ANNO DECIMO & UNDECIMO

VICTORIÆ REGINÆ.

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C A P. LXXIX.

An Act to continue for a limited Time the Provisions for summary Proceedings contained in an Act of the last Session to amend the Acts for promoting the Drainage of Lands, and for other Purposes; and to amend the said Act.

[22d *July* 1847.]

WHEREAS an Act was passed in the Session held in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act to promote the Drainage of Lands, and* 5 & 6 Vict.
Improvement of Navigation and Water Power in connexion with such c. 89.
Drainage, in Ireland: And whereas the said Act was amended by an Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act to amend an Act of the Sixth Year of Her* 8 & 9 Vict.
present Majesty, for promoting the Drainage of Lands, and Improve- c. 69.
ment of Navigation and Water Power in connexion with such Drainage, in Ireland; and also by an Act passed in the Ninth Year of the Reign of Her present Majesty, intituled *An Act to amend the Acts for* 9 & 10 Vict.
promoting the Drainage of Lands, and Improvement of Navigation c. 4.
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:* And whereas

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by the last-mentioned Act, after referring to the Failure or Destruction of a Portion of the Potato Crop of the then last Year in *Ireland*, and to the Distress which might thereby prevail among the Labouring Classes in certain Districts, and to the Expediency of giving for Part of the then present Year increased Facilities for various Works of Utility connected with the Drainage and Improvement of Lands in such Districts, it was enacted and declared, that the Provisions therein-after contained should be called and deemed to be "Provisions for summary Proceedings" under the said Act, and that no Work should 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 the said Act therein-before contained, should not have been given or obtained before the First Day of *August* in the Year One thousand eight hundred and forty-seven; and by the same Act it was therein-after provided, that the Commissioners for the Execution of the same should, as therein mentioned, 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 to be drained or improved, should have been given to the proposed Works: And whereas, by reason of the Destruction of a large Portion of the Potato Crop of last Year in *Ireland*, it is expedient, for the Purposes of affording increased Facilities for Employment, to continue for a limited Time the afore-said Provisions for summary Proceedings, amending the same as herein-after mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That notwithstanding any thing contained in the said last-mentioned Act it shall be lawful to commence or undertake, under the Provisions for summary Proceedings in the same Act contained, any Works by such Provisions authorized as to the Execution of which Works the Assents of the Proprietors of Lands as required by the same Act (subject to the Provisions of this Act) shall be given or obtained at any Time before the Termination of Twelve Months from the passing of this Act, or before the End of the then next Session of Parliament, but no later; and that all the said Provisions for summary Proceedings shall be valid and effectual accordingly for the Purposes of Works to be commenced or undertaken under the Provisions of this present Act.

Provisions for summary Proceedings continued for One Year, &c.

II. And whereas under the Provisions of the first-recited Act and the Acts amending same it was enacted, amongst other things, that where any Portion of Land proposed to be drained or improved by Drainage should, at the Time appointed for the giving such Assent as therein mentioned by the Proprietors of the Land to the Execution of the proposed Works, be in the actual Occupation of any Person under any Grant, Lease, or Agreement in Writing for a Lease for a Life or Lives, or for a Term of Years, whereof more than Fourteen Years should be unexpired, the Consent in Writing of such Person should be necessary in order to give Validity to the Assent of the Proprietor in respect of the Lands comprised in such Grant, Lease, or Agreement: And whereas great Delay in consequence of such Provision

Assent of Proprietors valid without the Concurrence of Occupiers.

Provision has arisen in the Commencement of the Works under said Acts without any commensurate Advantage to the Parties interested, and in order to increase the Facilities for affording Employment, it is expedient to amend the same; be it enacted, That notwithstanding any thing in the said recited Acts or any of them contained, no Consent of any Person in the actual Occupation of any Land under any Grant, Lease, or Agreement in Writing for a Lease for a Life or Lives or for a Term of Years whereof more than Fourteen Years shall be unexpired to the Execution of the proposed Works under the Provisions of the said recited Acts, or any of them, shall be necessary in order to give Validity to the Assent of the Proprietor in respect of the Lands comprised in such Grant, Lease, or Agreement.

Where under recited Acts a free Grant of a Moiety or more of the Cost of any Navigation shall be made, the Residue of the Cost to be charged upon the Districts benefited, without previous Presentment.

III. And whereas by the said Act of the Ninth Year of Her Majesty's Reign it was also 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 should be made under the Authority of Parliament, and the other Moiety or Residue of the Expence of making or improving such Navigation should be raised or advanced by way of Loan under the Provisions of the said herein-before recited Acts, or of the Act now reciting, then such Moiety or Residue so raised or advanced should, 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 Commissioners in the said Act mentioned, under the Provisions of the said first-recited Act, it should be declared would be benefited by the making or improving of such Navigation, and the several Baronies, Half Baronies, and Townlands in such District, and should be repaid by and levied from such Baronies, Half Baronies, and Townlands in the Proportions in which it should be so declared that such Baronies, Half Baronies, and Townlands would be respectively benefited, in One Sum, or by Instalments, under and subject to the several Provisions and Regulations in the said therein recited Acts or the Act now reciting contained in relation to the Levy and Recovery of any Sums which, under the final Award of the said Commissioners, should be payable by the Grand Jury of any County in respect of the Improvement of the Navigation of any River: And whereas it is expedient to explain and confirm the Provision last herein-before recited, and to make such further Provisions as are herein-after contained; be it enacted and declared, That notwithstanding any thing in the herein-before recited Acts contained, in all Cases where, for the Purposes of Navigation connected with Drainage, a free Grant of a Moiety or more of the Expences of making or improving any such Navigation shall be or shall have been made by the Authority of Parliament, and the other Moiety or Residue of the Expence of making or improving such Navigation shall be or shall have been raised or advanced by way of Loan, under the aforesaid Provisions, then such Moiety or Residue so raised or advanced shall, as by the last-recited Act provided, be charged upon the District therein mentioned, 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, as by the said Act provided, without any Declaration of the Justices and associated Cess-payers, and without

without any Presentment previously made by the Grand Jury of the County or any of the Counties wherein such District as aforesaid shall be situate; and in all such Cases all Proceedings hitherto taken by or before the Commissioners for the Execution of the said Acts, under the said last-recited Provision, and all Loans, if any, made to them, and all Securities given by them for the same, under such Provision, shall be valid and effectual, notwithstanding any Omission or Defect as regards any such Declaration or Presentment as aforesaid.

Publication in Dublin Gazette Evidence of Publication of final Notice.

IV. And be it enacted, That the Publication in the *Dublin Gazette* as by the said recited Acts directed of any final Notice heretofore given or hereafter to be given under the Provisions and for the Purposes of the said recited Acts or this Act, or any of them, shall be deemed conclusive Evidence of the due Publication of such final Notice.

Recited Acts and this Act construed as One Act.

V. And be it enacted, That the said recited Acts and this Act shall be construed together as One Act, and the several Words and Expressions to which an extended Signification is given in the said recited Acts, or any of them, shall have the like Signification in this Act.

Act may be amended, &c.

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

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