in the Secretary of State for War.

exercised and done by Her Majesty's Principal Secretary of State for the War Department for the Time being.

First-recited Act further continued to 31st December 1861.

II. The said recited Act of the Fourth and Fifth Years of the Reign of Her present Majesty, as the same is amended by this Act, shall continue in force until the Thirty-first Day of *December* One thousand eight hundred and sixty-one.

CAP. LXII.

An Act to provide for the Maintenance of Navigations made in connexion with Drainage, and to make further Provision in relation to Works of Drainage in *Ireland*. [21st *July* 1856.]

18 & 19 Vict. c. 110.

'WHEREAS by an Act passed in the last Session of Parliament, intituled *An Act to authorize the Application of certain Sums granted by Parliament for Drainage and other Works of public Utility in* Ireland *towards the Completion of certain Navigations undertaken in connexion with Drainages, and to amend the Acts for promoting the Drainage of Lands and Improvements in connexion therewith in* Ireland, after reciting that the Navigations therein, including those herein-after mentioned, had been undertaken and in part executed under the Provisions of the Acts therein referred to; that is to say,

'In the District of Lough *Neagh*, situate in the Counties of *Antrim*, *Derry*, *Tyrone*, *Armagh*, and *Down*, the Navigation of the *Lower Bann River*, from the Bridge of *Coleraine* in the tidal Part of the said River to Lough *Neagh*, and extending thence to the First Lock or Entrance of the *Lagan*, *Newry*, *Ulster*, and *Coal Island* Canals:

'In the District of *Ballynamore* and *Ballyconnell*, situate in the Counties of *Leitrim*, *Cavan*, and *Fermanagh*, the Junction Navigation by the Course of the *Woodford* River and Lakes, from Lough *Erne*, at the Mouth of the said River, to the River *Shannon* near the Village of *Leitrim*:

'In the District of Loughs *Corrib*, *Mask*, and *Carra*, in the County of the Town of *Galway* and Counties of *Galway* and *Mayo*, the Navigation by the River and Lake *Corrib*, and Loughs *Corrib*, *Mask*, and *Carra*, from the Sea at *Galway*, to the Northern Extremity of the said Lough *Mask* and *Carra*, and to *Cloon Lough* in the River *Aill*:

'And that free Grants to the Amount therein mentioned had been theretofore made by the Authority of Parliament for the Purposes of the said Navigations, it is enacted, That it should be lawful for the Commissioners of Her Majesty's Treasury, out of the Monies therein mentioned, to issue such Sum as might be necessary towards defraying the Expenses incurred in respect of the several Navigations therein mentioned, and towards the Completion of such several Navigations or such of them, or such Parts of them or any of them as it might be considered by the Commissioners of the Treasury expedient and proper to complete; and that the said Commissioners of the Treasury might authorize and direct the Commissioners of Public Works to cause to be completed the said Navigation Works or such of the same, or such Portions of them or any of them as upon Inquiries as therein mentioned the said Commissioners of the Treasury might think fit, and with any Modifications or Alterations which to them might appear expedient; and that it should be lawful for the Commissioners of Public Works, by and with the Consent of the Commissioners of Her Majesty's Treasury, by Warrant under the Hands of the said Commissioners of Public Works, or any Two of them, from Time to Time to direct that the said Navigations or any of them, with the Tolls thereof, should be deemed and become the public Property of the County or Counties, if more than One, in which respectively the Lands chargeable under the Award in relation tothe said Navigations respectively are situate; and from and after the Date of any such Warrant such Navigation, together with all Locks, Weirs, and other Works, Rights, Members, and Appurtenances thereto belonging,

'should

'should be deemed and taken to be the public Property of such County or Counties as 'aforesaid, and be held, maintained, and preserved by the Grand Jury or Juries of such 'County or Counties, with such Powers and Authorities, and subject to such Provisions 'and Regulations as might thereafter be established by Parliament in relation thereto: 'And whereas the Three Navigations herein-before mentioned, with certain Modifications 'or Alterations directed under the said Act, have been or shortly will be completed: And 'whereas it is expedient to provide for the due and proper Maintenance and Regulation 'of the said Navigations, and for that Purpose that such Navigations should be vested in 'Trustees as herein-after provided:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

The Navigation in the District of Lough Neagh to be divided into Two Navigations for the Purposes of this Act.

I. The said Navigation in the District of Lough *Neagh* shall for the Purposes of this Act be divided into Two Navigations; and One of such Navigations shall be called "*Lower Bann* Navigation," and shall consist of the Portion of the said Navigation in the District of Lough *Neagh* next herein-after described; (that is to say,) the Portion of the said Navigation which extends from the Bridge of *Coleraine* in the tidal Part of the River *Bann* to Lough *Neagh* in the Counties of *Londonderry* and *Antrim* respectively, including that Part of Lough *Neagh* situate in the said last-mentioned Counties, according to the Boundaries of the said Counties through the Waters of the said Lough as laid down on the Ordnance Survey; and the other of such Navigations shall be called "*Upper Bann* Navigation," and shall consist of the Portion of the Navigation in the District of Lough *Neagh* herein-after described; (that is to say,) the Portion of the said Navigation which extends from *Blackwater Town* by the River *Blackwater* to Lough *Neagh*, including that Part of the said Lough situate in the said Counties of *Armagh*, *Tyrone*, and *Down*, according to the Boundaries of the said Counties through the Waters of the said Lough as laid down on the Ordnance Survey.

Navigations to vest in Trustees for the Use of Counties.

II. The said *Lower Bann* Navigation and *Upper Bann* Navigation, the said Navigation in the District of *Ballynamore* and *Ballyconnell*, and the said Navigation in the District of *Lough Corrib*, *Mask*, and *Carra*, together with all Locks, Weirs, and other Works, Rights, Members, and Appurtenances thereto belonging, shall, by virtue of this Act, and from the Date of the Award of the said Commissioners of Public Works under the said Act of the last Session of Parliament in relation thereto, vest in the Trustees for the Time being incorporated under this Act for such Navigation, for the Use of the Counties, Baronies, and Townlands chargeable under such Award, and shall be held, maintained, and preserved by such Trustees, subject to the Provisions in this Act contained.

Commissioners to determine what are Navigation Works and what are Drainage Works.

III. The Works to be vested as aforesaid in the Trustees of the said Navigations respectively under this Act shall be the Works described in this Behalf in the Award of the said Commissioners of Public Works, and the Works (connected with such Navigations respectively) for the Maintenance whereof as Works of Drainage Trustees are to be appointed under the Act of the Session holden in the Fifth and Sixth Years of Her Majesty, Chapter Eighty-nine, and the Acts amending the same, shall be the Works described in this Behalf in the Award of the said Commissioners of Public Works.

Trustees of Lower Bann Navigation.

IV. The following Persons shall be Trustees of the said *Lower Bann* Navigation; that is to say, *George Macartney*, Esquire, M.P., the Reverend *Arthur Pakenham*, *John Montgomery* Esquire, *John Rowley Miller* Esquire, and *Henry Stanley M'Clintock* Esquire, as Trustees on behalf of and as representing the County of *Antrim*; and Sir *H. Hervey Bruce* Baronet, *Robert Peel Dawson* Esquire, *Andrew Spotswood* Esquire, *George Bicknell* Esquire, and *Henry Anderson* Esquire, as Trustees on behalf of and as representing the County of *Londonderry*; and *Charles James Knox* Esquire, on behalf of and as representing the Borough of *Coleraine*; and the Trustees for the Time being of such Navigation shall be a Body Corporate, by the Name and Style of "The *Lower Bann* Navigation Trustees," and by that Name have perpetual Succession and a Common Seal.

Trustees of Upper Bann Navigation.

V. The following Persons shall be Trustees of the said *Upper Bann* Navigation; (that is to say,) *John Calvert Stronge* Esquire, *John Hancock* Esquire, and *Denis C. Brady* Esquire,

as Trustees on behalf of and as representing the County of *Armagh*; *Richard Loyd* Esquire, *John Cranston* Esquire, and *Walter Hoare* Esquire, as Trustees on behalf of and as representing the County of *Tyrone*; and Major *Henry Waring* and *Crane Brush* Esquire, as Trustees on behalf of and as representing the County of *Down*; and the Trustees for the Time being of such Navigation shall be a Body Corporate, by the Name and Style of "The *Upper Bann* Navigation Trustees," and by that Name have perpetual Succession and a Common Seal, and sue and be sued.

Trustees of Navigation in Ballinamore and Ballyconnell District.

VI. The following Persons shall be Trustees of the said Navigation in the District of *Ballinamore* and *Ballyconnell*; that is to say, *Perrott Thornton* Esquire, Captain *John Johnston*, and *Archibald Godley* Esquire, as Trustees on behalf of and as representing the County of *Cavan*; *Francis La Touche* Esquire, *William Lawder* Esquire, and *Hugh O'Beirne* Esquire, as Trustees on behalf of and as representing the County of *Leitrim*; the Right Honourable the Earl of *Erne*, the Reverend *John Grey Porter*, and *Robert Collins* Esquire, as Trustees on behalf of and as representing the County of *Fermanagh*; and the Right Honourable Lord Viscount *Lorton*, *Edward King Tenison* Esquire, and *James Kerkwood* Esquire, as Trustees on behalf of and as representing the County of *Roscommon*; and the Trustees for the Time being of such Navigation shall be a Body Corporate, by the Name and Style of "The *Ballinamore* and *Ballyconnell* Navigation Trustees," and by that Name have perpetual Succession and a Common Seal, and sue and be sued.

Trustees of Navigation in Lough Corrib District.

VII. The following Persons shall be Trustees of the said Navigation in the District of Loughs *Corrib*, *Mask*, and *Carra*; that is to say, the Most Noble the Marquis of *Clanricarde*, Lord *Clanmorris*, *Anthony O'Flaherty* Esquire, M.P., *Francis Blake* (of *Cregg*) Esquire, *James Martin* Esquire, and *Denis Kirwan* Esquire, as Trustees on behalf of and as representing the County of *Galway*; *Edward C. Burke* Esquire, the Reverend *Peter Daley*, and *John Blakeney* Esquire, as Trustees on behalf of and as representing the County of the Town of *Galway*; and the Right Honourable the Earl of *Lucan*, Lieutenant Colonel *G. G. Ouseley Higgins*, M.P., and Colonel *Charles Knox*, as Trustees on behalf of and as representing the County of *Mayo*; and the Trustees for the Time being of such Navigation shall be a Body Corporate, by the Name and Style of "The Lough *Corrib* Navigation Trustees," and by that Name have perpetual Succession and a Common Seal, and sue and be sued.

Navigation Trustees may purchase and hold Lands, &c.

VIII. The said Navigation Trustees so respectively incorporated may for the Purposes of their respective Trusts (without Licence in Mortmain), purchase, take, and hold Lands and Hereditaments, and Goods and Chattels, and dispose thereof.

Grand Jury may remove Trustees.

IX. It shall be lawful for the Grand Jury of every County which or any Barony or Townland in which is chargeable under the Award of the said Commissioners of Public Works in relation to any Navigation herein-before mentioned, and vested in Trustees under this Act, at any Assizes to be hereafter held for such County, to remove any of the Trustees of such Navigation named in this Act, or to be hereafter elected on behalf of such County.

Provisions for supplying Vacancies among Trustees.

X. If any Trustee named in or to be elected under this Act die, resign, or refuse or become incapable to act, or be removed, it shall be lawful for the Grand Jury at any Assizes to be holden for the County on behalf of which such Trustee shall have been named or elected to elect another Trustee in his Place; provided, that every Trustee to be so elected shall be seised or possessed of Freehold or Leasehold Lands situate in the County on behalf of which he is elected of the yearly Value of One hundred Pounds or upwards over and above any Rent payable thereout, or shall be Agent to an Estate in such County of the yearly Value of Two thousand Pounds or upwards, or to Two or more Estates in such County of such yearly Value in the whole: Provided always, that the same Power of Appointment and Removal hereby given to the Grand Juries with regard to the Trustees for the Counties of *Antrim* and *Londonderry*, shall, as far as One of such Trustees, in the Case of the said *Lower Bann* Navigation, be exercised by the Town Commissioners of *Coleraine*.

Power to appoint Officers.

XI. It shall be lawful for the said Navigation Trustees respectively from Time to Time to appoint and employ an Engineer and Superintendent of the Navigation and Works of which

which they are Trustees, a Clerk, Collectors, and such other Officers and Servants as may be necessary, at such Salaries or Payment respectively as the said Navigation Trustees may think proper, and from Time to Time to dismiss at their Discretion the Persons so appointed or employed, and appoint and employ others in their Place.

First Meetings of Trustees.

XII. The said Trustees so respectively incorporated shall hold their First Meetings respectively at Noon on the Third Tuesday in the Month of *January* next, and such Meetings shall respectively be held as follows:

For the *Lower Bann* Navigation at the Court House in *Ballymoney* in the County of *Antrim:*

For the *Upper Bann* Navigation at the Court House in *Lurgan* in the County of *Armagh:*

For the *Ballinamore* and *Ballyconnell* District at the County Court House in *Cavan* in the County of *Cavan:*

For the Loughs *Corrib*, *Mask*, and *Carra* District at the County Court House in *Galway.*

Quorum of Trustees.

XIII. All Powers and Duties vested in the Trustees of any of the said Navigations may be exercised at any Meeting of such Trustees at which not less than Three of them are present.

Trustees may appoint Committees.

XIV. It shall be lawful for the Trustees of any such Navigation as aforesaid from Time to Time to appoint from among themselves Committees for such Purposes, connected with the Management of such Navigation, as such Trustees may think fit, and from Time to Time to continue, alter, or discontinue any such Committee; provided that no such Committee shall be appointed consisting of less than Three Persons.

Power to take Tolls.

XV. It shall be lawful for the said Trustees, from Time to Time and at all Times hereafter, to demand, receive, levy, and take for and in respect of the Use of the Navigation of which they are Trustees, and also for Wharfage or Quayage at any Pier, Harbour, Landing Place, Quay, or Wharf, built, erected, or made in connexion therewith, such Rates or Tolls as the said Trustees, with the Approbation of the said Commissioners of the Treasury, think fit; and it shall be lawful for the said Trustees to fix the Time or Times respectively from and after which such Rates or Tolls shall be payable.

Limitation of Tolls.

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

Tolls may be raised or lowered.

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

If Disputes should arise about the Amount of Tolls, the Collectors may weigh the Goods in order to ascertain Amount to be paid.

XVIII. If any Dispute or Difference shall arise between the Collectors of the Rates or Tolls made payable under this Act and the Owner, Master, or Person having charge of any Boat, Barge, or other Vessel, or the Owner of any Goods, Wares, and Merchandise, or other Things chargeable with or liable to the Payment of any of the said Rates or Tolls, concerning the Weight or Quantity of the same, it shall be lawful for such Collector to stop and detain any such Boat, Barge, or other Vessel, and to weigh, measure, or gauge, or cause to be measured, weighed, or gauged, all such Goods, Wares, and Merchandise, or other Things

Things as shall be in any Vessel where and when any Dispute shall arise; and in case any such Goods, Wares, and Merchandise, or other Things shall, upon such weighing, measuring, or gauging, appear to be of as much Weight, Measure, or Quantity as or of greater Quantity than such Collector did insist and affirm the same to be before the weighing, measuring, or gauging thereof, so as to make the same chargeable with or liable to the Payment of as much Money as or more Money than was demanded by the Collector before the weighing, measuring, or gauging of such Goods, Wares, or Merchandise, or other Things, then and in such Case the Master or Owner of such Boat, Barge, or other Vessel, or the Owner of such Goods, Wares, and Merchandise so weighed or measured or gauged, shall pay the Costs and Charges of such weighing, measuring, or gauging thereof; all which said Costs and Charges, upon Refusal of Payment thereof on Demand, shall and may be recovered as the Rates and Tolls made payable in and by this Act are appointed to be recovered; but in case such Goods, Wares, and Merchandise, or other Things, shall, upon such weighing, measuring, or gauging, appear to be of no greater Weight or Quantity than the Master or Owner declared the same to be before the weighing, measuring, or gauging thereof, then and in such Case such Collector shall pay the Costs and Charges of such weighing, measuring, or gauging, and shall also pay to the Master or Person having charge of such Boat, Barge, or other Vessel, or to the Owner of such Goods, Wares, and Merchandise, a Sum not exceeding Two Shillings and Sixpence for every Hour that such Boat, Barge, or other Vessel shall be detained by occasion of such weighing, measuring, or gauging, and so in proportion for any greater or less Time than an Hour; and in default of immediate Payment thereof the same shall be levied by Distress and Sale of the Goods and Chattels of such Collector, or of any Lessee of such Rates or Tolls by whom such Collector may have been employed, by Warrant under the Hand and Seal of any Two Justices of the Peace for the County, Liberty, or Place where such Collector shall reside, rendering the Overplus to the Owner thereof after such Distress and Sale made.

Lock-keepers to attend Locks.

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

Penalty on Neglect.

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

XX. The said Trustees shall cause an Account or List, printed or painted in legible Characters, of the several Rates or Tolls which the said Trustees shall from Time to Time direct and appoint to be taken, and which shall be payable by virtue of this Act, to be affixed on Boards in some conspicuous Place at or near which any such Rates or Tolls shall be collected or received, and shall cause the same to be continued and renewed as often as the same shall be obliterated or defaced.

For enforcing the Payment of Rates and Tolls.

XXI. It shall be lawful for the Collectors appointed and authorized in this Behalf by the said Trustees of the said Navigations respectively to demand and take the Tolls and Rates payable by virtue of this Act, and in case of Refusal or Neglect, on Demand, to pay such Rates or Tolls to the respective Persons appointed to receive the same as aforesaid, the said Trustees may sue for and recover the same by an Action of Debt in any of Her Majesty's Courts of Record, or by Civil Bill, or the Person to whom such Rates or Tolls ought to have been paid may and he is hereby empowered to seize the Goods, Articles, or other Things for or in respect whereof any such Rates or Tolls ought to be or ought to have been paid, or any Part thereof, and the Vessel laden therewith, and detain the same until such Payment shall be made, together with all reasonable Charges for such Seizure and Detention; and if such Goods, Articles, and Things shall not be redeemed within Twenty-one Days after the taking thereof, the same shall be appraised and sold as the Law directs in Cases of Distress for Rent, and such Rates, Tolls, and Charges satisfied thereout.

Power to Trustees to

XXII. It shall be lawful for the said Trustees (if they shall think fit), by public Bidding, from Time to Time to let all or any of the Tolls and Rates payable under the Provisions of this

this Act for Terms not exceeding Seven Years, on such Conditions, and with such Security for the Payment of the Rent reserved on such Lease as the said Trustees shall deem expedient; and every such Lease shall be valid, and the respective Lessees thereof, and also such Persons as such Lessees shall appoint to collect and receive the Rates or Tolls so let, shall have the same Powers and Authorities for collecting and recovering the same as are herein-before by this Act given to the said Trustees and the Person appointed by them to collect such Tolls and Rates.

grant Leases of the Rates and Tolls.

XXIII. In case any of the Rates or Tolls by this Act authorized to be taken shall be demised or let, and the Lessee thereof shall refuse or neglect to perform the Terms and Conditions on which the same shall be so demised or let, or any of them, or in case all or any Part of any Rent agreed to be paid by any such Lessee shall be in arrear or unpaid for the Space of Twenty-one Days next after any of the Days on which the same ought to be paid pursuant to the Lease of such Rates or Tolls, or in case any such Lease shall in any other Manner become void or voidable or determine, or in case any Collector of the said Rates or Tolls appointed by the said Trustees as aforesaid shall be discharged from his Office, or shall die, abscond, or absent himself, and any such Collector who shall be so discharged, or the Wife, Widow, or any of the Children or Family, or any Representative of any such Collector, or any other Person being in possession thereof, shall refuse to deliver up or shall not deliver up Possession of any Toll House, Office, or other Building, with the Appurtenances thereto respectively belonging, to be used for the Purposes of this Act, within the Space of Seven Days next after a Demand thereof in Writing on behalf of the said Trustees shall be given to him, or affixed to such Toll House, Office, or Building, then and in any of the said Cases it shall be lawful for any Two or more Justices of the Peace acting within their Jurisdiction, upon any Application made by the said Trustees, by Warrants under the Hands and Seals of the said Justices, to order any Constable or other Peace Officer, with such Assistance as shall be necessary, to enter upon and take possession of every or any such Toll House, Office, or other Building, with the Appurtenances, and to remove and put such Lessee, Collector, or other Person as shall be found therein, together with his Goods, from and out of the same and the Possession thereof, and from the Collection of such Rates or Tolls, and to put the said Trustees, their Agent, or their new Lessee or Collector, into the Possession thereof; and it shall be lawful for the said Justices to declare such Lease to be void and determined, and the same shall be void and determined accordingly (save as to any Rights and Liabilities in respect of any Rent already accrued and any Breach of any Terms or Conditions already committed).

Power of Re-entry in case of Nonperformance of the Conditions of such Leases.

XXIV. The Income which the said Trustees shall receive for or in respect of any Tolls or other Rates to be imposed and levied under this Act shall be applied, in the first instance, in paying the Salaries of the Officers and Servants authorized by this Act to be appointed by the Trustees, and in Payment of Expenses of collecting such Tolls and Rates as aforesaid, and of the Expenses attending or incident to the Maintenance of the Works of the Navigation of which they are Trustees, and all other Expenses attending the Conservancy of such Navigation.

Application of Income derived from Receipt of Tolls or Rates.

XXV. All Expenses of and incident to the Maintenance and Conservancy of each of the said Navigations shall (so far as the same may not be defrayed out of the Income aforesaid) be borne and paid by such Counties, Baronies, and Townlands, and Parts thereof respectively, and in such Proportions as by the Award of the said Commissioners of Public Works shall be in this Behalf provided.

Expenses of Navigations not defrayed by Income to be paid by Counties, &c. as herein named.

XXVI. It shall be lawful for the said Commissioners of the Treasury at any Time, and from Time to Time, within the first Two Years after the passing of this Act, if they think fit, upon an Estimate being laid before them by the Trustees of any of the said Navigations of what Sum will be requisite for the Expenses of such Navigation for the then current Year, to direct that any Sum or Sums of Money, not exceeding in the whole the Sum of Five hundred Pounds in any One Year for any one of the said Navigations, shall be advanced and paid to such Trustees out of the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to be applied, under the Direction of the said Trustees, in the necessary Maintenance and Repair of such Navigation and in the Payment of

Power to Treasury to advance Money during first Two Years for Expenditure of Trustees.

of the Officers and Servants of such Trustees under this Act; and the said Commissioners of the Treasury shall certify from Time to Time to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* the Sums so advanced, with a view to the Repayment thereof as herein-after provided.

Trustees of each Navigation to transmit an Account to Grand Juries at each Assizes.

XXVII. The Trustees of each of the said Navigations shall transmit to the Grand Jury assembled at the Summer Assizes One thousand eight hundred and fifty-seven, to be held for every County which or any Barony or Townland in which is liable to contribute towards the Expense of and Maintenance of such Navigation, an Account of the Receipts and Expenditure of such Trustees up to the Thirtieth Day of *June* One thousand eight hundred and fifty-seven inclusive; and such Trustees shall also furnish to such Grand Juries at each Spring and Summer Assizes to be thereafter held like Accounts of the Receipts and Expenditure of such Trustees from the Time to which their last preceding Account was made up to the Thirty-first Day of *December* and the Thirtieth Day of *June* inclusive next preceding the Commencement of the Assizes.

Grand Juries, upon Estimates of Trustees, to present the necessary Amount.

XXVIII. The Grand Juries of the several Counties to which any such Account as aforesaid is transmitted under this Act in relation to any such Navigation shall, upon an Estimate being transmitted to them by the Trustees of such Navigation of what Sum will be requisite for the Expenses thereof until the following Assizes, without Application to Presentment Sessions or otherwise, present the Amount of such Estimate to be paid to the said Trustees, such Amount to be so presented by the said Grand Juries to be raised upon the respective Counties, Baronies, and Townlands liable to contribute to the Maintenance of such Navigation, and in the Proportions in which such Counties, Baronies, and Townlands are liable so to contribute.

In case Navigations or Works are not kept in repair, the Treasury may order the same to be repaired, &c.

XXIX. In case it appear to the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, upon any Representation in this Behalf, of Five or more Persons paying County Cess within the Counties, Baronies, and Townlands or Parts thereof chargeable for the Maintenance of any of the said Navigations, that such Navigation, or any of the Works connected therewith, is or are not kept and maintained in good and proper Repair by the Trustees thereof, or that any sudden Damage has occurred to such Navigation, or any of the Works connected therewith, it shall and may be lawful for such Lord Lieutenant or other Chief Governor or Governors, if he or they think fit, to signify the same to the said Commissioners of the Treasury, and thereupon it shall and may be lawful for such last-mentioned Commissioners in any such Case, if they think fit, on an Estimate being laid before them by the said Commissioners of Public Works, or any Two of them, setting forth what Repairs are necessary, and what Sum will be requisite for such Repairs, to direct that any such Sum or Sums of Money, or any Part thereof, be advanced and paid to the said Commissioners of Public Works out of the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, to be applied under their Directions in such Repairs; and such last-mentioned Commissioners, or any Two of them, shall certify to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* the Amount expended in such Repairs, with a view to the Repayment thereof as herein-after provided.

Provision for Recovery of Money advanced for Purposes of this Act.

XXX. Where under this Act any Amount is certified to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* by the said Commissioners of the Treasury or the said Commissioners of Public Works, or any Two of them, to have been advanced or expended by such Commissioners respectively under this Act, the Chief Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or in his Absence the Under Secretary, shall certify to the Secretaries of the Grand Juries of the Counties which or any Baronies or Townlands in which respectively are liable to contribute towards the Expense of maintaining the Navigation in respect of which the Advance or Expenditure was made, the Amount of Money so certified to the Lord Lieutenant or other Chief Governor or Governors to have been advanced or expended, and shall also certify the Proportions in which such Counties or any Baronies or Townlands therein respectively shall be chargeable with the Amount so advanced or expended, such Proportions to be the same as those in which such Counties, Baronies, and Townlands respectively are liable to contribute

bute towards the Maintenance of such Navigation; and every such Certificate shall be laid before the Grand Juries of such Counties at the next Assizes after the Date thereof; and thereupon the Grand Juries of such Counties shall present the Amount stated in such Certificate to be paid to the Paymaster of Civil Services in *Ireland*, such Amount to be so presented by the said Grand Juries to be raised upon the respective Counties or Baronies or Townlands in conformity with such Certificate; and in default of Presentment as aforesaid by the Grand Jury of any County the Treasurer of such County is hereby required, without any Presentment or Authority, when issuing his Warrant for levying Grand Jury Cess, immediately after the Assizes next ensuing the Date of such Certificate, to insert in a separate Warrant, to be by him issued for the Levy of the same, the Amount mentioned in such Certificate to be raised off such County, or the Barony or Baronies, Townland or Townlands therein mentioned; and such Amount as shall be so presented or included in any such Warrant as aforesaid shall be applotted, raised, and levied, sued for, and recovered, by such and the same Ways and Means as any Grand Jury Cess; and when and so soon as the Sum so to be presented or included in such Warrant as aforesaid shall be raised and received by the Treasurer of any such County, such Treasurer shall pay over the same to the Paymaster of Civil Services in *Ireland*, or in such Manner as the said Commissioners of the Treasury shall direct.

Power to Trustees, with Consent of Grand Juries, to dispose of Navigations.

XXXI. It shall be lawful for the Trustees for the Time being of any Navigation, by and with the Consent of the Grand Juries of the several Counties which or any Baronies or Townlands in which respectively are liable to contribute to the Maintenance of such Navigation, such Consent to be signified by Resolutions of such Grand Juries at any Assizes, to dispose of such Navigation, together with the Tolls thereof, and the Locks, Weirs, and other Works thereto belonging, to any Person willing to purchase the same, and the Receipts of the said Trustees under their Seal and the Hands of any Three or more of them, for any Purchase Monies thereof, shall be sufficient Discharges for the same; and such Monies shall be paid to the Treasurers of the respective Counties which or any Baronies or Townlands in which contributed to the Expense of the Construction of such Navigation, in the Proportions in which such Counties, Baronies, and Townlands contributed thereto, to be placed by such Treasurers respectively to the Credit of their respective Counties, or such Baronies or Townlands therein, as aforesaid; and after such Disposition such Counties, Baronies, and Townlands shall cease to be liable to maintain such Navigation, and the Purchasers and their Assigns shall have all the Rights with respect to the said Navigation, Works, and Tolls, and otherwise, subject to the same Control, as the said Trustees would have had and been subject to.

Power to Trustees to make Byelaws for regulating Management, &c.

XXXII. It shall and may be lawful for the said Trustees and they are hereby authorized and empowered, from Time to Time and at all Times hereafter, to make such Byelaws as to them shall seem meet and proper for regulating the Conduct and Management of the Business of the said Trustees, and Conduct of all Officers, Workmen, and Servants employed by them, and for the well and orderly using and preserving the Navigation of which they are Trustees and the Off-branches thereof respectively, and the Banks, Basins, Reservoirs, Tunnels, Locks, Sluices, and all other Works thereto respectively belonging, and for regulating the passing and re-passing of all Ships, Boats, Lighters, Barges, and other Vessels, and the carrying of all Goods, Wares, Merchandise, and Commodities which shall be navigated or conveyed thereon respectively, and for the orderly Behaviour of all Seamen, Boatmen, Watermen, Bargemen, and others who shall navigate such Ships, Boats, Barges, Lighters, and other Vessels upon such Navigation or the Off-branches thereof, or who shall be employed in carrying or conveying any Goods, Wares, Merchandise, or Commodities thereon, and for the Superintendence, Management, and Conservation of the said Navigations and Off-branches thereof respectively in all other respects whatever, and from Time to Time to alter or repeal all or any of such Byelaws, and to make others, and to impose such Fines and Penalties upon all Persons offending against any of such Byelaws as to the said Trustees shall seem reasonable, not exceeding the Sum of Five Pounds for any One Offence, any such Fine or Penalty to be recoverable on summary Conviction; which said Byelaws shall be reduced into Writing, and sealed by the said Trustees, and printed and published; and such of the same as shall subject any Person not being an Officer or Servant of

Power to impose Fines, &c. for Offences against Byelaws.

of the said Trustees to any Fine or Penalty shall be painted on Boards, and hung up and affixed and continued in some Place at or near which any Rates or Tolls shall be collected under this Act, and in such Places as to the said Trustees shall seem fit, and shall from Time to Time be renewed as often as the same or any Part thereof shall be obliterated or destroyed; and such Byelaws shall be binding upon and shall be observed by all Persons whatsoever, and shall be sufficient in all Courts of Law or Equity to justify all Persons who shall act under the same; provided that such Byelaws be approved of by a Judge of One of Her Majesty's Superior Courts of Record in *Dublin*.

As to Approval of Byelaws.

Copy of Byelaws to be Evidence.

XXXIII. Provided always, That in all Cases of Prosecution for any Offence or Offences against any of the Byelaws of the said Trustees, the Production of a written or printed Paper purporting to be the Byelaws of the said Trustees, and authenticated by the Seal of the said Trustees, shall be Evidence of the Existence of such Byelaws.

Penalty on Persons depositing Ballast, &c. so as to obstruct the River.

XXXIV. If any Person shall throw or deposit any Ballast, Gravel, or other Matter or Thing, so as to interrupt or obstruct the free Passage of Water or Vessels into, through, or in any of the said Navigations, or any of the Cuts, Sluices, or Canals, or any of the Off-branches, or shall, without the Consent of the said Trustees, lay any Ballast, Gravel, Stones, Dirt, Rubbish, Lime, Timbers, or Clay on any of the Banks, Locks, or Trackways of any of the Navigations aforesaid, or do any other Damage to the said Navigations or any of them, or if any Person shall maliciously open any Lock, Sluice, Dam, Gate, or Watercourse belonging to any of the said Navigations, or shall so leave any of the same open after any Boat has passed, or otherwise mis-spend or waste the Water of any of the said Navigations, every such Person on summary Conviction of any of the Offences aforesaid shall be subject to a Penalty not exceeding Ten Pounds.

If any Nuisance be continued after Notice, it shall be considered a new Offence.

Penalty.

XXXV. If any Offence against or Breach of any Provision of this Act or any Byelaw made as aforesaid be continued, or be not abated, removed, or discontinued within Seven Days after Notice in Writing shall have been served on or left at the usual Place of Abode of the Person or Persons committing such Offence or Breach, requiring him or them to discontinue the same, every such Continuation shall be deemed and taken to be a separate and distinct Offence within the Meaning of this Act; and such Person shall on summary Conviction thereof be subject to a Penalty not exceeding Five Pounds for each and every Day of such Continuation.

Penalty on Persons assaulting Trustees, Officers, &c. in execution of Powers of this Act.

XXXVI. If any Person or Persons shall wilfully prevent, assault, or threaten to assault any of the Trustees for the Execution of this Act, or any Engineer or other Officer, Servant, or Workman acting in aid or under the Orders of any such Trustee in the Execution of any of the Powers given by this Act, or shall injure, damage, or destroy any of the Piers, Quays, Landing Places, Wharfs, Beacons, or Lighthouses, or any Work or Works connected with the said Navigations, or shall persist in doing so after having been required by the said Trustees or any of them, or any Person acting under them, not to do or continue to do any Matter or Thing injurious to any of the said Works, or shall do any other Matter or Thing prohibited by any of the Provisions of this Act, or any Byelaw made in pursuance thereof, any Person so offending shall for every such Offence, upon summary Conviction thereof, be subject to a Penalty not exceeding Five Pounds.

Power to include in Award Lands formerly covered with Water.

XXXVII. 'And whereas by means of the Works of the Commissioners of Public Works 'in *Ireland*, under the Act of the Session holden in the Fifth and Sixth Years of Her Majesty, 'Chapter Eighty-nine, and the Acts since passed amending the same, the Waters in certain 'Rivers and Lakes have been lowered so as to make Land formerly covered with Water 'profitable to the Proprietors thereof, and Doubts may exist as to the Power of the said Com-'missioners to include such Lands in their final Award, and charge the same with a Proportion 'of the Expense of the Works in the District in which such Lands so made profitable are 'situate:'

It shall be lawful for the said Commissioners of Public Works in and by their final Award in any District to include any such Lands which may have been previously to the Commencement of the Works of the said Commissioners covered with Water and unprofitable, and to charge such Lands and the Proprietors thereof with a fair Proportion of the Expenses incurred

incurred by the said Commissioners in the Execution of the Works within any such District, in the same Manner as the other Lands within any such District.

Number of Trustees for Maintenance of Drainage Works may be any Number not exceeding Fifteen.

XXXVIII. 'And whereas by reason of the great Extent of some Drainage Districts it 'may be expedient to appoint a greater Number of Trustees for the Maintenance of the 'Drainage Works than is authorized by the said Act of the Fifth and Sixth Years of Her 'Majesty:'

The Number of Trustees to be appointed under the said Act of the Fifth and Sixth Years of Her Majesty, for the Maintenance of any Works of Drainage, may be any Number not exceeding Fifteen; and where before the passing of this Act Trustees have been appointed for the Maintenance of any such Works, the Number of such Trustees may at any Meeting, to be called in like Manner as a Meeting for the Election of new Trustees, be increased to any Number not exceeding Fifteen.

Rates for Maintenance of Drainage Works (as well as Instalments) recoverable by Civil Bill.

XXXIX. The Rates for Maintenance of the Drainage Works in any District in *Ireland* assessed by the Trustees for the Maintenance of such Works, as well as the Instalments payable under any final Award of the said Commissioners of Public Works, shall be recoverable by Civil Bill against the Proprietor for the Time being, within the Meaning of the said Act of the Fifth and Sixth Years of Her Majesty, of the Lands charged therewith, but without Prejudice to any Power now vested in the Trustees of such Drainage Works, or such Commissioners respectively, for the Recovery thereof.

Saving Rights of the Irish Society.

XL. Nothing in this Act contained shall extend to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by the Honourable the *Irish* Society, the Governors and Assistants, *London*, of the New Plantation in *Ulster* within the Realm of *Ireland*, under or by virtue of any Charter or Charters heretofore granted to them by the Crown, or of any Statute or Statutes in anywise relating thereto.

Saving Rights of the Marquis of Donegal.

XLI. Nothing herein contained shall be deemed, construed, or taken to affect, prejudice, or diminish any Estate, Right, Title, or Interest of the Most Noble the Marquis of *Donegal*, his Heirs or Assigns.

CAP. LXIII.

An Act to amend the Acts relating to Grand Juries in *Ireland*.

[21st *July* 1856.]

15 & 16 Vict. c. 63. 16 & 17 Vict. c. 7. 17 & 18 Vict. c. 8.

'WHEREAS an Act was passed in the Session holden in the Fifteenth and Sixteenth 'Years of Her Majesty's Reign, Chapter Sixty-three, to amend the Laws relating to 'the Valuation of rateable Property in *Ireland*: And whereas the said Act was amended by 'an Act passed in the Sixteenth and Seventeenth Years of Her Majesty's Reign, Chapter 'Seven, and by an Act passed in the Seventeenth Year of Her Majesty's Reign, Chapter 'Eight: And whereas it is expedient to make further Provision for the Applotment of 'Grand Jury Assessments:' Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

When General Valuation completed, Grand Jury Assessments to be assessed according to the final List of such Valuation.

I. When the General Valuation of rateable Property has been or shall be completed in any County in *Ireland*, all Grand Jury Assessments to be made in such County shall be applotted and paid upon and in respect of the Property liable thereto by a Poundage Rate according to the net annual Value of the several Tenements and Hereditaments as set forth in the final List of such Valuation so completed, and when and so often as such Valuation shall be revised under the Laws in force for the Purpose of such Revision, all such Assessments as aforesaid shall thenceforward be applotted and paid upon and in respect of such revised Valuation.