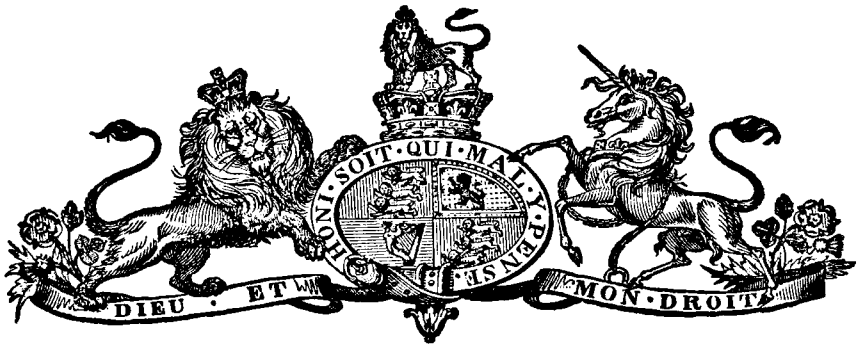


ANNO NONO

VICTORIÆ REGINÆ.

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CAP. IV.

An Act to amend the Acts for promoting the Drainage of Lands, and Improvement of Navigation and Water Power in connexion with such Drainage, in *Ireland;* and to afford Facilities for increased Employment for the labouring Classes in Works of Drainage during the present Year.

[5th *March* 1846.]

WHEREAS an Act was passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act to promote the Drainage of Lands, and Improvement of Navigation and Water Power in connexion with such Drainage, in* Ireland: And whereas a certain other Act was passed in the Ninth Year of the Reign of Her said present Majesty, intituled *An Act to amend an Act of the Sixth Year of Her present Majesty, for promoting the Drainage of Lands, and Improvement of Navigation and Water Power in connexion with such Drainage, in* Ireland: And whereas it is expedient further to promote the Execution of Works under the said recited Acts, and, by altering the Security for Monies to be borrowed for the Purposes of the said recited Acts and this Act, to expedite and facilitate the Proceedings thereunder, and to amend the said

5 & 6 Vict. c. 89.

8 & 9 Vict. c. 69.

Acts in the several respects herein-after mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Commissioners for the Time being acting in the Execution of the said recited Acts shall be Commissioners for the Execution of this Act; and that in all Cases of Declarations to be made and Monies to be borrowed by the said Commissioners, under the Provisions of the said recited Acts or this Act, from and after the First Day of *January* in this present Year, the respective Sums of Money which by the final Award to be made by 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 the said Acts or this Act, with Interest for such respective Sums of Money at a Rate not exceeding Five Pounds *per Centum per Annum*, as also all Sums to be rated and assessed under the Provisions of the said first-recited Act or this Act, for the maintaining, sustaining, supporting, and upholding of any of the Works executed or to be executed under the said Acts or this Act, shall from the Date of such Declaration 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 Charges and Incumbrances on such Land (except Quit Rent and Rent-charge in lieu of Tithe); 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 Lands 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, and also upon so much of any other Land belonging to the same Proprietor as the Land drained or improved, and situate within One Mile of any Part of the same, for all his Estate and Interest existing at the Time of such Declaration, as the said Commissioners shall by their said Award, or any Instrument under their Hands and Seals, and enrolled in the 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 as aforesaid, not being Part of the Lands so drained or improved as aforesaid, to the full Amount of all Incumbrances affecting the same prior to the Registry of the Memorandum of such Declaration: Provided always, that it shall be lawful for the said Commissioners, and they are hereby required, in making their final Award after the Execution of any of the Works by the said Acts or this Act authorized, to specify and state therein that the Repayments of all Sums expended in or about any such Works as aforesaid shall be made either by One Payment or by Instalments, half-yearly or otherwise, so that in case of One Payment the Amount of the same, or in the Case of Instalments the Amount of each Instalment, with Interest in either Case, shall not exceed the Amount of the estimated Increase in the Value of the Land to be drained or improved, as in such Award stated by the said Commissioners, for the Period allowed for such One Payment, or for the several Periods, in the Case of Instalments, allowed for the Repayment of such Instalments respectively.

Commissioners.

Security for Money, and Repayment.

Monies borrowed for Purposes of this Act, as also Monies to be levied for Maintenance, to be a first Charge on Lands drained or improved.

and a Charge in the Order of its Date, upon all Lands within One Mile, settled to the same Uses as the Lands drained or improved, or belonging to the same Proprietor as the Lands drained or improved;

but the Commissioners to allow such Time for Repayment that the Amount of any Payment for a Period shall not exceed the estimated Increase in the Value for that Period.

II. And

Interest to accrue during Period of Repayment may be divided into equal Instalments.

II. And be it enacted, That in all Cases of the Repayment by Instalments of any Sums to be awarded by the said Commissioners in respect of the Expenditure in or about the Works for any District under the said recited Acts or this Act, it shall and may be lawful for the said Commissioners (if they shall so think fit) to add to the Amount of said Sums so to be awarded the total Amount of Interest which would accrue thereon from the Date of such Award, for and during the whole Period to be allowed for Repayment of the entire Sum to be awarded, and in and by said Award to direct that the Repayment of such Interest shall be made by equal Instalments; and such equal Instalments of Interest shall be payable, together with, and in like Manner, and at like Periods, and with the like Remedies for Recovery, and subject to the same Provisions, as the Instalments of the said Sums to be awarded by the said Commissioners.

Any Proprietor may, upon giving Notice, pay off Principal, &c. within the Period fixed for Repayment.

III. And be it enacted, That it shall and may be lawful for the Proprietor of any Part of the Lands so drained or improved to pay off the Amount of Principal and Interest charged or remaining due on his Portion of the said Lands, at any Time within the Period mentioned in any such Award, on giving to the said Commissioners Twelve Months previous Notice of his Intention so to do.

Persons making Default in repaying Principal and Interest for 31 Days to pay 1s. in the Pound as Receivers Fees.

Proviso

IV. And be it enacted, That in addition to all and every the Sums which by any final Award of the said Commissioners shall be fixed and determined as the Proportions of the Sums payable in respect of the Lands drained or improved by Drainage, or any other Work, under the Provisions of the said recited Acts or this Act, or any of them, and the Interest on such Sums, there shall be paid to the said Commissioners One Shilling in the Pound on the total Amount of the same respectively as and for Receivers Fees thereon, to be charged, payable, and recoverable in like Manner as such Sums and Interest aforesaid: Provided always, that no Party or Person on the Lands or Property of such Party or Person shall be liable to such additional Charge of One Shilling in the Pound who shall, within Thirty-one Days next after the Time appointed by any such Award for Payment of any such Sum and Interest as aforesaid, pay the Amount thereof, to the Credit of the said Commissioners, into the Bank of *Ireland*, or into such other Bank as the said Commissioners may for that Purpose appoint.

Power to recover small Sums by Civil Bill.

V. And be it enacted, That if any Sum of Money charged under the said recited Acts or this Act, or any Instalment or Part thereof, (not exceeding in Amount the Sum of Fifty Pounds,) shall remain unpaid for the Space of Thirty-one Days next after the Time appointed for Payment of the same by the Award of the said Commissioners, then, in addition to the other Powers in and by the said recited Acts or either of them, or this Act, given for the Recovery thereof, it shall be lawful for the said Commissioners to recover the same by Civil Bill against the Party or Person liable to pay the same in all such Cases as aforesaid.

Commissioners to grant De-

VI. And be it enacted, That from and after the passing of this Act, in all Cases of Monies to be borrowed and taken up at Interest by

bentures to Lenders for Principal and Interest.

by the said Commissioners under the Provisions of the said recited Acts and this Act, it shall and may be lawful for the said Commissioners from Time to Time to grant a Security in the Form of Debenture for such Monies, under the Hands and Seals of the said Commissioners, to every Person who shall advance any Sum of Money for the Purposes of the said recited Acts or this Act, every such Debenture being numbered in the Order of its Execution by the Commissioners, and setting forth the Amount of the Sum for which each such Debenture is issued, and the Rate of Interest payable for the same, and the Period to expire before the same shall upon Notice become payable, with a Reference to the Land for the Drainage or Improvement of which, or River for the Navigation of which, or the Reservoir or other Work for the Construction of which, such Sum shall have been so borrowed or taken up, and the District within which the same, or any of them, may be situate; and that every such Debenture shall be made in the following Words, or as near thereto as the Circumstances of the Case will admit:

Form of Debenture.

'No.

'Debenture to Lender of Money.

'Amount £

'Drainage, Navigation and Water Power, in *Ireland*, 5 and 6 *Victoria*, 'c. 89, 8 and 9 *Victoria*, c. 69, and 9 *Victoria*, c.

'District
'in the County of } No.

'BY virtue of an Act passed in the Sixth Year of the Reign of 'Her Majesty Queen *Victoria*, intituled *An Act to promote the* 'Drainage of Lands, and Improvement of Navigation and Water 'Power in connexion with such Drainage, in* Ireland, and also of 'Two other Acts passed in the Ninth Year of the Reign of Her said 'Majesty, amending the same, we, the undersigned, being Two of the 'Commissioners for the Execution of the said Acts, in consideration 'of the Sum of Sterling to us lent and paid by 'do hereby certify, and it is hereby witnessed, 'that the Monies to become payable to the said Commissioners for 'the Execution of the said Acts under their final Award, for and in 'respect of the Drainage, Improvement, Navigation, Construction of 'Reservoir, [*or other Work, et cætera, et cætera, as the Case may be,*] 'in the District of in the County of 'particularly mentioned, described, and referred to in the Declaration '[*or* final Notice, *as the Case may be,*] made on the 'Day of by of the said Commissioners, '[*or* issued and published, *in the Case of final Notice, as the Case 'may be,*] and deposited and registered, pursuant to the said Acts 'or this Act, are hereby charged with the Repayment of said Sum 'of such Repayment to be made to the said 'or other the Person entitled thereto, by Endorsement 'hereon, in One Payment, at such Time after the Expiration of 'Years from the Date hereof as may be appointed 'by the said Commissioners pursuant to Notice to be given for that 'Purpose, with Interest at and after the Rate of 'per Centum per Annum*, such Interest to commence and to be com-

'puted

'puted from the Day of the Date hereof, and be payable half-yearly, 'on each First Day of *January* and First Day of *July*, until the 'Principal Sum shall be repaid, or be repayable pursuant to Notice 'as aforesaid, which Sum so lent and advanced by the said ' was taken up and borrowed by us for the 'Purposes of said Acts. In witness whereof we have hereunto set 'our Hands and Seals, this Day of

Security for Money, and Repayment.

'Office of Public Works,
'*Dublin.* } Commissioners.

'Entered

And the Monies mentioned in each such Debenture, with the Interest thereon, shall be charged upon and repayable and paid by the said Commissioners out of the Monies which shall come to their Hands under the final Award to be made by the said Commissioners in respect of the Lands or District for or in respect of which such Monies shall have been borrowed; and any such Debenture may be transferred by Endorsement thereon, in like Manner and subject to like Provisions and Regulations as by the said secondly-recited Act any Certificate of Loan may be transferred; and all Persons to whom such Securities shall be so given, or other Person entitled thereto by Endorsement thereon as aforesaid, shall be entitled to the Monies accruing and payable under such final Award, according to and in the Order of the Number of each such Debenture as aforesaid, any thing in the said recited Acts, or any of them, to the contrary notwithstanding: Provided always, that all the Provisions in the said recited Acts contained with respect to Certificates of Loan thereunder shall, save so far as the same are altered or varied by this Act, and subject to such Alteration or Variation, be deemed and construed to extend and shall be applied to any such Debentures as aforesaid: Provided also, that nothing herein contained shall be deemed, construed, or taken to extend to make the said Commissioners, or any of them, 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.

Debentures may be transferred.

VII. And be it enacted, That in all Cases of Debentures issued as herein-before provided it shall be lawful for the said Commissioners, at any Time after the Expiration of the Period when, under the Provisions aforesaid, any such Debenture may, upon Notice as aforesaid, become payable, to publish a Notice in the *Dublin Gazette*, and in such other Newspapers as they shall deem fit, fixing a Time, not sooner than Two Calendar Months from the Date of such last-mentioned Notice, when the Principal Money secured by any such Debenture shall be paid or payable, having regard to the numerical Order in which the several Debentures for the District shall have been executed by the said Commissioners; and in such Notice the Debenture to become payable shall be described by the Name of such District in respect of the Works within which such Debenture shall have been so issued, and by the Number or other Mark fixed by the said Commissioners on such Debenture; and it shall be lawful

Commissioners to pay off Debentures on Notice after Period limited for such Purpose.

Security for Money, and Repayment.

for the said Commissioners, at the Expiration of the Time in such Notice stated, to pay off the Monies due on account of any such Debenture mentioned in such Notice; and from and after the Expiration of the Time appointed by the said Notice the Interest on the Principal Monies secured by any such Debenture shall cease and determine.

Preliminary Proceedings.

Definition of what Surveys and Proceedings shall be requisite under this Act.

VIII. And whereas under the Provisions of the said first-recited Act much Expence and Delay are caused in the Proceedings preliminary to the issuing of the final Notice to be published by the said Commissioners, and to the Commencement of the Works by said Act authorized, and many of such Proceedings may, under the Provisions herein contained, be dispensed with or postponed; be it therefore enacted, That for the Purpose of all such preliminary Proceedings, and to authorize the said Commissioners to hold the Meeting by the said first-recited Act directed previously to taking the Assents of Proprietors to the Execution of any Work under said Acts or this Act, and making the Declaration aforesaid by said Acts or this Act directed to be made, as also issuing the final Notice by the said first-recited Act directed to be given previously to proceeding with the Execution of any of the Works by said Acts or this Act authorized, it shall not be necessary for the said Commissioners to obtain in detail a Survey or Valuation of the several Plots or Portions of Land proposed to be drained or improved, or to make more than One Survey of any such Land, or to inquire into Particulars of Titles or Tenures of the respective Proprietors, Lessees, or Occupiers of such Lands, or to state in detail the Proportions in which such Lands shall be liable to the Costs of the Execution of the proposed Works, or the Lands or other Property to be purchased for the Execution of the Works, or the Owners, Lessees, or Occupiers of such Land, but, as regards all such Matters and Things as aforesaid, and for the Purpose of enabling the said Commissioners to take the Assents of Proprietors, and to make the Declaration in and by the said recited Acts or this Act authorized, and to issue such final Notice as aforesaid, it shall be deemed sufficient to have prepared and deposited such Plans, Sections, and Estimates as the said Commissioners may consider sufficient for the Purpose of showing the Works to be executed, with the estimated Costs thereof, including all Expences incidental thereto, showing also the District or Limits within which it is proposed to put the Powers of the said Acts or this Act into execution, as well as the Extent of Land or River to be drained or improved, together with a general Statement of the average present Value of the Lands to be drained or improved, and of the Increase in such average Value estimated to arise from the Execution of the proposed Works, and a List of the reputed Proprietors of such Lands, with a Return of the Quantity of Land within such District held by such Proprietors respectively, so far as the same may have been ascertained by such general Survey as aforesaid, any thing in the said recited Acts or either of them, requiring any further or other Schedules, Maps, Plans, Matters, or Things whatsoever, to the contrary thereof notwithstanding.

Grand Jury may present Memorial for

IX. And be it enacted, That it shall and may be lawful for the Grand Jury, at the Assizes of any County within which any River or Stream

Stream capable of being deepened, widened, altered, or improved, for the Purpose of Drainage of any Lands which may be situate along or near such River, to make, if they shall so think fit, a Presentment, directing their Secretary to apply by Memorial to the said Commissioners for the Drainage or Improvement of any Lands along or near such River or Stream, and which may be flooded or injured by Water, or are capable of being drained, or the Drainage whereof may be capable of being improved, and to present (without Application to Presentment Sessions) any Sums which may be required for or towards defraying the Expences of the preliminary Inquiries for the Purpose of any such Drainage; and all and every the Powers, Authorities, and Provisions in and by the said first-recited Act given and contained for or in respect of the Memorial of any Grand Jury to the said Commissioners, and the Notice in respect thereof for the making or improving any Navigation under the Provisions of the said first-recited Act, as well as the Recovery and Payment of all Expences incurred in consequence of such Memorial, shall be deemed to apply to any such Memorial under this Act, and the Proceedings relating thereto for the Drainage of Lands as aforesaid, and the Recovery and Payment of all Expences incurred in consequence of such last-mentioned Memorial: Provided always, that in all Cases where under any such Memorial as aforesaid the necessary Works shall be undertaken and carried out by the said Commissioners, the Amount which shall have been so presented and paid to the said Commissioners shall, out of the first Monies borrowed for the Execution of such Works, be repaid to the Treasurer of such County, and be by him brought to the Credit of the County at large, or the Barony, Half Barony, or Townland, on or from which the same shall have been levied.

Drainage and deposit Funds, to be repaid in case the Works are undertaken.

X. And whereas it has been found in many Cases that by reason of the Insufficiency of the Sums deposited or required to be deposited for defraying the Expence of preliminary Proceedings, and from the Difficulty experienced in procuring additional Funds until such preliminary Proceedings have been completed, great Delay has been caused, and the Commencement of many useful Works retarded; be it therefore enacted, That, with a view to expedite the Proceedings preliminary to the Execution of any of the Works under the said recited Acts or this Act, it shall and may be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, on the Application of the Commissioners for the Execution of the said recited Acts and this Act, to direct that any Sum or Sums of Money, not exceeding in the whole the Sum of Five thousand Pounds in any One Year, required for the Purposes of any such preliminary Investigation and Proceedings as aforesaid by the said last-mentioned Commissioners, shall be advanced and paid to the said last-mentioned Commissioners out of the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and applied by the said last-mentioned Commissioners, along with the Sum which shall have been deposited or secured by any Grand Jury, Party, or Person, under the Provisions of the said first-recited Act or this Act, in making the necessary Survey, Valuation, and Investigation, and in taking all other Proceedings preliminary to the Execution of any of the Works by the said Acts or this Act

Treasury may advance Money by way of Loan to the Commissioners of Drainage in aid of Deposits to pay preliminary Expences, to be repaid out of Monies borrowed for Execution of Works, or, in case no Works are undertaken, to be repaid by Memorialists.

Preliminary Proceedings.

Act authorized; and the Accounts of the Receipt, Application, and Expenditure, as well of all Monies so to be advanced and paid to the said Commissioners, as of the Sum so deposited and secured as aforesaid, shall be transmitted to the Commissioners for auditing and examining the Public Accounts of the Kingdom, for the Purpose of Examination and final Audit; and in examining, trying, and auditing each and every of the said Accounts the said Commissioners shall have all the Powers which are vested in them under an Act of the Twenty-fifth Year of the Reign of King *George* the Third, intituled *An Act for better examining and auditing the Public Accounts of this Kingdom*, and under any other Act now in force, or any Law, Usage, or Custom, or otherwise howsoever; and all and every Sums or Sum of Money so to be advanced and paid out of the Consolidated Fund aforesaid shall be repaid to the Consolidated Fund out of the first Monies to be borrowed by the said Commissioners for the Execution of the said recited Acts and this Act, for the Purpose of executing the Works towards the preliminary Expences of which the same shall have been applied as aforesaid; and in Cases where the Execution of the necessary Works shall not be proceeded with, either in consequence of the said last-mentioned Commissioners not approving of the same, or from the Want of the proper Number of Assents of Proprietors for such Purposes, the said Monies shall be repaid to the said last-mentioned Commissioners by the Party or Person who, or by the Grand Jury of the County which, shall have made Application by Memorial for the Execution of any such Works, and shall be recovered by the said last-mentioned Commissioners in such Manner as by said first-recited Act directed, and be by them paid over to the Consolidated Fund in such Manner as the Commissioners of Her Majesty's Treasury shall direct.

25 G. 3. c. 52.

Assents of Proprietors for more than One Half in Extent of the Lands to be drained and improved to be deemed sufficient to bring this Act into operation.

XI. And whereas it is in and by the said first-recited Act enacted, that no Works shall be commenced for the Drainage of any Land, under and by virtue of the said 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: And whereas, by reason of the Absence of many Proprietors, as well as the Omission of others to sign the necessary Assent, even in Cases where they have not expressed Dissent, and from other Causes, it has been found difficult to obtain the written Assents of so many Proprietors as heretofore required, and thereby the Execution of many important and useful Works of Improvement have been and are injuriously delayed; be it therefore enacted, That all or any of the Works for the Drainage of Land under and by virtue of the said recited Acts or this Act, whether in connexion with Works for the Improvement of Water Power, Navigation, or otherwise, may be commenced, in case the Proprietors of any Quantity exceeding One Half in Extent of the Lands proposed to be drained or improved by such Drainage shall, with the Consent of the Tenants (if any) of such Lands, as in and by said first-recited Act required, assent, or shall have heretofore assented, to the Execution of the proposed Works, in Writing under their Hands respectively, within such Time as the said Commissioners shall

appoint, any thing in the said recited Act to the contrary thereof notwithstanding. *Preliminary Proceedings.*

If One Moiety and less than Two Thirds of Lands to be drained belong to a single Proprietor, the Assent of the Proprietors for the Remainder shall be sufficient for such Drainage in certain Cases.

XII. Provided always, and be it enacted, That in any Case where One Moiety or any Portion exceeding One Moiety and not amounting to Two Thirds in Extent of the Land proposed to be drained or improved shall belong to a single Proprietor, then such Works may be commenced, if the Proprietor or all the Proprietors (if more than One) of the Residue of such Lands shall, with such Consent as aforesaid, assent as aforesaid to the Execution of such proposed Works, and if it shall be made out to the Satisfaction of the said Commissioners, by competent Evidence, accompanied by the Report of a skilful Engineer or Surveyor, approved of by the said Commissioners, that such Drainage or Improvement, when completed, will increase the average Value of the whole of such Land in the Proportion of at least Ten *per Centum per Annum* on the estimated Cost of the Works necessary for such Drainage or Improvement, and all Expences incidental thereto.

The Commissioners may take Security instead of Deposit from Tenants having certain Interests in Lands who may desire to qualify as Proprietors for the Purpose of assenting, by paying the Proportion of the whole Expence of the Works to be charged upon the Lands held by them.

XIII. And whereas under the Provisions of the said first-recited Act Persons having certain Interests (as therein specified) in any Portion of the Lands proposed to be drained or improved, who shall deposit with the said Commissioners such Sum of Money as shall be deemed sufficient for the Payment of the Sum with which such Portion of the Land may become chargeable for or in respect of the Costs and Expences of the Works proposed to be executed, may be deemed Proprietors of such Land, and the Persons entitled to assent to such Works, for the Purpose of the said recited Act; be it enacted, That it may be lawful for the said Commissioners, if they shall so think fit, in any such Case, in lieu of any such Deposit of a Sum of Money as aforesaid, to accept, in addition to the Security of the Lands of which any such Person may be seised or possessed within the Limits of the District, and to become chargeable under the Award of the said Commissioners, such Security as the said Commissioners shall deem sufficient for the due Payment of the Sum of Money 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 under the Provisions of the said recited Acts or this Act; and any such Person having such Interest, and making or having heretofore made such Deposit, or giving such Security as aforesaid, shall, for all the Purposes of the said recited Acts or this Act, be deemed the Proprietor of the Land in respect of which he shall have made such Deposit or given such Security; and such Lands shall thenceforth be and remain charged with and liable to the Sums payable in respect of the Costs and Expences of the Works, and the Maintenance and upholding of the same, in like Manner as the Lands of any Proprietor under the Provisions of the said recited Acts and this Act: Provided always, that any Person having such Interest, and making such Deposit or giving such Security as aforesaid, shall not be liable, under the Provisions of the said recited Acts or this Act, to have the Rent of such Lands increased by any Order or Determination of the said Commissioners. Proviso.

Form and Substance of Declaration and final Award required by former Act may be varied to suit Provisions of this Act.

XIV. And be it enacted, That in making the Declaration or final Award in and by the said recited Acts mentioned or required to be made with reference to any Works under the said recited Acts or this Act, it shall and may be lawful for the said Commissioners to alter and vary such Declaration or final Award, and the Form and Matter thereof respectively, in the several Particulars, Matters, and Things as to which the Provisions of the said recited Acts are altered and varied by this Act, and to make the same conformable in all such Matters to the Provisions of this Act, any thing in the said recited Acts, or either of them, to the contrary notwithstanding.

Appeal to Assistant Barrister against Declaration.

XV. And be it enacted, That it shall not be lawful for any Persons to appeal to the Assistant Barrister against or in respect of any Declaration to be made by the said Commissioners under the Provisions of the said recited Acts or this Act, save only in respect of any Mill or Factory pursuant to the Provisions of the said first-recited Act, or as to any Assents to be given in respect of the Construction of any Reservoir, or the increased or more constant Supply of Water, under the Provisions of the said recited Acts or this Act, and save also as to the Matter or Fact whether or not Assents of the Proprietors of the Extent of the Land to be drained or improved required under the Provisions of this Act shall have been given to the Execution of the proposed Works: Provided always, that no Appeal against any such Declaration in respect to any Mill or Factory shall stay the Execution of the Works proposed to be executed, except as regards the Execution of such Works or Alterations as may be proposed to be made in any such Mill or Factory, or the Works appertaining thereto.

The Length of Time required by former Acts for giving Notices or depositing Maps, &c may be reduced, except in certain Cases.

XVI. And be it enacted, That in all Cases where Notices are required to be given, or Maps, Plans, Sections, Schedules, Estimates, or other Matters and Things are required to be deposited, by the said Commissioners, for any limited Period, under the recited Acts or either of them, or this Act, (save as herein-after specially provided,) it shall not be necessary for the said Commissioners to give any longer Notice, or to deposit any such Maps, Plans, Sections, Schedules, Estimates, or other Matters or Things as aforesaid, for any longer Period than for Three Weeks from the Date of such Notice or Deposit, as the Case may be: Provided always, that nothing herein contained shall authorize the said Commissioners to give Notice of paying off any Certificates of Loans issued under the said recited Acts, or either of them, within a shorter Period than that in and by the said secondly recited Act is provided in that Behalf.

Commissioners may affix a Name to Districts, by which they shall be afterwards known for the Purposes of this Act.

XVII. And be it enacted, That it may be lawful for the said Commissioners to affix a Name to each District within which it may be proposed to put the Powers of the said recited Act or this Act into operation, and by which Name such Districts shall for all and every the Purposes of the said recited Acts and this Act be thereafter known, called, and described.

Errors, Omissions,

XVIII. And be it enacted, That no Error, Misdescription, Misnomer, Mis-statement, or Omission in any of the Schedules, Maps,

Plans, Sections, Estimates, Declarations or Memorandum of Declaration, or Notices, by the said recited Acts or this Act required to be prepared, lodged, registered, or given by the said Commissioners, shall invalidate the same, or any of them, or any of the Proceedings under the said recited Acts or this Act; and from and after the Publication of the final Notice in and by the said first-recited Act or this Act directed to be given previously to the Commencement of any Works by the said Commissioners, no Error or Omission whatever in any of the Proceedings preliminary to the issuing of such final Notice shall be deemed to affect or invalidate any such Proceedings, or the Powers and Authorities of the said Commissioners, or prevent them from proceeding with the Execution of the Works in their Opinion necessary, and for that Purpose effecting any Purchases, and doing all Matters and Things requisite for carrying fully into effect any such Works, or the Provisions of said recited Acts or this Act in relation thereto, nor to affect or invalidate any Award to be made by the said Commissioners in respect of any of the Lands drained or improved or affected by such Works, nor the Extent of Land or other Property to become liable for the Repayment of the Cost of the Works, and all Expences incidental thereto, nor any other Matter or Thing done or omitted to be done by the said Commissioners previously or subsequently to the publishing of such final Notice; and the Assent which shall have been received by the said Commissioners from any Proprietor of the Lands to be drained or improved shall be conclusive and binding upon such Proprietor of and all Persons interested in the Lands of such Proprietor in respect of which such Assent may have been given, and also upon and against the same Lands respectively; and it shall not be lawful for any Person whatever in any Manner to question or appeal against or in respect of any thing whatsoever done or omitted to be done by the said Commissioners under the Provisions of the said recited Acts or this Act (save only by such Petition to the Court of Chancery or Exchequer as by the said first-recited Act is allowed in case of Appeals respecting Mills or Factories only), nor shall any Proceedings to be had or taken by or on behalf of the said Commissioners for the Purpose of the said recited Acts or this Act be removed or removable by Certiorari into any of Her Majesty's Courts of Record.

Mis-statements, or Misnomers in Proceedings or Documents previous to and inclusive of the Publication of the final Notice, shall not invalidate any of the Proceedings under this Act or the recited Acts.

XIX. And whereas the Construction of Reservoirs for the Prevention of sudden Floods, and maintaining a constant Supply of Water for Mills, Factories, Navigation, Irrigation, or Warping of Lands, the Supply of Towns, and other such Purposes, and also the Construction or Improvement of Navigation in connexion with Drainage, under the Provisions of the said recited Act or this Act, may be promoted or encouraged by the permanent Investment of the Money expended in the Construction of same, and by allowing the Parties investing their Money for such Purpose to receive and apply to their own Use the Profit, not exceeding Ten *per Centum* on the original Outlay, arising out of the Rates, Taxes, and Tolls to be levied by the said Commissioners under the Provisions of the said recited Acts or this Act: And whereas an Act was passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign

Reservoirs and Navigation.

Companies may be formed under this Act to provide Funds and receive Profits (not exceeding 10 per Cent.) from Reservoirs or Navigations constructed by

the Commissioners under Provisions of recited Acts and this Act.

Reign of Her present Majesty, intituled *An Act for the Registration, Incorporation, and Regulation of Joint Stock Companies*, and it is expedient to apply the Provisions of the said last-mentioned Act to the Formation of Joint Stock Companies for providing Funds to be permanently invested in, and receiving the Profits to arise from, the Construction of such Reservoirs, and the Construction or Improvement of such Navigations as aforesaid, by the said Commissioners, under the Provisions of said last-recited Acts or this Act; be it therefore enacted, That it shall and may be lawful from Time to Time for any Number of Persons, with the Consent and Approbation in Writing of the said Commissioners, to form themselves into a Company for the Purpose of raising and providing Funds to be permanently invested, by or under the Control or Superintendence of the said Commissioners, in the Formation or Construction of any such Reservoir or Embankment for any of the Purposes aforesaid, or the making or improving any Navigation under the Provisions of said recited Acts or this Act; and every such Company shall be subject to the several Provisions and Regulations, so far as the same are applicable, contained in the said recited Act of the Seventh and Eighth Years of the Reign of Her present Majesty, and shall and may, subject to the Terms and Provisions of the said Act, be incorporated and have a Common Seal, and sue or be sued by their registered Name, and possess and enjoy the Powers and Privileges in the said Act given, as and subject to the Regulations in the said Act respectively provided and mentioned: Provided always, that no Shareholder in any such Company shall be liable for or charged with the Payment of any Debt or Demand due by or from any such Company beyond the Extent of his Share in the Capital of such Company not then paid up.

The Commissioners shall pay to Companies providing Funds the surplus Income, not exceeding 10 per Cent. on original Outlay.

XX. And be it enacted, That when any Company of Persons as aforesaid formed for any of the Purposes aforesaid shall have provided and supplied to the said Commissioners Funds to defray the Costs and Expences of the making or constructing of any such Reservoir or Embankment, or the making or improving any such Navigation, under the Provisions of the said recited Acts or this Act, and when such Works shall have been completed, and the Costs and Expences thereof shall have been fully paid and satisfied to the said Commissioners, it shall and may be lawful for the said Commissioners and they are hereby required, after defraying the Cost of supporting, maintaining, and upholding the several Works of such Reservoir or Navigation, as the Case may be, which, under the Provisions of the said first-recited Act and this Act, the said Commissioners are authorized and required to maintain, support, and uphold, to pay to the Company, or authorized Officer thereof, which shall have provided such Funds, the whole of the surplus Income which shall arise out of the Assessment, Rates, Taxes, Tolls, or Rents imposed or to be imposed by the said Commissioners from Time to Time on account of the original Construction or the maintaining the Works of such Reservoirs or Navigations respectively: Provided always, that when the Amount of such surplus Income shall exceed Ten Pounds *per Centum per Annum* on the total Amount declared by the Award of the said Commissioners to have been expended in or about the Construction

struction of such Reservoir or Works, the Amount of such Assessment, Rates, Taxes, or Tolls shall be so reduced by the said Commissioners that the Amount of such surplus Income arising therefrom shall not exceed Ten Pounds *per Centum per Annum* as aforesaid.

Reservoirs.

Commissioners may authorize Officers of Company formed under this Act to receive and collect Rates and Taxes.

XXI. And be it enacted, That it shall and may be lawful for the said Commissioners, if they shall so think fit, from Time to Time, or for any stated Time, to depute the duly authorized Officers of any Company as aforesaid formed for providing Funds for the Construction of any Reservoir or Embankment under the Provisions of this Act to receive, collect, and recover the Assessment, Rate, or Tax imposed by the said Commissioners, either for or on account of the Cost of the Construction of such Reservoir or Embankment, or for or on account of the Cost and Expences of maintaining, supporting, and upholding the same respectively; and it shall be lawful for such Company as aforesaid, for the Purpose of collecting or recovering any such Assessment, Rate, or Tax, during the Time they shall be so authorized as aforesaid, to have, use, and exercise, subject to like Regulations, all the Powers, Authorities, and Privileges in and by the said first-recited Act vested in the said Commissioners for the Collection or Recovery of any such Assessment, Rate, or Tax as aforesaid.

Any Person liable to Rate for original Cost of Construction may purchase Exemption by paying Twenty Times such Rate.

XXII. Provided always, and be it enacted, That in case any Person, Party, or Company liable to pay any Rate or Tax for or on account of the Cost and Expences of the original Construction of any such Reservoir or Embankment as aforesaid shall desire to be exempt from the future Payment thereof, by purchasing from the said Commissioners the Portion of such Rate or Tax to which such Person, Party, or Company shall be liable, it shall and may be lawful for the said Commissioners, upon receiving from such Person, Party, or Company a Sum of Money equal to Twenty Times the Amount of such Rate or Tax, by any Instrument in Writing under the Hands and Seals of the said Commissioners, to exempt such Person, Party, or Company, and the Mills, Lands, and Property of such Person, Party, or Company respectively, from any future Payment of or Charge for or in respect of such Rate or Tax; and the said Commissioners shall pay over to the Company formed under the Provisions of this Act, and which shall have provided Funds for the Construction of such Reservoir or Embankment as aforesaid, the Amount of Consideration Money for such Exemption so received from such Person, Party, or Company as aforesaid: Provided always, that nothing herein contained shall be construed to exempt any such Person, Party, or Company, or the Lands or Property thereof respectively, from any Payment of or Charge for or in respect of any Rate or Tax to be imposed, under the Provisions of the said recited Acts or this Act, for the Maintenance and Support of all the Works of said Reservoir or Embankment and other Works which the Commissioners are by said first-recited Act required to maintain and support, with all Expences incidental thereto.

Same Power given for the Purchase of

XXIII. And whereas in and by the said first-recited Act the said Commissioners are authorized and empowered to make Reservoirs and Embankments

Lands for the Formation of Reservoirs, as for all the other Purposes of recited Acts and this Act.

Embankments for the Purpose of maintaining a constant Supply of Water for Mills or Factories on any River or Stream, or preventing sudden Floods therein, but for Want of sufficient Powers as to the Purchase of Lands and Hereditaments necessary for such Purpose it has been found impracticable to carry into execution such Works, and it is expedient to supply such Powers; be it therefore enacted, That it shall and may be lawful for the said Commissioners to purchase and take any Lands, Tenements, or Hereditaments which they may consider necessary or proper to purchase for the Purpose of making such Reservoir or Embankment, and that all and every the Provisions, Powers, and Authorities in and by the said recited Acts or either of them, or this Act, contained or given for the Purpose of or relating to entering upon, occupying, using, or purchasing any Lands required for the Works for Drainage or Navigation, or for compensating any Parties or Person for any Injury done to any Lands in and by the said recited Acts or this Act authorized, or relating to the Purchase Money of Lands, or to any Matter or Thing concerning such Lands, shall extend and apply, and shall and may be used, exercised, and applied by the said Commissioners, with respect to any Lands which they may deem necessary to enter upon, use, occupy, or purchase for the Purpose of making any such Reservoir or Embankment as herein-before mentioned, or which may be injured by means of the Construction of any such Work, or by reason of the Exercise of the Powers aforesaid, any thing in the said first-recited Act to the contrary notwithstanding.

Power to rate all Parties deriving Benefit by Supply of Water from Reservoirs.

XXIV. And whereas the Construction of such Reservoirs or Embankments will not only increase and maintain a constant Supply of Water for the Purpose of Mills and Factories, but may also afford or increase a Supply for the Purpose of Navigation, Irrigation, and Warping of Lands, the Supply of Towns, and for other Purposes; and it is expedient and just that all Parties and Persons deriving Benefit from the Construction of such Works shall contribute towards the Expence of constructing and maintaining the same in proportion to the Benefit conferred on the Property or Interest of each respectively; be it therefore enacted, That in all Cases where the said Commissioners shall, under the Provisions of the said recited Acts or this Act, make or construct any such Reservoir or Embankment as aforesaid, it shall and may be lawful for the said Commissioners, for the Purpose of defraying the Expence of constructing or maintaining such Reservoir or Embankment, to impose a Tax or Rate, annual or otherwise, not only on the Mills and Factories along or upon any such River or Stream, but also upon the Property of all and every Party or Person who, or Company which, shall derive Benefit from the making or constructing of any such Reservoir or Embankment, by taking or using, or agreeing to take or use, a Supply of Water, or an increased or more constant Supply of the same, having regard to the Benefit conferred or to be conferred on each respectively.

Increased Supply of Water.

Power to rate Mills

XXV. And be it enacted, That in all Cases of Drainage, or of making or improving any Navigation in connexion with any such Drainage, under the said recited Acts or this Act, in which it shall be found by the said Commissioners practicable to improve the working

Water Power of any Mills or Factories situate within the District to be defined by the said Commissioners, and where the Proprietors of such Mills or Factories possessing more than One Half of the Value of the working Water Power of all such Mills or Factories which may derive Benefit from such Works shall signify their Assent in Writing to the Execution of the proposed Works, it shall and may be lawful for the said Commissioners to execute all such Works as may be necessary for the Improvement of such Water Power, and that all and every the Powers, Authorities, and Provisions in the said recited Acts given and contained for the Execution of any Works thereunder shall be held and deemed to be applicable to the Execution of the Works which the Commissioners may deem necessary for the Improvement of such Water Power, and for the Purpose of Contributions towards the Repayment of the Costs and Expences of the Works to be executed in the District within which any such Mill or Factory may be situate; and it shall and may be lawful for the said Commissioners, in and by the Award or any Instrument or Instruments under their Hands and Seals, to assess and rate all the Mills and Factories which in the Opinion of the said Commissioners are or shall be benefited by any of the Works executed within such District, and to fix and determine the Amount of such Rate or Contribution which shall be paid by the Proprietors of each such Mill or Factory for the Improvement which shall be so effected, and also to fix and determine the Proportion in which each such Mill or Factory shall in future be rated for the Maintenance of the Works within any such District, regard being had, in fixing such Assessment and Rate and Proportion of Rate respectively aforesaid, to the Degree of Benefit conferred upon each such Mill or Factory.

and Factories for increased Supply of Water from Works for Drainage, or Drainage and Navigation, with Assent of Owners of Mills and Factories possessing more than Half the working Water Power.

XXVI. And whereas, after the Construction of any Reservoir, or the Execution of Works of Drainage, or Drainage and Navigation combined, under the Provisions of the said recited Acts or this Act, and after the making and Publication of the final Award by the said first-recited Act directed to be made and published upon the Completion of any such Works, it may be found that by means of the Construction of such Reservoir or Works a Supply of Water can or may be afforded for working any Mill or Factory, or for the Purpose of Navigation, Irrigation, or the Warping of Lands, or for the Supply of Towns, or for other Purposes, and it is just and right that all Persons deriving Benefit from such Supply of Water should pay for the same; be it therefore enacted, That it shall and may be lawful for the said Commissioners, from Time to Time, in addition to the final Award before mentioned, and subject to the Provisions in said first-recited Act contained with reference to such final Award (so far as same may be applicable), to make such separate Award or Instrument, in Writing under their Hands and Seals, as they shall from Time to Time find necessary, and, having regard to the Benefit conferred by such Reservoir or Works, and to the Payment of a due and fair Proportion of the Expence of the Construction and Maintenance thereof, to assess for the Amount to be contributed, or to impose a Rate or Tax on any Mill, Factory, Navigation, Lands, or Property, or any Company, Person, or Party, which or who, after the Publication of such final Award as aforesaid, shall derive Benefit from the

Reservoirs, and Supply of Water from other Works.

Rates may be imposed for Supply of Water from Reservoirs or other Works afforded after the Publication of the final Award.

the Supply of Water afforded by any such Reservoir or Embankment, or Works for Drainage, or for Drainage and Navigation combined, under the Provisions of said recited Acts or this Act; and the Sum or Sums of Money which shall be so assessed, rated, or taxed by any such subsequent Award or Instrument in Writing as aforesaid shall be charged and recovered in like Manner in every respect as any Sum or Sums assessed, rated, or taxed by any such final Award made as aforesaid is, are, or shall be charged or recoverable under the Provisions of the said recited Acts and this Act.

Reservoirs or improved Water Power; Security for Money and Repayment.

Same Security for Monies as in Cases of Lands drained or improved.

XXVII. And be it enacted, That in all Cases of Monies to be borrowed from and after the First Day of *January* in the present Year, for the Construction of any Reservoir or Embankment, or for the Improvement of any Water Power of any Mill or Factory, under the Provisions of the said recited Acts or this Act, the respective Sums of Money which by the Award to be made by the said Commissioners shall be specified as the Assessments, Rates, or Taxes to be imposed for the Construction or Maintenance of any such Reservoir or Embankment, or for the Contribution payable in respect of any Mill or Factory towards the Costs and Expences of the Works executed in any District as aforesaid, also for the Maintenance of such Works, shall be charged, with Interest (in Cases where under any such Award Interest shall be payable) at a Rate not exceeding Five Pounds *per Centum per Annum*, upon the Mills, Factories, Lands, or Properties which the said Commissioners by their Award shall declare to be benefited by the Construction of any such Reservoir, Embankment, or Works aforesaid, in like Manner, and with like Priority, and with and subject to the like Provisions, as by this Act given and provided in respect of Monies charged on Lands in respect of Drainage under the said recited Acts or this Act; and the same respective Sums of Money, with such Interest for the same as aforesaid (where such Interest is payable), shall also be charged upon so much of any other Land situate within One Mile of any Part of any such Mill, Factory, Land, or Property to be declared by the said Commissioners benefited as aforesaid, and settled with the Mill, Factory, Land, or Property so declared to be benefited as aforesaid, to the same Uses, Intents, and Purposes, by virtue of Limitations contained in the same Instrument or the same Set of Instruments, and also upon so much of any other Land belonging to the same Proprietor, as the Mill, Factory, Land, or Property so declared to be benefited, and situate within One Mile of any Part of the same, for all his Estate and Interest existing at the Time of the Declaration required to be made by the said Commissioners previously to the Execution of any of such Works, as the said Commissioners shall, by their Award, or any Instrument under their Hands and Seals, and enrolled in the 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 as aforesaid, to the full Amount of all other Incumbrances thereon affecting the same prior to the Registry of the Memorandum of such Declaration; and all the Powers, Authorities, and Provisions in the said recited Acts or either of them or this Act contained or provided for or relating to the Recovery and enforcing Payment of the Monies charged on Lands under the Provisions of the said Acts or either

either of them, or this Act, shall extend and apply to the Recovery and enforcing Payment of the Monies charged on Mills, Factories, Lands, or Property under the Provisions of this Act.

Navigation.

The surplus Income from Tolls to be paid in certain Cases to Counties, Baronies, Persons, or Companies, securing, either separately or conjointly, the Cost of the original Construction of Navigation.

XXVIII. And whereas by the said first-recited Act certain Provision is made with regard to the Application of surplus Income from Tolls in respect of Navigations constructed or improved under the said Act; and with a view to encourage the Formation and making of such Navigations it is expedient to amend such Provision; be it therefore enacted, That in all Cases where the Costs of constructing or improving any such Navigation, with all Expences incidental thereto (including Interest on borrowed Monies), shall have been secured by any Presentment passed by the Grand Jury of any County or Counties, or by the Guarantee of any Person, Party, or Company, or partly by such Presentment and partly by such Guarantee, under said first-recited Act or this Act, and such Costs, Expences, and Interest shall have been paid to the said Commissioners under and by virtue of such Security, the said Commissioners shall apply and pay to the Use and Benefit of the Party, Person, or Company who shall have guaranteed and paid the whole or the Part (as the Case may be) of such Costs and Expences and Interest the whole or the proportionate Part (as the Case may be) of the surplus Income which shall arise from or in respect of any Tolls, Rates, or Rents to be imposed or levied in respect of any such Navigation, after defraying all Expences incidental to the Maintenance of the Works, and the several other Matters and Things, as in said Act mentioned; and in Cases where such Costs, Expences, and Interest, or any Part thereof, shall have been secured by Grand Jury Presentment, such surplus Income, or such proportionate Part thereof, shall be paid to the Treasurer of the County or Counties respectively which shall have secured or become liable for such Costs and Expences, in the Proportions in which such County or Counties, or Part thereof, shall have contributed towards the Expence and Costs of such Navigation, and be by every such Treasurer brought to the Credit of the County, Barony, Half Barony, or Townlands which shall have so secured and become liable to such Costs as aforesaid, in the Proportions in which the same shall have contributed or paid as aforesaid: Provided always, that when and so soon as the Amount of such surplus annual Income arising from such Tolls, Rents, or Rates of any such Navigation shall exceed the Rate of Ten Pounds *per Centum per Annum* on the original Costs of Construction thereof, and the Expences incidental thereto, including all Interest paid on Monies borrowed for such Purposes, such Rates and Tolls shall be reduced by the said Commissioners so that the Amount of such surplus annual Income arising from such Tolls, Rents, and Rates shall not exceed Ten Pounds *per Centum per Annum* upon the original Costs of Construction as aforesaid; provided also, that nothing herein contained shall be construed to affect the Powers of the said Commissioners under the said first-recited Act, with the Approbation of the Commissioners of Her Majesty's Treasury, to reduce all or any of the Rates or Tolls to be imposed or levied in respect of any such Navigation, and afterwards, from Time to Time, with the like Approbation, to raise the same, as in said Act provided.

If surplus Income exceed Ten per Cent. on original Outlay, Tolls to be reduced.

Navigation.

Grand Jury or Person or Company may secure a Portion of the Cost of any Navigation, instead of the whole.

XXIX. And be it enacted, That in all Cases where under the said first-recited Act Provision is made for securing by Grand Jury Presentment, or by the Guarantee of any Party, Person, or Company, the full estimated Expence of any Navigation, it shall and may be lawful for any Grand Jury to secure by Presentment, or for any Party, Person, or Company to secure by Guarantee, a Portion of any such Expences as aforesaid; and it shall be lawful for the said Commissioners, if they shall so think fit, to accept such Security for a Portion of such Expences; and all and every the Powers, Authorities, and Provisions in the said first-recited Act contained for securing the full estimated Expences of the Construction or Improvement of any Navigation, or relating thereto, shall be deemed and taken to extend and shall be applied to any such Security taken for a Portion of such Expences as aforesaid.

In Cases where Money can be borrowed on the Security of Tolls to be imposed, the Commissioners may, if they think fit, make or improve any Navigation in connexion with Drainage.

XXX. And be it enacted, That in all Cases where it shall appear to the said Commissioners that any River or Part of a River may be made navigable or the Navigation thereof improved in connexion with Drainage under the Provisions of the said first-recited Act or this Act, and the said Commissioners shall receive such Memorial as in said first-recited Act provided, and shall receive the Assents of the Proprietors of any Portion exceeding One Half in Extent of the Land proposed to be drained or improved in connexion with the Navigation of any such River, and if they shall so deem fit, and find that the Advantages to be derived from any such Navigation would be commensurate with the Costs of the Works necessary for making such Navigation, or improving the same, and if the said Commissioners can obtain, on the Security of the Tolls and Rates to be levied in respect of such Navigation, a Loan or Advance of Money for defraying the Costs and Expences of making or improving the same, it shall and may be lawful for said Commissioners to make any such River navigable, or improve the Navigation thereof, either without the Costs of such Works being secured by any Presentment of a Grand Jury, or by any Guarantee to be given by any Party, Person, or Company, as in the said first-recited Act required, or without requiring more than a Portion of such Costs to be so secured; and that all the Powers, Authorities, and Provisions in the said first-recited Act contained or given for or relating to the making or improving of any Navigation, or the levying or collecting or enforcing any Tolls or Rates on or in respect of the same, or to any other Matter or Thing whatsoever connected with such Navigation, or such Tolls or Rates, under the said first-recited Act or this Act, shall be held, construed, deemed, and taken to apply and extend to any such Navigation to be made or improved under this Act, or to any Tolls or Rates in respect thereof, or other Matters or Things whatsoever connected therewith.

Commissioners of Public Works, and Commissioners for Execution of Act 5 & 6 Vict. c. 9. may lend

XXXI. And be it enacted, That in either or any such Case of Navigation as last aforesaid it shall and may be lawful for the Commissioners of Public Works in *Ireland* acting in execution of an Act made and 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, and the several Acts

Acts amending the same, 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 they are hereby respectively empowered, if they shall think fit, from Time to Time, out of any Funds at their Disposal, to lend and advance any Sum which may be necessary for the Purpose of making any such River navigable, or improving the Navigation thereof in connexion with Drainage, upon the Credit of the Rates, Tolls, and Duties to be imposed, raised, collected, and received for and in respect of any such Navigation, together with such other Security (if any) as the Commissioners of Her Majesty's Treasury shall deem fit or require: Provided nevertheless, that no Advance of Money shall be made for any of the Purposes aforesaid unless with the Consent of the Commissioners of Her Majesty's Treasury, or any Three or more of them; and that all such Monies so lent and advanced as aforesaid shall be repaid, with Interest thereon, as the said Commissioners of the Treasury shall direct, from and out of the Monies accruing to the Commissioners for the Execution of the said first-recited Acts and this Act out of the Tolls, Rents, and Rates to be levied and collected out of or in respect of any such Navigation.

Money on Security of Tolls to be imposed on any Navigation.

No Advance without Consent of Treasury.

Monies lent to be repaid with Interest.

XXXII. And whereas after the Commencement or Completion of Works for Drainage by the Improvement of any River or Stream in any District under the Provisions of said recited Acts or this Act it may be found that by the Construction of some additional Works a useful Navigation may be made, and the Counties or Baronies or any Persons interested may be desirous of having such additional Works constructed, and such Navigation made or improved, under the Provisions of the said recited Acts or this Act; be it therefore enacted, That in case any such Navigation may be made or improved after the Commencement or Completion of any Works for Drainage, by the Improvement of any River or Stream in any District, all the Powers, Provisions, Restrictions, and Authorities in or by the said recited Acts or this Act contained and given for the making, improving, and maintaining any Navigation in connexion with Works for Drainage, or in any Manner relating thereto, shall extend and apply, so far as the same are applicable, to the making, improving, and maintaining any such Navigation, and to all Matters and Things in relation thereto, after the Works for Drainage in any District shall have been commenced or completed.

Navigations may be made in Districts where Works for Drainage have been commenced or completed.

XXXIII. And be it enacted, That in all Cases where, for the Purposes of Navigation connected with Drainage, a free Grant of a Moiety or more of the Expence of making or improving any such Navigation shall or may be made under the Authority of Parliament, and the other Moiety or Residue of the Expence of making or improving such Navigation shall or may be raised or advanced by way of Loan under the Provisions of the said recited Acts or this Act,

In case of Grants in aid of Navigation, the Residue of Costs to be repaid by the District, and Tolls to be

levied for Maintenance only.

Act, then such Moiety or Residue so raised or advanced shall, with Interest from the Date of such Loan, be charged upon the District which by the Declaration to be made in such Case by the said Commissioners under the Provisions of the said first-recited Act it shall be declared will be benefited by the making or improving of such Navigation, and the several Baronies, Half Baronies, and Townlands in such District, and shall be repaid by and levied from such Baronies, Half Baronies, and Townlands in the Proportions in which it shall be so declared that such Baronies, Half Baronies, and Townlands will be respectively benefited, in One Sum or by Instalments, under and subject to the several Provisions and Regulations in said recited Acts or this Act contained in relation to the Levy and Recovery of any Sums which under the final Award of the said Commissioners shall be payable by the Grand Jury of any County in respect of the Improvement of the Navigation of any River: Provided always, that in any Case where any such Grant shall be made as aforesaid no greater Amount of Tolls or Rates shall be imposed or levied in respect of such Navigation than shall be sufficient to defray the Expence of maintaining and upholding such Navigation and the Works thereof, with all Expences incident thereto.

Miscellaneous.

One Commissioner may hold Meetings.

XXXIV. And be it enacted, That it shall and may be lawful that any Meeting by the said recited Acts or this Act authorized to be held by the said Commissioners shall or may be held by One of the said Commissioners; and all Acts, Matters, Things, and Proceedings had or done at any such Meeting, or for the Purposes thereof or relating thereto, shall be as valid and effectual as if such Meeting had been held and attended by the said Commissioners or any Two of them, any thing in the said recited Acts or either of them to the contrary thereof notwithstanding; and such of the Officers of the Board of Public Works as the Commissioners for the Execution of this Act shall deem fit, and by their Order direct, shall be Officers for the Purposes of the said firstly-recited Acts and this Act.

When Mills or Factories injure Lands to an Extent in Value equal to or exceeding Twice the Value of such Mill or Factory, same may be purchased.

XXXV. 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 District, so as thereby to injure such Lands, or prevent their Improvement, to an Extent in Value equivalent to or exceeding an Amount Double 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, or other Work, to purchase and take the same and to award Compensation for the Value thereof in like Manner and subject to the like Appeal as by the said recited Acts and 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 the said Acts or this Act, any thing in the said recited Act to the contrary notwithstanding.

Where Rivers or Streams pass through Demesnes, &c. any Works for

XXXVI. And be it enacted, That it shall and may be lawful for the said Commissioners to deepen, widen, cleanse, scour, or otherwise improve any River or Stream which they may consider necessary for the proper Execution of any of the Works by said recited Acts or this

this Act, or any of them, authorized, notwithstanding any such River or Stream shall pass in, through, or by any Park, Garden, or Demesne, without the Consent in Writing of the Owner thereof, any thing in the said first-recited Act to the contrary thereof notwithstanding, making Compensation for all Damage in the Execution of such Works, in like Manner as in Cases of Damage under the said first-recited Act.

their Improvement may be effected without Consent, Compensation being made for Damage done.

XXXVII. And be it declared and enacted, That the Provisions of the said recited Acts and this Act for or in respect of the Drainage or Improvement by Drainage of Lands, or any Matter or Thing relating thereto, shall be deemed and construed to extend and apply to the Drainage or Improvement by Drainage of the Lands of one Proprietor as well as to the Lands of several Proprietors.

Provisions as to Drainage to extend to the Lands of one Proprietor as well as several.

XXXVIII. And whereas under the Provisions of the said recited Acts or this Act the Commissioners may be called upon to drain Bog, Waste, or Moor Lands, or Lands to be embanked from the Sea or Tideway, and the Security for the Money expended in draining such Lands may mainly or in part depend upon the Cultivation or Reclamation thereof after such Drainage shall have been effected; be it therefore enacted, That in case of the Drainage or Embankment of any such Lands as last aforesaid, if Default shall be made in the Repayment of any Sum of Money charged upon any such Lands under the final Award of the said Commissioners for any Period exceeding Six Months, it shall be lawful for the said Commissioners, if they shall so think fit, to lease or demise to any Persons or Person, in One or more Lots or Divisions, such Lands, or a competent Portion thereof, for any Term not exceeding Ninety-nine Years, reserving thereout to the said Commissioners such annual Rent as they shall think fit, not being less than the annual Value of such Lands before the Works of such Drainage or Embankment were commenced; and in making any such Lease or Demise it shall and may be lawful for the said Commissioners to accept and receive such Sum of Money by way of Fine or Premium as can or may be had for the making or granting such Lease or Demise; and every such Lease or Demise shall be good, valid, and effectual in the Law for the Purpose aforesaid, and shall be binding and conclusive upon all and every Persons or Person whatsoever, and shall take Priority of all Charges and Incumbrances whatsoever and wheresoever made, except Quit Rent, and Rent-charge in lieu of Tithe, and Chief Rent, as in said first-recited Act construed or defined, if any such shall be payable thereout.

In default of Repayment of Expenditure in draining Bog, Moor, or Waste Lands, a competent Portion thereof may be demised by the Commissioners for Ninety-nine Years, at a Fine, for raising the Sum due.

XXXIX. And be it enacted, That any such Sum of Money which shall be received by the said Commissioners for or on account of such Fine or Premium, or for such Rent of such demised Premises, from Time to Time, shall be applied by the said Commissioners in discharge of the Loans or Monies borrowed for the Execution of such Works, with all Interest due thereon; and when the Amount of such Loans or borrowed Monies, with all Interest thereon, and the Costs and Expences of the Proceedings incidental to the Recovery of Monies expended in and about such Works, and the making of such Lease

Monies received for such Fine, &c. to be applied in making Repayment.

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or Demise as aforesaid, shall have been fully paid and satisfied, the said Commissioners shall and they are hereby required, by any Deed under their Hands and Seals, to convey and release all their Right, Title, and Interest in such demised Premises, subject to such Lease as aforesaid, and in the Rent reserved thereout, to the Person or Persons respectively who shall be then entitled to the Reversion expectant upon the said Lease.

In default of Payment for 12 Months of Money secured upon Bog, Moor, or Waste Lands, Commissioners may levy Amount by Sale of the Lands or a competent Part thereof.

XL. And be it enacted, That if Default shall be made in the Repayment of any Sum of Money charged upon any such Lands as last aforesaid under the final Award of the said Commissioners, for any Period exceeding Twelve Months, and that the same cannot, in the Opinion of the said Commissioners, be raised by any such Demise as aforesaid, it shall and may be lawful for the said Commissioners, or such Person or Persons as shall be nominated and authorized by any Two or more of them, without any other Process or Writ, to enter upon and to take possession of all or any Parts or Part of such Lands, and by Sale of the same or a competent Part thereof to raise and levy such Sum or Sums of Money as shall be sufficient to repay all Monies so due and in arrear upon or in respect of such Lands, and all Costs as between Attorney and Client, and other Charges whatever attending such Proceedings; and the Monies so recovered (the Costs and Charges aforesaid excepted) shall be paid and applied in and towards the Reimbursement and Satisfaction of the Sum so due upon and in arrear in respect of such Lands; and the Receipt of such Person or Persons as the said Commissioners shall nominate and appoint as aforesaid shall alone be a full and sufficient Discharge to all and every Person and Persons whatsoever, and by whatever Title claiming, or howsoever entitled or deriving, for the Purchase Money or Purchase Monies of the respective Interest or Property so sold; and such Purchaser or Purchasers, or other Person or Persons, shall not be bound to see to the Application thereof, nor shall be liable or in any Manner accountable for the Misapplication or Nonapplication of such Money or Monies by the Person or Persons appointed by the said Commissioners as aforesaid or any of them; and every such Sale shall be good, valid, and effectual in the Law for the Purposes aforesaid, and to convey a good and valid Title to the Purchaser or Purchasers of any such Lands, free from and in Priority to all Charges or Incumbrances thereon whatsoever, and shall be binding and conclusive upon all and every Person or Persons whatsoever; and all the Estate, Right, Title, or Interest of or in the said Lands so sold shall and may be conveyed and assured to the Purchaser or Purchasers thereof by any Deed or Deeds of Conveyance to be executed under the Hands and Seals of the said Commissioners or any Two of them, subject nevertheless to any Quit Rent, Rent-charge in lieu of Tithe, or Chief Rent, as in said first-recited Act construed or defined, which shall have been reserved or payable thereout previous to the Registry of the Memorandum of the Declaration with respect to such Lands, as by the said secondly-recited Act provided, and the Estate or Estates to which such Chief Rent or Chief Rents shall be incident.

XLI. And

Powers of Entry on Lands.

XLI. And be it enacted, That for the Purposes of the said recited Acts and this Act 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 upon and into any Land for the Purpose of executing any Works by the said Acts or this Act authorized, or procuring any Materials therefrom, or doing any other Act, Matter, or Thing requisite, in the Opinion of the said Commissioners, for carrying fully into effect the Purposes of the said Acts and this Act, making such Compensation for the temporary or surface Damage done to said Land, or paying such Amount, in the Case of Purchase, for the Purchase of the same, in such Manner and subject to the like Provisions and Regulations relating to the same respectively (save as by this Act altered or varied) as by said first-recited Act is directed in Cases of Lands injured or required to be purchased: Provided always, that after the Service of such Notice as last aforesaid, and after having offered to any Proprietor or Proprietors and Occupier or Occupiers of any Lands such Sum of Money as the said Commissioners shall think reasonable, it shall and may be lawful for the said Commissioners, or the Engineers, Workmen, or Persons authorized by them as aforesaid, without further Delay, to enter into and upon such Lands, and proceed with such Works thereon, or use such Lands for any such Purposes as aforesaid, pending the Proceedings required under the Provisions of the said first-recited Act to be taken for determining the Amount of such Compensation or effecting such Purchase as aforesaid.

Aqueducts, Culverts, and Tunnels under Canals to be kept thoroughly cleansed.

XLII. And whereas many Aqueducts, Culverts, and Tunnels under Canals in *Ireland* are, either by reason of their original Construction, or from Neglect to cleanse and scour the same, insufficient to discharge the Flood Waters of the Streams or Drains upon which they are constructed at a sufficiently low Level for the Purposes of draining the Lands lying above such Aqueducts, Culverts, and Tunnels, whereby much Injury is done and Improvement prevented in such Lands, and it is expedient, just, and right to provide Means whereby such Evil may be prevented; be it therefore enacted, That in all Cases when such Insufficiency as aforesaid is caused by reason of Neglect to scour or cleanse, or by the Accumulation of Matter in such Aqueducts, Culverts, or Tunnels as aforesaid, the Canal Company to whom such Aqueducts, Culverts, or Tunnels belong, after Fourteen Days Notice in that Behalf served upon the Secretary, Treasurer, or known Engineer of such Company, shall cause, and they are hereby required to cause, such Aqueducts, Culverts, or Tunnels to be thoroughly scoured and cleansed out, and all such accumulated Matter to be removed; and in case any such Company shall neglect, for the Space of Ten Days after the Expiration of said Fourteen Days, or refuse, to cleanse, scour out, or remove such accumulated Matter, it shall be lawful for the Magistrates at Petty Sessions for the District in which such Aqueduct, Culvert, or Tunnel shall be situate, upon the Complaint of the Party or Parties injured, to summon before them the said Canal Company, and such other Person or Persons as to such Justices may seem fit, and to hear and investigate the Matter of such Complaint, and determine the same, and,

Proceedings in case of Neglect.

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and, in case the said Justices shall deem the said Complaint to be well founded, to order and direct any Person or Persons, to be named in and by a Warrant to be by them issued in that Behalf under their Hands and Seals, to enter upon, cleanse, scour out, and remove such accumulated Matter from such Aqueduct, Culvert, or Tunnel; and the Cost and Expence of so doing, and all Expences incidental thereto, shall and may be recovered from such Canal Company by Civil Bill; and in all Cases where such Insufficiency as aforesaid shall be caused by reason of the original Construction of such Aqueduct, Culvert, or Tunnel, and the Canal Company to which the same shall belong shall neglect, for the Space of One Month after the Expiration of Fourteen Days from the Service of a Notice in that Behalf, or refuse, to enter into an Agreement for the effectual Alteration of such Aqueduct, Culvert, or Tunnel, so as to make them in every respect sufficient for the Discharge of Flood Waters at so low a Level as will not be injurious to such Lands as aforesaid, it shall be lawful for any Proprietor or Proprietors of such Lands to apply by Memorial to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, stating the Nature of the Case, and praying that Relief may be afforded, and undertaking to pay such Portion of the Costs of altering such Aqueduct, Culvert, or Tunnel as, under the Provision herein contained, he or they shall be deemed liable to pay; and it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to direct that the Commissioners for the Execution of this Act shall cause such Aqueduct, Culvert, or Tunnel to be altered in such Manner as to them shall seem sufficient for the free Discharge of the Flood Waters at so low a Level as will prevent Injury to the Lands above them, and, for the Purpose of executing such Works, to apply any Funds which may be at their Disposal for the Time being under the Provisions of the said recited Acts or this Act; and the Costs and Expences of making such Alteration, with all Expences incidental thereto, shall be recovered by the said Commissioners in equal Moieties from the Company to which such Aqueduct, Culvert, or Tunnel shall belong, and from the Proprietor or Proprietors of such Lands as aforesaid, by Civil Bill in the County where such Lands shall be situate, or by Action or Suit in any of the Superior Courts in *Dublin*; and Service of such Notice, Summons, or Civil Bill at the Office of such Company in *Dublin*, or on any known Agent or Officer of such Company in the County where any Lands the Subject of such Complaint are situate, shall be deemed good Service of the same on the said Company.

Proceedings where Proprietors unanimously desire to have their Lands drained.

XLIII. And whereas it is expedient to allow Proprietors of Land, when unanimous, to execute certain Works instead of the Commissioners; be it enacted, That in any Case in which all the Proprietors of any Lands proposed to be drained shall unanimously apply by Memorial to the said Commissioners pursuant to the Provisions of the said recited Acts or of this Act, and shall, together with such Memorial, furnish to the said Commissioners a Consent in Writing, signed by themselves, and by all the Occupiers of the Lands proposed to be drained or improved, and shall furnish to the said Commissioners the Funds requisite for defraying all the preliminary Expences necessary

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to be incurred under the Provisions of the said recited Acts or of this Act, it shall be lawful for the said Commissioners to cause to be made such Survey, Inquiries, Examinations, Maps, Plans, Sections, and Estimates respecting such Works, and such Report thereon, as by the said recited Acts and by this Act are directed to be made, and shall cause the same respectively to be deposited for Inspection, pursuant to the Provisions of the said recited Acts and of this Act; and in case all such Proprietors and Occupiers shall thereupon unanimously assent in Writing to the Execution of the proposed Work, and the Declaration and all other Proceedings thereon shall have been made and concluded, and the final Notice shall be given, pursuant to the Provisions of the said recited Acts and of this Act respectively, it shall be lawful for all the said Proprietors, or for any One or more of them, having first obtained the Consent in Writing of all the others in that Behalf, to undertake the Execution of the said Work, and to make and complete the same out of his or their own proper Funds, according to and in conformity with the Plans, Sections, and Specifications so approved of by the said Commissioners; and when all such Works shall have been fully executed and completed to the Satisfaction of the said Commissioners, in conformity with the said Plans, Sections, and Specifications, it shall be lawful for the said Commissioners to draw up and make their Award in like Manner as if the said Works had been executed by the said Commissioners under the said recited Acts and this Act; and all the Provisions of the said recited Acts and of this Act, in relation to an Award to be made in Cases where the said Commissioners shall have caused any Work to be executed, shall apply to such last-mentioned Award, so far as the same may be applicable thereto; and the respective Sums of Money which by such Award 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 executed in the Manner last aforesaid, conformable to the said Plans, Estimates, and Specifications, and not exceeding the Sum mentioned in such Estimates, or such further Sum or Sums as the said Commissioners shall direct or approve of, in or about such Drainage or Improvements as aforesaid, with Interest for such respective Sums, at a Rate not exceeding Five Pounds *per Centum per Annum*, to be specified in such Award, to be payable and computed from the Time or Times for that Purpose to be specified therein, shall be charged in favour of the Person or Persons who shall by such Award be declared entitled thereto, and shall be secured, recovered, and raised or levied, in like Manner, and with the like Remedies, and by the like Means and Proceedings, as are given or provided by the said Acts and this Act in relation to the charging, securing, recovering, raising, or levying of the respective Sums of Money to be specified in any Award to be made under the said recited Acts or this Act, and, when received, recovered, raised, or levied, shall, after deducting all such Costs and Charges of the said Commissioners as shall not be recovered from the Lands or Persons liable thereto, be paid to the Person or Persons entitled thereto, or to his or their Executors or Administrators, according to the Proportions specified in such Award: Provided also, that it shall be lawful for the Proprietor or Proprietors who shall so execute such Works pursuant to the

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Provisions last aforesaid, or his or their Executors or Administrators, to proceed in the Names of the Commissioners, or of the Secretary of the said Commissioners, but with the Consent of the Commissioners first to be obtained in Writing for that Purpose, and upon full Indemnity to them, and at the Costs of such Proprietor or Proprietors, or his or their Executors or Administrators, for Recovery of the several Sums to which he or they shall and may be entitled under such Award: Provided always, that in any Case or Cases wherein any Mill or Factory is to be altered, removed, or injuriously affected, or where any existing Navigation is to be affected or altered, or any new Navigation created, it shall not be lawful for any Person or Persons, save the said Commissioners, to make or execute any such Drainage as last aforesaid, or any Works for that Purpose, or any Part thereof, although all the Proprietors of the Lands to be drained or improved by such Works as last aforesaid shall have unanimously consented that the same shall be executed by them or One of them: Provided also, that no Portion of any Work or Works the Expences of making or executing whereof shall be chargeable upon or payable out of the Funds of any County or Counties, or be raised or levied by Presentment of any Grand Jury in *Ireland*, shall be made or executed by any such Proprietor or Proprietors under the Powers last aforesaid.

Interpretation.

XLIV. And be it enacted, That the said recited Acts shall continue and be in full Force and Effect, save and except so far as the same are or either of them is altered by or inconsistent with this Act; and that the said recited Acts and this Act shall be construed together as One Act, and the Provisions of the said recited Acts shall, subject to the Variations made by this Act, and all Powers and Authorities of every Nature and Kind, and all Punishments imposed for the Commission or Omission of any Act done or forbidden to be done in and by the said recited Acts, be applied to this Act, so far as the same are applicable and not inconsistent with the Provisions of this Act; and that in the Construction of this Act, except where the Nature of the Provision or the Context of this Act shall exclude such Construction, the Words "Lands," "River," "Person" or "Persons," "Proprietor" or "Proprietors," and "Counties," shall be construed to extend and be applied as in said recited Acts respectively directed and provided; and the Word "Declaration" in this Act shall mean the Declaration required to be made by the said Commissioners previously to the Commencement of any Works under the Provisions of the said recited Acts or this Act; and the Words "final Award" in this Act shall mean the Award required to be made by the said Commissioners after the Completion of any such Works; and every Word importing the Singular Number only shall extend and be applied to several Persons and 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; the Words "said Commissioners" shall mean the Commissioners, or (save where otherwise provided) any Two of them, acting in execution of the said recited Acts and this Act.

XLV. And

Provisions for summary Proceedings.

No Works shall be undertaken under following Provisions, unless Assents be obtained before 1st August 1847.

XLV. And whereas by reason of the Failure or Destruction of a Portion of the Potato Crop of the last Season in *Ireland* there is Reason to apprehend that in certain Districts great Distress may, during the ensuing Spring and Summer, prevail among the labouring Classes of the Population; and it is expedient, with a view to alleviate such Distress, by Provisions of a more summary Nature than hereinbefore contained, to give for Part of the present Year increased Facilities and Powers for commencing without Delay and carrying on various Works of Utility connected with the Drainage and Improvement of Lands in such Districts, whereby remunerative Employment may be afforded to the labouring Classes; be it therefore enacted and declared, That the Provisions herein-after contained shall be called and deemed to be "Provisions for summary Proceedings" under this Act, and that no Work shall be undertaken or commenced under such Provisions for summary Proceedings as to the Execution of which Work the Assents of the Proprietors of Lands, as required by the Provisions of this Act herein-before contained, shall not have been given or obtained before the First Day of *August* in the Year One thousand eight hundred and forty-seven.

Any Proprietors of Lands may apply to the Commissioners to have such Lands drained or improved under this Act.

XLVI. And be it enacted, That for the Purpose of such summary Proceedings it shall be lawful for any Proprietor or Proprietors of any Land or Part of 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 said Commissioners, stating the Nature and Extent of such Land, and praying that the same may be drained, or the Drainage thereof may be improved, under the Provisions of this Act, and by such Memorial undertaking to pay to the said Commissioners the Costs and Expences of the preliminary Inquiries, under the Provisions for summary Proceedings under this Act, as to the Works for such Drainage or Improvement, in the event of such Works not being proceeded with by the said Commissioners.

The Commissioners may cause a preliminary Investigation to be made in a summary Way, and obtain a Report.

XLVII. And be it enacted, That for the Purpose of such summary Proceedings, when any such Memorial as last aforesaid shall be presented, or any Memorial for any such Purposes, under the said first-recited Act, shall, before the passing of this Act, have been presented to the said Commissioners, it shall be lawful for the said Commissioners to cause such preliminary Examination and Inquiry as they shall think fit to be made by some Engineer, Surveyor, or other competent Person, or to examine and adopt any Survey or Report which shall have been made, and cause to be ascertained in a summary Way the Extent of the Lands to be drained or improved, the probable Cost and Expences of such Drainage or Improvement, and the probable Benefit to result therefrom, together with the Names of the reputed Proprietors of the Lands to be so drained or improved; and if upon any such Report it shall appear to the Satisfaction of the said Commissioners that the Benefit to result from such Works would be commensurate with the Amount of the estimated Cost of the Works, and incidental Expences connected therewith, they shall cause a Copy or Copies of such Report, with their Opinion thereon, to be lodged at some

A Copy of the Report of their

Opinion thereon to be lodged for Inspection, and Notice thereof to be given.

some Place in or near such Lands for public Inspection for the Space of Two Weeks, and cause Notice thereof, and of the Place or Places at which such Copy or Copies of such Report shall have been lodged, to be given in any Newspaper circulating in the County or Place in which such Lands shall be situate, and to be posted on the usual Places for posting Grand Jury Notices in or near the said Lands, and otherwise as they shall think fit.

Such Notice shall require the Proprietors of Lands to be drained to furnish their Assent or Dissent.

If the Proprietors of more than Half of the Lands assent, a final Notice may be given.

XLVIII. And be it enacted, That in and by such Notice as last aforesaid all Proprietors (as defined under the said first-recited Act) of such Lands so to be drained or improved shall be called upon to furnish in Writing, either by themselves or their known Agents, to the said Commissioners at their Office in *Dublin*, or to some Person by the said Commissioners authorized, their Assent to or Dissent from the proposed Drainage or Improvement on or before a Day to be named in such Notice, not less than Three Weeks from the Day on which such Report shall have been lodged as aforesaid; and if before or at the Expiration of the said Period the said Commissioners shall ascertain that the Assent in Writing of the Proprietors (as defined in the said first-recited Act, with the Consent of the Tenants, if any, as by the said Act required in that Behalf,) of more than One Half in Extent of the Lands so to be drained or improved shall have been given to the said proposed Works, the said Commissioners, if they shall so think fit, shall cause to be published in the *Dublin Gazette*, and also in the Manner herein as to such Notice last aforesaid directed, a final Notice, stating that all the Preliminaries required by the Provisions for summary Proceedings under this Act have been complied with, which Proceedings shall be binding and conclusive upon all Parties and Persons whomsoever; and Proof of the Publication of such final Notice as aforesaid shall be sufficient Evidence that such final Notice was duly given, and that all the Requisitions of this Act in relation thereto were complied with: Provided always, that in any Case in which the said Commissioners shall be of opinion that such Period of Three Weeks last aforesaid limited for furnishing the Assents or Dissents of Parties as to any such Works is, under the particular Circumstances of such Case, insufficient, it shall be lawful for the said Commissioners, if they shall so think fit, to extend such Period for an additional Period of Two Weeks, so that such additional Period shall not in any Case extend beyond the First Day of *August* in the Year One thousand eight hundred and forty-seven.

After such final Notice the Powers and Provisions of the Drainage Acts may be applied for the Purposes of this Act.

XLIX. And be it enacted, That from and after the Publication of any such last-mentioned final Notice in manner aforesaid the said Commissioners may, in case it shall seem to them expedient, commence and proceed with the Works which they may consider necessary for the Drainage, or Improvement by Drainage, of the Lands or District to which such final Notice shall relate; and all and every the Powers, Authorities, and Privileges vested in or given to the said Commissioners by the said recited Acts or this Act, and the several Provisions in the said Acts or this Act contained, shall and may be used and exercised by the said Commissioners, and applied, as far as the same are or shall be respectively applicable, to and for the Pur-

poses of the Provisions for summary Proceedings under this Act, and to and for the borrowing and securing of Money, the charging of Lands, the Execution of the Works, the Repayment and Recovery of the Costs and Expences thereof, the providing for, sustaining, upholding, and maintaining the Works, and all other Proceedings whatsoever in relation thereto respectively, and to any other Matter or Thing authorized and empowered to be done under the Provisions of the said recited Acts or this Act, and necessary in the Opinion of the said Commissioners for carrying into full Effect the Purposes of this Act: Provided always, that nothing herein contained shall be construed to require the said Commissioners, for the Purposes of the Provisions for summary Proceedings under this Act, to take any other Proceedings, or do any other Act previous to the issuing of any such last-mentioned final Notice, than by the said Provisions for summary Proceedings under this Act are required: Provided also, that the Period from which any such Charge of Money on Lands shall take effect or have Priority in respect of Works undertaken under the Provisions for summary Proceedings under this Act shall be the Period of the Date of such last-mentioned final Notice in respect of such Lands, and instead of the Date of the Declaration or the Registry of the Memorandum of such Declaration as in this Act before provided in respect of Lands to become chargeable.

Provisions for summary Proceedings.

L. Provided always, and be it enacted, That in the Case of any Works commenced, undertaken, and carried on under the Provisions for summary Proceedings under this Act, no greater Amount of Money shall be expended on the said Works than a total Sum equal to an Amount calculated at the average Rate of Three Pounds Sterling for each and every Statute Acre of Land so to be drained or improved by such Works as aforesaid, until and unless all the Assents which by this Act are herein-before required in relation to Works carried on under the Provisions of the said recited Acts or this Act shall have been again given or obtained to and for the further Execution or final Completion of the Works necessary in the Opinion of the said Commissioners for such Drainage or Improvement as aforesaid; but if at any Time all such Assents as last aforesaid shall have been again given or obtained, such Works commenced, undertaken, and carried on under the Provisions for summary Proceedings under this Act may be further carried on, executed, and completed, at such further Cost and Expence as shall be necessary in the Opinion of the said Commissioners, as in other Cases under the Provisions of the said recited Acts or this Act.

No greater Amount than at the Rate of 3*l.* per Acre to be expended under the Provisions for summary Proceedings under this Act.

The Works may be afterwards carried on according to the general Provisions of the Drainage Acts.

LI. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, or any Three or more of them, to cause to be issued as a temporary Advance, from Time to Time during the present Year, as they may find necessary, out of the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, any Sum or Sums of Money not exceeding in the whole the Sum of Ten thousand Pounds, by way of Imprest, to the said Commissioners for the Execution of this Act, to be by them applied in providing for the Expences of procuring

The Commissioners of the Treasury may make temporary Advances to the Commissioners under this Act for the Expences of

preliminary Inquiries, &c. under the Provisions for summary Proceedings.

and prosecuting any such preliminary Examinations or Inquiries under the Provisions for summary Proceedings under this Act, and in procuring a sufficient Supply of Tools for executing any Works to be carried on under the last-mentioned Provisions; and in every such Case in which any Portion of such Monies so advanced and issued shall be so applied by the said Commissioners, such Sum of Money so applied in respect of any such Work shall be repaid to the Consolidated Fund by the said Commissioners, in such Manner as the Commissioners of Her Majesty's Treasury may direct, from and out of any Funds or Monies to be borrowed or raised by them for defraying the Costs, Charges, and Expences incurred or to be incurred in the Execution of such Work: Provided always, that in any Case where the Expenees of any such preliminary Investigation and Inquiry as last aforesaid as to the Works for any proposed Drainage or Improvement shall have been defrayed out of the Monies so advanced and issued as last aforesaid by the Commissioners of Her Majesty's Treasury, and the Assents of the Proprietors as to such Works, as required by the Provisions for summary Proceedings under this Act, shall not have been obtained within the Time limited by the said Commissioners for that Purpose, the Amount of such Expences shall be paid to the said Commissioners for the Execution of this Act by the Person or Parties who shall have applied by Memorial in such Case, and by said last-mentioned Commissioners be paid over to the Consolidated Fund; and in default of Payment by such Person or Party who shall have applied by Memorial as aforesaid, the Amount of such Expences shall be recovered from such Person or Party in such Manner as by said first-recited Act is directed for the Recovery of unpaid Balances of preliminary Expences under the Provisions of said first-recited Act.

Alteration of Act.

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

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