schedule to this Act annexed, or as near thereto as may be convenient, approving of the proposed Works, and consenting

consenting that such Proportion of the Costs and Expences of effectuating the Portion of the Works relating to the Improvement of the Navigation of such River as shall be assessed upon such Barony or Half Barony, or any Townland or Townlands, or upon the County at large, under the Provisions of this Act, shall be raised off such Barony, Half Barony, or Townlands, or such County at large respectively; and every such Declaration shall be delivered to the Secretary of the Grand Jury of such County, and shall be laid by him before the Grand Jury of the said County at the next ensuing Assizes, together with the Report, Schedules, Maps, Plans, Sections, and Estimates relating thereto, and it shall be lawful for such Grand Jury to make Presentment allowing or disallowing the same; and it shall be lawful for any Person liable to be assessed under and by virtue of any Grand Jury Presentment, for any Proportion of such Costs and Expences, to traverse any such Presentment, and such Traverse shall be made and tried and in all respects disposed of as any Traverse of any Presentment for any public Work under any Act or Acts in force in *Ireland* relating to the Presentment of public Money by Grand Juries in *Ireland*; and all the Provisions of any such Act or Acts in relation to the Traverse of any such Presentment shall apply to any Traverse to be so made as aforesaid.

If Presentment Session and Grand Jury decline, any Person may guarantee Payment.

XX. And be it enacted, That if any such Presentment Session shall decline to make such Declaration as aforesaid, or if such Grand Jury shall decline to make Presentment thereupon accordingly, then it shall be lawful for any Person whomsoever to guarantee or otherwise secure the Payment of such Proportion of such Expences to the said Commissioners.

No Drainage Works to be commenced, unless Two Thirds of Proprietors assent.

XXI. And be it enacted, That no Works shall be commenced for the Drainage of any Land under or by virtue of this Act unless the Proprietors of Two Thirds or more in Extent of the Land proposed to be drained or improved by such Drainage shall assent to the Execution thereof in Writing under their Hands respectively, within such Time as the said Commissioners shall appoint.

No Work for the Improvement of a River to be commenced till Declaration made, nor unless Two Thirds of the Proprietors of adjacent Lands to be drained assent.

XXII. And be it enacted, That no Work for the Improvement of the Navigation of any such River or Part of a River as aforesaid shall be commenced, unless such Declaration as herein-before mentioned shall have been made at the Presentment Session or Sessions of the Barony or Half Barony, Baronies or Half Baronies, which singly or collectively shall, according to the Estimate of the said Commissioners, be liable to contribute Two Thirds or more of the full estimated Expences of improving such Navigation, approving of the proposed Works, and consenting to pay the Expences as aforesaid, and unless a Presentment allowing the same shall have been made by the Grand Jury of the County in which any such Baronies or Half Baronies are situated, or unless some Person shall guarantee or otherwise secure the Payment of such Expences; nor shall any such Works be commenced unless the Proprietors of Two Thirds or more in Extent of the Land proposed to be drained or improved in connexion with such Navigation as aforesaid shall also assent to the Execution thereof in Writing under their Hands respectively.

Who shall be deemed Proprietors.

XXIII. And be it enacted, That any Person seised of or entitled to any Portion of the Land proposed to be drained or improved by Drainage, in possession as Tenant in Fee Simple or in Fee Tail, General or Special, or as Tenant by Curtesy, and also any Person who shall be entitled under any Will or Settlement, or any other Deed or Instrument (except a Grant or Lease reserving Rent, or an Agreement in Writing for such Grant or Lease), for his own Life, or the Life of any other Person, or for Years determinable on such Life or Lives, and also any Person who shall be entitled under any Lease granted by a Bishop or any Collegiate or Ecclesiastical Body, or under any Lease granted by any Person having immediate or derivative Title from or under any Bishop, or any Collegiate or Ecclesiastical Body, which Lease shall contain a *toties quoties* Covenant of Renewal, and also any Person who shall be entitled under any Grant, Lease, or any other Deed or Assurance, for an Estate in Fee, or for a Term of Years absolute whereof Forty Years or more shall be unexpired, or for an Estate or Interest for any Life or Lives, renewable for ever, or for any Term or Terms of Years, renewable for ever, whether such last-mentioned Person shall be entitled to any such Estate, Term, or Interest, either absolutely or as Tenant in Tail, or as *quasi* Tenant in Tail, or for his Life, and also every Feoffee or Trustee of any such Land, or of any such Estate or Interest therein as aforesaid, for charitable or other Purposes, shall be deemed a Proprietor of such Land for the Purposes of this Act; and in every Case in which any Person seised, possessed of, or entitled to any such Land for any such Estate or Interest as aforesaid shall be an Infant, Feme Covert, Idiot, or Lunatic, the Guardian of such Infant, the Husband of such Feme Covert, and the Committee of the Estate of such Idiot or Lunatic, shall, subject to the Provisions herein-after contained, be deemed a Proprietor of such Land for the Purposes of this Act: Provided always, that no Person shall be deemed a Proprietor for the Purposes of this Act for or by reason of any Estate vested in him which shall have been created by way of Mortgage, or for the Purpose of securing the Payment of any Sum of Money, but that the Person who would be deemed a Proprietor for the Purposes of this Act if such Estate by way of Mortgage or for securing any Money had not been created shall, notwithstanding such Mortgage or Security, be deemed such Proprietor as aforesaid: Provided also, that where several Persons shall have, in any Land so proposed to be drained, such Estates or Interests as would otherwise entitle them under the Provisions aforesaid to be so deemed Proprietors, such of the said Persons shall be deemed the Proprietor, for the Purposes of this Act, as shall be in actual Occupation of the said Land, or as shall have such Estate or Interest as aforesaid therein next in Reversion or Remainder to the Estate or Interest of the Person in actual Occupation.

Persons entitled to certain Interests, upon giving Security, to be deemed Proprietors.

XXIV. And be it enacted, That at any Time before such Meeting as last aforesaid, or at any Period within such Time as may be appointed by the Commissioners for the receiving of Assents, and which Time they are hereby authorized to limit and appoint, any Person seised or possessed of any Portion of the Land proposed to be drained or improved, for any Life or Lives, or for any Term of Years determinable on any Life or Lives, or for any Term of Years absolute, whereof

there shall be then Seven Years or more unexpired, who shall deposit with the said Commissioners such Sum of Money as to them shall seem sufficient for the Payment of the Sum with which such Portion of Land may become chargeable for or in respect of the Costs and Expences of the Works proposed to be executed, shall be deemed the Proprietor of such Land, and the Person entitled to assent, for the Purposes of this Act: Provided always, that in case several such Persons shall desire to become assenting Proprietors, and to make such Deposit as shall be so required, Preference shall be given to such of the said Persons as shall be in actual Occupation of the Lands; and in case the Person so in occupation shall not so desire, or shall not make such Deposit, then the Person who shall have the next Estate or Interest in such Lands greater than that of such Occupier or Occupiers thereof, and shall so desire, and make such Deposit, shall be preferred, and so on, that Person (if there be more than One signifying such Desire, and so making such Deposit,) being always preferred who shall have, among such Persons as last aforesaid, such Estate or Interest as aforesaid nearest in order to and greater than that of the Occupier of such Lands: Provided also, that in case any such Person shall become such assenting Proprietor the Assent of no other Person shall be taken into account in respect of such Lands.

Trustees, &c. may apply to Court of Chancery for Leave to assent.

XXV. Provided always, and be it enacted, That it shall and may be lawful for any Feoffee or Trustee for charitable or other Purposes, and also for any Guardian, Husband, or Committee of any Infant, Feme Covert, or Idiot or Lunatic, respectively, (on behalf of their respective Infants, Idiots, Wives, or Lunatics,) to apply, if they shall think fit, in a summary Way, by Petition to Her Majesty's Court of Chancery in *Ireland*, for Leave to assent to the Execution of any Works proposed to be done under the Provisions of this Act; and the said Court shall have Power to inquire into the Propriety of giving such Assent, and to make such Order on the Petition, and as to the Costs thereof, as to the Court shall seem meet; and if the Court shall authorize any such Assent being given, then it shall be lawful for the Person who shall have presented the Petition to give such Assent, and the same shall be as binding and effectual, to all Intents and Purposes whatsoever, as if the Person giving the same had been the actual Proprietor of the Lands in respect of which such Assent shall be given.

Joint Tenants to be accounted as One Person.

XXVI. And be it enacted, That Joint Tenants, Tenants in Common, and Coparceners jointly interested in any Portion of Land proposed to be drained or improved, shall, in respect of the Land in which they are so interested, be accounted as One Person: Provided always, that the Concurrence of the Person or Persons interested in or possessing Two Thirds of the Estate or Interest in such Portion of Land shall be sufficient for the Purpose of giving such Assent as aforesaid.

As to Concurrence of Lessee holding for a Life or Lives, &c.

XXVII. Provided always, and be it enacted, That where any Portion of Land proposed to be drained or improved by Drainage shall, at the Time hereby appointed for the giving such Assent as aforesaid, be in the actual Occupation of any Person, under any Grant, Lease,

Lease, or Agreement in Writing for a Lease, for a Life or Lives, or for a Term of Years whereof more than Fourteen Years shall be unexpired, the Consent in Writing of such Person shall be necessary in order to give Validity to the Assent of the Proprietor, in respect of the Lands comprised in such Grant, Lease, or Agreement, any thing herein-before contained to the contrary notwithstanding.

Assents may be given by Persons authorized.

XXVIII. And be it enacted, That the Assents and Consents of Proprietors or other Persons required to be given in Writing for any of the Purposes of this Act may be given by the known Agent or Attorney of any such Proprietor or Person duly authorized for all or any of such Purposes.

Where the Weir, Dam, &c. of a Mill or Factory causes occasional flooding, the Commissioners shall have Power to construct Works for the Discharge of the surplus Water, &c.

XXIX. And be it enacted, That in Cases where, from the damming up of any River or Stream by the Weir, Dam, or other Work or Obstruction of any Mill or Factory, occasional Damage may arise by the overflowing of such River or Stream, it shall be lawful for the said Commissioners to construct any Reservoir, Embankment, Tunnel, or Back Drain, and to erect any Floodgates, Sluices, Over-falls or other Works, and to make any Alterations in the Dams, Weirs, Works, Obstructions, or Watercourses connected with such Mills or Factories, which shall be necessary to prevent the ill Consequences of sudden or occasional Floods in such River or Stream, and to provide for the more safe and easy Discharge of surplus Water therefrom, but always so that the Supply of Water sufficient for securing the Amount of working Water Power theretofore enjoyed by any such Mill or Factory shall not be thereby lessened; and the Level of the Water at which such Amount of working Water Power shall be secured shall be previously inquired into and ascertained by the said Commissioners; and all Persons interested in such Mill or Factory, or in any Land to be drained as aforesaid, shall be at liberty to object to the Level which shall be so ascertained, either at the Meeting herein-before directed to be held, or at any Meeting to be called by the said Commissioners for such Purpose; and the said Commissioners shall hear and decide upon all such Objections, and declare what such Level shall be, and shall state the same in the Declaration herein-after directed to be made by the said Commissioners; and the said Commissioners, in case they shall so interfere with any such Mill or Factory, shall also cause a Stone Cill or Gauge to be erected at some one Floodgate, Sluice, or other convenient Position connected with such Mill or Factory, on which shall be marked, in clear and legible Figures or Letters, the due and proper Level of Water ascertained and declared as aforesaid.

Where the Weir, Dam, &c. of a Mill or Factory by flooding causes Injury, &c. all necessary Alterations may be made therein, if the Water Power be not lessened thereby.

XXX. And be it enacted, That if any Weir, Dam, or other Work or Obstruction connected with any Mill or Factory shall cause the flooding of any Lands included in any District in which this Act shall be brought into operation, situate near the Stream or River flowing to or over such Weir, Dam, or other Work or Obstruction, so as thereby to injure such Lands, or prevent their Improvement, and if such flooding cannot, in the Opinion of said Commissioners, be otherwise remedied or prevented, it shall be lawful for the said Commissioners, so far as shall be necessary for remedying or preventing such flooding and Injury, or such Impediment to the Improvement of such

such Lands as aforesaid, to alter any such Dam, Weir, Work, or Obstruction, or the Position or Level thereof, and to raise or lower or alter any Water Wheel or any Machinery immediately attached thereto, and the Levels of the Head and Fall of any Water to such Mill or Factory: Provided always, that in all Cases where any such raising, lowering, or Alterations as aforesaid shall be effected, the Amount of working Water Power of such Mill or Factory or Water Wheel shall not be in anywise lessened thereby, and that all such additional Wheels, Fittings, Buildings, Machinery, Sluices, Cuts, Dams, Gates, and all other such Works and Things as shall be suited to such raising, lowering, Modification, and Alteration respectively, or necessary or proper and sufficient for the due, convenient, and permanent working of such Mill or Factory, with such full Amount of working Water Power, shall be made, provided, erected, fitted, and placed by such Commissioners in a workmanlike Manner, and with proper and durable Materials, and that such Commissioners and the Trustees to be appointed as herein-after mentioned shall (save as herein-after provided) from Time to Time and at all Times uphold, maintain, and keep in repair all such additional Sluices, Cuts, Dams, Gates, and other Works as shall be so made, provided, erected, or placed, or as shall be necessary or proper and sufficient for the Purposes aforesaid; and that the Expence of so making, providing, erecting, fitting, placing, and (save as herein-after provided) of maintaining, repairing, and upholding the same, shall be raised, levied, and defrayed out of the Funds and Rates which shall be provided or imposed in relation to any Lands in such District under the Provisions of this Act: Provided also, that nothing in this Act contained shall be deemed or construed to create or confer any Right to any Water in respect to any Mill or Factory to which the Owner or Occupier would not have been entitled if this Act had not been passed.

Where the Weir, Dam, &c. of any Mill or Factory causes Injury, &c. the same may be taken by the Commissioners at a Valuation.

XXXI. And be it enacted, That if any Weir, Dam, or other Work or Obstruction belonging to or connected with any Mill or Factory shall cause the flooding or prevent the draining of any Lands included in any such District as aforesaid, so as thereby to injure such Lands, or prevent their Improvement, to an Extent in Value equivalent to or exceeding Three Times the then present Value of such Mill or Factory, it shall be lawful for the said Commissioners, in case they shall not agree for the Purchase of such Mill or Factory, Weir, Dam, and other Work, to take the same, and to award Compensation for the Value thereof, in like Manner and subject to the like Appeal as by this Act provided in reference to any Land to be taken by the said Commissioners for the Purpose of any Works to be executed under this Act.

Before Mill or Factory interfered with, Declaration shall contain necessary Statements.

XXXII. Provided always, and be it enacted, That before the said Commissioners shall proceed to take any such Mill or Factory, and the Works connected therewith, as aforesaid, or to effect any such Constructions, Erections, lowering, raising, or Alteration as aforesaid, the said Commissioners shall insert in the Declaration which they are herein-after required to make such Statement with respect to the several Matters aforesaid as herein-after directed to be made in Cases where any Mill or Factory is proposed to be interfered with.

Commissioners shall make Declaration, stating the Names of assenting Proprietors, &c.

XXXIII. And be it enacted, That at or after the Meeting herein-before directed to be convened by the said Commissioners, and if then, or within such Period as shall have been limited and appointed by them as herein-before provided, the Proprietors of Two Thirds or more in Extent of the Land proposed to be drained or improved by Drainage shall have assented in Writing to the Execution of the proposed Works, the said Commissioners shall make and sign a Declaration, describing the Land proposed to be drained or improved, and declaring the then actual Value thereof, and the estimated Increase in such Value by means of the proposed Works, and the Proportions with which such Land shall be chargeable towards the Costs of the proposed Works, such Proportions being fixed according to such actual Value and such estimated Increase as aforesaid, and also stating therein the Names, Additions, and Residences of the Proprietors who shall have assented to the Execution of the proposed Works, and the Land belonging to them respectively, and in respect of which they shall have so assented; and in such Declaration shall also be described the River (if any) the Navigation whereof is proposed to be made or improved, and the Baronies, Half Baronies, or Townlands in the District likely to be benefited by the making or Improvement thereof, and the Proportions in which such Baronies, Half Baronies, and Townlands will be so benefited; and in all Cases wherein any Mill or Factory, or any Weir, Dam, or other Work or Obstruction belonging to or connected with any Mill or Factory, shall cause flooding, so as thereby to injure or prevent the Improvement of such Land as aforesaid, it shall be stated in such Declaration that such Mill or Factory, or such Weir, Dam, or other Work or Obstruction, as aforesaid, causes the flooding whereby such Injury is produced or Improvement prevented, and whether such Injury or Prevention of Improvement be to an Extent in Value or exceeding Three Times the Value of such Mill or Factory; and in case such Injury or Prevention of Improvement be to an Extent in Value less than Three Times the Value of such Mill or Factory, it shall be stated in such Declaration whether, in the Opinion of the Commissioners, the flooding of said Lands cannot be remedied without altering such Dam, Weir, Work, or Obstruction, or the Position or Level thereof, and also the Amount of the actual working Water Power of such Mill or Factory, also the Level of the Water at which the Amount of working Water Power theretofore enjoyed by such Mill or Factory can be secured; and such Declaration shall be printed, and Copies thereof deposited with the Clerk of the Peace, and (when it is proposed that any Navigation shall be made or improved by such Works) with the Secretary of the Grand Jury, of each County in which the Land or River, or any Part thereof, proposed to be drained or improved by Drainage is situate, and also in such convenient Places as the said Commissioners shall think fit; and in all Cases where it is proposed to interfere with any Mill or Factory, or any Works or Appurtenance thereof as aforesaid, the said Commissioners shall deliver or cause to be delivered to the Owner or Occupier of any such Mill or Factory, or to his Clerk, Agent, or Servant superintending the same, a Copy or Duplicate of such Declaration as aforesaid, together with a written Description of such Part of the proposed Works as shall be intended to be executed at or in respect of such Mill or Factory, and all Persons may inspect

Declaration to be printed, published, and deposited for public Inspection, &c.

and take Extracts of or Copies from such Declaration; and all Persons requiring Copies of or Extracts from such Declaration to be made by such Clerk of the Peace shall be entitled to the same on Payment of the Costs thereof, not exceeding Three Halfpence for every Seventy-two Words.

Notice to be given of the Places where Copies of the Declaration shall be deposited.

XXXIV. And be it enacted, That the said Commissioners shall cause a Notice, stating the Places in which Copies of such Declaration have been deposited, to be published in some Newspaper usually circulated in the District in which the Land or River proposed to be drained or improved shall be situate, or in the immediate Vicinity thereof, and also to be posted in the usual Places for posting Grand Jury Notices in every Barony of the County in which any Part of such District shall be situate; and each Copy of such Notice which shall be so posted shall have annexed thereto a List of the Names, Additions, and Residences of the Proprietors who shall have so assented as aforesaid.

General Appeal to Assistant Barrister.

XXXV. And be it enacted, That if any Person shall be aggrieved by the Declaration which shall be so made by the said Commissioners, or by any thing contained therein or omitted therefrom, or by any other Act, Deed, Matter, or Thing whatsoever done or omitted to be done by the said Commissioners under or by virtue of the Provisions herein-before contained, or any of them, it shall be lawful for such Person to appeal against or in respect of such Declaration, or any such Act, Deed, Matter, or Thing, to the Assistant Barrister, at the first Quarter Sessions of the Peace, or Adjournment thereof, to be holden in and for the Division of the County wherein any Part of the Land or River proposed to be drained or improved shall be situate, which shall be holden next after the Publication of such Declaration, or next after the Cause of Complaint shall have arisen in respect of which such Appeal shall be made; and the Person so appealing shall give Fourteen Days Notice at least in Writing of such Appeal to the said Commissioners, and within Four Days after the Date of such Notice enter into Recognizance before some Justice of the Peace for such County, in the Sum of Twenty Pounds, with Two sufficient Sureties, each in a Sum of Ten Pounds, conditioned to try such Appeal, and to abide by or to submit to such Order as shall be made thereon, and to pay such Costs as shall be awarded by the Assistant Barrister at such Quarter Sessions, or any Adjournment thereof; provided that, for Want of sufficient Time for giving such Notice previous to the next Quarter Sessions, or Adjournment thereof, then such Appeal, under the like Recognizance and with the like Notice, may be made at the Quarter Sessions, or Adjournment thereof, to be holden in and for such Division next after the Expiration of Fourteen Days from the Publication of such Notice, or the Cause of Complaint arising.

Proceedings before the Assistant Barrister.

XXXVI. And be it enacted, That the Assistant Barrister at such First or Second Quarter Sessions, or any Adjournment thereof, upon Proof of such Notice as aforesaid, and of the entering into such Recognizance, shall hear and determine the Matter of such Appeal, and make such written Order thereon as to him shall seem fit; and such

such Assistant Barrister may order the Costs of any such Appeal to be paid, wholly or in part, by the said Commissioners or the Party appealing, and if same shall be ordered to be paid by the Party appealing such Assistant Barrister may, by a Warrant under his Hand, direct same to be levied by a Distress and Sale of his Goods and Chattels: Provided always, that nothing herein contained shall be construed to authorize or empower any Assistant Barrister to make any Order directing that the general Execution of the proposed Works shall not be proceeded with, unless it shall appear before him that the Proprietors as aforesaid of Two Thirds in Extent of such Lands have not assented as herein-before required, or to make any Order affecting the peculiar Mode of Construction of any of the Works which shall have been approved of by the said Commissioners, or to make any Order affecting the Costs of carrying the said proposed Works into execution: Provided also, that in all Cases of Appeal respecting Mills or Factories only, if the said Commissioners or the Appellant shall be dissatisfied with the Decision of the Assistant Barrister, it shall be lawful for such Commissioners or Appellant, within One Month after such Decision, to apply, by Petition in a summary Way, to the Court of Chancery or Exchequer, by way of Appeal against such Decision, and such Court may direct the Notes of the Evidence taken on such Hearing to be furnished by such Assistant Barrister, and shall make such Order thereupon, whether for a Re-hearing before such Assistant Barrister or otherwise, as shall appear just: Provided also, that the Proceedings on such Petition shall not, in case the Decision of such Assistant Barrister shall be in Affirmance of such Declaration, stay the Prosecution of such Works, but the Commissioners may proceed with the same, subject to such Order of such Court respecting the Prosecution, Modification, or Stoppage of such Works, or respecting such Mill or Factory, or for Compensation to the Party interested therein, or otherwise, as the Court may deem just; and such Order shall be binding and conclusive on all Persons whomsoever.

Commissioners to give a final Notice that all the Requisites of the Act have been complied with.

XXXVII. And be it enacted, That when and so soon as all the several preliminary Measures and Proceedings herein-before directed to be taken and observed, including such Appeal (if any) to the Assistant Barrister as aforesaid, shall have been concluded, the said Commissioners shall give a final Notice that all the Requisitions of this Act with respect to the Land or River proposed to be drained or improved have been duly complied with; and a Copy of such Notice, signed by the said Commissioners, shall be published in the *Dublin Gazette*, and in some Newspaper usually circulated in the District wherein such Land or River shall be situate, or in the Vicinity thereof, and shall be posted on the usual Places for posting Grand Jury Notices in the Barony or Baronies in which such District shall be situate.

Publication of such Notice to be conclusive.

XXXVIII. And be it enacted, That the Publication of any such last-mentioned Notice shall be deemed final and conclusive Evidence that the several preliminary Measures, Proceedings, and Requisitions herein-before directed to be taken and observed have been duly taken and observed; and after such Publication it shall not be lawful for any Person to question or appeal against or in respect of any Thing

Thing whatsoever done or omitted to be done by the said Commissioners under any of the Provisions herein-before contained, save only by such Petition to the Court of Chancery or Exchequer as aforesaid.

As to Expences of preliminary Proceedings.

XXXIX. And be it enacted, That in every Case where any such final Notice shall be published as aforesaid all the Costs and Expences of the preliminary Proceedings herein-before directed to be taken shall be considered as Expences incidental to the Execution of the Works proposed to be executed, and shall be defrayed accordingly, and the Sum of Money (if any) deposited by or on behalf of the Person by or on behalf of whom such Memorial as aforesaid shall have been presented shall be repaid to such Person, without Deduction, out of any Monies which shall be raised by the said Commissioners under the Provisions herein-after contained; but if in any Case the said Commissioners shall determine that it is inexpedient to drain or improve the Land or Navigation of the River referred to in any such Memorial, or if the necessary Assents herein-before required to be obtained shall not be given to the Execution of the proposed Works, then and in any such Case all Expences which shall have been incurred shall be defrayed out of the Sum of Money which shall have been deposited with the said Commissioners under the Provisions in that Behalf herein-before contained; and if such Sum of Money shall be insufficient to pay such Expences, then the Balance thereof shall be paid by the Person who shall have presented such Memorial as aforesaid, and the same shall be recoverable from such Person by the said Commissioners, by Civil Bill or by Action or Suit in any of the Superior Courts in *Dublin;* and in all Cases where a Memorial shall have been presented by the Secretary by Order or on behalf of the Grand Jury of any County, the said Commissioners shall transmit to the Secretary of such Grand Jury a Certificate specifying the Amount of such Expences which shall have been incurred as aforesaid, and the same shall be paid out of the Sum which shall have been deposited on behalf of such Grand Jury; and if such Sum so deposited shall be insufficient to pay such Expences, then the Balance thereof, as stated in such Certificate, shall be presented by the Grand Jury at the next Assizes to be holden subsequent to the issuing of such Certificate as aforesaid for the same County; and in default of such Presentment being made at such Assizes the Court at such Assizes or any subsequent Assizes shall order such Amount to be raised off such County, and such Order shall have the Force of a Presentment, and the Treasurer of such County shall insert the Amount specified in such Order in his Warrant, and the same shall be applotted, raised, and levied as if the same had been duly presented, and shall be paid by the Treasurer of such County to such Commissioners; and in case the Sum deposited with the said Commissioners by any such Person, or by or on behalf of any Grand Jury as aforesaid, shall be more than sufficient to defray the Expences aforesaid, then the Surplus shall be repaid to the Person, or to the Treasurer of the Grand Jury, by whom or on whose Behalf the same was deposited with the said Commissioners, and such Treasurer shall keep a separate Account of the Monies so returned to him as aforesaid.

After Publication of final Notice Commissioners may commence the Works.

XL. And be it enacted, That at any Time after the Publication of any such final Notice as herein-before mentioned the said Commissioners may, in case it shall seem to them expedient, commence and proceed with the Works proposed to be executed for the Drainage or Improvement of the Land or Navigation of the River to which such Notice may relate.

Commissioners to appoint Officers.

All Officers to account.

XLI. And be it enacted, That it shall be lawful for the said Commissioners to appoint, employ, and dismiss at pleasure such Engineers, Surveyors, Clerks, Collectors, Receivers, or other necessary Officers, and pay and allow, out of the Funds at their Disposal under this Act, to such Engineers, Surveyors, Clerks, Collectors, Receivers, and other Officers, such yearly or other Salary or Wages as the said Commissioners shall think fit; and all and every the Person or Persons employed as aforesaid shall, when required so to do by the said Commissioners, render to them a true and perfect Account of all Monies which shall have been received and paid by them respectively by virtue of such Employment, with proper Vouchers for the same, and shall pay to the said Commissioners, or such Person as they shall authorize to receive the same, all such Sums as shall be due to the said Commissioners from such Persons, and shall deliver up all Vouchers, Books, and Writings relating to their respective Offices to the said Commissioners; and in case any Person who shall be so employed as aforesaid shall refuse or neglect to render such Account and make such Payment as aforesaid, or to deliver up such Vouchers, Books, and Writings to the said Commissioners, or to such Person as they shall empower to receive the same, then and in every of the said Cases it shall and may be lawful to and for any Two or more Justices of the Peace, at Petty Sessions assembled, to inquire into the Matter of such Default in a summary Way; and if such Person shall thereof be convicted, either by Confession, or by the Testimony of any One or more credible Witness or Witnesses upon Oath, such Justices shall commit the Party to the Common Gaol of the County, there to remain for any Time not exceeding Twelve Calendar Months, or until he shall have made a perfect Account and Payment as aforesaid, and shall have delivered up all such Vouchers, Books, and Writings in his Custody, or shall have compounded or agreed with the said Commissioners, which Composition and Agreement the said Commissioners are hereby empowered to make.

Reservoirs and Embankments to be made.

XLII. And be it enacted, That it shall be lawful for the said Commissioners, at their Discretion, and for the Purposes of this Act, to make Reservoirs or Embankments, with Valves and Cloughs to draw the Water from or out of such Reservoirs, and also Cuts, Aqueducts, Feeders, Bye-washes, Spill-waters, Weirs, Dams, Banks, Drains, Sluices, and other Works for securing a Supply of superabundant or flood Waters to said Reservoirs or Embankments, or for leading the Waters therefrom, with Over-falls for allowing the Escape of Water, and for the Protection, Security, cleansing, Repair, and Maintenance of such Reservoir and other Works, and also to provide and keep in repair near each of the said Reservoirs a House with necessary Accommodations for the Residence of a Person to superintend such Reservoir and other Works; and such Person shall have full Power and

Authority (subject nevertheless to the Control of the said Commissioners) to superintend and regulate the Outlet of Water from such Reservoir, and all Matters and Works connected therewith; and it shall also be lawful for the said Commissioners to make any Road or Way in lieu of any existing Road or Way which it may be necessary to divert or occupy for the Purpose of making any such Reservoirs, Embankments, or Works, and to make and maintain all such other Roads or Ways in, through, over, or upon any Land near to or adjoining any of the said Reservoirs as they may find expedient for enabling them, and their Engineers, Surveyors, Agents, Officers, Workmen, Servants, and other Persons in their Employ, to have Access to such Reservoirs, Embankments, and Works, or any of them, with or without Cattle, Carts, or Carriages.

Power to divert the surplus Waters of Rivers, &c. adjoining the Reservoirs.

XLIII. And be it enacted, That it shall be lawful for the said Commissioners to make such Feeders or Channels, with such Cutwaters, Drains, and other Works as they shall deem proper, for collecting and conducting into the said several Reservoirs the surplus Waters over and above the necessary Supply of any River, Stream, Brook, or Spring near thereto, and of the tributary Streams and Rivulets of any such Brook or Stream over and above what shall be sufficient for the Supply of Mills or Factories, Land or Works, through or near to which the same Rivers, Streams, or Brooks respectively flow.

Where Reservoirs or Embankments may be made for maintaining a constant Supply of Water to Mills or Factories, Commissioners may make same, &c.

XLIV. And be it enacted, That for the Purpose of maintaining a constant Supply of Water for Mills or Factories on any River or Stream, or preventing sudden Floods therein, it shall be lawful for the said Commissioners, with the Assent of the Proprietors of such Mills or Factories, the Value of the working Water Power of which shall be equal to Two Thirds of the Value of the working Water Power of the Mills or Factories which shall be then existing on such River or Stream, and affected by the maintaining of such constant Supply of Water, to make Reservoirs or Embankments, and to impose a Tax or Rate on the whole of the Mills and Factories along said River or Stream which shall be benefited thereby, or on such new Mills or Mill Sites as shall or may be formed thereon and benefited thereby, for the Purpose of defraying the Costs of making and maintaining such Reservoirs or Embankments, in the Proportion of the Benefit conferred, such Benefit to be calculated by the said Commissioners upon each Foot or Fall of Water which shall appertain to each such Mill or Factory; and the said Commissioners shall have such and the like Power and Authority to recover the Amount of Rate which shall be so fixed and determined by them as are by this Act given to them for the Recovery of any other Rate or Charge imposed hereby; and it shall be lawful for the said Commissioners to borrow Money, for the Purpose of making such Reservoirs or Embankments as last aforesaid, upon the Security of the Taxes or Rates which they are hereby empowered to impose on such Mills or Factories as aforesaid: Provided always, that it shall not be lawful for the said Commissioners to make any such Reservoir or Embankment, or to take away, injure, or prejudicially affect any

Land

Land or Lands for the Purpose last aforesaid, without the Consent for that Purpose first had and obtained in Writing of all Persons having any Estate or Interest in such Lands greater than a Term of Seven Years then unexpired: Provided also, that in each Case before any such Reservoir or Embankment as last aforesaid shall be made, all the preliminary Measures and Proceedings herein-before required to be taken or observed previous to the Publication of such final Notice as aforesaid, in Cases where Drainage, or Improvement by Drainage, is proposed to be effected, or such of them as shall be applicable, with like Right of Appeal, shall be duly taken and observed, and a final Notice, stating that all the Requisitions of this Act with respect to such Reservoirs or Embankments have been duly complied with, published and posted in such Manner as the final Notice herein-before mentioned, which shall be in like Manner binding and conclusive on all Persons; and thereupon all the Provisions, Powers, and Authorities in this Act contained or given shall and may be used and exercised for making and maintaining such Reservoir or Embankment, or for any other Matter or Thing relating thereto.

In Cases of Reservoirs, &c., who shall be deemed Proprietors of Mills or Factories.

XLV. And be it enacted, That in all Cases where any such Reservoirs or Embankments as last aforesaid are proposed to be made, each Person shall be deemed a Proprietor of any such Mill or Factory as last aforesaid who shall have therein such an Estate or Interest as is herein-before required to qualify any Person to be deemed a Proprietor of any Land proposed to be drained or improved by Drainage under the Provisions of this Act.

Weirs may be altered or removed, making Compensation to the Owners thereof.

XLVI. And be it enacted, That it shall be lawful for the said Commissioners, from Time to Time, at their Discretion, to alter or remove any Fishing Weir erected in or upon any Stream of Water, or any Impediments whatsoever in or on any River, Stream, or Watercourse, which now or hereafter shall be within the District within which it may be proposed that the said Works shall be executed, (subject, as regards Weirs or Dams of Mills or Factories, to the Provisions herein contained,) making such Satisfaction and Compensation for all Damage or Injury to the Proprietors or other Persons interested in such Weirs, Rivers, Streams, or Watercourse, by and out of the Monies to be raised and levied by virtue of this Act, as shall be settled and ascertained in manner herein-after mentioned, in case the said Commissioners shall not be able to come to an Agreement for same with such Proprietors or Persons.

Power to remove or alter Mills, Dams, &c. where necessary for Navigation.

XLVII. And be it enacted, That in all Cases where a Navigation is proposed to be created or improved in conjunction with Drainage, and it shall be necessary for the Purpose of such Navigation to remove or alter any Mill, Factory, Dam, Weir, Sluices, or other Appurtenances belonging to any Mill or Factory, it shall be lawful for the said Commissioners to remove or alter same, on Payment or Tender to the Occupier or Occupiers, Proprietor or Proprietors thereof, of such Sum for the Purchase thereof, or as a Compensation for the Injury thereto, and in such Proportions respectively, as shall be awarded by the said Commissioners, or shall be determined by the

the Assistant Barrister or a Jury on an Appeal, as herein-after provided.

Power to Commissioners, in case the Mill Power be improved with Owner's Consent, to rate the Mill Owner towards the Expences of the Works.

XLVIII. And be it enacted, That in case the Proprietor of any Mill or Factory shall consent that any Dam, Weir, or Watercourse, or other Work or Obstruction connected with such Mill or Factory, shall, for the Purpose of Drainage to be effected under this Act, be altered and re-built, or that such Mill or Factory shall, by any Works of the said Commissioners, obtain any increased Water Power, it shall be lawful for the said Commissioners to fix and determine the Amount of Rate or Contribution which shall be paid by the Proprietor of such Mill or Factory for the Improvement which shall be so effected, towards the Repayment of the Costs and Expences of the Works to be executed within the District within which such Mill or Factory is situate, and the Rate which shall be paid in future for such increased Water Power from such Reservoir; and the said Commissioners shall have such and the like Powers and Authorities to recover the Amount of Rate which shall be so fixed and determined as are given to them by this Act for the Recovery of any other Rates or Charges imposed hereby.

Any Improvement made in the Dams to Mills, &c. shall be set off against Loss by temporary Stoppage.

XLIX. And be it enacted, That in all Cases in which, in the Progress of the Execution of any Work under the Provisions of this Act, any Mill or Factory shall be stopped from working, and Compensation shall be awarded for any Injury resulting therefrom, it shall be lawful for the said Commissioners, or the Assistant Barrister or Jury in case of Appeal under the Provision herein-after contained for the Adjustment of Claims for Compensation, to set off against the same the Value of any Benefit resulting from any Improvement which shall be effected by the Execution of such Works in the Water Power of or Constancy of Supply of Water to such Mill or Factory, or by the Relief from Back-water afforded to it.

Commissioners may appoint Persons to open Floodgates, &c.

L. And be it enacted, That the Commissioners or Trustees herein-after mentioned may, if they shall deem fit, for the Prevention of Dispute, and for the due Regulation of the Water in any River, Stream, or Drain which shall be improved or made under the Provisions of this Act, appoint a proper Person for the Regulation, opening, and closing of any Floodgates, Sluices, Stopgates, or Stops of any Weir, Dam, or other Work connected with any Mill or Factory which may have been in any respect interfered with by the said Commissioners or Trustees, or of any Weir, Dam, or other Work which may be under the Care or Control of the said Commissioners or Trustees, or vested in or erected by them or either of them, under the Provisions of this Act; and such Person so appointed shall have full Power and Authority to regulate, open, and close the same for the Purposes aforesaid, subject nevertheless to the Control, Orders, and Directions of the said Commissioners or Trustees, as the Case may be; and all Expences of maintaining same, and the Sills and Gauges herein-before directed to be erected, and of remunerating said Person employed to regulate same, shall, save as herein-after provided, be defrayed by the said Commissioners or Trustees respectively out of

the Funds and Rates which shall be levied under the Provisions of this Act.

Owners or Occupiers not to be exonerated from making Repairs.

LI. Provided always, and be it enacted, That nothing herein contained shall be construed to exonerate the Owner or Occupier of any Mill, Factory, or Mill Site, or any other Person, from such Obligation, Duty, or Liability to preserve or repair the Banks of any River, Stream, or Watercourse, or to maintain any Dam or Sluice or Floodgate, or any Engine, Contrivance, or other Work for regulating or maintaining the Supply of Water in any Dam or Watercourse, or to maintain or repair any Building, Machinery, or other Work whatsoever, as he may or would have been respectively subject or liable to if this Act had not been made.

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

LII. And be it enacted, That any Person interested in any Mill or Factory affected or proposed to be affected by any thing to be done under the Provisions of this Act may apply, by Petition in a summary Way, to the Court of Chancery or Exchequer, 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 said Commissioners, or by any Person acting or pretending to act under the Provisions of this Act, by which Injury has been or may be sustained by such Mill or Factory, or by such Person so interested, in respect thereof, and which Act may not be authorized by this Act; and thereupon such Court shall make such Order, and direct such Proceedings, whether before One of the Masters or the Chief or Second Remembrancer of such Court respectively, or by directing any Issue or Issues to be tried before a Judge and Jury at the Assizes, or before the Assistant Barrister and a Jury at the Quarter Sessions, or otherwise, as such Court may order; and thereupon it shall be lawful for such Court to direct such Works to be made by such Commissioners as to such Court of Chancery or Exchequer 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 Subject Matter of such Complaint shall have arisen.

Power to execute the Works.

LIII. And be it enacted, That it shall be lawful for the said Commissioners to contract with or employ such Contractors, Surveyors, Agents, and Workmen as they shall think fit, and to make and execute all such Works as shall be described in the Maps, Plans, and Sections herein-before mentioned, or such Deviations therefrom, or such other Works as they shall deem necessary for effecting all or any of the Purposes of this Act, and for such Purposes to enter into and upon any Land whatsoever, and to widen, straighten, deepen, divert, scour, or cleanse any River, Stream, Drain, Brook, Pool, or Watercourse

course running through such Land, and to make, open, and cut in or upon the same any new Watercourse, Side Cut, Ditch, or Drain, and to alter or remove any Bank, Sluice, Floodgate, Lock, Drain, or Tunnel, and to make or erect any Wharf, Landing Place, Pier, Quay, Harbour, Bank, Sluice, Floodgate, Lock, Lock House, or other Building, Drain, Tunnel, Towing Path, or other Works necessary for Drainage or Improvement of the Navigation, and to dam, bar, and stop up, with any Weir or Dam, any River, Brook, Pool, Stream, or Watercourse, and also to make upon such Land any Embankment against the Sea, or any Lake, River, Stream, or Watercourse, and to put and place on such Land any Piles, Stones, Earth, Soil, or other Materials for the Purposes of the Works, or for the more effectual Protection or Defence of such Land, or for the better conveying the Waters from the said Land into the Sea, or into any River, Lake, Stream, or Watercourse, and also to form any Dam, and to erect any Sluice, Hatch, or Lock, in any River, Lake, Stream, or Watercourse, for the Purpose of supplying Water to any Mill or Factory, or to any Site proper for the Erection of a Mill or Factory thereon, or of keeping back a Sufficiency of Water for the Use of Cattle, or for the Irrigation or warping of Lands where such Irrigation or warping shall be wanted, and shall be a beneficial Manurance to such Lands, and also to stop up or divert any Road or remove any Bridge, and to make any new Road or Bridge, and also from Time to Time to repair, alter, or remove any Sluice, Floodgate, Hatch, Tunnel, Road, or other Works now made or to be made as aforesaid, and to divert, deepen, widen, cleanse, and scour any Ditch, Drain, Watercourse, or Side Cut now existing or to be made as aforesaid, and also to do all such Things, and erect such Steam and other Engines, and execute all such Works, as may be necessary or convenient for the Purposes of this Act, making Compensation, to be ascertained in the Manner herein-after mentioned, to all Persons for any Damage occasioned to them by the Exercise of any such Powers.

Commissioners may enter Lands and dig for Materials, on making Compensation.

LIV. And be it enacted, That it shall be lawful for the said Commissioners, or any Engineer, Workman, or other Person authorized by them, after Three Days previous Notice, to enter into, and to search for, dig, take, and carry away Materials out of any Land lying within or contiguous to the Land or River proposed to be drained or improved, for the Purpose of executing or repairing any Works under the Provisions of this Act, making such Compensation for the Surface Damage done to the Proprietors, Lessees, or Occupiers of such Lands, according to their respective Interests therein, as to the said Commissioners shall seem fit and reasonable; and in case of Dispute such Compensation shall be settled, on a Summons to be issued for that Purpose, by any Two or more Justices of the Peace for the County in which such Land is situate, at Petty Sessions: Provided always, that in all Cases where Materials shall be taken 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 said Commissioners, and the Amount owing, in the event of Difference as to the same, shall be settled on Summons by any Two or more Justices as aforesaid.

LV. And

Commissioners to fill up Holes and Pits not found useful, and fence off those that may be useful.

LV. And be it enacted, That if, by reason of the searching for, digging, or getting any Materials as aforesaid, any Pit or Hole be made in any Common or other Land wherein such Materials shall be found, the said Commissioners shall forthwith, where the same shall be necessary for the Safety or Security of the Public, or if the Proprietor or Occupier shall so require, cause the same to be sufficiently fenced off during such Time as the said Pit or Hole shall be used, and shall, within Six Days after having dug up sufficient Materials, if such Pit or Hole is not likely to be further useful, cause the same to be filled up, sloped down, or fenced off, and so continued; and if the same is likely to be further useful the said Commissioners shall cause the same to be sufficiently secured by Posts and Rails, or other Fences, so as to prevent Accidents to Cattle or Persons.

Power to Commissioners to make Drains through Land not proposed to be drained, Compensation being made for Damage done.

LVI. And be it enacted, That if it shall be necessary for improving the Outfall of any Land, or for the Purpose of carrying off Water from any Land to be drained, or from any Drain to be made, scoured out, or enlarged, under the Authority of this Act, to scour out, widen, or enlarge any River or Drain, or to make any Drain, Culvert, or Tunnel through any Land not included in such District as aforesaid, it shall be lawful for the said Commissioners to enter upon said Land, and to scour out, widen, straighten, or enlarge such River or Drain, or to make such Drain, Culvert, or Tunnel, due Compensation being made by the said Commissioners for any Damage done thereby, to be ascertained in such Manner as any other Compensation is herein-after directed to be ascertained.

Commissioners authorized to enforce the cleansing of Drains, &c.

LVII. And be it enacted, That where any Person shall be liable, by Prescription or otherwise, to scour out or cleanse any Drain, Sewer, Watercourse, River, or Rivulet lying below or between or in any Land authorized to be drained by virtue of this Act, or the Outfall thereof, the said Commissioners may require such Person to scour out and cleanse the same; and in case such Person shall neglect, within Fourteen Days after Notice in Writing given to him, or to the Tenant of the Land in respect of which such Liability exists, or left at the usual Abode of such Person or Tenant, to cleanse any such Drain, Sewer, Watercourse, River, or Rivulet, to the full and proper Width and Depth, the said Commissioners may cause the same to be well and sufficiently cleansed and scoured out, and they are hereby empowered, by Warrant under their Hands and Seals, to cause the Sum of Money expended in so doing to be levied by Distress and Sale of the Goods and Chattels of such Person or Tenant, together with the Charges attending such Distress and Sale.

Any Party whose Lands may be injured by the Neglect to maintain the Banks or

LVIII. And whereas by reason of the Neglect of or Want of Co-operation among the Proprietors or the Occupiers of Lands to maintain the Banks and cleanse and scour the Channels of existing Drains, Streams, or Rivulets lying in or forming the Boundaries of or leading to the Outfall from such Lands, much Injury is done thereto, and Improvement prevented, but sufficient Powers do not at

present

present exist to remedy the Evil aforesaid; be it therefore enacted, That in all Cases where, by reason of the Neglect of any such Proprietor or Occupier to maintain the Banks or cleanse and scour the Channels of existing Drains, Streams, or Rivulets lying in or bounding the Lands of such Proprietor or Occupier, Injury shall be caused, it shall be lawful for the Proprietor or Occupier of any Land injured thereby to require the Proprietor or Occupier so neglecting as aforesaid, by a Notice in Writing delivered to him or left at his usual Place of Abode, to join in the effectual maintaining such Banks, or in the cleansing and scouring of the Channels of such Drains, Streams, or Rivulets; and in case he shall refuse effectually so to do it shall be lawful for the Proprietor or Occupier of the Land to which such Injury shall be caused, immediately after the Expiration of Fourteen Days from the Service of such Notice as aforesaid, to proceed with the maintaining and repairing of such Banks, or the cleansing and scouring of such Channels as aforesaid, and to sue for and recover from such neglecting Proprietor and Occupier the entire or such just Proportion of the Expences attendant thereon as he may be liable to, by Civil Bill before the Assistant Barrister of the County wherein such Drain, Stream, or Rivulet, or the Part thereof which shall be cleansed and scoured, shall be, and as may be fixed and determined by such Assistant Barrister, who shall have Power to fix and determine the same, and to award, in addition to the usual Costs, such further Costs to be paid by such Party and in such Manner as to him shall seem reasonable: Provided always, that in all such Cases when such Drain, Stream, or Rivulet shall not be a Boundary between the adjoining Lands of such Proprietors or Occupiers as aforesaid, it shall not be lawful for any such Proprietor or Occupier to proceed to maintain and repair the Banks, or cleanse and scour the Channel of such Drains, Stream, or Rivulet as last aforesaid, without a Warrant or Authority in Writing so to do from Two or more Justices assembled in Petty Sessions for the County or Counties wherein such Drain, Stream, or Rivulet, or the greater Part thereof, shall be situate, and which Warrant or Authority such Justices shall grant, if, upon Inquiry had before them, upon a Summons to be served upon the Proprietors or Occupiers of the Lands in which such Drain, Stream, or Rivulet shall be, and who shall have neglected to cleanse or scour the Channels, or maintain the Banks of same, it shall be proved that the Neglect so to do causes such Injury or prevents such Improvement.

scour the Channels of existing Drains, &c. may require the Proprietors so neglecting to join in an effectual cleansing and maintaining thereof.

Mode of Proceeding in case of Refusal.

LIX. And be it enacted, That if, by any Cut, Drain, or other Works made under the Authority of this Act, any Road or Way shall be disturbed or interrupted, or any Land intersected in such Manner as to render the future Occupation thereof inconvenient or unprofitable, the said Commissioners shall, if the same shall appear to them necessary, cause other convenient Roads or Ways to be made, and any Bridges which may be required to be properly built, for the Use of the Persons entitled to use such Road or Way, or for the Convenience of the Parties entitled to the Use and Occupation of any Land intersected in manner aforesaid, and to defray the Expence of making such Road or Way, and of erecting such Bridges, out of the Monies to be received by virtue of this Act: Provided always,

If Cuts be made which shall injure Roads or Bridges, the Commissioners to make other Roadways and Bridges.

that it shall be lawful for the said Commissioners, if they shall think fit, to contract and agree with the said Persons or Parties, or any of them, for the making of such Roads or Ways, or the building such Bridges by the said Persons or Parties, or any of them, and to pay the Sum contracted and agreed to be paid out of the Monies to be received by virtue of this Act: Provided always, that in case the said Commissioners shall be able to agree with the Persons interested in such Roads, Ways, or Bridges for Compensation in respect of the Damage occasioned in relation to the same, it shall be lawful for them so to do.

Where the existing Bridges, Culverts, or Archways are insufficient for the Discharge of Water under a public or County Road, same may be reconstructed by the Commissioners.

LX. And be it enacted, That if any existing Bridge, Culvert, or Archway for the Discharge of Water under any public or County Road shall, in the Opinion of the said 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 or other Injury to any of the Land to be drained or improved by the proposed Works, or where, by means of any of such Works, any public or County Road shall be relieved from periodical flooding, it shall be lawful for the said Commissioners to have the same reconstructed in such Manner as to them shall appear sufficient, and to determine, by a Declaration in Writing under their Hands and Seals, the Proportions of the Expences of such Reconstruction or Relief from flooding, which shall be defrayed by the County or Counties respectively, or any Barony or Half Barony of such County or Counties, within which such Bridge, Culvert, Archway, or Road, or any Part thereof, may be situated; and a Duplicate of such Declaration, under the Hands and Seals of such Commissioners, shall, within One Month from the Date thereof, be transmitted to the Secretary of the Grand Jury of each such County; and such Declaration shall be published in Three successive Impressions of some Newspaper circulating in such County thereby made chargeable with any Part of such Expences, and shall be posted at the usual Places of posting Grand Jury Notices in the Barony or Half Barony in which such Bridge, Culvert, Archway, or Road, or any Part thereof, shall be situate, such Publication and posting to be made within One Fortnight after the Date of such Declaration; and it shall be lawful for any Person paying Grand Jury Cess for such County, Barony. or Half Barony to traverse such Declaration at the Assizes which shall be holden for such County next after the Expiration of Thirty Days after such Declaration shall be transmitted to such Secretary, in like Manner as any Person may be empowered to traverse any Presentment made under any Act or Acts in force relating to the presenting of public Money by Grand Juries in *Ireland*; and such Sum as shall be found upon such Traverse shall be inserted in such Declaration by the Court before which such Traverse shall be tried; and the Grand Jury of such County is hereby empowered and required at such Assizes (and without Application to Presentment Sessions) to present the Sum or Sums of Money mentioned in such Declaration (whether as originally made, or as altered upon such Traverse, as the Case shall be,) to be levied off the said County, Barony, or Half Barony; and in case such Grand Jury shall refuse to present the Sum so mentioned in such Declaration, or which shall be found by and upon such Traverse, the Court 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 duly presented by such Grand Jury; and thenceforth such Bridges, Culverts, Archways, and Roads shall be repaired and maintained by such County or Counties as were theretofore liable to repair and maintain the same.

Commissioners to provide in Dams and Weirs for the Migration of Salmon, Trout, and Eels.

LXI. And be it enacted, That in the Construction, Alteration, or remodelling of any Dams, Weirs, or other Works in the Bed of any River to be improved under this Act, it shall and may be lawful for the said Commissioners, whenever they shall deem the same necessary, so to construct, alter, or re-model the same as to provide sufficient Means in some Part of the River for the free and uninterrupted Passage of Salmon, Trout, Eels, and other Fish, both up and down such River.

Works not to injure any ornamental Water, nor the Supply of Water to Towns;

LXII. And be it enacted, That nothing herein contained shall authorize or enable the said Commissioners to interfere with ornamental Water in any private Demesne or Park, without the previous Consent in Writing of the Owner or Occupier thereof, or of his Guardian or Committee in case of Infancy or Lunacy, nor to curtail or cut off the Supply of Water to any Town without previously making adequate Provision in lieu thereof.

nor to encroach upon Parks, &c.

LXIII. And be it enacted, That nothing herein contained shall authorize or enable the said Commissioners to encroach, by their Works or otherwise, upon any Park, Garden, or Demesne, without the Consent in Writing of the Owner thereof.

When Lands cut through shall be less than an Acre in Quantity or less than 15 Yards wide, Commissioners to purchase the whole, if required.

LXIV. And be it enacted, That if in the Execution of any of the Works authorized by this Act any Field, Close, or Parcel of Land shall be cut through, or divided from the Remainder of any Estate, Farm, or Property, so that there shall be left on each or either Side of the said Works or any of them less than One Statute Acre in Quantity, or less than Fifteen Yards in Breadth, then and in every such Case the said Commissioners shall (if thereunto required by the Proprietor of such Field, Close, or other Land so cut through or divided,) take and purchase such Piece or Parcel or Pieces or Parcels so to be left as aforesaid of such Field, Close, or Land, and shall pay for the same in the same Manner as for the Land actually required for the Purposes of this Act.

Commissioners may purchase Land for the Purposes of the Act.

LXV. And be it enacted, That it shall be lawful for the said Commissioners to purchase any Lands which they shall think it necessary or proper to purchase for accomplishing any of the Purposes of this Act, making such reasonable Satisfaction and Recompence to the Person entitled to or interested in such Land as shall be settled and ascertained in manner herein-after mentioned.

Notices to be given to Proprietors of Land required for or likely to be

LXVI. And be it enacted, That the said Commissioners shall cause Notices in Writing 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 the same may be known to

affected by the proposed Works, requiring them to furnish to Commissioners their Claims.

to the Commissioners, of and in all such Land as may be required to be taken for or be liable to be injuriously affected by the Works proposed to be made under this Act, requiring such Proprietors, Occupiers, or other Persons to prefer their respective Claims before such Commissioners for the Value of such Land, or the Compensation to be allowed for any Damage or Injury thereto, and specifying therein a Time and Place at which such Commissioners shall hold a Meeting for inquiring into all such Claims, and shall also, Thirty Days at least before making the Inquiry, Examination, Assessment, and Award herein-after next mentioned, cause a Copy of such Notice to be published in Three successive Publications of some Newspaper circulating in the County or Counties in which such Land as aforesaid shall be situated, and to be printed and posted at each Place for posting Grand Jury Notices in each Barony in which any Part of same shall be situate.

Corporations, Trustees, and other Persons empowered to sell and convey, &c.

LXVII. And be it enacted, That it shall be lawful for every Corporation, and for every Trustee and Feoffee in Trust for charitable or other Purposes, and for every Executor and Administrator, not only for and on behalf of himself, his Heirs, Executors, and Administrators respectively, but also for and on behalf of his Cestuique Trust, whether Infant, Feme Covert, Idiot, Lunatic, or Person not born, or not ascertained, or any other Person whomsoever, and to and for any Tenant for Life, or for Years absolute or determinable on any Life or Lives, and every Person having any other partial or qualified Estate or Interest in any Land required to be purchased for any of the Purposes of this Act, or injuriously affected by any such Works as aforesaid, not only for and on behalf of himself, his Heirs, Executors, Administrators, and Issue, but also for and on behalf of the Person entitled in Remainder, Reversion, Expectancy, or Contingency, or for any other future Estate or Interest, where such Person or any of such Persons (if more than One), whether entitled to the next or any subsequent Estate or Interest, or any Part thereof, shall not be ascertained, or shall be incapable of contracting for, selling, or conveying the same, and to and for every Guardian on behalf of his respective Ward, Husband on behalf of his respective Wife, Committee on behalf of the Person of whose Estate he shall be Committee, and the Heirs, Executors, Administrators, and Issue of such Ward, Wife, or Person respectively, and to and for any Feme Covert entitled in her own Right to any such Land, or to Dower or other Interest therein, on behalf, not only of herself, but also of her respective Heirs, Executors, Administrators, and Issue, and also where such Ward, Wife, Person, or Feme Covert respectively shall be Tenant for Life or in Tail, or for Years, or have any other partial or qualified Estate or Interest, to and for such Guardian, Husband, Committee, and Feme Covert, on behalf of the Person or Persons on behalf of whom such Ward, Wife, Person, or Feme Covert respectively, if of full Age, unmarried, and of sound Mind, might have contracted for, sold, and conveyed the same Land, and to and for every other Person whomsoever who is or shall be seised or possessed of or interested in any such Land, to contract or agree for the absolute Sale or Exchange thereof, and of every or any Part thereof, to the said Commissioners, or to contract for the Amount of Compensation which

which shall be paid for any Injury thereto, or for the Payment of such Sum of Money for Equality of Exchange, as shall be determined by the said Commissioners, and also to execute any Conveyance or enter into any Contract with respect to the Premises which the said Commissioners shall deem necessary for the due Execution of this Act; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be valid and effectual, and all Monies payable by the said Commissioners in respect thereof shall be paid by the said Commissioners out of the Monies to be raised by virtue of this Act, as herein-after mentioned.

Form of Conveyance.

LXVIII. And be it enacted, That all Conveyances which shall be executed to the said Commissioners of any Land which shall be required by them for any of the Purposes of this Act shall be in the following Form, or as near thereto as the Number of Parties and the Nature of the Case will admit; namely,

'I of in in consideration
'of the Sum of paid to [*or* paid into
'the Bank of *Ireland, as the Case may be,*] by the Commissioners
'appointed under an Act passed in the Year of the Reign
'of Her Majesty Queen *Victoria*, intituled [*here set forth the Title of*
'*this Act*], do hereby grant and release to the said Commissioners all
'[*describing the Premises*], together with all Ways, Rights, and Ap-
'purtenances thereunto belonging, and all Estates, Rights, and
'Interests in the same and every Part thereof, to hold to the said
'Commissioners and their Successors for ever, according to the
'true Intent and Meaning of said Act. In witness whereof I have
'hereunto set my Hand and Seal on this Day of
'in the Year of our Lord One thousand eight hundred and .'

Satisfaction to be made, and may be accepted.

LXIX. And be it enacted, That every Corporation, and every Trustee and other Person herein-before capacitated to contract for, sell, and convey any such Land as aforesaid, and any other Owner of any such Land, or of any Share, Estate, or Interest therein, may accept and receive such Satisfaction and Recompence for the Value thereof; and such Corporation, Trustee, Person, or Owner, and also any Tenant for a Year, or from Year to Year, or at Will, or other Occupier of any Land, entitled to such Compensation for such Injury or Damage as shall be sustained on account of the Execution of this Act, or in anywise relating thereto, may accept and receive such Sum of Money in respect thereof as shall be agreed upon between him respectively and the said Commissioners; and in case the said Commissioners and the said Party interested in such Land or sustaining such Injury or Damage cannot or do not agree as to the Amount or Value of such Satisfaction, Recompence, or Compensation, the same respectively shall be ascertained and settled in manner herein-after directed.

Commissioners empowered to assess the Value.

LXX. And be it enacted, That if any such Corporation, Trustee, or other Person interested in or herein-before authorized to contract for, sell, and convey any such Land as aforesaid shall neglect or refuse to treat, or shall not agree with the said Commissioners, or, by

reason of Absence or Disability, cannot agree, or cannot be found or known, or shall not prove a clear Title to the Land or the Estate or Interest which he shall claim therein, to the Satisfaction of the said Commissioners, or in case any such Corporation or Trustee or other Person sustaining any such Injury or Damage as aforesaid shall not accept such Satisfaction or Recompence for the same as shall be offered by the said Commissioners for the Space of Thirty Days after Notice in Writing given to the principal Officer or Officers of such Corporation or to such Trustee or Person respectively, or left at his respective Place of Abode, or at the House of the Tenant or Occupier of such Land intended to be purchased, taken, or used for any of the Purposes of this Act as aforesaid, then in every such Case the said Commissioners are hereby empowered, at a Time and Place to be specified in such Notice as last aforesaid, to inquire and examine, and assess and award the Sum of Money to be paid for the Purchase of such Land, or the Recompence or Satisfaction to be made for Damage that may or shall be sustained as aforesaid, and to settle and ascertain in what Proportions the Sum so awarded shall be paid to the several Persons interested in such Land, or in any Charge, Lien, or Incumbrance thereon, and what Abatements (if any) shall be made in the Rents payable out of the Land named or described in such Award, or any Land held in conjunction therewith; and the said Commissioners shall award such Purchase Money or Recompence so to be assessed; and the said Commissioners shall and may in such Award name or describe the Persons (if known to the said Commissioners) to whom respectively the Sum mentioned therein shall be paid, and in what Proportions the same shall be paid to and among such Persons where more than One, and the Land, naming or describing the same, in respect of which such Sum has been so awarded, and also what Abatements (if any) shall be made in the Rents payable out of the Land named and described in such Award, or any Land held under the same Lease or Instrument in conjunction therewith; and the said Commissioners shall notify and appoint a Time and Place for holding a Meeting for the Confirmation of their said Award, and shall attend at such Time and Place, and at such Meeting, or at some Adjournment thereof, proceed to consider each Case, and hear all Objections which may be made thereto by any Person whatsoever, and receive all such Evidence as they shall find pertinent and proper, and amend or confirm and settle each such Award accordingly; and such Award shall be conclusive and binding upon the Queen's most Excellent Majesty and all other Persons interested, except in the Case and subject to the Provisions herein-after contained.

Any Person dissatisfied with the Adjudication of the Commissioners may appeal to the Assistant Barrister at Quarter Session.

LXXI. Provided always, and be it enacted, That if any Person interested or claiming to be interested in any Land which may be made the Subject of any such Award as aforesaid shall be dissatisfied therewith, either as respects the Amount of the Value, or the Compensation awarded in respect thereof, or of any Abatement to be made in any Rent, or as respects the Persons to whom or the Proportions in which such Value or Compensation is to be paid or Abatement made, it shall be lawful for such dissatisfied Person to

appeal

appeal to the Quarter Sessions which shall be held next after any such Award shall have been made and settled as aforesaid for the Division of the County wherein such Land shall be wholly or in part situate, (provided same shall not be held sooner than Thirty-one Days after the making of such Award,) the Party appealing, if there be sufficient Time after such Award, having first given to the said Commissioners Twenty-one Days Notice at least of his Intention of bringing such Appeal, and of the Matter thereof, and if there shall not be Thirty-one Days between the making of such Award and the Day appointed for holding such Sessions, then such Appeal may be made at the Second Quarter Sessions which shall be holden for such Division of such County after such Award; and the Assistant Barrister at such First or Second Quarter Sessions, or any Adjournment thereof, upon due Proof of such Notice having been given, is hereby empowered and required to hear and finally determine the Matter of such Appeal, either by or without the Verdict of a Jury, as the Party appealing shall require, and may order such Sum to be paid for the Costs thereof to be paid wholly or in part by either of the Parties thereto, and may, by Warrant under his Hand, direct such Costs so awarded to be levied by Distress and Sale of the Goods and Chattels of the Party or Parties who shall refuse or neglect to pay the same: Provided always, that if no Notice of Appeal shall be served on the said Commissioners within Fourteen Days next after their Award shall be made, the same shall be final, binding, and conclusive upon all Persons, and to all Intents and Purposes whatsoever.

Jurors to be summoned.

LXXII. And be it enacted, That if, in any Notice of Appeal to be served on said Commissioners as aforesaid the Party appealing shall require a Jury to be summoned for determining the Matter of such Appeal, then and in every such Case the said Commissioners shall issue their Warrant under their Hands and Seals to the Sheriff of the County where such Appeal is to be heard, commanding such Sheriff to impannel, summon, and return a Jury, and such Party shall also serve a Copy of such Notice of Appeal on such Sheriff; and the said Sheriff to whom the said Warrant shall be directed or such Notice given is hereby required accordingly to impannel, summon, and return a Jury of Twenty-four Men, qualified according to Law to be returned for Trials of Issues joined in Her Majesty's Courts in *Dublin*, to appear before the said Assistant Barrister at such Time and Place as in such Warrant or Warrants shall be appointed, not being less than Fourteen Days after such Warrant shall be served upon the said Sheriff, upon Pain to forfeit for every Default in not making such Return Five Pounds, to be sued for and recovered in the Manner herein-after directed, and also to return in Issues upon every Person so impannelled and returned, who, contrary to the true Intent and Meaning of this Act, shall not appear, the Sum of Forty Shillings, which shall be levied by Distress and Sale of the Goods and Chattels of the Person not appearing as aforesaid, by Warrant under the Hand and Seal of the said Assistant Barrister; and in case a sufficient Number of Jurymen shall not appear at such Time and Place, the said Sheriff shall return other honest and indifferent Men that can speedily be procured to attend that Service, being qualified as aforesaid, to make up the said Jury to the Number of Twelve; and all Parties concerned

Jurors may be challenged.

cerned shall and may have their lawful Challenges against any of the said Jurymen; and the said Assistant Barrister is hereby empowered, by Warrant under his Hand and Seal, from Time to Time, as Occasion shall require, to summon and call before him all and every such Person and Persons as shall be thought necessary to be examined as Witnesses touching the Matters in question; and the Assistant Barrister may order and authorize the said Jury, or any Six or more of them, to view the Place or Matter in question, which Jury (upon their Oaths, to be administered by the said Assistant Barrister, which Oaths, as also the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Assistant Barrister is hereby empowered to administer,) shall inquire of, assess, and ascertain the Sum of Money to be paid for the Purchase of such Land, or the Recompence or Satisfaction to be made for Damages that may or shall be sustained as aforesaid, and what Abatements (if any) are to be made to any Tenant or Occupier of such Land, and to settle and ascertain in what Proportions the Sum so assessed shall be paid to the several Persons interested in the Premises.

Judgments of Assistant Barristers to be binding on all Parties.

LXXIII. And be it enacted, That in all such Cases of Appeal as last aforesaid the said Assistant Barrister shall give Judgment for such Purchase Monies or Recompence, whether same shall have been assessed and ascertained by such Juries, or finally determined by such Assistant Barrister; and the Verdicts of such Juries, and the Judgments thereon, and the Judgments of said Assistant Barrister where no such Verdicts shall be given, shall be final, binding, and conclusive, to all Intents and Purposes, against all Parties, Corporations, and Persons whomsoever.

Juryman refusing to be sworn or give Verdict to forfeit a Sum not exceeding 40s.

LXXIV. And be it enacted, That if any Person summoned as a Juryman as aforesaid shall, after his Appearance, refuse to be sworn, or, being so sworn, refuse to give or not give his Verdict, or in any other Manner wilfully neglect his Duty in the Premises, contrary to the true Intent and Meaning of this Act, every Person so offending, having no reasonable Excuse, to be allowed by the said Assistant Barrister, shall for every such Offence forfeit and pay any Sum not exceeding the Sum of Forty Shillings, to be levied on the Goods and Chattels of the Person so offending, by Warrant under the Hand and Seal of the said Assistant Barrister, by Distress and Sale of the Offender's Goods, rendering the Overplus to the Owner thereof, after such Penalty, and the Charges of such Distress and Sale, are deducted.

Awards, Verdicts, and Judgments to be recorded.

LXXV. And be it enacted, That such of the aforesaid Awards of the said Commissioners as shall not be appealed from, and the Judgments and Verdicts so given as aforesaid, shall be respectively transmitted to and be kept by the respective Clerks of the Peace of the Counties in which the Land in respect of which such Awards, Judgments, or Verdicts shall have been respectively made shall be situate, and shall be deposited with the Records, and deemed Records of such Counties respectively, to all Intents and Purposes; and the same, or certified Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever; and all Persons shall have Liberty to inspect the

the same, paying for such Inspection the Sum of Sixpence, or to have Copies thereof, paying for every Copy the Sum of Three Halfpence for every Seventy-two Words, and so in proportion for any greater or less Number of Words.

Application of Compensation Money when amounting to or exceeding 200*l.*

LXXVI. And be it enacted, That if any Money shall be adjudged or awarded to be paid for any Land purchased, taken, or used by virtue of the Powers of this Act, or as Compensation for any Damage or Injury to any Land which shall belong to any Corporation, or to any Trustee or Feoffee, Executor or Administrator, or any Husband, Guardian, or Committee for or on behalf of any Feme Covert, Infant, Idiot, or Lunatic, or to a Tenant for Life, or any Person who shall have no Power to give a valid Receipt for the same, or to sell or convey the same Land, otherwise than by virtue of this Act, 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 or Exchequer, to be placed to his Account there *ex parte* the Commissioners for executing this Act, setting forth the Title hereof, 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 a Petition to be preferred to the said Court in a summary Way by the Person who would have been entitled to the Rents and Profits of the said Land, be applied in or towards the Discharge of any such Debt or other Incumbrance affecting the same Land, or any other Land or Property standing settled therewith to the same or the like Uses, Trusts, Intents, and Purposes as the said Court of Chancery or Exchequer shall authorize to be paid, or such Part thereof as shall be necessary; or the same Money shall, upon the like Application, in a summary Way, be laid out, by Order of the said Court, in the Purchase of other Land, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Land which shall be so purchased, taken, or used, or damaged or injured as aforesaid, stood settled or limited, or such of them as shall be then existing undetermined or capable of taking effect; and in the meantime and until such Order can be obtained 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 any Stocks, Funds, or Annuities transferable at the Bank of *Ireland;* and in the meantime, and until the said Stocks, Funds, or Annuities shall be sold by Order of the said Court for the Purpose aforesaid, the Dividends or annual Produce thereof shall from Time to Time be paid to the Person who would for the Time being have been entitled to the Rents and Profits of such Land so to be purchased, conveyed, and settled.

When less than 200*l.* and amounting to or exceeding 20*l.*

LXXVII. Provided always, and be it enacted, That if any Money so adjudged or awarded to be paid for any Land purchased, taken, or used for the Purposes aforesaid, or damaged or injured as aforesaid, belonging to any Corporation or to any Person as last aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person for the Time being entitled to

the Rents and Profits of the Land so purchased, taken, or used, or damaged or injured, or of his Guardian or Committee, in case of Infancy, Lunacy, or other Incapacity, to be signified in Writing under their Common Seal or respective Hands (as the Case may require), be paid into the Bank of *Ireland* in the Name and with the Privity of the said Accountant General, and be placed to his Account as aforesaid, in order to be applied in the Manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two or more Trustees, to be nominated by the Person who for the Time being would be entitled to the Rents and Profits of the Land so to be purchased, taken, or used, or damaged or injured as aforesaid, such Nomination to be approved of by the said Commissioners, and such Nomination and Approbation to be signified in Writing under the Hands or Common Seal of the nominating and approving Parties; and the Monies so paid to such Trustees, and the Dividends and Produce arising thereon, may be applied by such Trustees in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank of *Ireland*, without being required to obtain any Order of the Court of Chancery or Exchequer touching the Application thereof.

When less than 20*l*.

LXXVIII. Provided also, and be it enacted, That if any Money so adjudged or awarded to be paid as herein-before mentioned shall be less than Twenty Pounds, then and in every such Case the same shall be paid to the Person who would for the Time being have been entitled to the Rents and Profits of the Land so purchased, taken, or used, or damaged or injured, for the Purposes of this Act, for his own Use and Benefit, or in case of Infancy or Lunacy or other Incapacity, then to the Person acting as Guardian, Committee, or Trustee of such Person, to and for the Use and Benefit of the Person entitled thereto.

The Court may order reasonable Expences of Purchases to be paid by the Commissioners.

LXXIX. And be it enacted, That where, by reason of any Disability or Incapacity of any Party entitled to any Land to be taken, purchased, or used, or in respect of which any Compensation or Satisfaction shall be payable, under the Authority of this Act, the Purchase Money for the same shall be required to be paid into the Bank of *Ireland*, to be applied in the Purchase of other Land, to be settled to the like Uses, in pursuance of this Act, it shall be lawful for the said Court to order the Expences of all such Purchases, or so much of such Expences as the said Court shall deem reasonable, together with the necessary Costs and Charges of obtaining such Order, to be paid by the said Commissioners out of the Monies to be received by virtue of this Act; and the said Commissioners shall from Time to Time pay such Sums of Money for such Purposes as the said Court shall direct.

Premises to vest in the Commissioners, upon Payment into Bank of the Money agreed upon

LXXX. And be it enacted, That if any Corporation or Person seised or possessed of or having any Estate or Interest in any such Land as aforesaid cannot be found, or shall not be known, or shall not prove a good Title to such Land to the Satisfaction of the said Commissioners or any Person authorized by them, or shall refuse to execute a Conveyance thereof, then and in every such Case

it shall be lawful for the said Commissioners to pay such Sum of Money as shall have been contracted and agreed or shall have been adjudged in manner aforesaid to be paid for the Purchase or for the Value of such Land, into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the said Court of Chancery or Exchequer, to be placed to his Account to the Credit of the Party interested in the said Land (describing such Land), or if such Party shall not be known, then to the Credit of the then unknown Person interested in the said Land (describing the same), subject to the Order, Control, and Disposition of the said Court, which said Court, on the Application of any Corporation or Person making claim to such Sum of Money, or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding, or otherwise, as to the same Court shall seem fit, 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 Estate, Title, or Interest of the Corporation or Person making claim thereto, and to make such other Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier of the Bank of *Ireland* who shall receive such Sum of Money is hereby required to give a Receipt for such Sum of Money, and upon Payment of such Sum of Money into the Bank as lastly herein-before is mentioned, the Land for the Purchase or for the Value of which the same shall have been agreed and awarded to be paid, and the Fee Simple and Inheritance thereof, or other the absolute Interest therein, together with the yearly Profits thereof, and all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law and Equity, of the Corporation or Person, or unknown Person, to whose Credit such Money shall be paid, in, to, and out of the Land, shall vest in the said Commissioners, and they shall be deemed in Law to be in the actual Seisin or Possession thereof, to all Intents and Purposes whatsoever, as fully and effectually as if every Corporation or Person having any Estate in such Land had actually conveyed the same; and such Payments shall not only bar all Right, Title, Interest, Claim, and Demand of the Corporation or Person, or unknown Person, of, in, or to the same Land, to whose Credit such Payment shall have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of such Person, and all Estates Tail and other Estates, in Possession, Reversion, Remainder, Expectancy, or Contingency, and the Issue of such Person, and every other Person whomsoever.

or assessed, when Conveyances cannot be obtained.

LXXXI. Provided always, and be it enacted, That where any Question shall arise touching the Title of any Person to any Money which shall be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the said Court of Chancery or Exchequer, in pursuance of this Act, for the Purchase of any Land to be taken or purchased in pursuance of this Act, or to any Bank Annuities or Government or Real Securities, the Person who shall have been in possession of such Land at the Time of such Purchase, and all Persons claiming under such Person or under the Possession of such Person, shall be deemed and taken to

In case of questionable Title of Persons in possession.

to have been lawfully entitled to such Land, until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities or Government or Real Securities to be purchased with such Money, and also the Capital of such Bank Annuities or Government or Real Securites, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Person was lawfully entitled to such Land, or to some Estate therein.

Estate of Mortgagees to vest in Commissioners on Payment of Principal and Interest;

LXXXII. And be it enacted, That if any Person shall have any Mortgage or be entitled to any Sum of Money charged on any Land taken or purchased under this Act, then, on Payment of the Principal and Interest due thereon, or in case a Part only of any Land subject to such Charge or Mortgage be so taken or purchased, then a proportionate Share of such Principal and Interest, (to be ascertained, in case of Dispute, in the Manner herein-before provided for ascertaining the Value of Land taken or purchased for the Purposes of this Act,) to such Mortgagee or Person entitled thereto, or into the Bank of *Ireland*, for the Use of the Mortgagee or other Person entitled thereto, all the Estate of the said Mortgagee or other Person, and of every Person in Trust for him, in the Land or the Portion of Land so taken or purchased, shall vest in the Commissioners, and they shall be deemed to be in the actual Possession thereof, free from the same Mortgage or Charge, to all Intents and Purposes whatsoever: Provided always, that if the Money and Interest due in respect of any Mortgage or Charge on any Land purchased or taken under this Act shall amount to more than the Value of the Premises charged therewith, or such of them or of such Part thereof as shall be purchased or taken under this Act, then, upon Payment to such Mortgagee or Person, or into the Bank, in manner herein-before mentioned, of the Sum to be ascertained as the Value of the Estate or Interest so mortgaged or charged on the Land, or Part thereof, so to be taken and purchased as aforesaid, all the Estate of the said Mortgagee or Person as aforesaid, and of every Person in Trust for him, in the said Land, or any Part thereof, the Value whereof shall have been so ascertained and paid as aforesaid, shall vest in the Commissioners, and they shall be deemed to be in the actual Possession of the said Lands, to all Intents and Purposes whatsoever, freed from such Mortgage or Charge as aforesaid; and the Mortgagor or other Person entitled to redeem shall be and is hereby barred and foreclosed from all Right and Equity of Redemption of and in the same Land, or Portion of Land.

or if such Principal and Interest exceed the Value of the Property, then on Payment of the Value.

Lien shall remain on Premises not conveyed in Proportions.

LXXXIII. And be it enacted, That when any Rent, or any such Charge, Incumbrance, or Lien as aforesaid, shall also be payable out of, or extend over and be a Charge, Incumbrance, or Lien on, any Lands, other than those which shall be taken or injured by or conveyed to or vested in the said Commissioners, then and in such Case neither this Act, nor any Conveyance so made as aforesaid, shall in any respect discharge, affect, or alter the Force, Validity, or Effect of such Charge, Rent, Incumbrance, or Lien, so far as relates to such other Lands, Tenements, or Hereditaments, but that as to all such

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the same shall respectively continue, be good, valid, and subsisting, subject nevertheless to such Reduction of Rent (if any) as may be made in respect of such Lands under the Provisions herein contained.

Power to enter and take Possession of Land, &c. on Payment or Tender of Purchase Money.

LXXXIV. And be it enacted, That upon Payment into the Bank of *Ireland* as herein directed, or upon Payment or legal Tender of any such Sum of Money as shall have been contracted for between the Parties, or adjudged in manner aforesaid, for the Purchase of any Land, or as a Recompence for the yearly Produce or Profits thereof, or as a Compensation for Damages, as herein mentioned, to the Proprietor of such Land, or to such Person as shall be entitled thereto under any of the Provisions herein contained, it shall be lawful for the said Commissioners, or their Agents, Workmen, or Servants, immediately to enter upon and use such Land.

Commissioners may forego the taking of any Land on serving a Notice, within Six Months from the Time of Contract or Adjudication, that the same will not be required.

LXXXV. Provided always, and be it enacted, That if it shall seem expedient to the said Commissioners, at any Time or Times within Six Months after any Adjudication or Contract shall be made, given, or entered into under the Provisions of this Act, not to take or injure the Whole or any Part of any Land or other Matters or Things named or described in such Adjudication or Contract, it shall be lawful for the said Commissioners to serve a Notice upon or cause the same to be left at the usual Place of Abode of the Person or Persons who are or appear by the said Adjudication or Contract to be interested in such Land or other Matters or Things, stating that the same, and what Part thereof, will not be taken for or injured by any thing to be done under this Act; and the Adjudication or Contract mentioned in the said Notice, or such Part thereof as shall relate to the Part not required to be taken or injured as aforesaid, (at the Option of the said Commissioners,) shall be utterly void and of none Effect, to all Intents and Purposes whatsoever; and in case a Part only of any Adjudication or Contract shall become void as aforesaid, the said Commissioners shall fix and ascertain the Portion of the Sum mentioned in any such Adjudication or Contract which should be deducted on account of the Part not required to be taken or injured, and, if necessary, apportion the Residue among the Persons entitled thereto; and the said Commissioners shall amend such Adjudication or Contract accordingly; and such amended Adjudication or Contract shall have all the Force and Effect, and shall be subject to the like Appeal, as any other Adjudication or Contract under this Act: Provided always, that in all Cases where the Commissioners shall serve Notice that it is not intended to take or injure the Whole nor any Part of such Land, the Person or Persons interested in such Land, and incurring any Loss or Expence in consequence of the Commissioners having previously required the same, shall be entitled to Compensation for such Loss and Expences, and in case the Amount thereof cannot be agreed upon the same shall be ascertained and taxed by the Assistant Barrister of the County in which such Land shall be situate.

Proviso.

If the Commissioners make any new Site for a Mill or

LXXXVI. And be it enacted, That whenever, in executing any of the proposed Works, the said Commissioners shall be enabled to make any new Site for a Mill or Factory, such new Site may be made by

Factory, the same shall vest in them for the Purposes of this Act.

by the said Commissioners, if they shall think fit, and the same, with the Water Power thereof, shall be absolutely vested in the said Commissioners and their Successors for ever, in Trust for the Purposes of this Act, and in order that the same may be sold: Provided always, that the making of such new Site for any Mill or Factory shall not prejudice or injure the Supply of Water to or Discharge of Water from any existing Mill or Factory.

Commissioners to sell Lands and Mills, making first Offers to the Proprietors of the Estate.

LXXXVII. And be it enacted, That the said Commissioners shall from Time to Time sell and dispose of all or any Part of the Lands, Tenements, or Hereditaments, Mills, Buildings, or Erections, Weirs, Mill Dams, Watercourses, and Mill Sites, which shall become vested in them under any of the Provisions aforesaid, and which shall not be required to be retained for any of the Purposes of this Act; and the Produce of such Sale or other Disposition shall be applied in Payment of the Expences or Debts contracted on account of the Expences of the Works executed in the District in which such Lands so sold or disposed of shall be situate: Provided always, that the said Commissioners, before they shall sell or dispose of any of the Premises aforesaid, shall first offer the same to the Person to whose Estate the same originally belonged, and then to the Person whose Estate shall adjoin thereto, and such Premises shall not be sold to any other Person at such Price as the Persons so entitled to a Preference shall be willing to give for them, or at any lower Price; and if each such Person shall refuse to purchase the same, an Affidavit being made and sworn before a Master Extraordinary in the High Court of Chancery, and filed in said Court, that such Offer was made by or on behalf of said Commissioners, and that such Offer was refused by the Person to whom the same was made, such Affidavit shall, in all Courts whatsoever, be sufficient Evidence and Proof that such Offer was made and refused.

Application of Monies received by the Commissioners.

LXXXVIII. And be it enacted, That all Sums received by the said Commissioners under the Provisions of this Act (except for or in respect of the Tolls or Rates for Navigation) shall be paid into the Bank of *Ireland* to the Credit of the said Commissioners, and shall be applied towards the Expences of the several Works for Drainage, Navigation, or Water Power to be executed under this Act, or towards the Repayment of any Loan or Loans which shall have been or may be made to the said Commissioners for the Execution of the said Works under the Power in that Behalf herein-after contained, and of all other Expences payable by the said Commissioners under the Provisions of this Act.

Powers to Commissioners to take Tolls.

LXXXIX. And be it enacted, That it shall be lawful for the said Commissioners, from Time to Time and at all Times hereafter, to demand, receive, levy, and take, for or in respect of any River which shall be rendered navigable, or the Navigation whereof shall be improved under or by virtue of the Provisions of this Act, and also for Wharfage or Quayage, at any Pier, Harbour, Landing Place, Quay, or Wharf to be built, erected, or made by the said Commissioners, or vested in them under the Provisions of this Act, such Rates or Tolls as the said Commissioners, with the Approbation of the said Commissioners of

of Her Majesty's Treasury, shall think fit; and it shall be lawful for the said Commissioners to fix the Time or Times respectively from and after which such Rates or Tolls shall be payable.

Limitation of Tolls.

XC. Provided always, and be it enacted, That any Boat or Vessel charged with a Tonnage Rate shall not in any Event be liable to pay in respect of any Voyage a greater Amount of Toll, exclusive of Quayage or Wharfage, than Two Shillings and Sixpence *per* Ton; and that any Boat or Vessel charged with a Rate *per* Boat or Boat Load shall not in any Event be liable to pay, in respect of any One Voyage, a greater Amount of Toll, exclusive of Quayage or Wharfage, than Eight Shillings *per* Boat or Boat Load: Provided also, that no Toll or Rate whatever, except Wharfage or Quayage, shall be rated, levied, or imposed, by the said Commissioners under this Act, upon Steam Vessels employed in towing Boats or Barges, and not carrying at the same Time Goods or Passengers.

Tolls may be raised or lowered.

XCI. And be it enacted, That it shall be lawful for the said Commissioners, from Time to Time as they shall think fit, with the Approbation of the said Commissioners of the Treasury, to reduce all or any of the Rates or Tolls by this Act authorized to be taken, and afterwards, from Time to Time, with the like Approbation, to raise the same, or any of them, to any Amount not exceeding the Amount herein-before specified: Provided also, that if such Rates or Tolls shall have been let or demised by the said Commissioners no Alteration shall be made therein during the Continuance of such Lease or Demise, unless with the Consent in Writing of the Tenant or Lessee.

If Disputes should arise about the Amount of Tolls, the Collectors may weigh the Goods.

XCII. And be it enacted, That if any Dispute or Difference shall arise between the Collectors of the Rates or Tolls made payable by this Act, and the Owner, Master, or Person having Charge of any Boat, Barge, or other Vessel, or the Owner of any Goods, Wares, and Merchandize, or other Things, chargeable with or liable to the Payment of any of the said Rates or Tolls, concerning the Weight or Quantity of the same, it shall be lawful for such Collector to stop and detain any such Boat, Barge, or other Vessel, and to weigh, measure, or gauge, or cause to be measured, weighed, or gauged, all such Goods, Wares, and Merchandize, or other Things as shall be in any Vessel where and when any Dispute shall arise; and in case any such Goods, Wares, and Merchandize, or other Things, shall, upon such weighing, measuring, or gauging, appear to be of as much Weight, Measure, or Quantity as or of greater Quantity than such Collector did insist and affirm the same to be before the weighing, measuring, or gauging thereof, so as to make the same chargeable with or liable to the Payment of as much Money as or more Money than was demanded by the Collector before the weighing, measuring, or gauging of such Goods, Wares, or Merchandize, or other Things, then and in such Case the Master or Owner of such Boat, Barge, or other Vessel, or the Owner of such Goods, Wares, and Merchandize, so weighed or measured or gauged, shall pay the Costs and Charges of such weighing, measuring, or gauging thereof; all which said Costs and Charges, upon Refusal of Payment thereof on Demand, shall and may be recovered

recovered as the Rates and Tolls made payable in and by this Act are appointed to be recovered; but in case such Goods, Wares, and Merchandize, or other Things, shall, upon such weighing, measuring, or gauging, appear to be of no greater Weight or Quantity than the Master or Owner declared the same to be before the weighing, measuring, or gauging thereof, then and in such Case such Collector shall pay the Costs and Charges of such weighing, measuring, or gauging, and shall also pay to the Master or Person having charge of such Boat, Barge, or other Vessel, or to the Owner of such Goods, Wares, and Merchandize, a Sum not exceeding Two Shillings and Sixpence for every Hour that such Boat, Barge, or other Vessel shall be detained by occasion of such weighing, measuring, or gauging, and so in proportion for any greater or less Time than an Hour; and in default of immediate Payment thereof the same shall be levied by Distress and Sale of the Goods and Chattels of such Collector, or of any Lessee of such Rates or Tolls by whom such Collector may have been employed, by Warrant under the Hand and Seal of any Two Justices of the Peace for the County, Liberty, or Place where such Collector shall reside, rendering the Overplus to the Owner thereof after such Distress and Sale made.

Lock-keepers to attend Locks.

XCIII. And be it enacted, That any Lock or Bridge Keeper appointed under the Provisions of this Act to have the Charge of opening or shutting any Lock or Bridge on any Navigation to be improved or made under the Provisions of this Act shall constantly attend to the same, and shall at all reasonable Times open the same for the Passage of trading or other Vessels, the Tolls and other Rates required under this Act for such Vessels being paid, and the Bye Laws, Rules, and Regulations which shall be made by the said Commissioners being complied with; and each such Lock or Bridge Keeper wilfully neglecting the Duties of his Office in any of the Matters aforesaid shall be liable to a Penalty of not more than Five Pounds for each Offence.

Penalty.

A List of the Rates, Tolls, &c. to be affixed in conspicuous Places.

XCIV. And be it enacted, That the said Commissioners shall cause an Account or List, printed or painted in large legible Characters, of the several Rates and Tolls which the said Commissioners shall from Time to Time direct and appoint to be taken, and which shall be payable by virtue of this Act, to be affixed on Boards in some conspicuous Place, and continued and renewed as often as the same shall be obliterated or defaced, to or upon every Toll House or Building at which any such Rates or Tolls shall be collected or received.

Enforcing the Payment of Rates and Tolls.

XCV. And be it enacted, That it shall and may be lawful for the said Commissioners to appoint sufficient Collectors and Agents for the Purpose of receiving the Tolls and Rates payable under this Act, and in case of Refusal or Neglect, on Demand, to pay such Rates or Tolls as have accrued due unto the respective Persons appointed to receive the same as aforesaid, the said Commissioners may sue for and recover the same by an Action of Debt in any of Her Majesty's Courts of Record, or by Civil Bill, or the Person to whom such Rates or Tolls ought to have been paid may and he is hereby empowered to seize the Goods, Articles, or other Things for or in respect whereof

any such Rates or Tolls ought to be or ought to have been paid, or any Part thereof, and the Vessel laden therewith, or any other Goods, Articles, or Things belonging to the Person liable to pay such Rates or Tolls, and detain the same until such Payment shall be made, together with all reasonable Charges for such Seizure and Detention; and if such Goods, Articles, and Things shall not be redeemed within Twenty-one Days after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent, and such Rates, Tolls, and Charges satisfied thereout.

Leasing the Rates and Tolls.

XCVI. And be it enacted, That it shall be lawful for the said Commissioners (if they shall think fit), by public Bidding, from Time to Time to let all or any of the Tolls or Rates payable under the Provisions of this Act, for Terms not exceeding Three Years, on such Conditions, and with such Security for the Payment of the Rent reserved on such Lease, as the said Commissioners, with the Consent and Approval of the said Commissioners of Her Majesty's Treasury, shall deem expedient; and every such Lease shall be valid, and the respective Lessees thereof, and also such Persons as such Lessees shall appoint to collect and receive the Rates or Tolls so let, shall have the same Powers and Authorities for collecting and recovering the same as are herein-before by this Act given to the said Commissioners and the Person appointed by them to collect such Tolls and Rates.

Power of Re-entry in case of Non-performance of the Conditions of the Lease.

XCVII. And be it enacted, That in case any of the Rates or Tolls by this Act authorized to be taken shall be demised or let, and the Lessee thereof shall refuse or neglect to perform the Terms and Conditions on which the same shall be so demised or let, or any of them, or in case all or any Part of any Rent agreed to be paid by any such Lessee shall be in arrear or unpaid for the Space of Twenty-one Days next after any of the Days on which the same ought to be paid pursuant to the Lease or Demise of such Rates or Tolls, or in case any Collector of the said Rates or Tolls appointed by the said Commissioners as aforesaid shall be discharged from his Office, or shall die, abscond, or absent himself, and any such Collector who shall be so discharged, or the Wife, Widow, or any of the Children or Family, or any Representative of any such Collector, or any other Person being in possession thereof, shall refuse to deliver up or shall not deliver up possession of any Toll House, Office, or other Building, with the Appurtenances thereto respectively belonging, to be used for the Purposes of this Act, within the Space of Seven Days next after a Demand thereof in Writing, signed by the said Commissioners, shall be given to him, or affixed to such Toll House, Office, or Building, or in case any such Lease or Demise shall in any Manner become void or voidable, then and in any of the said Cases it shall be lawful for any Two or more Justices of the Peace acting within their Jurisdiction, upon any Application made by the said Commissioners, by Warrants under the Hands and Seals of the said Justices, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take possession of every or any such Toll House, Office, or other Building, with the Appurtenances, and to remove and put such Lessee, Collector, or other Person as shall be found therein,

together with his Goods, from and out of the same and the Possession thereof, and from the Collection of such Rates or Tolls, and to put the said Commissioners, their Agent, or their new Lessee or Collector, into the Possession thereof; and thereupon it shall be lawful for the said Commissioners to vacate and determine the Lease and Demise or Agreement (if any) which was previously subsisting, and the same shall accordingly be utterly void to all Intents and Purposes (save as to the Contracts and Agreements unperformed by the said Lessees); and it shall be lawful for the said Commissioners in every such Case, either during such Proceedings, or on the Termination thereof, again to demise or let the said Tolls or Rates, in such and the same Manner as if no former Demise or Agreement had been made with respect thereto.

How the Income derived from Navigation shall be applied.

XCVIII. And be it enacted, That the Income which the said Commissioners shall receive for or in respect of any Tolls or other Rates to be imposed and levied under this Act by reason of the Improvement to be effected in any such River as aforesaid shall be applied, in the first instance, in Payment of the Expences attending or incident to the Maintenance and Repairs of the Works which shall be constructed solely for the Improvement of the Navigation of such River, and the Expences of collecting such Tolls and Rates as aforesaid, and all other Expences attending the Conservancy and due Preservation of such River; and the Surplus, after defraying such Expences, shall be applied in manner herein-after mentioned.

Commissioners may borrow Money for the Purposes of this Act.

XCIX. And be it enacted, That it shall and may be lawful for the said Commissioners, from Time to Time, as Occasion shall require, to borrow and take up at Interest, of and from any Person who shall be willing to advance and lend the same, any Sum or Sums of Money required for defraying the Costs, Charges, and Expences incurred or to be incurred by them in the Execution of any Works for the Drainage or Improvement of any Land, or the Navigation of any River, or the Formation of any Reservoir, under or by virtue of this Act; and the Repayment of such Sum or Sums of Money, with Interest, at a Rate not exceeding Five Pounds *per Centum per Annum*, shall be secured to the Party lending the same upon the Monies accruing to the said Commissioners under or by virtue of the Award to be made by the said Commissioners, as herein-after mentioned.

Commissioners to grant Certificates to Lenders for Principal and Interest.

C. And be it enacted, That it shall and may be lawful for the said Commissioners from Time to Time to grant a Security by Deed, in the Form of a Certificate under the Hands and Seals of the said Commissioners, to every Person who shall so advance any Sum of Money as aforesaid, setting forth the Sum for which the several Certificates collectively are to be issued, the Amount of the Sum for which each such Certificate is issued, the Date of such Advance, and the Rate of Interest payable for the same, and the Periods at which the said Principal Money shall be paid off, in One Payment, or by Instalments, and a general Description of the Land or River for the Drainage or Improvement of which or of the Reservoir for the Construction of which such Sum shall have been borrowed, and that every such

Certificate shall be duly stamped as a Mortgage, and made in the following Words, or as near thereto as the Circumstances of the Case will admit:

Form of Certificate.

'BY virtue of an Act passed in the Sixth Year of the Reign of Her Majesty Queen *Victoria* [*here insert the Title of this Act*], we, the undersigned, being the Commissioners for the Execution of an Act passed in the Sixth Year of the Reign of Her Majesty Queen *Victoria* [*here set forth the Title of this Act*], in consideration of the Sum of Pounds of lawful Money of *Great Britain* to us lent and paid by do hereby certify that the Monies to become payable to us, under our Award, for the Drainage, Improvement, or Construction of [*here describe the Land, River, or Reservoir,*] are hereby charged with the Repayment of the said Sum of Pounds, being the whole [*or* Part, *as the Case may be,*] of the Sum of Pounds required to be borrowed for the Purpose aforesaid [*here insert the Period when the Money is payable, in One Payment, or by Instalments, as the Case may be*], together with Interest thereon [*or, if the Money be payable by Instalments,* with Interest on such Part of the said Principal Money as shall remain unpaid from Time to Time], at and after the Rate of Pounds *per Centum per Annum*, until the whole thereof shall be repaid, which Sum so lent and advanced by the said was taken up and borrowed by us for the Purposes of the said Act. In witness whereof we have hereunto set our Hands and Seals the Day of .'

And the Monies mentioned in each such Certificate, with the Interest thereon, shall be repayable and paid by the said Commissioners out of the Monies which shall come to their Hands under their Award as aforesaid, and all Persons to whom such Certificates shall be given shall be equally entitled (one with the other) to the Monies accruing by and under the same Charges, according and in proportion to the Sums by them respectively lent and advanced as aforesaid, without any Preference by reason of the Priority of the Date of such Certificate, or upon any other Account whatsoever: Provided always, that nothing herein contained shall be deemed, construed, and taken to extend to make the said Commissioners or any of them who shall sign or execute any such Certificate, personally, or their respective Lands or Tenements, Goods and Chattels, liable to the Repayment of any of the Monies to be borrowed or secured in pursuance of this Act.

Loans may be transferred.

CI. And be it enacted, That every Person who shall be entitled to the Money secured by any such Certificate may transfer his Right and Interest to the said Principal Sum and Interest Money thereby secured to any Person by Writing, duly stamped, wherein the Consideration shall be truly stated; and every such Transfer may be in the following Words, or Words to the like Effect:

Form of Transfer.

'I [*or* We] *A.B.* of in consideration of the Sum of to me this Day paid by *C.D.* of do hereby transfer a certain Certificate of Charge made by the Commissioners for the Execution of an Act passed in the Year

'Year of Her Majesty Queen *Victoria*, intituled [*here set forth the* '*Title of this Act*], to bearing Date the 'Day of for securing the Sum of and 'Interest, and all my Right and Title to the Principal Money 'thereby secured, and now remaining due thereon, and to all the 'Interest Money now due or hereafter to become due, unto said *C.D.*, 'his, her, or their Executors, Administrators, Successors, or Assigns '[*as the Case may be*]. Given under my Hand and Seal this 'Day of .'

Which Transfer shall be produced and certified to the Secretary for the Time being of the said Commissioners before the Party holding the same Transfer shall be entitled to receive any Principal or Interest due or owing as aforesaid; and every such Secretary shall make an Entry amongst the Records of the said Commissioners of the Particulars of every such Transfer, and sign the same.

Power to borrow Money at a lower Rate of Interest.

CII. Provided always, and be it enacted, That in case the said Commissioners can at any Time borrow or take up any Sum of Money at a lower Rate of Interest than the Certificates which for the Time being shall be in force shall bear, it shall be lawful for the said Commissioners to borrow and take up, and they shall (if so required by the Parties interested) borrow and take up from Time to Time, in manner aforesaid, upon like Certificates, at such reduced Rate of Interest, any Sum which may be required to pay off the Monies secured by the existing Certificates; and the Repayment of such new Loan shall be secured in like Manner upon the Monies accruing to the said Commissioners under their Award as aforesaid; and the said Commissioners shall pay off and discharge the Certificates or Securities bearing a higher Rate of Interest accordingly.

Money may be borrowed for the Purposes of this Act, from Public Loan Commissioners or from Commissioners of Public Works.

CIII. And be it enacted, That it shall and may be lawful for the Commissioners for carrying into execution an Act passed in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Extension and Promotion of Public Works in* Ireland, or for the Commissioners appointed and acting under an Act passed in the Fifth Year of the Reign of Her present Majesty, intituled *An Act to authorize the Advance of Money out of the Consolidated Fund, to a limited Amount, for the carrying on of Public Works and Fisheries and Employment of the Poor, and to amend the Acts authorizing the Issue of Exchequer Bills for the like Purposes*, or any Act or Acts for amending the same respectively; and the said Commissioners are hereby respectively empowered from Time to Time, out of any Funds at their Disposal, to lend and advance any Sum of Money which may be necessary for the Purposes of this Act upon the Credit of the Award to be made as herein-after mentioned, provided that no Advance of Money shall be made by either of the said Commissioners for any of the Purposes aforesaid, unless with the Consent of the Commissioners of Her Majesty's Treasury; and that all such Monies so lent and advanced by either of such Commissioners shall be repaid from and out of the Monies accruing to the Commissioners for the Execution of this Act under the said Award, by and from the Charges aforesaid, within such Period, either by One Payment, or by half-yearly Instalments of such Amount,

Amount, and with such Interest, as the said Commissioners of the Treasury shall direct.

Accounts to be kept.

CIV. And be it enacted, That the Commissioners for the Execution of this Act shall cause Books to be provided and kept, in which shall be entered true and regular Accounts of all Sums of Money received, paid, and expended about any Drainage or Improvement or other Work made under the Provisions of this Act, and of the several Articles, Matters, and Things for which any Sum of Money shall have been disbursed and paid, and shall keep the Accounts with reference to the Improvement of any River or Navigation separate and distinct from the Accounts with reference to Drainage; which Books shall, at all reasonable Times, on giving Three clear Days Notice of the Intention to apply for an Inspection thereof, be open to the Inspection of the Proprietors and Persons interested in the Drainage or Improvement to which such Books shall relate, without Fee or Reward; and such Persons may take Copies of or Extracts from the said Books, or any Part thereof, without paying for the same.

Commissioners to account yearly.

CV. And be it enacted, That once at least in every Year the said Commissioners shall prepare a true and just Account or Statement of all Sums of Money by them received and expended in the Execution of any Works for the Drainage or Improvement of any such Land or River as aforesaid; and such Account or Statement, when so made, together with the Vouchers relating thereto, shall be preserved by the said Commissioners at their Office in *Dublin*, and a Copy of such Account, signed by said Commissioners, shall be deposited with the Clerk of the Peace of every County in which any Part of such District shall be situate, and the same respectively shall be open to public Inspection, at all reasonable Times, on Payment of a Fee of Sixpence, and any Person interested in such Works shall be at liberty to take Copies thereof or Extracts therefrom at all reasonable Times, and the said Commissioners and Clerk of the Peace shall furnish Copies of or Extracts from any such Account or Statements to any Persons requiring same, upon Payment of the Costs of making such Copies or Extracts.

Commissioners to make an Award upon Completion of any of the Works.

CVI. And be it enacted, That as soon as conveniently may be after any Works for the Drainage or Improvement of any Land or the Navigation of any River under this Act, or any other Work by this Act authorized to be executed, shall have been completed, the said Commissioners shall draw up, or cause to be drawn up, an Award or Instrument in Writing, which shall describe the Land or River drained or improved as aforesaid, and the Work or Works which shall have been so completed; and such Award shall also specify the several Quantities belonging to the reputed Proprietors respectively of such Land so drained or improved as aforesaid, and the original Value and the Increase in the Value of the Land so drained or improved; and such Award shall also specify the Amount of the Sums which shall have been expended in and about the Works which shall have been so executed for Drainage, or Improvement by Drainage, and all Expences incident thereto (including the Interest of all borrowed Monies), and the Proportions of such Sums payable in respect of the several

several Parcels or Portions of the Land drained or improved by Drainage towards Payment of the total Amount of the Costs, Charges, and Expences of such Drainage, or incidental thereto, and whether the same shall be repaid in One Sum or by Instalments, and if by Instalments then said Award shall also specify the several Instalments, and the Manner by and in which such Proportions shall be paid, regard being had to the Degree of Benefit conferred as aforesaid, and the Circumstances of each particular Case; and in the Case where any Water Power shall be improved by the making of Embankments or Reservoirs, or any Works so completed under the Provisions herein-before contained, or executed with the Consent of the Proprietors of Mills as aforesaid, the said Award shall also specify the Lands liable under the Provisions of this Act to the Payment of the Expences of the Execution of the Works of such Improvement, or incidental thereto, and the Amount of such Expences, and the Proportions thereof with which such Lands shall be respectively charged, and whether the same shall be repaid in One Sum or by Instalments as aforesaid; and in the Case of the Improvement of the Navigation of any River, the said Award shall specify the Amount of the Costs, Charges, and Expences to be borne in respect thereof by the District in which such River, or any Part thereof, is situate, or the Grand Jury of the County in which such District shall be situate, or by the Person who shall have guaranteed or secured the Payment of the Costs of such Improvement; and the said Award shall also specify whether such Amount shall be repaid in One Sum or by Instalments as aforesaid; and the said Award shall also specify the Baronies, Half Baronies, or Townlands in the District benefited by the Improvement of such River, and the Proportions in which such Baronies, Half Baronies, or Townlands are thereby benefited; and the said Commissioners shall also cause to be inserted in every such Award all such other Determinations, Matters, and Things as the said Commissioners shall think necessary and proper; and the said Commissioners shall also cause to be specified in every such Award the Proportion in which the Land so improved as aforesaid, and the Proprietors of such Lands in respect thereof respectively for the Time being, shall in future be annually charged towards the Costs and Expences which may from Time to Time be incurred in or about the maintaining, cleansing, and keeping in repair the several Watercourses, Sluices, Drains, Ditches, Cuts, Rivers, Lakes, Streams, Tunnels, Culverts, Banks, Bridges, Outlets, Weirs, Engines, Reservoirs, Embankments, Fences, and other Works to be executed under this Act, and shall specify, according to such Proportions as aforesaid, the Rate which shall be payable towards such Costs and Expences as last aforesaid for the Year next ensuing the Date of each Award.

A Draft of the Award to be printed and published, and a Copy deposited with the Clerk of the Peace.

CVII. And be it enacted, That the said Commissioners shall, within One Calendar Month next after the making of their said Award, cause a Draft thereof to be printed, and sold at a Price not exceeding Two Shillings and Sixpence for each printed Copy thereof, and shall within such Calendar Month cause such Draft, or a Copy thereof, to be deposited with the Clerk of the Peace for every County wherein the Land or River, or any Part thereof, which shall have been drained or improved, may be situate; and such Clerk of the Peace is hereby

authorized and required to receive the same, and all Persons shall have Liberty to inspect the same on the Payment of Sixpence; and when such Draft of the Award has been so deposited the said Commissioners shall cause Notice thereof to be posted in the usual Places for posting Grand Jury Notices in every Barony and County of a City and County of a Town in which such District or any Part thereof shall be situate, and shall also cause a like Notice to be inserted once in each Week for Three successive Weeks in some One or more Newspapers usually circulated in such District or the Vicinity thereof; and the Commissioners shall by such Notice require all Grand Juries or Committees thereof, and Persons who may desire to lodge Objections to the said Award, to lodge the same at such Place, within such District, and before such Time as shall be specified in the said Notice; and the Commissioners shall also in the said Notice state that they will proceed to hear any Objections which may be lodged, and to settle the Award, at such Time and Place in or near such District as shall be specified in the said Notice, such Time not to be sooner than Two Calendar Months from the first Publication of such Notice.

Notice thereof to be posted at the usual Places and inserted in Newspapers, requiring Persons objecting thereto to send in their Objections.

CVIII. And be it enacted, That the said Commissioners shall attend at such Time and Place as they shall so appoint, and shall examine into the Matter of any Objection which shall be so lodged to the Award, and shall hear all such proper Evidence as may be offered to them in respect thereof, and shall make such Alterations (if any) in the said Award as they shall think fit, and may adjourn such Attendance from Time to Time, and shall settle and sign such Award.

Commissioners to hear and decide Objections (if any) to Award.

CIX. And be it enacted, That every Award, when finally settled by the said Commissioners, with a proper Map or Plan annexed thereto, describing the District and the Lands therein to which such Award shall relate, shall be enrolled in the Rolls Office of Her Majesty's Court of Chancery in *Ireland* within Three Months after same shall have been finally settled, and a Copy thereof shall be deposited with the Clerk of the Peace of each County in which such District shall be situate, who is hereby authorized and required to receive and deposit the same amongst the Records of the County; and such Award, when so finally settled and enrolled, shall be binding and conclusive on all Parties, and a Copy thereof, certified by the proper Officer of Her Majesty's Rolls Office, shall be Evidence that it was duly made, and that all the Requisitions of this Act in relation thereto were complied with; and the said Commissioners shall, within One Month after the said Award shall be finally settled, cause such Award to be printed and kept for Sale at a Price not exceeding Two Shillings and Sixpence for each printed Copy thereof.

Award, when finally settled, to be deposited in the Court of Chancery.

CX. And be it enacted, That the respective Sums of Money which, by the Award of the said Commissioners, shall be specified as the Proportions or Contributions payable, in respect of the several Parcels or Portions of the Land drained or improved by Drainage or by any Works under this Act, towards the total Amount of the Sums expended in and about such Drainage or Improvements as aforesaid, with Interest for such respective Sums of Money, at the Rate not exceeding Five Pounds *per Centum per Annum* from the Date of such

Apportioned Expences to be charged on Lands.

such Award, shall be charged on such several Parcels or Portions of the Land so drained or improved as aforesaid, and that in preference to and with Priority over all Incumbrances on such Land; provided nevertheless, that any Quit or Chief Rent issuing thereout, or other Incumbrance thereon, previously to the Date of the said Award, shall have Priority to such Charges, to the Extent of the Value of such Land before the Improvements were effected, but no further; and the same respective Sums of Money, with such Interest for the same as aforesaid, shall also be charged upon so much of any other Land situate within One Mile of any Part of the Lands so drained or improved, and settled, with the Land so drained or improved, to the same Uses, Intents, and Purposes, by virtue of Limitations contained in the same Instrument or the same Set of Instruments, as the said Commissioner shall by the said Award, or any Instrument under their Hands and Seals, and enrolled in the said Rolls Office, direct, limit, and appoint, having regard to the Sufficiency of the said Lands to satisfy and secure the Charge thereon, but subject as to such other Land to the full Amount of all Incumbrances affecting the same prior to the Date of the said Award: Provided always, that if at any Time previous to the issuing of the final Notice by the said Commissioners herein-before directed to be given in the *Dublin Gazette*, and otherwise, any Proprietor of Land situate within the Limit aforesaid of the Land so drained or improved, and which Land would, under the Provisions herein-before contained, become chargeable with any Portion of the Expences of such Improvement, shall prefer to give other Security satisfactory to the Commissioners in lieu of the Land so liable together with the Land so drained, that then and in such Case the said Commissioners shall accept such Security, and thereupon the other Land of such Proprietor not so drained or improved shall stand freed and discharged from all Liability to any Portion of the Expence of such Improvement.

In case of Nonpayment of Money so charged, Commissioners may enter into Receipt of the Rents and mortgage the Land.

CXI. And be it enacted, That if any Sum of Money so charged as aforesaid, or any Instalment thereof, or any Interest in respect thereof, shall remain unpaid for the Space of Three Calendar Months next after the Time appointed for Payment of the same by the said Award, then it shall be lawful for the said Commissioners, or any Person authorized by them, to enter upon the Land charged with or liable to the Payment of the Sum of Money or Interest so in arrear, or any Part thereof, but subject nevertheless to such Quit or Chief Rent or other Incumbrance (if any) as aforesaid, and the Rents and Profits of such Land to receive and take until thereby or otherwise the Sum and Interest so due (together with all Costs and Expences attending or occasioned by such Entry and Receipt of the Rents, Profits, and Issues of such Land) shall be fully paid and satisfied; and it shall be lawful for the Court of Chancery or Exchequer in *Ireland*, upon the Application by Petition of the said Commissioners, to appoint a Receiver of the Rents, Profits, and Issues of such Land, which Receiver shall have full Power to receive the same Rents, Profits, and Issues, and apply the same, after Deduction of the necessary Expences of the Application to the said Court, and of such Quit or Chief Rent issuing out of such Lands and Premises (if any), and without Prejudice to such prior Incumbrances, or any Remedy for the

the Recovery of the same respectively, in Payment of the Sum and Interest so due, until the same shall be fully paid; and it shall also be lawful for the said Commissioners, if they shall so think fit, to raise such Sum and Interest, and all Costs and Expences attendant thereon, by Mortgage of such Land, or a competent Part thereof; and every such Mortgage, and every Receipt given for the Consideration Money, shall be valid and effectual to all Intents and Purposes whatsoever; and no Mortgagee shall be bound to see to the Application of his Mortgage Money, or to inquire whether the Mortgage made by the said Commissioners is hereby authorized.

As to Expences of Improvement of a River when payable by Grand Jury.

CXII. And be it enacted, That where the Amount of the Costs, Charges, and Expences payable under the said Award for the Improvement of any River under or by virtue of the Provisions of this Act shall be payable by the Grand Jury of the County in which such River, or any Part thereof, is situate, the Secretary of the said Commissioners shall certify to the Secretary of such Grand Jury the Amount of such Costs, Charges, and Expences, and the Instalments and Manner by and in which the same is payable under the Award of the said Commissioners; and such Grand Jury is hereby required to make Presentment of the Amount of such Costs, Charges, and Expences, or of the Instalments from Time to Time payable in respect thereof, as stated in such Certificate, together with Interest thereon respectively at a Rate not exceeding Five Pounds *per Centum per Annum* from the Date of such Award, to be raised off the Baronies, Half Baronies, or Townlands named in the said Award, and situate in such County, and in the District or Part thereof benefited by the Improvement of such River, according to the Proportions specified in the Award of the said Commissioners; and in default of such Presentment the Court at such Assizes shall order such Amount or Instalments, with Interest as aforesaid, to be raised off such County, and such Order shall have the Force of a Presentment; and the Treasurer of such County shall insert such Amount or Instalments, with the Interest thereon, as same shall be from Time to Time payable, in his Warrant or Warrants, and same shall be applotted, raised, and levied as if the same had been duly presented; and when and so soon as such Amount or Instalments as aforesaid, with the Interest thereon, shall be raised and received by the Treasurer of the County, such Treasurer shall immediately pay over the same to the said Commissioners.

Where payable by an Individual.

CXIII. And be it enacted, That where any Person shall have guaranteed or secured in manner herein-before provided the Amount of the Costs, Charges, and Expences payable under the said Award for the Improvement of the Navigation of any such River as aforesaid, such Person shall pay to the said Commissioners the Amount of such Costs, Charges, and Expences, or of the Instalments from Time to Time payable in respect thereof, together with Interest thereon respectively, at a Rate not exceeding Five Pounds *per Centum per Annum* from the Date of such Award, at the Time and in the Manner expressed and required by the said Award; and if default shall be made in Payment thereof respectively, or of any Part thereof, the said Commissioners shall enforce such Payment, by

Action of Debt or on the Case, or by Bill in Equity, or otherwise, as such Commissioners shall think proper.

Application of surplus Income of Tolls.

CXIV. And be it enacted, That the said Commissioners shall apply the surplus Income which shall arise from or in respect of any Tolls or Rates to be imposed and levied as herein-before mentioned, upon or in respect of any River the Navigation of which shall have been improved under this Act, after defraying all such incidental and other Expences as herein-before specified, in or towards the Repayment of the Sum which shall have been paid by any Person respectively under any such Guarantee as aforesaid, together with Interest thereon at the Rate of Five Pounds *per Centum per Annum*; and after such Sum or Sums shall have been repaid, together with all Interest in respect thereof, then the Tolls and Rates shall, with the Consent of the Commissioners of Her Majesty's Treasury, or any Three or more of them, be reduced to such an Amount as will defray the Expences herein-before directed to be defrayed out of such Tolls and Rates: Provided always, that when the Amount of the Costs, Charges, and Expences payable under any Award for the Improvement of any River shall be payable by any Grand Jury, then and in such Case the said Tolls and Rates shall, so soon as they shall supply a Fund more than sufficient to defray the Expences herein-before directed to be first defrayed thereout, be reduced in like Manner.

Proprietors of less than Fee Simple may charge the Expences on the Lands.

CXV. And be it enacted, That any Person entitled to less than an immediate Estate of Fee Simple may, with the Consent of the said Commissioners, charge (according to the like Priority, and subject to the like Incumbrances as aforesaid,) the Land to which he shall be entitled, and which shall have been drained or improved by Drainage under the Provisions of this Act, with the Proportion of any Expences to be defrayed by him under the Award of such Commissioners, or any Part thereof, with lawful Interest thereon, but so nevertheless that the Charge upon such Lands or Premises shall be lessened in every successive Year (to be computed from the Date of such Award) by the Amount of at least One Twentieth Part of the whole Sum of the Instalments charged thereon by the Award of the Commissioners, and the Interest in respect thereof.

Power of leasing Lands improved.

CXVI. And be it enacted, That it shall be lawful for any Tenant in Tail or for Life, being a Proprietor, whose Estate as such may be liable to the Payment of any Expences chargeable under or by virtue of the Provisions of this Act, at any Time after a Copy of any such said Award shall have been deposited with the Clerk of the Peace as aforesaid, to lease the Land drained or improved by Drainage, and described in the said Award, which shall belong to him, for any Term not exceeding Thirty-one Years, provided he shall reserve the best improved Rent which can be reasonably had for the same, without any Fine or Foregift.

Commissioners to determine

CXVII. And be it enacted, That in case any Land which shall be drained or improved by Drainage under this Act shall, at the Time

of making the said Award, be in the Occupation of a Person who shall not be a Proprietor thereof within the Meaning of the Provisions in that Behalf herein-before contained, or in case any Land so drained or improved shall be held under any Person who shall within the Meaning of the aforesaid Provisions be a Proprietor thereof by any other Person or Persons, under any Lease, Agreement, or Contract for a Lease, or shall be held under any Lease, Agreement, or Contract for a Lease granted or made by any Person or Persons having any immediate or derivative Title from or under such Proprietor, then and in such Case the said Commissioners shall determine the Amount of increased Rent or Rents which such Occupant, and other Person or Persons having such immediate or derivative Title from or under such Proprietor as aforesaid, shall pay in consequence of any Improvement of such Land, regard being had to the Duration, Extent, and Value of the Interest of such Occupant or Person or Persons in such Land, and the necessary Expences to be incurred in the Cultivation thereof, and the peculiar Circumstances of each Case, and regard also being had to the Rates and Taxes which will be payable by the Proprietor under this Act for the ordinary Maintenance and Support of the Works which shall have been executed, but without taking into account any probable Expences which may be payable by the Proprietor for the Reconstruction or Reinstatement of such Works, or any Reparation of any extraordinary Nature; and the Landlord or respective Landlords of such Occupant or other Person or Persons, and every intermediate Landlord, shall have the same Remedies for the Recovery of such increased Rent or Rents as he or they was or were entitled to for the Rent or Rents originally reserved; and the Decision of the said Commissioners shall be signified by Endorsement on the Lease or Instrument or Leases or Instruments of Demise, under the Hands and Seals of the said Commissioners or any Two of them.

Amount of increased Rent to be paid for Land improved.

CXVIII. And be it enacted, That every Occupier of any Land who, not being a Proprietor thereof within the Meaning of this Act, shall pay any Sum of Money for the Land in his Occupation, on account of his Landlord, any Sum charged thereupon under and by virtue of the Provisions of this Act, shall and he is hereby authorized to deduct and retain out of his Rent the Amount of the Sum of Money which he shall so pay as aforesaid, and the next immediate Landlord of such Occupier, if not himself a Proprietor of such Land within the Meaning of this Act, shall and he is hereby authorized to make the like Deduction from the Rent payable by him, and so on each Sub-Lessee and Sub-Lessor of such Land, not being a Proprietor thereof within the Meaning of this Act, being entitled to deduct the same so charged upon such Land, under or by virtue of this Act, from the Rent payable to his next immediate Landlord, until such Deduction shall be made from the Rent payable to a Person being a Proprietor within the Meaning of this Act, who shall not be entitled to make any such Deduction from the Rent, if any, payable by him; and every such Occupier, Sub-Lessee, or Sub-Lessor, paying any such Sum of Money, shall be acquitted and discharged of the Sum so paid by him, as fully and effectually as if the same had been actually paid to his Landlord (except where there shall or may be any Lease or Agreement to the contrary);

Tenants paying Monies on account of Landlord to deduct them from Rent.

contrary); but nothing herein contained shall extend or be construed to enable any Occupier or Lessee to deduct from his Rent any Costs or Expences incurred by Nonpayment of the Monies hereby imposed or authorized to be levied.

In certain Cases the Commissioners to have the Care of the Works.

CXIX. And be it enacted, That in every Case where the Navigation of any River shall be improved under this Act, and in every Case where any Reservoir shall be made, the said Commissioners shall have and retain the continued Care and Conservancy of the several Works which shall be executed under the Provisions of this Act.

Mode of appointing Trustees.

CXX. And be it enacted, That in every Case where no Navigation shall have been improved or formed in connexion with Drainage, or where no Reservoir shall have been constructed under the Provisions of this Act in any such District as aforesaid, the said Commissioners shall and they are hereby required to call a Meeting of the Proprietors of the Land included in such District, within Three Calendar Months at least after the Date and Execution of the said Award, by Notice to be inserted once in each Week for Three successive Weeks in some One or more Newspaper or Newspapers usually circulated in the Vicinity of such Land, and to be posted in the usual Places for posting Grand Jury Notices in every Barony, County of a City, or County of a Town in which any Part of such District shall be situate, in order to make Choice of Trustees for the further Execution of this Act; and such Trustees so to be chosen shall not be less than Three nor more than Nine, and they shall continue in Office for the Term of Three Years from the Time of their Election, and until new Trustees are appointed in manner herein-after mentioned; and at the Expiration of every such Term of Three Years, and also at the Expiration of every succeeding Term of Three Years for ever thereafter, new Trustees shall from Time to Time be in like Manner chosen, by the Proprietors of the Lands included in such District, at a Meeting for that Purpose to be holden; and the said Trustees that shall afterwards be elected shall be chosen by the Proprietors of the greater Portion of such Lands in Value (such Value to be calculated according to the Proportions of the annual Rate or Tax with which they shall be respectively chargeable by virtue of this Act), or by the Assent of such Proprietors, certified in Writing under their Hands in Books to be kept for that Purpose; and such Trustees, or the Majority of them for the Time being, are hereby fully authorized to make, alter, support, and maintain, or cause to be made, supported, altered, and maintained, all such Cuts, Drains, Banks, Sluices, Tunnels, Bridges, Engines, Buildings, and other Works, in and about the Land so drained as aforesaid, as they shall think necessary for draining and preserving the same; and all the Powers and Provisions of this Act, relating to the Commissioners, which apply to or can be exercised by the said Trustees, shall be and the same are hereby extended to the said Trustees, as if the said Trustees as well as the said Commissioners had been expressly mentioned in such Powers and Provisions respectively; and in case any Trustee shall die, or refuse or become incapable to act in the Execution of this Act, before the Expiration of the Term of Three Years for or during which he shall have been chosen to act, a Person shall be chosen to be a Trustee in his Room during the Remainder of the

the Term of Three Years, at a Meeting to be called for that Purpose, in like Manner as the said Trustees are herein-before directed to be elected at the Expiration of every such Term of Three Years; and that every such Trustee being so chosen shall, during the Remainder of the existing Term of Three Years, have the like Powers and Authorities whatsoever to all Intents and Purposes as the Trustee in the Room or Stead of whom he shall be chosen would have had by virtue of this Act if in being and continuing to act in the Execution of the Trusts and Purposes herein-before mentioned: Provided always, that after the Expiration of every Term of Three Years, and after the Death, Refusal, or Incapacity of any Trustee, and until new Trustees or new Trustee shall from Time to Time be elected in manner herein-before directed, the lastly-elected or the surviving or continuing Trustees for the Time being shall have the like Powers and Authorities, to all Intents and Purposes, and shall continue to act in the Execution of the Trusts and Purposes herein-before mentioned, as if the Period of their original Election had not expired, or as if a new Trustee had been appointed.

Commissioners or Trustees to hold annual Meetings, and fix the Amount to be raised for Maintenance and Repairs for the ensuing Year.

CXXI. And for the Purpose of effectually sustaining and upholding, in all Cases in which Works shall be executed under this Act, all and singular the Drains, Watercourses, Banks, Sluices, Floodgates, Tunnels, Watergates, Buildings, Bridges, Steam or other Engines and other Works, and of supplying in such Cases all Things that may be required to work the same, and for the Payment of all necessary Expences of Maintenance of Works of Drainage, Reservoirs, and Water Power, and all other Expences incident thereto, be it enacted, That it shall be lawful for the said Commissioners (or, in Cases where Trustees are appointed, for the said Trustees,) and they are hereby respectively authorized and required, once in every Year, to meet in some convenient Place, and then to determine and fix the Sum of Money that shall be contributed and raised during the then ensuing Year for the Purposes of effecting, sustaining, supporting, and upholding all and singular the aforesaid Works, and for other the Purposes of this Act, and (having regard to and in the Proportions fixed for such Purpose by the said Commissioners in their Award) to assess, rate, and tax the Proprietors of the said Land for and towards the Payment and Satisfaction of all such Sums of Money, Costs, Charges, and Expences as may be required for the Purposes last aforesaid, and for the Payment and Satisfaction of any Sum of Money raised for such Purposes, and the Interest thereof; and the said several Sums so rated and assessed shall be charged on the Land so drained or improved in preference to and with Priority over all Incumbrances thereon: Provided nevertheless, that any Quit Rent or Chief Rent or other Incumbrance thereon previous to the Date of the final Award herein-before mentioned shall have Priority to such Sums of Money so rated or assessed to the Extent of the Value of such Land before the Improvements were effected, but no further; and the said Commissioners and Trustees respectively shall have the same Powers, Rights, and Privileges, by Entry or Mortgage, to enforce the Payment of all such last-mentioned Sums of Money, Costs, Charges, and Assessments as are herein-before given to the said Commissioners for the enforcing Payment

ment of the Sums charged under their Award as aforesaid; and at every such Meeting held by such Trustees all Questions shall be determined by the Majority of the Trustees who shall be present, and such Majority shall and may exercise all the Powers and Authorities given to the Trustees by this Act without the Concurrence of the other or others of them.

Commissioners to settle Differences.

CXXII. And be it enacted, That if any Dispute or Difference shall arise between any Parties interested or claiming to be interested in any Land or River to be drained or improved in pursuance of this Act, touching and concerning any Boundaries or any other Rights and Interests which the said Parties or any of them shall have or claim to have in or over any such Land or River, or touching any other Matter relating thereto, it shall be lawful for the said Commissioners, as well by the Examination of Witnesses upon Oath as upon other proper and sufficient Evidence, to inquire, examine into, hear, and determine the same, and such Determination shall be binding and conclusive upon all Parties concerned, for the Purpose of this Act, but no further or otherwise.

Commissioners may have an Assessor.

CXXIII. And be it enacted, That upon any Inquiry or Proceeding requiring legal Assistance, to be had before the said Commissioners, in pursuance of the Provisions of this Act, it shall be lawful for the said Commissioners, should they so think fit, to retain and appoint as their Assessor any One of Her Majesty's Counsel at Law in *Ireland* to act with and assist the said Commissioners in adjudicating upon the Matter of such Inquiry or Proceeding as aforesaid; and it shall be lawful for the said Commissioners to defray the Expences of retaining or appointing such Assessor out of the Funds at their Disposal under this Act.

Persons summoned by Commissioners, and refusing to give Evidence, to be punished.

CXXIV. And be it enacted, That it shall be lawful for the said Commissioners, upon any Inquiry or Proceeding to be had before them under any of the Provisions of this Act, to summon and examine upon Oath or Affirmation (which Oath or Affirmation the Commissioners are hereby empowered to administer) any Person whomsoever; and if any Person having been so summoned before the said Commissioners to give Evidence touching any Matter to be inquired into under this Act, and having been paid or tendered a sufficient Sum of Money, to be ascertained by the said Commissioners, to defray the Charges of his Attendance, shall not appear before the said Commissioners pursuant to such Summons, without assigning some reasonable Excuse for not appearing, or shall refuse to be sworn or to be examined and give Evidence touching the Premises, the said Commissioners, upon Proof thereof upon Oath, shall and they are hereby authorized, by Warrant under their Hands and Seals, to direct any Person whomsoever to cause any Sum of Money, not exceeding Five Pounds, to be levied by Distress and Sale of the Goods and Chattels of the Person so neglecting or refusing to appear or to be sworn and give Evidence, rendering the Overplus (if any), upon Demand, to the Person whose Goods and Chattels shall have been so distrained and sold, after deducting the Costs and Charges attending such Distress and Sale; and

and the Monies so to be levied as aforesaid shall be considered as Part of the Monies directed to be raised for carrying this Act into execution, and shall be applied accordingly; and all Persons who shall wilfully give false Evidence, or otherwise forswear themselves in any such Examination, may be prosecuted for same, and upon Conviction thereof shall be liable to the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are now liable to by Law.

Power to assess Costs.

CXXV. And be it enacted, That in case the said Commissioners shall, upon the Hearing and Determination of any Claim or Objection to be delivered to or made before them in pursuance of this Act, so think proper, it shall be lawful for them to award and order such Costs and Charges as they shall think reasonable to be paid to the Party in whose Favour any such Determination shall have been made by the other Party; and in case the Person who shall be liable to pay such Costs or Charges shall neglect or refuse to pay the same, on Demand, then and in every such Case it shall be lawful for the said Commissioners, and they are hereby authorized and required, by Warrant under their Hands and Seals, directed to any Person whomsoever, to cause such Costs and Charges to be levied by Distress and Sale of the Goods and Chattels of the Person so neglecting or refusing to pay the same, rendering the Overplus (if any), on Demand, to the Person whose Goods and Chattels shall have been so distrained and sold, after deducting thereout the Costs and Charges attendant on such Distress and Sale: Provided always, that in case the said Person against whom the Commissioners shall have determined shall cause an Action to be brought, pursuant to this Act, and proceed to Trial, the Execution of the Warrant aforesaid shall be suspended until after the Trial of such Action; and in case such Person shall upon the Trial of such Action establish the Right against which the Commissioners shall have determined, such Person shall not be liable to the Payment of any such Costs as last aforesaid, but shall be entitled to his Costs of such Action.

Allowing Parties to try their Rights by an Issue at Law.

CXXVI. Provided always, and be it enacted, That in case any Person interested or claiming to be interested in any Land to be included in any Drainage or Improvement to be effected in pursuance of this Act shall be dissatisfied with any Determination of the said Commissioners concerning any Right or Interest in, over, or upon such Land, or any Part thereof, made in the Execution of this Act, or any Injury or Damage sustained by him by reason of any thing done by the said Commissioners, or by their Authority, or in the Prosecution of any of the said Works, it shall be lawful for the Person so dissatisfied to cause an Action to be brought upon a feigned Issue against the Person in whose Favour any such Determination has been made, within Three Calendar Months after the Determination of the said Commissioners shall have been notified in Writing to the Party against whom such Determination shall be made, or to his Attorney, or against any Person by whom any such Injury or Damage may have been caused, within Three Months after such Injury or Damage shall have been sustained, and thereupon the Person so dissatisfied shall

shall proceed to a Trial at Law at the next Assizes immediately following to be held for the County where the Land in respect to which such Dispute may arise shall be situated; and after such Action shall have been commenced the Defendant in such Action shall and he is hereby required to name an Attorney, who shall appear thereto, and accept of an Issue or Issues whereby such Right or Interest insisted on may be tried and determined (such Issue or Issues to be settled by the proper Officer of the Court in which such Action shall be commenced, in case the Parties shall differ about the same); and the Verdict which shall be given in such Action shall be final, binding, and conclusive upon all Persons whomsoever, unless the Court wherein such Action shall be brought shall set aside such Verdict, and order a new Trial to be had thereon, which it shall be lawful for the Court to do; and that after such Verdict shall be obtained, and not set aside by the Court, the said Commissioners shall and they are hereby required to act in conformity thereto, and to allow or disallow the Claim thereby determined, according to the Event of such Trial: Provided always, that it shall and may be lawful for the Assistant Barrister of the County in which such Parties, or either of them, reside, with the Assent of such Parties, to be signified by any Agreement in Writing under their Hands, to try and finally determine such Matters in difference between them on a Civil Bill to be preferred before him by either of said Parties; provided also, that if no such Action at Law be commenced or no Civil Bill be brought within Three Calendar Months as aforesaid, or if any such Action shall be commenced, and the Plaintiff therein shall not proceed to Trial within the Time herein-before limited for that Purpose, then the Determination of the said Commissioners shall be binding and conclusive to all Intents and Purposes whatsoever; provided also, that if any of the Parties in any such Action to be brought as aforesaid shall die pending the same, such Action shall not abate by reason thereof, but may be proceeded in as if no such Death had happened: Provided also, that no Difference or Suit touching the Matters aforesaid shall impede or delay the said Commissioners in the Execution of the Powers vested in them by this Act, but the Drainage or Improvement hereby authorized to be made, and all other Matters and Things to be done in pursuance of this Act, shall be proceeded in notwithstanding such Differences or Suits.

If no Action, the Commissioners Determination to be final.

Death of Parties not to stop Proceedings at Law.

Suits not to delay the Drainage.

Death of Parties not to suspend the Execution of this Act.

CXXVII. And be it enacted, That if any of the Parties interested in the said proposed Works shall die before the same shall be completed, the Powers and Authorities vested in the said Commissioners shall not be thereby determined or suspended, but the said Commissioners shall proceed in the Execution of such Powers and Authorities so vested in them in such Manner as they might have done in case such Parties had not died.

How Actions may be brought after the Death of Parties.

CXXVIII. Provided always, and be it enacted, That if any Person in whose Favour a Determination as aforesaid shall have been made, and against whom such Action might have been brought if living, shall die before any such Action shall have been brought, and before the Expiration of the Time herein-before limited for bringing such Action,

Action, it shall be lawful for any Person who might have brought such Action against the Person so dying to bring the same, within the Time so limited as aforesaid, against such Person as if actually living, and to serve the said Commissioners with Process for commencing such Action, in the same Manner as the Party so dying might have been served therewith if living; 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 Rights of all Parties shall be equally bound and concluded by the Event of such Action.

Accounts to be laid before Parliament.

CXXIX. And be it enacted, That the said Commissioners shall cause detailed Accounts in Writing of their Proceedings under this Act, and 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 this Act, to be made up to the Thirty-first Day of *December* in each Year; and such Account 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 said Commissioners shall, as often as they shall be required so to do by the Commissioners of Her Majesty's Treasury, transmit to the said Commissioners of the Treasury like Accounts made up to such Period as the said Commissioners of the Treasury shall direct.

Commissioners to make Bye Laws.

CXXX. And be it enacted, That it shall and may be lawful for the said Commissioners and they are hereby authorized and empowered from Time to Time to make such Bye Laws, Rules, Orders, and Regulations, not being contrary to any Law or Statute in force in *Ireland*, as to them shall seem meet and proper, according to the Circumstances of every Case, for better carrying into effect the Purposes of this Act or in any Manner relating thereto, and from Time to Time to alter or repeal all or any of such Bye Laws, Rules, Orders, or Regulations, and to make others, and to impose such Fines and Penalties, not exceeding the Sum of Five Pounds, upon all Persons offending against any of such Bye Laws, Rules, Orders, or Regulations, as to the said Commissioners shall seem reasonable; and all such Bye Laws, Rules, Orders, and Regulations shall be reduced into Writing, and signed by the said Commissioners or any Two or more of them; and a Copy thereof, signed by the said Commissioners, shall be deposited with the Clerk of the Peace of every County in which any Part of such District or River to which such Bye Laws shall relate shall be situate, and the same shall be kept with the Records of the County; and a printed or painted Copy of such of the said Bye Laws, Rules, Orders, or Regulations as shall subject any Person, not being an Officer or Servant of the said Commissioners, to any Fine or Penalty, shall be exhibited on Boards at each Toll House, Lock House, and in such other Places as to the said Commissioners shall seem fit, and shall from Time to Time be

renewed as often as the same or any Part thereof shall be obliterated or destroyed; and such Bye Laws, Rules, and Orders shall be binding upon and shall be observed by all Persons whomsoever; provided that all such Bye Laws, Rules, Orders, and Regulations be approved of and confirmed by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* in Council, by Writing under his or their Hands.

Copy of Bye Laws to be Evidence.

CXXXI. Provided always, and be it enacted, That in all Cases of Prosecution for any Offence or Offences against any of the Bye Laws, Rules, Orders, and Regulations of the said Commissioners, the Production of a Book or Document purporting to contain the Bye Laws, Rules, Orders, or Regulations of the said Commissioners, and authenticated by the Signatures of any Two or more of the said Commissioners, shall be Evidence of the Existence of such Bye Laws, Rules, Orders, or Regulations: Provided always, that in every such Prosecution it shall be proved that such printed or painted Copy as aforesaid of such Bye Laws, Rules, Orders, or Regulations was duly exhibited in manner herein-before directed.

Penalty for opening Cloughs and letting off the Water.

CXXXII. And be it enacted, That if any Person, other than such Persons as are authorized by virtue of this Act, shall at any Time draw or open any of the Cloughs, Sluices, or Canals which shall be made under the Authority of this Act, or shall wilfully or maliciously let off the Water of any of the said Reservoirs, Rivers, Canals, or Drains, every such Person shall for every such Offence, on being thereof convicted on the Oath of One or more credible Witness or Witnesses before any One or more of Her Majesty's Justices of the Peace acting in Petty Sessions for the County where the Offence shall be committed, forfeit and pay any Sum of Money not exceeding the Sum of Twenty Pounds, to be levied by Distress and Sale of the Goods and Chattels of such Offender, by Warrant under the Hand and Seal of the Justice before whom such Conviction shall be had, which Sum so forfeited shall be employed in and towards carrying on the Works to be done and executed, maintained and supported, in pursuance of this Act; and for Want of sufficient Distress such Offender shall by such Justice be committed to Prison for any Time not exceeding Six Calendar Months, unless he shall pay the said Penalty and Costs of Conviction.

Persons destroying Works guilty of Felony.

CXXXIII. And be it enacted, That all and every Person or Persons whomsoever who shall at any Time hereafter wilfully and maliciously cut, break down, destroy, or damage any Bank, Dam, Tunnel, Sluice, Engine, Building, or any of the other Works which shall be erected and made for the Purposes of this Act, or any Part thereof, shall be guilty of Felony, and being convicted thereof shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned for any Term not exceeding Two Years.

Penalty on Persons depositing

CXXXIV. And be it enacted, That if any Person shall throw or deposit any Ballast, Gravel, or other Matter or Thing, so as to interrupt

interrupt or obstruct the free Passage of Water through, or the Navigation of any of the Rivers, Streams, Watercourses, or any of the Cuts, Sluices, or Canals, which shall have been improved by the said Commissioners under this Act, or shall, without the Consent of the said Commissioners, lay any Ballast, Gravel, Stones, Dirt, Rubbish, Lime, Timbers, or Clay on any of the Banks, Locks, or Trackways of any of the Rivers, Drains, Canals, or Side Cuts aforesaid, or if any Person shall maliciously open any Lock, Sluice, Dam, Gate, or Watercourse belonging to the said Navigation or Drainage, or shall so leave any of the same open after any Boat has passed, or otherwise maliciously mis-spend or waste the Water of the said Navigation, or shall raise any Wall, Building, or other Obstruction in said Drains, Canals, Rivers, or Streams, without the Consent in Writing of the Commissioners, such Person, being convicted of any of the Offences aforesaid before any Justice or Justices of the Peace of the County where such Offence shall be committed, or of any adjoining County, by the Oath of One or more credible Witness or Witnesses, shall be fined by such Justice or Justices a Sum not exceeding Ten Pounds, to be levied in such Manner as is herein-after directed with respect to the levying any Fine imposed by any Justice or Justices; and all such Walls, Buildings, or other Obstructions may be forthwith pulled down and removed by the said Commissioners, or any Person or Persons duly authorized by them, and the Materials of such Walls, Buildings, or Obstructions may be sold by Order of the said Commissioners to defray the Costs of their Removal.

Gravel, &c. so as to obstruct the Navigation or free Passage of the Water in the Rivers, &c. improved under this Act.

CXXXV. And be it enacted, That if any Person or Persons shall wilfully prevent or assault any of the Commissioners for the Execution of this Act, or any Engineer or other Officer, Servant or Workman, acting in aid or under the Orders of any such Commissioners in the Execution of any of the Powers given by this Act, or shall wilfully destroy or injure any of the Instruments, Tools, or Implements or Materials kept or used by the said Commissioners or any of them, or by any Person or Persons employed by them or any of them, for or in the Execution, Maintenance, or Repairs of any of the Works under this Act, any Person so offending shall forfeit and pay for every such Offence, upon Conviction thereof by the Oaths of One or more credible Witness or Witnesses before any Justice of the Peace, such Sum, not exceeding Five Pounds, as such Justice shall think fit.

Penalty on Persons assaulting Commissioners and others engaged on the Works.

CXXXVI. And be it enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable by Information before a Justice of the Peace, it shall be lawful for the Justice of the Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof or Admission of the Offence to commit the Offender, and adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such

Proceedings by Summons for the Recovery of Penalties.

such Proceedings by Summons without Information in Writing shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing had been exhibited.

Form of Conviction.

CXXXVII. And be it enacted, That any Justice of the Peace before whom any Person shall be convicted of any Offence against this Act shall and may cause the Conviction to be drawn up in the following Form of Words, or in Words to the same Effect:

'} BE it remembered, That on the
'to wit. } Day of *A. B.* is convicted before
'Her Majesty's Justices *or* Justice of the Peace for the County of
' by virtue of the Act passed in the Sixth Year of
'the Reign of Her Majesty Queen *Victoria*, intituled [*here insert*
'*the Title of this Act, specify the Offence, and the Time and Place*
'*when and where the same was committed, as the Case shall be*];
'and we do adjudge that the said *A. B.* shall for the said Offence
'. Given under our Hands and Seals [*or* my Hand
'and Seal] the Day and Year aforesaid.'

Recovery and Application of Penalties.

CXXXVIII. And be it enacted, That all Penalties and Forfeitures inflicted or imposed by this Act, or incurred under the Provisions or Directions thereof, and all Sums payable for Compensation or Damage, the Manner of levying and recovering whereof is not herein-before otherwise particularly directed, may be recovered in a summary Way by the Order and Adjudication of some Justice of the Peace of the County in which such Offence shall have been committed, on Complaint to him for that Purpose exhibited by the Oath or Affirmation of any Person, or on the Confession of the Party offending, which Oath or Affirmation such Justice is hereby authorized to administer; and in default of Payment of such Penalties or Forfeitures, or Sums for Compensation or Damage, the same shall be levied by Distress and Sale of the Goods and Chattels of the Party making such Default, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any), on Demand, to the Party whose Goods and Chattels shall be so distrained, the reasonable Charges of such Distress and Sale being deducted; and in case such Penalties or Forfeitures shall not be forthwith paid off, it shall be lawful for such Justice, and he is hereby authorized and required, to order the Offender so convicted to be detained and kept in safe Custody until Return can be conveniently made of such Warrant of Distress, unless the Offender can give sufficient Security, to the Satisfaction of such Justice, for his Appearance before such Justice, or before some other Justice of the Peace for the County where such Offence shall have been committed as aforesaid, on such Day or Days as shall be appointed for the Return of the Warrant or Warrants of Distress, such Day or Days not being more than Eight Days from the taking any such Security, and which Security any Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the Penalty and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice,

Justice, upon the Confession of the Offender or otherwise, that he has no sufficient Goods and Chattels whereupon such Penalty, Forfeitures, Costs, and Expences could be levied (if a Warrant of Distress should be 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, there to remain for any Time not exceeding Three Calendar Months, unless such Penalties or Forfeitures, and all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice, shall be sooner paid and satisfied, or shall otherwise be discharged by due Course of Law; and such Penalties and Forfeitures, when received, shall be paid to the Commissioners or Trustees aforesaid, and be by them applied to the Purposes of this Act.

Proceedings not to be quashed for Want of Form.

CXXXIX. And be it enacted, That any Orders, Convictions, or other Proceedings to be had or made by or before any Justice of the Peace by virtue of the Powers granted by this Act, or any Orders or Proceedings to be had or made by, before, or on behalf of the said Commissioners, or, in case of Appeal, by or before the Assistant Barrister, shall not be quashed or vacated for Want of Form only.

No Action to be brought against Person acting in execution of this Act, until after Notice, &c.

CXL. And be it enacted, That no Action, Suit, or Information shall be brought, commenced, or prosecuted by any Person for any thing done in pursuance of this Act, or in execution of the Powers or Authorities herein contained, unless Notice in Writing of such Action, Suit, or Information, specifying the Ground or Cause thereof, and signed by the Attorney for the Plaintiff, shall be given to the said Commissioners or Trustees, or Persons against whom Proceedings are intended to be commenced, at least Twenty-one Days before such Action, Suit, or Information shall be commenced.

No Action to be brought after Tender of sufficient Amends, &c.

CXLI. And be it enacted, That no Plaintiff shall recover in any Action to be brought against any Commissioners or Trustees, or any other Person, for any thing done in execution of the Powers vested in them or him under this Act, if Tender of sufficient Amends shall be made by or on behalf of the Commissioners, Trustees, or Person before such Action is brought; and in case no Tender shall have been made, it shall be lawful for the Defendant in any Action, by Leave of the Court in which such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as they or he shall think fit, whereupon such Proceedings, Order, and Adjudication shall be had and given in and by such Court as in Actions where the Defendant is allowed to pay Money into the Court.

General Issue.

CXLII. And be it enacted, That if any Action shall be brought against any Person or Persons as aforesaid for any Act, Matter, or Thing done by virtue of this Act, such Person or Persons may plead the General Issue, and give the special Matter in Evidence.

Appeal to Quarter Sessions where Parties think themselves aggrieved.

CXLIII. And be it enacted, That it shall be lawful for all Persons who shall think themselves aggrieved by any thing done by virtue of this Act, except in Cases herein-before provided for, to appeal to the General Quarter Sessions of the Peace which shall be held in the Division of the County wherein the Matter of Complaint may arise, or any Adjournment thereof, within Six Calendar Months next after the Cause of Complaint shall have arisen, first giving or causing to be given Twenty-eight Days Notice thereof, in Writing, to the Commissioners or Trustees, or One of them, and to the Parties intended to be appealed against; and the Justices at their said Quarter Sessions, or any Adjournment thereof, are hereby authorized and required to hear and determine the Matter of such Appeal, and to make such Order respecting same, and to award such Costs, as to them in their Discretion shall seem meet, and by their Warrant to levy the Costs awarded by Distress and Sale of the Goods and Chattels of the Parties respectively adjudged to pay the same, and rendering the Overplus (if any) to the respective Owners of such Goods and Chattels, after deducting the reasonable Charges of such Distress and Sale; and in case such Appeal shall appear to the said Justices to be frivolous, vexatious, or without Foundation, then the said Justice shall award such Costs to be paid by the Appellant or Appellants as to them in their Discretion shall seem reasonable, and to be levied in manner aforesaid.

Commissioners not liable for Damage arising to Lands, &c. from Insufficiency of Embankments, &c., unless Notice previously given.

CXLIV. And be it enacted, That nothing herein contained shall be construed to render the said Commissioners or Trustees respectively liable for any consequential Damages which may happen to any Land or other Property through or by the accidental overflowing of any River, Stream, or Watercourse, or by the sudden breaking of any Bank, Dam, or Sluice whatsoever, which, under the Provisions of this Act, the said Commissioners or Trustees may take upon them the Duty of regulating or maintaining: Provided nevertheless, that if the Owner or Occupier of such Land shall have given Notice in Writing to the said Commissioners, or to One of such Trustees, warning them or him of the Probability of such Damage, or the Weakness and Deficiency of any such Bank, Dam, or Sluice, and requiring them or him to strengthen, amend, and repair the same, and the said Commissioners or Trustees (as the Case may be) shall not, within Seven Days next after the Delivery of such Notice, take proper Precautions to prevent the same, then and in such Case the Amount of all consequential Damages which shall happen through Neglect thereof shall be made good out of the Rates to be levied by the said Commissioners or Trustees under this Act.

Persons injured by Insufficiency of Bridges may memorialize the Lord Lieutenant.

CXLV. And whereas many County and other public Bridges in *Ireland*, while they are sufficient as Roadways or Passages, are insufficient to discharge the Flood Waters and Streams over which they are constructed, by means of which much Injury is done to and Improvement prevented in Lands lying above such Bridges, and it is expedient to provide Means by which the said Evil should be remedied; be it therefore enacted, That where, owing to the Insufficiency of any County or other public Bridge to discharge the Flood Waters in the

River or Stream over which the same may be built, any Land is injuriously affected or Improvement thereupon prevented, it shall be lawful for any Person interested in such Land to present a Memorial to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, stating the Nature of the Injury sustained or the Improvement prevented, together with the Cause thereof, and praying that the said Commissioners of Public Works may be directed to examine and report on the same.

The Lord Lieutenant may direct the Commissioners of Public Works to examine and report upon the Subject of the Memorial.

CXLVI. And be it enacted, That thereupon, if the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall so order, (and if the Person or Persons so applying depositing with the said Commissioners such Sum of Money as they may require to defray the Expence of such Examination and Report,) the said Commissioners shall inquire into the Facts of the Case, and the Propriety and Expediency of complying with such Memorial; and if the said Commissioners shall, upon such Inquiry, be of opinion that Injury is caused to or Improvement prevented in the Land of the Person or Persons so applying, they shall report the same to the said Lord Lieutenant or other Chief Governor or Governors; and such Report shall be accompanied by a Plan, Estimate, and Specification for the Execution of the proposed Works for such Bridges, or to remedy the Evil complained of in such Memorial, and also a Statement of the Proportions in which the Expences thereof should be defrayed by the County or Counties, if more than One, between which such Bridge shall be, and by such neighbouring Counties (if any) as ought to be contributory to such Expences; and the said Lord Lieutenant or other Chief Governor or Governors shall, upon the Receipt of such Report of the said Commissioners, cause the same to be transmitted to the Secretary of the Grand Jury of each County named in such Statement as proper to be contributing to such Expences, to be by him laid before the Grand Jury at the next Assizes; and the Foreman of each such Grand Jury shall certify the same in like Manner as if the same were an Application made at Presentment Sessions for any new Bridge, the probable Expence whereof might exceed Fifty Pounds; and the Grand Jury at such Assizes shall also determine whether the Amount mentioned in such Report shall be raised off the County at large, or any Barony or Baronies therein, and the said Foreman shall endorse the said Report accordingly; and at the Meeting of Presentment Sessions for the Barony or Baronies, or for the County at large, (as may be directed by such Grand Jury,) to be holden next after the Assizes at which such Report shall have been so certified as aforesaid, the same, together with the Plan, Estimate, and Specification relating thereto, shall be laid before the Justices and Cess-payers at such Sessions for their Consideration, who shall examine such Report, together with the Plan, Estimate, and Specification, and decide by a Majority of Votes whether the same ought to be adopted or rejected, or, in case only One County shall be liable to the Expence, what Modification of such Plan, Estimate, and Specification may be proper; and in such Case such Justices and Cess-payers shall, if need be, direct the County Surveyor to prepare a proper Form of Tender for the Alteration, Reconstruction, or rebuilding of such Bridge, expressing the Nature and

Extent

Extent of the Works necessary, and the Materials proper to be employed in performing and executing the same, and the Term within which such Bridge should be altered, rebuilt, or reconstructed, and such other Particulars as the said Justices and Cess-payers shall think fit to prescribe, and shall deliver the Plan, Estimate, and Specification which shall be so approved of to the Secretary of the Grand Jury; and in Cases where the Expence is to be paid by any One County as aforesaid, such Justices and Cess-payers shall appoint the Manner in which Notice for the Receipt of sealed Tenders and Proposals for the Execution of such Works shall be given, and the Period during which they shall be received; and such sealed Tenders and Proposals shall be opened at the First Adjournment of such Sessions to be made for opening sealed Tenders and Proposals; and such Report, together with such sealed Tenders and Proposals, where such shall in the Case aforesaid have been made, shall be laid before the Grand Jury at the next succeeding Assizes; and in case such Report, or any Modification thereof, shall have been approved of at Presentment Sessions as aforesaid, it shall be lawful for each such Grand Jury, at the Assizes next after such Presentment Sessions, if they shall so think fit, to present, to be raised off the County at large, or any Barony or Half Barony therein, such Sum as by the Report of the said Commissioners shall be payable by such Grand Jury, or such other Sum as such Grand Jury may in their Discretion think fair and reasonable, towards the proposed Alteration, Reconstruction, or rebuilding of such Bridge, in such Manner, and according to such Plan and Specification, and on such Site, as the said Commissioners may in their said Report have recommended, or in case One County only shall be liable to such Expence, then according to such altered or modified Plan or Specification as shall have been approved of at Presentment Sessions as aforesaid.

The Grand Jury of One County having presented, the Grand Jury of the other County to do so for a similar Amount.

CXLVII. And be it enacted, That in all Cases where Two or more Counties shall, under the Provisions herein-before contained, be liable to contribute to the Expence of the proposed Work, and where the Grand Jury of one of such Counties shall have been presented the Amount of the Proportion of Expences required or proposed by the Report of the said Commissioners to be contributed by such County, or such other Sum as they may consider fair and reasonable, the Grand Jury of the other or others of the said Counties shall and they are hereby, at the same or next succeeding Assizes, authorized and required to present their respective Proportions of the Expences mentioned in the Report of the said Commissioners, or to present respectively a Sum equal in Amount to that previously presented by the Grand Jury of the other of the said Counties: Provided nevertheless, that where more than Two Counties shall have been declared by the Report of the said Commissioners to be liable to contribute to the Expence of any such Bridge, the Grand Jury of any of such Counties shall be at liberty to appeal against the Report of the said Commissioners to the said Lord Lieutenant or other Chief Governor or Governors in Council, in such and the same Manner, and under such Restrictions and Provisions, as are contained in an Act passed in the Session of Parliament holden in

in the Fourth and Fifth Years of the Reign of King *William* the Fourth, intituled *An Act for the more effectually providing for the Erection of certain Bridges in* Ireland. 4 & 5 W. 4. c. 61.

In case the Grand Jury shall neglect to present, the Court may order that the Person presenting the Memorial shall be at liberty to alter or rebuild.

CXLVIII. And be it enacted, That in case no Presentment shall be made by any Grand Jury, pursuant to such Report, for the Alteration, Reconstruction, or rebuilding of such Bridge, or in case only a Portion of the Expences shall have been presented by any Grand Jury or Grand Juries, the Court may, at the same or any succeeding Assizes, make an Order, directing that the Person presenting such Memorial as herein-before mentioned shall be at liberty, at his or their own Expence, to have the said Bridge altered, reconstructed, or rebuilt, in such Manner, and according to such Plan and Specification, and on such Site, as may be approved of by the said Commissioners of Public Works.

Under whose Direction Alterations are to be made.

CXLIX. And be it enacted, That in case such Bridge shall, under the Provisions aforesaid, be altered, reconstructed, or rebuilt at the Expence of any One County, the Work shall be executed as any other Bridge within such County; and that in case such Bridge shall be altered, reconstructed, or rebuilt at the Expence of Two or more Counties, or at the Expence of any Memorialist under this Act, the Work shall be executed by and under the Control of the said Commissioners of Public Works.

Persons may traverse Presentments.

CL. Provided always, and be it enacted, That in all Cases where One County only shall be liable to contribute to the Expence of any such Bridge, it shall be lawful for any Person paying County Rates, and liable to contribute to the Expence of the Alteration, Reconstruction, or rebuilding of such Bridge, to traverse the Presentment for the same in respect of the Truth of any of the Statements contained in any such Memorial or Report as herein-before mentioned, or in respect to the Amount of Expences necessary in the Reconstruction, Alteration, or rebuilding such Bridge, but not further nor otherwise; and it shall be lawful in like Manner and to the like Extent, but no further, for any Person paying County Rates, and liable as aforesaid, to traverse the Presentment for such Bridge which shall be made by the Grand Jury of any County first making Presentment towards the Expences thereof, but no Traverse shall lie against any Presentment subsequently made by the Grand Jury of any other County.

In case Grand Jury neglect to present, the Court may make an Order.

CLI. And be it enacted, That in Cases where the Grand Jury of any County are required by this Act to present towards the Expence of altering, reconstructing, or rebuilding such Bridge, and shall neglect or refuse so to do, the Judge of Assize shall make an Order directing that the Treasurer of such County shall insert the necessary Sum in his Warrant, and such Order shall have the Effect of a Presentment, and the Sum mentioned in such Order shall be levied off such County in the same Manner as if the same had been duly presented by such Grand Jury.

Penalty for wilfully causing Obstructions in Streams or Rivers.

CLII. And whereas much Injury is caused by Persons placing or throwing Stones and other Materials into the Rivers and Streams in *Ireland*, and thereby and otherwise raising Obstructions therein; be it therefore enacted, That if any Person shall, after the passing of this Act, wilfully throw or place any Stones, Gravel, or other Material in any Stream, River, or Watercourse, and thereby, or by any other Means, create any Obstruction in the free Discharge of the Waters therein, whereby the Lands of any other Person or Persons may be flooded or in any Manner injured, every such Person, being convicted thereof before Two or more Justices of the Peace at Petty Sessions, shall forfeit and pay such Sum, not exceeding the Sum of Five Pounds, as such Justices may think proper, which Penalty shall, in case of private Property, be paid to the Party aggrieved, or, in the Case of Property of a public Nature, or wherein any public Right is concerned, the Money shall be applied in such Manner as such Justices of the Peace shall direct; and if such Penalty, together with Costs, if awarded, (which Costs such Justices of the Peace are hereby authorized to award if they shall think fit,) shall not be paid, either immediately after the Conviction or within such Period as such Justices shall at the Time of the Conviction appoint, the said Justices may commit the Offender to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, as the said Justices shall think fit, for any Term not exceeding Two Calendar Months, unless such Sum and Costs be sooner paid; and it shall be lawful for such Justices to direct that the Obstruction complained of shall be removed, and include in the Costs which such Justices are herein-before authorized to award the Expence of removing such Obstruction: Provided always, that nothing herein contained shall extend to any Case where the Person complained of acted under a fair and reasonable Supposition that he had a Right to do the Act complained of.

Not to affect the Powers of the Shannon Commissioners. 2 & 3 Vict. c. 61.

CLIII. Provided always, and be it enacted, That nothing in this Act contained shall extend to or affect the Powers vested in the Commissioners appointed under an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of Her present Majesty, intituled *An Act for the Improvement of the Navigation of the River* Shannon.

Saving the Rights of the Irish Society, under 1 & 2 Vict. c. lxxxvii.

CLIV. Provided also, and be it enacted, That nothing in this Act contained shall extend to or affect the Powers vested in the *Irish* Society, by an Act passed in the Second Year of the Reign of Her present Majesty, intituled *An Act for draining and embanking certain Lands in* Lough Swilly *and* Lough Foyle *in the Counties of* Donegal *and* Londonderry.

Saving Canals.

CLV. Provided always, and be it enacted, That nothing herein contained shall authorize or enable the said Commissioners, or any Person or Persons acting or pretending to act under this Act, to make or construct any Work injurious to the Navigation of any Canal in *Ireland*, nor shall authorize or enable the said Commissioners to lessen the Supply of Water thereto, without previously making equivalent

Provision in lieu thereof; and should the Directors or Managers of any Canal in *Ireland* be dissatisfied with the Decision of the Commissioners in respect to any Work proposed to be made by the said Commissioners, and which Work, in the Opinion of such Directors and Managers, shall be injurious to Navigation, or in respect of the Adequacy of the Provisions proposed to be made for the Supply of Water to any Canal, it shall be lawful for such Managers and Directors to apply by Petition in a summary Way to the Court of Chancery or Exchequer, complaining of such Decision, in the same Manner, and under and subject to the same Restrictions and Provisions, as Persons interested in any Mill or Factory affected or proposed to be affected by any thing to be done under the Provisions of this Act are herein-before empowered to apply to such Courts for Relief, and thereupon such Court shall exercise the like Jurisdiction, Powers, and Authorities as in such Cases herein-before provided.

This Act not to repeal or alter the Act 1 & 2 W. 4. c. 57. s. 13.

CLVI. Provided always, and be it enacted, That nothing in this Act contained shall extend to or affect the Powers vested or which may be vested in any Company or Person under the Provisions of an Act passed in the Session of Parliament holden in the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to empower Landed Proprietors in* Ireland *to widen, embank, and remove Obstructions in Rivers*, or any Act for the Amendment thereof.

1 & 2 W. 4. c. 57.

Provision for Taxation of Costs.

CLVII. And be it enacted, That the Solicitor of the Board of Works shall be employed and do all professional Business which may be necessary to be done under and by virtue of this Act, and that he shall not be entitled to receive any Payment as Remuneration for such Services beyond the Amount of such Salary as may be payable to him as such Solicitor of said Board: Provided always, that nothing herein contained shall be construed to prevent the said Solicitor of the Board of Works from charging for and receiving Payment of all such Disbursements and Expences as may be necessarily and properly made and incurred in the Performance of such professional Business, of the Necessity and Propriety of which Disbursements and Expences the said Commissioners of the Board of Works shall judge, and, when paid by the said Board of Works, the Amount so paid for such Disbursements and Expences shall be charged upon and leviable out of the Lands in respect of which the same have been incurred, in like Manner as the other Sums chargeable thereon under and by virtue of this Act.

Provision for Districts where there are no Petty Sessions.

CLVIII. And be it enacted, That wheresoever throughout this Act any Act, Matter, or Thing may be directed to be done at the Petty Sessions for the District wherein any Place may be situate, the same shall and may be done at the Petty Sessions for the next adjoining District, in any Case where such Place shall not be included in any such District.

Definition of Terms in this Act.

CLIX. And be it enacted, That in the Construction of this Act (except where the Nature of the Provision or the Context of the Act shall

shall exclude such Construction) the Word "Land" shall extend to all Arable, Pasture, or otherwise profitable, and to all waste uncultivated Land, whether Bog Land, Land periodically flooded or covered with Water, or otherwise wholly or partially unproductive, and shall also extend to Messuages, Tenements, Mills, Weirs, and other Hereditaments, corporeal or incorporeal, and any Estate or Interest therein, and any undivided Part thereof, and any Charge or Incumbrance thereon; and the Word "River" shall extend to all Rivers, Lakes, Canals, Streams, and Estuaries; and the Words "Person or Persons," and the Words "Proprietor or Proprietors," shall extend to all Bodies Politic, Corporate, or Collegiate, and also all Bishops, Parsons, and other Ecclesiastical Persons, as to Lands held by them in those respective Characters, and to any Number of Persons associated together as a Company or Partnership; and the Expression "Chief Rent" shall extend to and include all Rent or Rents reserved upon or payable out of or in respect of the Estate or Interest of any Person being a Proprietor within the Meaning of this Act, or any Estate or Interest paramount thereto; and the Word "Counties" shall extend and be applied to all Counties, Counties of Cities, and Counties of Towns; and 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.

Piers not to be constructed without Leave of the Admiralty.

CLX. Provided always, and be it enacted, That nothing in this Act contained shall authorize the said Commissioners, or any Trustees elected hereunder, or any other Person, to construct or erect any Pier, Quay, Wharf, Jetty, Breast, or Embankment in or adjoining to any public Harbour, or any River immediately communicating therewith, so far as the Tide flows up the same, without the previous Authority and Consent of the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom, to be for that Purpose signified in Writing under the Hand of the Secretary of the Admiralty for the Time being.

Saving the Property of the Ordnance.

CLXI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or in any Manner affect any of the Estates, Rights, or Property of Her Majesty, Her Heirs or Successors, or of the principal Officers of Her Majesty's Ordnance, in Trust for Her Majesty, Her Heirs or Successors, for the public Service, or authorize or enable the said Commissioners, or any Trustee to be elected under the Authority of this Act, or any other Person or Persons whomsoever, in any Manner to interfere with any Fortification, Battery, or other Work of Defence, on any such Estates, Rights, or Property as aforesaid, or any Easement, Watercourse, or other Commodity or Advantage belonging to or enjoyed therewith, or to quarry, dig, or raise Gravel, Earth, Stones, Sand, or other Materials therein, without the Consent of the said principal Officers, or their Successors in Office, or of the commanding

manding Royal Engineer in *Ireland* or the District for the Time being.

CLXII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament. Act may be amended, &c.

SCHEDULE to which this Act refers.

By the Justices and Associate Cess-payers at the Presentment Session held at in the County of on for the Barony [*or* Half Barony *or* County at large] of [*here state the Name of the Barony or County for which the Presentment Sessions are held*].

We declare that we approve of the Works proposed to be made for making navigable or improving the Navigation of [*state the River, &c.*], and described in the Report, Schedules, Maps, Plans, and Estimate deposited with the Clerk of the Peace of the County of by the Commissioners for carrying into effect an Act passed in the Year of the Reign of Her present Majesty, intituled [*here state the Title of this Act*], and laid before us; and we further agree and consent that the Proportion of the Costs and Expences of so much of the said Works as shall relate to such Navigation which shall be assessed upon the Barony [*or* Half Barony *or* County] of or any Townland or Townlands thereof, under the Provisions of the said Act, shall be raised off the said Barony [*or* Half Barony *or* County] or Townland or Townlands respectively.

Signed on behalf of the said Presentment Session.

A. B.,
Chairman of the said Presentment Session.

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