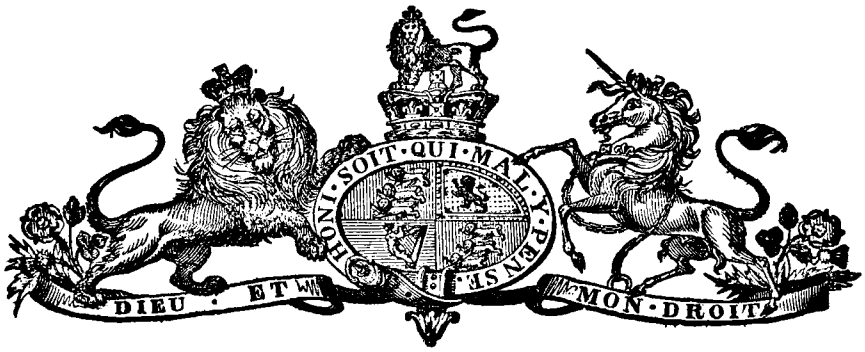



ANNO NONO

# VICTORIÆ REGINÆ.

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## CAP. III.

**An Act to encourage the Sea Fisheries of *Ireland*, by promoting and aiding with Grants of public Money the Construction of Piers, Harbours, and other Works. [5th *March* 1846.]**

WHEREAS it is necessary, for the Encouragement and Promotion of the Deep Sea Fisheries of *Ireland* as a Source of Employment and Food, to provide Funds, partly by way of Grant and partly by way of Loan, for the Construction or Repair of small Harbours, Piers, Quays, and Landing Places, and other Works in connexion therewith, or of a like Nature, and to establish a System whereby the Co-operation of Parties interested may be obtained for securing the Repayment (by Instalments or otherwise) of such Portion of such Funds as shall be advanced by way of Loan for the said Purposes: And whereas it is expedient, with a view to prevent Delay and Expence as to Inquiry into the Titles of and Incumbrances upon the Estates of Parties interested in or benefited by such Works, to define and declare the Mode in which the Repayment of such Sums so lent shall be secured: And whereas it is expedient that Provision be made for the Repair, Maintenance, or Improvement of such small Harbours, Piers, Quays, and Landing Places, and other such Works as at present exist, which may be useful for Fisheries, or which have been wholly or in part constructed with public Money advanced for

the Purposes of the Improvement of the Fisheries of *Ireland*, and for the Maintenance of which there are now no specific Funds; and it is expedient that the necessary Provisions for such Purposes be consolidated into and contained in One Act: 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,

*Commissioners.*

That the Commissioners of Public Works in *Ireland* for the Time being shall be Commissioners for the Execution of this Act; and that it shall and may be lawful for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, by Warrant under the Hands of any Three or more of them, if they shall so think fit, to appoint during Pleasure the Person who for the Time being shall be a Commissioner of Fisheries, appointed by the Commissioners of Her Majesty's Treasury under an Act passed in the last Session of Parliament, intituled *An Act for the further Amendment of an Act of the Sixth Year of Her present Majesty, for regulating the* Irish *Fisheries*, to be associated with the said Commissioners of Public Works for the Time being, and with them to be a Commissioner for the Execution of this Act; and all and every the Powers and Authorities by this Act given to or vested in the said Commissioners for the Execution of this Act may be exercised by any Two or more of them.

Appointment of Commissioners.

8 & 9 Vict. c. 108.

Powers of Commissioners.

II. And be it enacted, That all and every the like Powers and Authorities and Privileges in and by an Act of the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Extension and Promotion of Public Works in* Ireland, or any Act or Acts amending the same, vested in or given to the said Commissioners of Public Works for the Purposes of said recited Acts, shall be vested in, given to, and used and exercised by the Commissioners for the Execution of this Act; and the said Commissioners for the Execution of this Act may and shall in all Cases sue and be sued in the Name of the Secretary of the Commissioners of Public Works in *Ireland* for the Time being for and on behalf of the said Commissioners for the Execution of this Act; and that in all Indictments, or Criminal or Civil Proceedings, the Name "Commissioners of Public Works in *Ireland*" shall be a sufficient Description of the said Commissioners for the Execution of this Act; and that no such Action or Suit at Law or in Equity shall abate or be discontinued by the Death or Removal of such Secretary; and such Secretary for the Time being shall be deemed the Plaintiff or Defendant in such Action or Suit, as the Case may be; and the several Provisions in the said recited Acts contained as to Actions or Suits brought or instituted by or against the said Commissioners of Public Works, and the Proceedings therein, shall extend and be applied to any Action or Suit brought or instituted by or against the Commissioners for the Execution of this Act.

1 & 2 W. 4. c. 33.

*Grants.*

Grants may be made by the Treasury, not exceeding

III. And be it enacted, That it shall and may be lawful for the Commissioners for the Execution of this Act, by and with the Consent and Approbation of the Commissioners of Her Majesty's Treasury, for the Purposes of this Act, to make Advances by way of Grant to an Amount not exceeding in the whole the Sum of Fifty thousand Pounds,

Pounds, and for the said Commissioners of Her Majesty's Treasury to cause to be issued from Time to Time 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 said Sum of Fifty thousand Pounds, to be applied to the Purposes of this Act in the Manner and on the Conditions herein-after mentioned and specified concerning the same.

ing 50,000*l.*, for the Purposes of this Act.

IV. And be it enacted, That the Conditions upon which any such Grants as aforesaid, under the Provisions of this Act, shall be made, shall be as follows; (that is to say,)

Conditions of such Grants.

First.—That any such Grants may be made for constructing, erecting, or making, reconstructing, repairing, or improving, on or near the Sea Coast of *Ireland*, such small Harbours, Piers, Quays, Landing Slips or Places, and Roads of Approach thereto respectively, and such navigable Cuts through Shoals, or for connecting adjacent Bays or Inlets, and such Engines, Beacons, or small Harbour Lights, and other Works of a like Nature respectively, as the said Commissioners shall deem necessary or useful for the Encouragement and Promotion of the Sea Fisheries of *Ireland*:

Second.—That such Works shall be executed, constructed, maintained, and kept in repair by and under the Directions of the said Commissioners for the Execution of this Act, and such Works shall, with any Lands purchased or acquired under the Provisions of this Act, be deemed and taken to be public Property, and be for that Purpose absolutely vested in the said Commissioners and their Successors:

Third.—That any Grant for any one such Work shall not exceed in the whole the Sum of Five thousand Pounds:

Fourth.—That the Amount of any such Grant shall not exceed Three Fourths of the total actual Cost of any such Work, and that such Grant shall be made only upon the Condition that the Repayment of the Residue of the total actual Cost of such Work, with Interest, shall be secured or agreed to be secured by the County, District, or Proprietors of Lands which or who, as herein-after directed, ought in the Opinion of the said Commissioners to provide for securing the same.

*Loans.*

Loans to be made by the Commissioners of Public Works to defray the Residue of the Cost of Works.

V. And be it enacted, That in all Cases of Grants of Money, under the Provisions of this Act, for defraying a Portion of the total actual Cost of such Works, the Amount of the Residue of such Cost shall, with the Approval of the Commissioners of Her Majesty's Treasury, be supplied and advanced out of any Monies applicable to Loans at the Disposal of the said Commissioners of Public Works under the Provisions of the said recited Act, or any Act or Acts amending the same; and the Repayments of such Residue so lent and advanced, with Interest thereon at such Rate as the said Commissioners of the Treasury shall approve, shall be received and recovered in such Manner as herein-after provided, and when so received or recovered shall be paid over and applied as by the said first-recited Act, or any Act or Acts amending the same, Repayments of Loans for Public Works are directed to be paid over and applied.

VI. And

*Preliminary Proceedings.*

Application by Memorial for the Execution of Works.

VI. And be it enacted, That it shall and may be lawful for any Person residing or being Proprietor or Occupier of Land in any District or Place adjacent to the Sea Coast of *Ireland* to apply by Memorial to the said Commissioners, stating the Advantage of or the Necessity for the Construction of any such Work as aforesaid, or the Improvement of any such existing Work, and praying that such District or Place may be examined, and such Works, or such other Works in lieu thereof as the Commissioners shall deem fit, may be executed under this Act, and by such Memorial undertaking, in the event of any such Works, or other Works in lieu thereof, not being duly approved of or proceeded with by the said Commissioners, to defray the Expences of any preliminary Survey and Examination which may be requisite; and the said Commissioners shall cause to be entered in a Book to be by them for that Purpose provided a List of all such Applications as shall be made to them by Memorial as aforesaid, with the Particulars of each Case, and the principal Proceedings thereon.

Preliminary Survey, &c. to be made.

VII. And be it enacted, That on the Receipt of any such Memorial as aforesaid it shall be lawful for the said Commissioners, if they shall so think fit, to order a Survey or Examination to be made of such District or Place, and a Report, Plan, and Estimate of the necessary Work, and the Costs thereof, to be prepared, or to adopt any existing Survey, Report, Plan, or Estimate concerning the same, and, without being limited to any Proposition contained in any such Memorial, or to the District or Place described in any such Memorial, to select and determine, in case of new Works, the Site, Position, and Plan thereof, or, in the Case of existing Works, the Mode of Improvement thereof, which respectively, under all the Circumstances of the Case, shall in their Opinion be best suited to the Wants of such Place, or to the Purposes of this Act, in respect to that Part of the Sea Coast in or near to which such District or Place shall be situated.

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

VIII. And be it enacted, That, for the Purposes of any Inspection, Survey, or Inquiry directed or necessary under any of the Provisions of this Act, it shall be lawful for the said Commissioners, by themselves, their Surveyors, Engineers, Agents, Officers, or Workmen, to enter upon any Lands or Premises in or adjacent to which it is proposed that any Works shall be executed under this Act, and, if necessary, to dig or bore therein, and also to examine any existing Works which it shall seem to them to be necessary to examine, and to make any Soundings, or bore the Bed or Channel of any River, making reasonable Compensation for any Damage done thereby; and the Amount of such Compensation, in case of Dispute, shall be ascertained by Two or more Justices of the Peace at Petty Sessions in or for the District wherein any such Damage shall be committed, and they are hereby authorized and required to inquire into and determine the same, and for that Purpose to examine on Oath or otherwise all such Witnesses as shall be produced before them, and to make such Order as to them shall seem just for the Payment of the Amount of such Damage by the Commissioners to the Party aggrieved, which said Order shall be final and conclusive: Provided always, that the said Commissioners, their Surveyors, Engineers, Agents, Officers, and Workmen,

Workmen, may enter upon such Lands as aforesaid, and do all necessary Matters and Things by this Act authorized, previously to or pending the Decision of such Justices. *Preliminary Proceedings.*

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

IX. 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 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 Two thousand Pounds in any One Year, 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 and prosecuting any such preliminary Examinations or Inquiries as herein-before mentioned; 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 shall be repaid to the Consolidated Fund by the said Commissioners (as in Cases of Repayments of Loans for Public Works) from and out of any Funds or Monies to be received, 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 Expences of any such preliminary Investigation and Inquiry as aforesaid as to any proposed Works 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 Presentment or Assents as required by this Act as to such Works shall not have been obtained within a Time to be limited by the said Commissioners, 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 in the Manner aforesaid.

Commissioners may report to Treasury, and recommend a Grant.

X. And be it enacted, That if upon any such Survey or Examination and Report as aforesaid the said Commissioners shall approve of the proposed Works, or any Modification of the same, or other Works in lieu thereof, and deem it fit to recommend that a Grant should be made for the Execution of the same, they shall forward to the Commissioners of Her Majesty's Treasury a Report upon such Case, with such Information as may be required, and their Recommendation of the Work approved of by them, and the Amount of Money which in their Opinion might properly be advanced by way of Grant for or on account of such Work; and if the said Commissioners of the Treasury shall think fit provisionally to approve of the Work so recommended, or any Modification thereof, and the Amount of Grant recommended, or any Modification thereof, it shall be lawful for the Commissioners of the Treasury to signify their provisional Approval of the same respectively, and to specify the Time to be allowed for the Repayment, and the Rate of Interest to be chargeable upon such Sum of Money as may be required by way of Loan to defray the Residue of the total Cost of the Work so approved of by them, over and above the Amount of Money to be advanced for the same by way of Grant.

*Preliminary Proceedings*

Provisional Declaration to be made by Commissioners as to Works, and Proportion of Grants and Loans for the same.

XI. And be it enacted, That by such Survey or Examination as aforesaid, or otherwise, as the said Commissioners shall think fit, they shall ascertain and determine the County or Counties, the District, or the Lands of any Person or Persons, as the Case may be, which in their Opinion will be benefited by the proposed Works, and, having regard to the Regulations herein-after mentioned, ought in their Opinion to secure or become chargeable with the Repayment of such Portion of the total Cost of such Works as shall be advanced by way of Loan; and the said Commissioners shall, upon receiving from the Commissioners of the Treasury their provisional Approval as aforesaid, cause to be prepared a provisional Declaration under their Hands, describing, by Reference to Plans or otherwise, the Works proposed to be executed as provisionally approved of as aforesaid, and the estimated Cost thereof, with the respective Proportions of such Cost to be supplied by way of Grant and by way of Loan, and the Time of Repayment of and the Rate of Interest on such Loan, and the County or Counties, or the Extent of District, or Lands, which ought, in the Opinion of the said Commissioners, to secure or become chargeable with the Repayment of such Loan and the Interest thereon.

Regulations as to the securing of Loans.

XII. And be it enacted, That the said Commissioners, in determining what "County," "Counties," "District," or "Lands" ought in their Opinion to secure or become chargeable with such Sums of Money, with Interest thereon, as shall be advanced by way of Loan for any such Works, shall be guided by the Regulations following; (that is to say,)

Case of "Counties."

First.—If the Work on or near the Coast of any County or Counties be of such a Nature as to confer a general rather than a local Benefit, such as the Removal of Obstructions to Navigation, the opening of Passages through Shoals or between Rocks, the connecting of Bays or Inlets of the Sea, the Erection of Beacons in certain Cases, and other similar Works, such Loan ought to be secured by Grand Jury Presentment on such "County or Counties" at large:

Case of "County" and "District" conjointly.

Second.—If the Work, from its Nature and Extent, would afford Facilities for Commerce and Agriculture as well as Fisheries, or be calculated to produce a considerable Market for Fish and Trade arising thereout, and thus afford general as well as local Advantage, a Moiety of such Loan ought to be secured by Presentment on the County at large, and the other Moiety by the "District" adjacent to such Work, to be determined and defined as herein provided:

Case of "District."

Third.—If the Work be on or near the Shore of a cultivated or populous District or Island, or for such Reason or otherwise is calculated to confer important local Advantage, as a landing or shipping Place for agricultural or other Produce or Goods, as well as a Fishing Station or Market, such Loan ought to be secured and become chargeable on the adjacent "District," to be determined and defined as aforesaid:

Case of "Lands of Proprietors."

Fourth.—If the Work be situate in or near uncultivated or partially cultivated Lands, or in remote or thinly-peopled Districts, or be otherwise calculated to confer important Advantages on the Estates or Properties of Proprietors of Lands (as defined

defined by this Act) to an Extent in the Opinion of the said Commissioners commensurate with the Amount of the Loan to be secured, then such Loan ought to be secured and become chargeable upon the "Lands" of such "Proprietors," as hereinafter provided: *Preliminary Proceedings.*

Fifth.—If a Combination of the Circumstances and Advantages described in the foregoing Regulations should be found to exist, or in Cases where Piers or Harbours chiefly useful for the Refuge and Rendezvous of Fishing Vessels are constructed near remote Head Lands or in Islands, the Amount of such Loan ought to be secured by and become chargeable on the "County or Counties," "District," or "Lands," in proportionate Parts accordingly. Case of "County," "District," and "Lands," or any Two of them conjointly.

XIII. And be it enacted, That the said Commissioners shall cause a Copy of such provisional Declaration, together with such Maps, Plans, Sections, and Estimates of the proposed Works as they shall think fit and sufficient, to be deposited for public Inspection at all reasonable Times, for a Period not less than Two Weeks, in such convenient Place or Places as the said Commissioners shall think proper within the County or Counties, or in or in the Vicinity of the District or Lands, as the Case may be, which it is proposed should become chargeable with the Repayment of any Money advanced by way of Loan for such Works; and all Persons shall be at liberty to inspect or make Copies of or Extracts from such Declaration, Maps, Plans, Sections, or Estimates which may be so deposited; and Notice of the Time and Place of such Deposit shall be published in some Newspaper usually circulated in the County, District, or Place in or near which said Work is proposed to be made or constructed, and posted in such public Places as the said Commissioners shall think fit within such County, or in or near such District or Place as aforesaid; and by such Notice all Parties interested shall be required, on or before a Day therein to be named, not sooner than Two Weeks from such Publication and posting as aforesaid of such Notice, to transmit to the Secretary of the said Commissioners in *Dublin* their Objections (if any) in Writing to the said Declaration, Maps, Plans, Sections, and Estimates, and all other Objections which such Parties shall think fit to make with respect to any thing proposed to be done by the said Commissioners under the Provisions of this Act. Provisional Declarations, Plans, Estimates, &c. to be lodged for public Inspection.

XIV. And be it enacted, That in Cases in which the said Commissioners shall deem it expedient so to do they shall, by the Notice to be published and posted as aforesaid, or by a subsequent Notice, to be published and posted in like Manner, call One or more public Meetings of Persons interested or likely to be affected by any such proposed Works, or the Charge for the same, to be held on such Day or Days subsequent to the Expiration of such Period of Two Weeks at such convenient Place or Places as shall be specified in such Notice: Provided always, that if any such Meeting shall be called by any subsequent Notice as before mentioned such Meeting shall be held on a Day not sooner than Two Weeks from the Date of such subsequent Notice. Meetings to hear Objections may be held in certain Cases.

XV. And

*Preliminary Proceedings.*

Proceedings at such Meetings and final Declaration to be printed.

XV. And be it enacted, That in any Case where such Meeting shall be called, then, at the Time and Place named in such Notice as aforesaid, the said Commissioners, or One of them, shall attend, and shall have Power to adjourn from Time to Time, or hold such new Meeting as they shall deem necessary, and shall hear or inquire into, on Oath or otherwise, all such Objections as shall have been or shall then and there by any Person interested be made to such Declaration, Maps, Plans, Sections, or Estimates, or proposed Works, or Charge in respect of the same, and after having considered all such Objections as aforesaid they shall at such Meeting, or subsequently thereto, or in case no Meeting shall have been called or held then upon considering the Objections (if any) which shall have been made in Writing pursuant to such first-mentioned Notice as aforesaid, cause such Alterations (if any) as they may deem expedient to be made in such Declaration, Maps, Plans, Sections, or Estimates, and shall finally settle and sign the same, and shall cause such final Declaration, so settled and signed, to be printed, and a Copy thereof to be furnished to the Memorialists in such Case, or to such Persons interested as they shall think fit, or who shall apply for the same: Provided always, that if the Commissioners shall deem it expedient to alter such Declaration in any Matter or Thing which shall have been provisionally approved of by the said Commissioners of Her Majesty's Treasury, such Alteration shall not be finally determined without the Approval of the said Commissioners of Her Majesty's Treasury.

Final Notice may be published in case the Presentment or Assents herein required be made or given.

XVI. And be it enacted, That after such Declaration shall have been finally settled and printed as aforesaid it shall and may be lawful for the said Commissioners, in the Cases following, to publish in the "*Dublin Gazette*," and otherwise as they shall deem fit, a final Notice, stating that all the Requisitions of this Act, with respect to the Work proposed to be executed, and to all Matters and Things preliminary to the Commencement of the same, and with respect to the Security or Charge for any Monies to be advanced for such Work by way of Loan, have been complied with; (that is to say,)

Case of "Counties" to be chargeable.

First.—Where by such Declaration it shall be declared that in the Opinion of the said Commissioners any "County" ought to secure and become chargeable with the Repayment of any Sum of Money to be advanced by way of Loan for such Work, then in such Case such final Notice shall be published if the Grand Jury of the County, or in the Case of Two Counties if the Grand Jury of the County to become liable to repay the Half or more of such Sums of Money, shall make a Presentment approving of the proposed Work, and consenting that such Sum of Money, or proportionate Part, as the Case may be, shall be secured by or become chargeable and levied upon such County at large, under the Provisions of this Act:

Case of "District" to be chargeable.

Second.—Where by such Declaration it shall be declared that in the Opinion of the said Commissioners any "District" ought to secure and become chargeable with the Repayment of any Sum of Money to be advanced by way of Loan for such Work, then in such Case such final Notice shall be published, if, at a Meeting which may be convened by public Notice issued by the said

Commissioners, and at which Meeting an Officer appointed by the said Commissioners shall attend and preside, the Majority of the Rate-payers present who, under an Act of the First and Second Years of Her present Majesty, intituled *An Act for the more effectual Relief of the Destitute Poor in* Ireland, and any Act amending the same, shall have been rated under the then last Rate in respect of Property in such District, shall approve of and assent to the proposed Work, unless, in case of a Division or Poll at such Meeting, upon a Scrutiny which such Officer shall be authorized to take, it shall appear to such Officer as aforesaid that the Rate-payers declaring their Dissent at such Meeting were by the then last preceding Rate rated in respect of Property valued at more than Half the net annual Value of the rateable Property within such District:

*Preliminary Proceedings.*

1 & 2 Vict. c. 56.

Third.—Where by such Declaration it shall be declared that in the Opinion of the said Commissioners the "Lands of any Proprietors" ought to secure and become chargeable with the Repayment of any Sum of Money to be advanced by way of Loan for such Work, then in such Case such final Notice shall be published if the Proprietors of so much of the Lands as according to such Declaration ought to secure or become chargeable with more than One Half the Amount of such Sum of Money shall assent in Writing to the proposed Work:

Case of "Lands of Proprietors" to be chargeable.

Fourth.—Where by any such Declaration it shall be declared that in the Opinion of the said Commissioners such Sum of Money to be advanced by way of Loan for such Work ought to be secured conjointly by any "County, District," and "Lands of Proprietors," or by any such County and District conjointly, or County and Lands of Proprietors conjointly, or District and Lands of Proprietors conjointly, then in such Case such final Notice shall be published if such County, District, or Proprietors which or who would become liable to such Charge shall have as aforesaid, in the Manner and subject to the Regulations herein-before mentioned, respectively approved or assented to such Work:

Case of "County, District, or Lands," or any Two of them conjointly.

Provided always, that such final Notice shall and may be published in any Case in which the Commissioners of Her Majesty's Treasury shall deem fit to accept and signify their Approval of any other Security for the Repayment of the Monies advanced by way of Loan for any such Work in lieu of the Security herein prescribed or provided, any thing in the foregoing Regulations or Provisions to the contrary notwithstanding; and provided also, that it shall be lawful for the Grand Jury of any County, without Application to Presentment Session, to make any such Presentment as herein-before mentioned in relation to any such proposed Work.

XVII. And be it enacted, That any Person seised or entitled to any Land proposed to be made chargeable under the Provisions of this Act for the Repayment of any Money advanced by way of Loan, in possession, as Tenant in Fee Simple or in Fee Tail, General or Special, or as Tenant by Courtesy, and also any Person who shall be entitled under any Will or Settlement, or any other Deed or Instrument (except a Grant or Lease reserving Rent, or an Agreement

Who shall be deemed Proprietors.

*Preliminary Proceedings.*

in Writing for such Grant or Lease), for his own Life, or the Life of any other Person, or for Years determinable on such Life or Lives, and also any Person who shall be entitled under any Lease granted by a Bishop or any Collegiate or Ecclesiastical Body, or under any Lease granted by any Person having immediate or derivative Title from or under any Bishop or any Collegiate or Ecclesiastical Body, which Lease shall contain a *toties quoties* Covenant of Renewal, and also any Person who shall be entitled under any Grant, Lease, or any other Deed or Assurance for an Estate in Fee, or for a Term of Years absolute whereof One hundred Years or more shall be unexpired, or for an Estate or Interest for any Life or Lives renewable for ever, or for any Term or Terms of Years renewable for ever, whether such last-mentioned Person shall be entitled to any such Estate, Term, or Interest, either absolutely or as Tenant in Tail, or as *quasi* Tenant in Tail, or for his Life, and also every Feoffee or Trustee of any such Land, or of any such Estate or Interest therein as aforesaid, for charitable or other Purposes, shall be deemed a Proprietor of such Land for the Purposes of this Act; and in every Case in which any Person seised, possessed of, or entitled to any such Land for any such Estate or Interest as aforesaid shall be an Infant, Feme Covert, Idiot, or Lunatic, the Guardian of such Infant, the Husband of such Feme Covert, and the Committee of the Estate of such Idiot or Lunatic, shall, subject to the Provisions herein-after contained, be deemed a Proprietor of such Land for the Purposes of this Act: Provided always, that no Person shall be deemed a Proprietor for the Purposes of this Act for or by reason of any Estate vested in him which shall have been created by way of Mortgage, or for the Purpose of securing the Payment of any Sum of Money, but that the Person who would be deemed a Proprietor for the Purposes of this Act if such Estate by way of Mortgage or for securing any Money had not been created shall, if in the actual Possession or Receipt of the Rents, Issues, and Profits thereof, notwithstanding such Mortgage or Security, be deemed such Proprietor as aforesaid: Provided also, that where several Persons shall have in any such Land such Estate or Interests as would otherwise entitle them under the Provisions aforesaid to be so deemed Proprietors, such of the said Persons shall be deemed the Proprietor for the Purposes of this Act as shall be in actual Occupation of the said Land, or as shall have such Estate or Interest as aforesaid therein next in reversion or remainder to the Estate or Interest of the Person in actual Occupation.

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

XVIII. Provided always, and be it enacted, That it shall and may be lawful for any Feoffee or Trustee for charitable or other Purposes, and also for any Guardian, Husband, or Committee of any Infant, Feme Covert, or Idiot or Lunatic respectively, (on behalf of their respective Infants, Wives, Idiots, or Lunatics,) or for any Receiver appointed by any Court of Equity over the Estate of any such Proprietor, to apply, if they shall think fit, in a summary Way, by Petition to Her Majesty's Court of Chancery in *Ireland*, for Leave to assent to the Execution of any Works proposed to be done under the Provisions of this Act; and the said Court shall have Power to inquire into the Propriety of giving such Assent, and to make such Order on the Petition, and as to the Costs thereof, as to the Court

shall seem meet; and if the Court shall authorize any such Assent being given, then it shall be lawful for the Person who shall have presented the Petition to give such Assent, and the same shall be as binding and effectual to all Intents and Purposes whatsoever as if the Person giving the same had been the actual Proprietor of the Lands in respect of which such Assent shall be given. *Preliminary Proceedings.*

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

XX. And be it enacted, That the Assents of Proprietors required to be given in Writing for any of the Purposes of this Act may be given by the known Agent or Attorney of any such Proprietor. Assents may be given by Persons authorized.

XXI. And be it enacted, That the Publication of any such final Notice shall be deemed final and conclusive Evidence that the several preliminary Measures, Proceedings, and Requisitions herein-before directed to be taken and observed have been duly taken and observed, and no Error, Misdescription, Misnomer, Mis-statement, or Omission in any of the Maps, Plans, Sections, Estimates, Declarations, or Notices by this Act required to be prepared, lodged, enrolled, or given by the said Commissioners shall invalidate the same or any of them, or any of the Proceedings under this Act; and from and after the Publication of such final Notice 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 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 Works, or the County, District, or Lands to become chargeable in respect thereof, nor the Extent of such District or Lands to become liable for the Repayment of any Part of the Cost of the Works, 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 Approval of or Assent to any Work which shall have been received by the said Commissioners from any such Meeting of any District, or from any Proprietor of Lands to become chargeable as aforesaid, shall be conclusive and binding upon such District and such Proprietor of and all Persons interested in the Lands of such Proprietor in respect of which respectively such Approval or Assent may have been given, and also upon and against the same District and 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 Publication of final Notice to be conclusive. Errors, Omissions, 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

*Preliminary Proceedings.*

or omitted to be done by the said Commissioners under the Provisions of this Act (save only in such Case and such Manner as herein specially provided), nor shall any Proceedings to be had or taken by or on behalf of the said Commissioners for the Purposes of this Act be removed or removable by Certiorari into any of Her Majesty's Courts of Record.

As to Expence of preliminary Proceeding.

XXII. And be it enacted, That in every Case where any such final Notice shall be published as aforesaid all the Costs and Expences of the preliminary Proceedings herein-before directed to be taken shall be considered as Expences incidental to the Execution of the Works proposed to be executed, and shall be defrayed accordingly; but if in any Case the said Commissioners shall determine that it is inexpedient to execute any of the Works referred to in any such Memorial, or other Works in lieu thereof, or if the necessary Presentment or Assents herein-before required to be obtained shall not be given to the Execution of the proposed Works, then and in any such Case all Expences which shall have been incurred shall be defrayed by the Person or Persons who shall have presented such Memorial as aforesaid, and the same shall be recoverable from such Person or Persons by the said Commissioners by Civil Bill or by Action or Suit in any of the Superior Courts in *Dublin*.

Final Declaration, when settled, to be deposited in the Court of Chancery.

XXIII. And be it enacted, That every such final Declaration, when so settled by the said Commissioners, shall be enrolled in the Rolls Office of Her Majesty's Court of Chancery in *Ireland* within Three Months after same shall have been finally settled; and a Copy thereof shall be deposited with the Clerk of the Peace of each County in which such District shall be situate, who is hereby authorized and required to receive and deposit the same amongst the Records of the County; and a Copy thereof, certified by the proper Officer of Her Majesty's Rolls Office, shall be Evidence that it was duly made, and that all the Requisitions of this Act in relation thereto were complied with.

After Publication of final Notice, Grants and Loans may be issued.

XXIV. And be it enacted, That after the Publication of such final Notice as aforesaid it shall be lawful for the said Commissioners of Her Majesty's Treasury to cause to be advanced out of the growing Produce of the Consolidated Fund of *Great Britain* and *Ireland* from Time to Time, upon the Application of the said Commissioners for the Execution of this Act, such Sum or Sums of Money for the Execution of the Works as shall have been specified in such final Declaration as the Proportion of the Cost of such Works, to be supplied by way of Grant, and the Monies so to be from Time to Time issued for the Purpose last aforesaid shall be accounted to be Part of the Money by this Act authorized to be issued by way of Grant; and it shall and may be lawful for the Commissioners of Public Works in *Ireland*, out of the Funds at their Disposal under the Provisions of the said first-recited Act, or any Act or Acts amending the same, from Time to Time to advance by way of Loan such Sum or Sums of Money for the Execution of such Works as shall have been specified by such final Declaration as the Proportion of the Cost of such Works to be supplied by way of Loan.

XXV. And

*Works.*

After Publication of final Notice, Commissioners may commence the Works.

XXV. And be it enacted, That at any Time after the Publication of any such final Notice as herein-before mentioned the said Commissioners may commence and proceed with the Works proposed to be executed, and to which such Notice may relate.

Commissioners to appoint Officers.

All Officers to account.

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

5 & 6 Vict. c. 106.

Power to execute the Works.

XXVII. And be it enacted, That it shall be lawful for the said Commissioners to contract with or employ such Contractors, Surveyors, Agents, and Workmen as they shall think fit, and to make and execute all such Works as shall be described in the Maps, Plans, and Sections herein-before mentioned, or such Deviations therefrom or such other Works as they shall deem necessary for effecting all or any of the Purposes of this Act, and for such Purposes to enter

*Works.*

into and upon any Land whatsoever, and to widen, straighten, deepen, or divert any Channel, Sailing Course, River, or Stream, and to make or erect any Wharf, Landing Place, Pier, Quay, Harbour, Beacon, Bank, Sluice, Lock, Lockhouse, Lighthouse, or other Building, Drain, Tunnel, Road, Towing Path, Capstan, or other Works necessary for the Purposes of this Act, and also to make any Embankment against the Sea, or remove or cut away any Rocks or other Obstruction to Navigation, or make any navigable Cut or Channel, and to put and place on such Land any Piles, Stones, Earth, Soil, or other Materials for the Purposes of the Works, and also to stop up or divert any Road or remove any Bridge, and to make any new Road or Bridge, and also from Time to Time to repair, alter, or improve any Harbour, Wharf, Landing Place, Quay, Pier, Road, or other Works now made or to be made as aforesaid, and also to do all such Things, and erect such Engines, and execute all such Works as may be necessary or convenient for the Purposes of this Act, making Compensation, to be ascertained in the Manner herein-after mentioned, to all Persons for any Damage occasioned to them by the Exercise of any such Powers.

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

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

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

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



XXX. And

*Works.*

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

XXX. And be it enacted, That if in the Execution of any of the Works authorized by this Act any Field, Close, or Parcel of Land shall be cut through or divided from the Remainder of any Estate, Farm, or Property, so that there shall be left on each or either Side of the said Works or any of them less than One Statute Acre in Quantity, or less than Fifteen Yards in Breadth, then and in every such Case the said Commissioners shall (if thereunto required by the Proprietor of such Field, Close, or other Land so cut through or divided,) take and purchase such Piece or Parcel or Pieces or Parcels so to be left as aforesaid of such Field, Close, or Land, and shall pay for the same in the same Manner as for the Land actually required for the Purpose of this Act; and the said Commissioners are hereby authorized and empowered to sell such Lands which they shall be so required to take and purchase as aforesaid, and cause the same to be conveyed to any Person or Persons whomsoever who shall be willing to purchase the same; and any Profit or Loss arising from such Sale and Resale shall be respectively placed to the Account of the Work in respect of which such Lands shall have been purchased.

*Purchase of Lands.*

Commissioners may purchase Land for the Purposes of the Act.

XXXI. And be it enacted, That it shall be lawful for the said Commissioners to purchase any Lands which they shall think it necessary or proper to purchase for accomplishing any of the Purposes of this Act, and also any Land, not exceeding Five Acres, at, about, and immediately adjoining to the Site of any Pier, Harbour, Quay, or Landing Place to be constructed or improved under the Provisions of this Act, which they may deem requisite, as Sites for the building or constructing Market Places, Drying Sheds, or for Ground for spreading and mending Nets, or for other Purposes of a public Nature, calculated to promote and improve the Fisheries, making such reasonable Satisfaction and Recompence to the Person entitled to or interested in such Land as may be agreed upon, or shall be settled and ascertained in manner herein-after mentioned.

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

XXXII. And be it enacted, That it shall be lawful for every Corporation, and for every Trustee and Feoffee in Trust for charitable or other Purposes, and for every Executor and Administrator, not only for and on behalf of himself, his Heirs, Executors, and Administrators respectively, but also for and on behalf of his Cestuique Trust, whether Infant, Feme Covert, Idiot, Lunatic, or Persons not born or not ascertained, or any other Person whomsoever, and to and for any Tenant for Life, or for Years absolute and determinable on any Life or Lives, and every Person having any other partial or qualified Estate or Interest in any Land required to be purchased for any of the Purposes of this Act, or injuriously affected by any such Works as aforesaid, not only for and on behalf of himself, his Heirs, Executors, Administrators, and Issue, but also for and on behalf of the Person entitled in remainder, reversion, expectancy, or contingency, or for any other future Estate or Interest, where such Person or any of such Persons (if more than One), whether entitled to the next or any subsequent Estate or Interest, or any Part thereof, shall not be ascertained, or shall be incapable of contracting for, selling, or conveying the same, and to and for every Guardian on behalf of his respective Ward, Husband on behalf of his respective Wife, Committee on behalf of the Person of whose Estate

he

*Purchase of Lands.*

he shall be Committee, and the Heirs, Executors, Administrators, and Issue of such Ward, Wife, or Person respectively, and to and for any Feme Covert entitled in her own Right to any such Land, or to Dower or other Interest therein, on behalf not only of herself but also of her respective Heirs, Executors, Administrators, and Issue, and also where such Ward, Wife, Person, or Feme Covert respectively shall be Tenant for Life or in Tail, or for Years, or have any other partial or qualified Estate or Interest, to and for such Guardian, Husband, Committee, and Feme Covert, on behalf of the Person or Persons on behalf of whom such Ward, Wife, Person, or Feme Covert respectively, if of full Age, unmarried, and of sound Mind, might have contracted for, sold, and conveyed the same Land, and to and for every other Person whomsoever who is or shall be seised or possessed of or interested in any such Land, to contract or agree for the absolute Sale or Exchange thereof, and of every or any Part thereof, to the said Commissioners, or to contract for the Amount of Compensation which shall be paid for any Injury thereto, or for the Payment of such Sum of Money for Equality of Exchange as shall be determined by the said Commissioners, and also to execute any Conveyance or enter into any Contract with respect to the Premises which the said Commissioners shall deem necessary for the due Execution of this Act; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be valid and effectual, and all Monies payable by the said Commissioners in respect thereof shall be paid by the said Commissioners out of the Monies to by raised by virtue of this Act, as herein-after mentioned.

Form of Conveyance.

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

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

Satisfaction to be made, and may be accepted.

XXXIV. And be it enacted, That every Corporation, and every Trustee and other Person herein-before capacitated to contract for, sell, and convey any such Land as aforesaid, and any other Owner of any such Land, or of any Share, Estate, or Interest therein, may accept and receive such Satisfaction and Recompence for the Value thereof, and such Corporation, Trustee, Person, or Owner, and also any Tenant for a Year, or from Year to Year, or at Will, or other Occupier

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Occupier of any Land, entitled to such Compensation for such Injury or Damage as shall be sustained on account of the Execution of this Act, or in anywise relating thereto, may accept and receive such Sum of Money in respect thereof as shall be agreed upon between him respectively and the said Commissioners; and in case the said Commissioners and the said Party interested in such Land, or sustaining such Injury or Damage, cannot or do not agree as to the Amount or Value of such Satisfaction, Recompence, or Compensation, the same respectively shall be ascertained and settled in manner herein-after directed.

Commissioners empowered to award the Value.

XXXV. And be it enacted, That if any such Corporation, Trustee, or other Person interested in or herein-before authorized to contract for, sell, and convey any such Land as aforesaid shall neglect or refuse to treat or shall not agree with the said Commissioners, or by reason of Absence or Disability cannot agree, or cannot be found or known, or shall not prove a clear Title to the Land, or the Estate or Interest which he shall claim therein to the Satisfaction of the said Commissioners, or in case any such Corporation or Trustee or other Person sustaining any such Injury or Damage as aforesaid shall not accept such Satisfaction or Recompence for the same as shall be offered by the said Commissioners, for the Space of Thirty Days after Notice published in some Newspaper circulating in the County in which such Lands shall be situate, and a Copy of such Notice given to the principal Officer or Officers of such Corporation, or to such Trustee or Person respectively, or left at his respective Place of Abode, or at the House of the Tenant or Occupier of such Land intended to be purchased, taken, or used for any of the Purposes of this Act as aforesaid, then in every such Case the said Commissioners are hereby empowered, at a Time and Place to be specified in such Notice as last aforesaid, to inquire and examine, by themselves or One of them, or by any Officer to be appointed for that Purpose, and to award the Sum of Money to be paid for the Purchase of such Land, or the Recompence or Satisfaction to be made for Damage that may or shall be sustained as aforesaid, and to settle and ascertain in what Proportions the Sum so awarded shall be paid to the several Persons interested in such Land, or in any Charge, Lien, or Incumbrance thereon, and what Abatements (if any) shall be made in the Rents payable out of the Land named or described in such Award, or any Land held in conjunction therewith; and the said Commissioners shall award such Purchase Money or Recompence so to be assessed, and the said Commissioners shall and may in such Award name or describe the Persons (if known to the said Commissioners) to whom respectively the Sum mentioned therein shall be paid, and in what Proportions the same shall be paid to and among such Persons where more than One, and the Land, naming or describing the same, in respect of which such Sum has been so awarded, and also what Abatements (if any) shall be made in the Rents payable out of the Land named and described in such Award, or any Land held under the same Lease or Instrument in conjunction therewith; and the said Commissioners shall notify and appoint a Time and Place for holding a Meeting for the Confirmation of their said Award, and they, or One of them, shall attend at such Time and Place, and at

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such Meeting, or at some Adjournment thereof, proceed to consider each Case, and hear all Objections which may be made thereto by any Person whatsoever, and receive all such Evidence as they shall find pertinent and proper, and amend or confirm and settle each such Award accordingly; and such Award shall be conclusive and binding upon the Queen's most Excellent Majesty, and all other Persons interested, except in the Case and subject to the Provisions hereinafter contained: Provided always, that after having offered to any Proprietor or Occupier of any Land such Sum as the said Commissioners shall think reasonable, it shall and may be lawful for them, without further Delay, to enter into and upon such Lands for the Purposes of this Act, and to proceed with such Works thereon as shall in the Opinion of the said Commissioners be necessary.

Any Person dissatisfied with the Adjudication of the Commissioners may appeal to the Assistant Barrister at Quarter Sessions;

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

who may determine the Matter either by or without the Verdict of a Jury, if required.

Jurors to be summoned.

XXXVII. And be it enacted, That if in any Notice of Appeal to be served on said Commissioners as aforesaid the Party appealing shall require a Jury to be summoned for determining the Matter of such Appeal, then and in every such Case the said Commissioners shall issue their Warrant under their Hands and Seals to the Sheriff of



the

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the County where such Appeal is to be heard, commanding such Sheriff to impannel, summon, and return a Jury, and such Party shall also serve a Copy of such Notice of Appeal on such Sheriff; and the said Sheriff to whom the said Warrant shall be directed or such Notice given is hereby required accordingly to impannel, summon, and return a Jury of Twenty-four Men, qualified according to Law to be returned for Trials of Issues joined in Her Majesty's Courts in *Dublin*, to appear before the said Assistant Barrister at such Time and Place as in such Warrant or Warrants shall be appointed, not being less than Fourteen Days after such Warrant shall be served upon the said Sheriff, upon pain to forfeit for every Default in not making such Return Five Pounds, to be sued for and recovered in the Manner herein-after directed, and also to return in Issues upon every Person so impannelled and returned, who, contrary to the true Intent and Meaning of this Act, shall not appear, the Sum of Forty Shillings, which shall be levied, by Distress and Sale of the Goods and Chattels of the Person not appearing as aforesaid, by Warrant under the Hand and Seal of the said Assistant Barrister; and in case a sufficient Number of Jurymen shall not appear at such Time and Place, the said Sheriff shall return other honest and indifferent Men that can speedily be procured to attend that Service, being qualified as aforesaid, to make up the said Jury to the Number of Twelve; and all Parties concerned shall and may have their lawful Challenges against any of the said Jurymen; and the said Assistant Barrister is hereby empowered, by Warrant under his Hand and Seal, from Time to Time, as Occasion shall require, to summon and call before him all and every such Person and Persons as shall be thought necessary to be examined as Witnesses touching the Matters in question; and the Assistant Barrister may order and authorize the said Jury, or any Six or more of them, to view the Place or Matter in question, which Jury (upon their Oaths, to be administered by the said Assistant Barrister, which Oaths, as also the Oaths to such Person or Persons as shall be called upon to give Evidence, the said Assistant Barrister is hereby empowered to administer,) shall inquire of, assess, and ascertain the Sum of Money to be paid for the Purchase of such Land, or the Recompence or Satisfaction to be made for Damages that may or shall be sustained as aforesaid, and what Abatements (if any) are to be made to any Tenant or Occupier of such Land, and to settle and ascertain in what Proportions the Sums so assessed shall be paid to the several Persons interested in the Premises.

Jurors may be challenged.

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

Judgments of Assistant Barristers to be binding on all Parties.

XXXIX. And

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

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

Awards, Verdicts, and Judgments to be recorded.

XL. And be it enacted, That such of the aforesaid Awards of the said Commissioners as shall not be appealed from, and the Judgments and Verdicts so given as aforesaid, shall be respectively transmitted to and be kept by the respective Clerks of the Peace of the Counties in which the Land in respect of which such Awards, Judgments, or Verdicts shall have been respectively made shall be situate, and shall be deposited with the Records, and deemed Records of such Counties respectively, to all Intents and Purpose, and the same, or certified Copies thereof, shall be allowed to be good Evidence in all Courts whatsoever, and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of Sixpence, or to have Copies thereof, paying for every Copy the Sum of Three Halfpence for every Seventy-two Words, and so in proportion for any greater or less Number of Words.

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

XLI. And be it enacted, That if any Money shall be adjudged or awarded to be paid for any Land purchased, taken, or used by virtue of the Powers of this Act, or as Compensation for any Damage or Injury to any Land, which shall belong to any Corporation, or to any Trustee or Feoffee, Executor or Administrator, or any Husband, Guardian, or Committee, for or on behalf of any Feme Covert, Infant, Idiot, or Lunatic, or to a Tenant for Life, or any Person who shall have no Power to give a valid Receipt for the same, or to sell or convey the same Land, otherwise than by virtue of this Act, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the Court of Chancery or Exchequer, to be placed to his Account there *ex parte* the Commissioners for executing this Act, setting forth the Title hereof, and without Fee or Reward; and shall, when so paid in, there remain until the same shall, by Order of the said Court, made upon a Petition to be preferred to the said Court in a summary Way by the Person who would have been entitled to the Rents and Profits of the said Land, be applied in or towards the Discharge of any such Debt or other Incumbrance affecting the same Land, or any other Land or Property standing settled therewith to the same or the like Uses, Trusts, Intents, and Purposes, as the said Court of Chancery or Exchequer

Exchequer shall authorize to be paid, or such Part thereof as shall be necessary; or the same Money shall, upon the like Application in a summary Way, be laid out, by Order of the said Court, in the Purchase of other Land, which shall be conveyed, limited, and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purpose, and in the same Manner, as the Land which shall be so purchased, taken, or used, or damaged or injured as aforesaid, stood settled or limited, or such of them as shall be then existing undetermined or capable of taking effect; and in the meantime and until such Order can be obtained the said Money may, by Order of the said Court, upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of any Stocks, Funds, or Annuities transferable at the Bank of *Ireland*; and in the meantime, and until the said Stocks, Funds, or Annuities shall be sold by Order of the said Court for the Purpose aforesaid, the Dividends or annual Produce thereof shall from Time to Time be paid to the Person who would for the Time being have been entitled to the Rents and Profits of such Land so to be purchased, conveyed, and settled. *Purchase of Lands.*

XLII. Provided always, and be it enacted, That if any Money so adjudged or awarded to be paid for any Land purchased, taken, or used for the Purposes aforesaid, or damaged or injured as aforesaid, belonging to any Corporation, or to any Person as last aforesaid, shall be less than the Sum of Two hundred Pounds, and shall amount to or exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person for the Time being entitled to the Rents and Profits of the Land so purchased, taken, or used, or damaged or injured, or of his Guardian or Committee, in case of Infancy, Lunacy, or other Incapacity, to be signed in Writing under their Common Seal or respective Hands (as the Case may require), be paid into the Bank of *Ireland* in the Name and with the Privity of the said Accountant General, and be placed to his Account as aforesaid, in order to be applied in the Manner herein-before directed; or otherwise the same may be paid, at the like Option and with the like Approbation, to Two or more Trustees, to be nominated by the Person who for the Time being would be entitled to the Rents and Profits of the Land so to be purchased, taken, or used, or damaged or injured as aforesaid, such Nomination to be approved of by the said Commissioners, and such Nomination and Approbation to be signified in Writing under the Hands or Common Seal of the nominating and approving Parties; and the Monies so paid to such Trustees, and the Dividends and Produce arising thereon, may be applied by such Trustees in like Manner as is herein-before directed with respect to the Money so to be paid into the Bank of *Ireland*, without being required to obtain any Order of the Court of Chancery or Exchequer touching the Application thereof. When less than 200*l.* and amounting to or exceeding 20*l.*

XLIII. Provided also, and be it enacted, That if any Money so adjudged or awarded to be paid as herein-before mentioned shall be less than Twenty Pounds, then and in every such Case the same shall be paid to the Person who would for the Time being have been entitled to the Rents and Profits of the Lands so purchased, taken, or used, or damaged or injured, for the Purposes of this Act, for his own When less than 20*l.*

*Purchase of Lands.*

own Use and Benefit, or in case of Infancy or Lunacy or other Incapacity, then to the Person acting as Guardian, Committee, or Trustee of such Person, to and for the Use and Benefit of the Person entitled thereto.

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

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

Premises to vest in the Commissioners, upon Payment into Bank of the Money agreed upon or assessed, when Conveyances cannot be obtained.

XLV. And be it enacted, That if any Corporation or Person seised or possessed of or having any Estate or Interest in any such Land as aforesaid cannot be found, or shall not be known, or shall not prove a good Title to such Land to the Satisfaction of the said Commissioners or any Person authorized by them, or shall refuse to execute a Conveyance thereof, then and in every such Case it shall be lawful for the said Commissioners to pay such Sum of Money as shall have been contracted and agreed or shall have been adjudged in manner aforesaid to be paid for the Purchase or for the Value of such Land, into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the said Court of Chancery or Exchequer, to be placed to his Account to the Credit of the Party interested in the said Land (describing such Land), or if such Party shall not be known, then to the Credit of the then unknown Person interested in the said Land (describing the same), subject to the Order, Control, and Disposition of the said Court; which said Court, on the Application of any Corporation or Person making claim to such Sum of Money or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise, as to the same Court shall seem fit, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estate, Title, or Interest of the Corporation or Person making claim thereto, and to make such Order in the Premises as to the said Court shall seem just and reasonable; and the Cashier of the Bank of *Ireland* who shall receive such Sum of Money is hereby required to give a Receipt for such Sum of Money; and upon Payment of such Sum of Money into the Bank, as lastly herein-before is mentioned, the Land for the Purchase or for the Value of which the same shall have been agreed and awarded to be paid, and the Fee Simple and Inheritance thereof, or other the absolute Interest therein, together with the yearly Profits thereof, and all the Estate, Right, Title, Interest, Use, Trust, Property, Claim, and Demand, in Law and Equity, of the Corporation

*Purchase of Lands.*

Corporation or Person, or unknown Person, to whose Credit such Money shall be paid, in, to, and out of the Land, shall vest in the said Commissioners, and they shall be deemed in Law to be in the actual Seisin or Possession thereof to all Intents and Purposes whatsoever, as fully and effectually as if every Corporation or Person having any Estate in such Land had actually conveyed the same; and such Payments shall not only bar all Right, Title, Interest, Claim, and Demand of the Corporation or Person, or unknown Person, of, in, or to the same Land, to whose Credit such Payment shall have been made, but also shall extend to and be deemed and construed to bar the Dower of the Wife of such Person, and all Estates Tail and other Estates in possession, reversion, remainder, expectancy, or contingency, and the Issue of such Person, and every other Person whomsoever.

In Cases of questionable Title of Persons in possession.

XLVI. Provided always, and be it enacted, That where any Question shall arise touching the Title of any Person to any Money which shall be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the said Court of Chancery or Exchequer, in pursuance of this Act, for the Purchase of any Land to be taken or purchased in pursuance of this Act, or to any Bank Annuities or Government or Real Securities, the Person who shall have been in possession of such Land at the Time of such Purchase, and all Persons claiming under such Person, or under the Possession of such Person, shall be deemed and taken to have been lawfully entitled to such Land until the contrary shall be shown to the Satisfaction of the said Court; and the Dividends or Interest of the Bank Annuities or Government or Real Securities to be purchased with such Money, and also the Capital of such Bank Annuities or Government or Real Securities, shall be paid, applied, and disposed of accordingly, unless it shall be made to appear to the said Court that such Possession was a wrongful Possession, and that some other Person was lawfully entitled to such Land, or to some Estate therein.

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

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

or if such Principal and Interest exceed the Value of the Property,

*Purchase of Lands.*

then on Payment of the Value.

chased or taken under this Act, then, upon Payment to such Mortgagee or Person, or into the Bank, in manner herein-before mentioned, of the Sum to be ascertained as the Value of the Estate or Interest so mortgaged or charged on the Land, or Part thereof, so to be taken and purchased as aforesaid, all the Estate of the said Mortgagee or Person as aforesaid, and of every Person in trust for him, in the said Land or any Part thereof the Value whereof shall have been so ascertained and paid as aforesaid, shall vest in the Commissioners, and they shall be deemed to be in the actual Possession of the said Lands, to all Intents and Purposes whatsoever, freed from such Mortgage or Charge as aforesaid; and the Mortgagor or other Person entitled to redeem shall be and is hereby barred and foreclosed from all Right and Equity of Redemption of and in the same Land or Portion of Land.

Liens shall remain on Premises not conveyed in Proportions.

XLVIII. And be it enacted, That when any Rent, or any such Charge, Incumbrance, or Lien as aforesaid, shall also be payable out of or extend over and be a Charge, Incumbrance, or Lien on any Lands other than those which shall be taken or injured by or conveyed to or vested in the said Commissioners, then and in such Case neither this Act nor any Conveyance so made as aforesaid shall in any respect discharge, affect, or alter the Force, Validity, or Effect of such Charge, Rent, Incumbrance, or Lien, so far as relates to such other Lands, Tenements, or Hereditaments, but that as to all such the same shall respectively continue, be good, valid, and subsisting, subject nevertheless to such Reduction of Rent (if any) as may be made in respect of such Lands under the Provisions herein contained.

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

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

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

L. Provided always, and be it enacted, That if it shall seem expedient to the said Commissioners, at any Time or Times within Six Months after any Adjudication or Contract shall be made, given, or entered into under the Provisions of this Act, not to take or injure the whole or any Part of any Land, or other Matters or Things named or described in such Adjudication or Contract, it shall be lawful for the said Commissioners to serve a Notice upon or cause the same to be left at the usual Place of Abode of the Person or Persons who are or appear by the said Adjudication or Contract to be interested in such Land or other Matters or Things, stating that the same, and what Part thereof, will not be taken for or injured by any thing to be done under this Act; and the Adjudication or Contract mentioned in the said Notice, or such Part thereof as shall relate to the Part not required

quired to be taken or injured as aforesaid, (at the Option of the said Commissioners,) shall be utterly void and of none Effect, to all Intents and Purposes whatsoever; and in case a Part only of any Adjudication or Contract shall become void as aforesaid, the said Commissioners shall fix and ascertain the Portion of the Sum mentioned in such Adjudication or Contract which should be deducted on account of the Part not required to be taken or injured, and if necessary apportion the Residue among the Persons entitled thereto; and the said Commissioners shall amend such Adjudication or Contract accordingly, and such amended Adjudication or Contract shall have all the Force and Effect and shall be subject to the like Appeal as any other Adjudication or Contract under this Act: Provided always, that in all Cases where the Commissioners shall serve Notice that it is not intended to take or injure the whole nor any Part of such Land, the Person or Persons interested in such Land, and incurring any Loss or Expence in consequence of the Commissioners having previously required the same, shall be entitled to Compensation for such Loss and Expences, and in case the Amount thereof cannot be agreed upon the same shall be recovered by Civil Bill before the Assistant Barrister of the County in which such Land shall be situate, and such Assistant Barrister is hereby authorized and required to hear and determine the same.

*Purchase of Lands.*

Proviso.

LI. And be it enacted, That it shall be lawful for the said Commissioners to demise or lease to any Company, Corporation, or Person whatsoever, for ever, or for any Term that may be agreed upon, in such Lots or Divisions as to them may seem fit, any Lands of which they may become possessed under the Provisions of this Act, for the Purpose or as a Site for the Erection of any Market House, Drying Sheds, or other Building of a public Nature, or for the Erection of Curing Houses, or Stores for Salt and Materials used in the Trade of Fishing, or for Yards and Slips for the making and Repair of Vessels and Boats, or for Ropewalks, and any other public Purposes in the Opinion of the said Commissioners tending to promote and improve the Fisheries; and the said Commissioners shall reserve such Rent for all Lands so demised as to them shall seem fair and reasonable, and shall in every such Lease require a Covenant to be inserted, binding the Party or Person to whom such Lease shall be made to expend on such Land, within a Time to be in such Lease limited, such Sum in Building or Buildings, or otherwise, as to the said Commissioners shall seem fit, and to use the Lands so demised for the special Purpose for which it shall be demised, and no other, on pain of Forfeiture of such demised Premises: Provided always, that such Lands shall not be let or used for the Purpose of erecting thereon any Messuage or Dwelling House whatever, save and except such Messuage or Dwelling House as the Commissioners of the Treasury shall approve, for Collectors of Tolls, and the Keepers of such Market Houses, Stores, or Yards as aforesaid, or for Police, Revenue, or Coastguard Barracks, or other such Objects of a public Nature.

Commissioners may demise or lease Lands purchased for any Purposes calculated to improve the Fisheries.

LII. And be it enacted, That as soon as conveniently may be after any Work for the Purposes of this Act shall have been completed the said Commissioners shall draw up or cause to be drawn up a final Award or Instrument in Writing, which shall describe the Work

*Security for Loans and Repayment.*

Commissioners to

make an Award upon Completion of any of the Works.

Work or Works which shall have been so completed, and such final Award shall also specify the Amount of the Sums which shall have been expended in and about the Works which shall have been executed, and all Expences incident thereto (including the Interest of all borrowed Monies), and the Proportions of such Sums which shall have been advanced by way of Grant and by way of Loan towards Payment of the total Amount of the Costs, Charges, and Expences of such Works, or incidental thereto, and whether the Monies advanced by way of Loan, with Interest, shall be repaid in One Sum or by Instalments, and if by Instalments then said Award shall also specify the several Instalments, and the Manner by and in which such Proportions shall be paid, and, regard being had to the Circumstances of each particular Case, and the final Declaration made as before directed in respect thereof, the said Award shall also specify the Amount of such Money advanced by way of Loan, which shall be charged, with Interest, upon the County or Counties, or District, or the Lands of any Proprietor or Proprietors, or proportionally on such County, District, or Lands, or either or any Two of them, as the Case may be, and describing such County, District, or Lands respectively; and the said Commissioners shall also cause to be inserted in every such final Award all such other Determinations, Matters, and Things as the said Commissioners shall think necessary and proper, and the said Commissioners shall sign such Award under their Hands.

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

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

Repayment of Loan, when payable by a County, to be raised by Presentment.

LIV. And be it enacted, That any Sum of Money which under the final Award of the said Commissioners shall be payable by any County in respect of Monies advanced by way of Loan for or in respect of any Work under the Provisions of this Act shall be payable by the Grand Jury of such County, and the Secretary of the said Commissioners shall certify to the Secretary of such Grand Jury the Amount of such Sum of Money, and the Instalments and Manner by and in which the same is payable under the Award of the said Commissioners, and such Grand Jury is hereby required, without Application to Presentment Session, to make Presentment of the Amount of such Costs, Charges, and Expences, or of the Instalments from Time to Time payable in respect thereof, as stated in such



Certificate,

Certificate, together with Interest thereon respectively at a Rate not exceeding Five Pounds *per Centum per Annum* from the Date of such Award, to be raised off the County at large; and in default of such Presentment the Court at such Assizes shall order such Amount or Instalments, with Interest as aforesaid, to be raised off such County, and such Order shall have the Force of a Presentment, and the Treasurer of such County shall insert such Amount or Instalments, with the Interest thereon, as same shall be from Time to Time payable, in his Warrant or Warrants, and same shall be applotted, raised, and levied as if the same had been duly presented; and when and so soon as such Amount or Instalments as aforesaid, with the Interest thereon, shall be raised and received by the Treasurer of the County, such Treasurer shall immediately pay the same to the said Commissioners, and the same shall be by them paid over and applied as herein-before directed in case of Repayment of Loans.

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LV. And be it enacted, That any Sum of Money which under such final Award as aforesaid shall be payable as aforesaid by any District in respect of Monies advanced by way of Loan for or in respect of any Work under the Provisions of this Act, together with Interest on such Sum at a Rate not exceeding Five Pounds *per Centum per Annum* from the Date of such Award, shall be charged upon the Occupiers of and other Persons rateable in respect of Lands and Hereditaments within such District, and rated under the then last preceding Rate or Rates made or from Time to Time made in respect of the same under the Provisions of an Act of the First and Second Years of Her present Majesty, intituled *An Act for the more effectual Relief of the Destitute Poor in* Ireland, and any Act amending the same, and shall be payable either in One Sum or by Instalments, as specified in such Award, by the respective Rate-payers who under the said last preceding Rate or Rates shall have paid or contributed or been liable to pay or contribute Rate in respect of Property in such District, according to the several Valuations according to which respectively such last preceding Rate or Rates shall have been so made charged upon and payable by the Rate-payers in respect of such Lands or Hereditaments respectively: Provided always, that any such Sum of Money or Instalment thereof, with Interest as aforesaid, shall be assessed and levied by the said Commissioners as a Poundage Assessment equally upon the net annual Value of the several Lands and Hereditaments within such District, rated as aforesaid, as such net annual Value shall have been stated in such last preceding Rate as aforesaid.

Repayment of Loan when assessed upon a District.

LVI. And be it enacted, That for the Purpose of ascertaining the rateable Property and the Rate-payers within any such District as aforesaid it shall and may be lawful for the said Commissioners to apply to the Guardians of the Union or respective Unions within which the respective Lands forming such District as aforesaid shall be situate; and such respective Guardians are hereby required to permit and suffer any Person authorized by the said Commissioners to take a Copy or Copies of so much of any such last preceding Rate or Rates as aforesaid as relates to any of such Lands or Hereditaments within

Copies of Rate may be taken by the said Commissioners for Purposes of this Act.

*Security for Loans and Repayment.*

within any such District; and in case any Person or Persons having the Custody of any such Rate or Rates refuse to permit or shall not permit such Person so authorized by the said Commissioners to take such Copy or Copies thereof or Extracts therefrom respectively as aforesaid, the Person or Persons refusing or not permitting such Copy or Extract to be made shall for each and every such Offence forfeit and pay any Sum not exceeding Five Pounds.

Commissioners, by Warrant to appoint Collectors, and recover Assessment from District.

LVII. And be it enacted, That it shall be lawful for the said Commissioners from Time to Time, by any Warrant or Warrants under their Hands and Seals, to appoint any Person or Persons whom they may think fit to collect the several and respective Sums of Money payable as such Assessment under the Provisions aforesaid in respect of the rateable Property in any such District, which Warrant or Warrants shall specify the Amount of Money to be levied for the Purposes of this Act on the several and respective Lands and Hereditaments within such District, and the Portion thereof to be paid by each Occupier of rateable Lands and Hereditaments, or other Persons liable to pay the same, according to such then last preceding Rate, and on Receipt of such Warrant such Collector is hereby authorized and required to levy the Money therein mentioned according thereto; and such Money shall and may be collected and levied, sued for and recovered, by such and the same Ways and Means as any Grand Jury Cess, or the Money applotted on the several Persons liable to pay any Grand Jury Cess, may be collected and levied.

Proportion of Assessment to be deducted from Rent.

LVIII. And be it enacted, That when any Person occupying such Lands or Hereditaments within any such District shall be liable to pay a Rent in respect of the same, he may deduct from such Rent, for each Pound of the Rent which he shall be liable so to pay, One Half of the Sum which he shall have paid as such Assessment in respect of each Pound of the net annual Value (whether such Rent shall be greater or less than such net annual Value), and so in proportion for any less Sum than a Pound.

Where more than One Rent is paid.

LIX. And be it enacted, That where any Person receiving Rent in respect of any such rateable Property within such District shall also pay a Rent in respect of the same, he shall be entitled to deduct from the Rent so paid by him a Sum bearing such a Proportion to the Amount of such Assessment deducted from the Rent received by him as the Rent paid by him bears to the Rent received by him: Provided always, that every Lessor assessed instead of any Occupier of rateable Property shall be entitled to deduct from any Rent paid by him in respect of such Property a Sum bearing such a Proportion to One Half of the Assessment on such Property as the Rent paid by him bears to the net annual Value of such Property.

Repayment of Loan when charged upon Lands of Proprietors.

LX. And be it enacted, That any Sum of Money which under any such final Award shall be payable as aforesaid by any Proprietor of Lands in respect of Monies advanced by way of Loan for or in respect of any Works under the Provisions of this Act, together with Interest for such Sum at a Rate not exceeding Five Pounds

*per*

*per Centum per Annum* from the Date of such Award, shall, from the Date of the final Declaration herein directed to be made, be charged upon the Lands of such Proprietor or Proprietors as specified in such final Declaration and Award, and that in preference to and with Priority over all Charges and Incumbrances on such Lands, except Quit Rent and Rent-charge in lieu of Tithe; and if any Sum of Money so charged as aforesaid, or any Instalment thereof, or any Interest in respect thereof, shall remain unpaid for the Space of Three Calendar Months next after the Time appointed for Payment of the same by the said Award, then it shall be lawful for the said Commissioners, or any Person authorized by them, to enter upon the Land charged with or liable to the Payment of the Sum of Money or Interest so in arrear, or any Part thereof, but subject nevertheless to such Quit Rent or Rent-charge in lieu of Tithes (if any) as aforesaid, and the Rents and Profits of such Land to receive and take until thereby or otherwise the Sum and Interest so due (together with all Costs and Expences attending or occasioned by such Entry, and Receipt of the Rents, Profits, and Issues of such Land,) shall be fully paid and satisfied; and it shall be lawful for the Court of Chancery or Exchequer in *Ireland*, upon the Application by Petition of the said Commissioners, to appoint a Receiver of the Rents, Profits, and Issues of such Land, which Receiver shall have full Power to receive the same Rents, Profits, and Issues, and apply the same, after Deduction of the necessary Expences of the Application to the said Court, and of such Quit Rent or Rent-charge in lieu of Tithe issuing out of such Lands and Premises (if any), in Payment of the Sum and Interest so due, until the same shall be fully paid; and it shall also be lawful for the said Commissioners, if they shall so think fit, to raise such Sum and Interest, and all Costs and Expences attendant thereon, by Mortgage of such Land or a competent Part thereof; and every such Mortgage, and every Receipt given for the Consideration Money, shall be valid and effectual to all Intents and Purposes whatsoever; and no Mortgagee shall be bound to see to the Application of his Mortgage Money, or to inquire whether the Mortgage made by the said Commissioners is hereby authorized.

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

LXI. And be it enacted, That in any Case where the Lands of any Proprietor shall be charged by such final Award with any Sum of Money in respect of any Loan as aforesaid, then, in addition to all and every the Sums and Interest so charged by such final Award of the said Commissioners upon such Lands under the Provisions of this Act, there shall be paid to the said Commissioners One Shilling in the Pound on the total Amount of the same respectively, as and for Receiver's Fees thereon to be charged, payable and recoverable in like Manner as such Sums and Interest aforesaid: Provided always, that no Party or Person, or 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 the Payment of any such Sum and Interest as aforesaid pay the Amount to the Credit of the said Commissioners into the Bank of *Ireland*, or into such other Bank as the said Commissioners shall for that Purpose appoint.

Persons making default in repaying Principal and Interest for Thirty-one Days, to pay 1*s.* in the Pound as Receiver's Fees.

*Security for Loans and Repayment.*

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

LXII. And be it enacted, That in any Case where the Lands of any Proprietor shall be charged by such final Award with any Sum of Money in respect of any Loan as aforesaid, every Occupier of any such Land who, not being a Proprietor thereof within the Meaning of this Act, shall pay for the Land in his Occupation, on account of his Landlord, any Sum of Money charged thereupon under and by virtue of the Provisions of this Act, shall and he is hereby authorized to deduct and retain out of his Rent the Amount of the Sum of Money which he shall so pay as aforesaid, and the next immediate Landlord of such Occupier, if not himself a Proprietor of such Land within the Meaning of this Act, shall and he is hereby authorized to make the like Deduction from the Rent payable by him, and so on, each Sub-lessee and Sub-lessor of such Land, not being a Proprietor thereof within the Meaning of this Act, being entitled to deduct the Sum so charged upon such Land under or by virtue of this Act from the Rent payable to his next immediate Landlord, until such Deduction shall be made from the Rent payable to a Person being a Proprietor within the Meaning of this Act who shall not be entitled to make any such Deduction from the Rent (if any) payable by him; and every such Occupier, Sub-lessee, or Sub-lessor paying any such Sum of Money shall be acquitted and discharged of the Sum so paid by him as fully and effectually as if the same had been actually paid to his Landlord (except where there shall or may be any Lease or Agreement to the contrary); but nothing herein contained shall extend or be construed to enable any Occupier or Lessee to deduct from his Rent any Costs or Expences incurred by Nonpayment of the Monies hereby imposed or authorized to be levied.

*Maintenance of Works.*

Works vested in Commissioners to be maintained out of Tolls, Rates, and Rents arising therefrom.

LXIII. And be it enacted, That all Works constructed, altered, repaired, or improved under the Provisions of this Act shall be vested in the said Commissioners and their Successors, and shall be maintained, sustained, upheld, and repaired by said Commissioners out of any Tolls, Rates, or Rents which under the Provisions of this Act shall accrue to the said Commissioners for or in respect of such Works, or the Lands purchased by or vested in said Commissioners.

Certain existing Harbours, Piers, Quays, Works, &c. vested in Commissioners.

LXIV. And be it enacted, That all such Harbours, Piers, Quays, Landing Places, and other Works on the Sea Coast of *Ireland* which have been heretofore within Forty-five Years made wholly or in part with public Money advanced for the Purposes of the Improvement of the Fisheries, and which are not now private Property, as the said Commissioners shall deem fit, and still useful for the Purposes of the Sea Fisheries, and with respect to which the said Commissioners shall give and publish such Notice as herein-after provided, shall, together with all Ways, Rights, Members, and Appurtenances thereto belonging, be and the same are hereby declared to be public Property, and the same shall, from and after the Expiration of Twelve Calendar Months from the passing of this Act, be vested in the said Commissioners and their Successors; and all the Provisions in this Act contained with reference to the making of Grants and Loans for the Construction of new Works, or with reference to such Works, and the several Proceedings, Matters, and Things in any Manner relating thereto, shall be deemed and construed to apply and be

applied, so far as the same may be applicable, to the first Repair, Alteration, or Improvement of such Harbours, Piers, Quays, Landing Places, and other Works as aforesaid; and after such first Repair, Alteration, or Improvement (if any) the same shall be maintained as any other Work under this Act: Provided always, that the said Commissioners shall as soon as conveniently may be, and within Twelve Calendar Months from the passing of this Act, by a Notice or Instrument in Writing under their Hands, declare and describe the several Harbours, Piers, Quays, Landing Places, and other Works which they shall so deem fit and useful for the Purposes of the Sea Fisheries, and to be vested in the said Commissioners; and that a Copy of such Notice or Instrument shall be published within such Period of Twelve Months in the "*Dublin Gazette*," and in some One or more Newspapers circulating in the Neighbourhood of each such Harbour, Pier, Quay, Landing Place, or other Work respectively, and also, if the said Commissioners deem fit, be posted at some public Place at or near such Harbour, Pier, Quay, Landing Place, or other Work as aforesaid. *Maintenance of Works.*

LXV. And be it enacted, That when and so often as any Pier, Harbour, Quay, Landing Place, Engine, or other Work shall have been constructed, either wholly or in part, under the Provisions of this Act, or become vested in the said Commissioners under this Act, it shall and may be lawful for the said Commissioners and they are hereby authorized to levy or cause to be levied and paid, for the Use of such Pier, Harbour, Quay, Landing Place, Engine, or other Work, such Tolls and Rates as the Commissioners of Her Majesty's Treasury shall from Time to Time approve of: Provided always, that the Amount of such Tolls and Rates shall not exceed the probable average annual Expence of maintaining and repairing such Pier, Harbour, Quay, Landing Place, Engine, or other Work, and of the contingent Expences to be incurred by the said Commissioners in relation thereto, and of the Amount of Interest at the Rate of not less than Five Pounds *per Centum per Annum* on the Capital, whether public or private, expended on such Work: And provided further, that in case it shall appear to the said Commissioners that it would promote the public Advantage that a less Amount of Tolls or Rates should be levied, under the Provisions of this Act, for the Use of any such Pier, Harbour, Quay, Landing Place, Engine, or other Work, or that such Tolls or Rates should be at any Time increased with a view of thereby creating a Fund for the Improvement of such Pier, Harbour, Quay, Landing Place, Engine, or other Work, it shall be lawful for the said Commissioners and they are hereby authorized to increase or to lower such Tolls or Rates to such Extent and for such Period as the said Commissioners shall from Time to Time direct, with the Approbation of the Commissioners of Her Majesty's Treasury. Power to levy Tolls and Rates. Amount of Tolls. Power to lower or increase the Tolls or Rates for Improvements.

LXVI. And be it enacted, That the said Commissioners shall cause an Account or List, printed or painted in large legible Characters, of the several Rates and Tolls which the said Commissioners shall from Time to Time direct and appoint to be taken, and which shall be payable by virtue of this Act, to be affixed on Boards in some conspicuous Place, and continued and renewed as often as the same shall be A List of the Rates, Tolls, &c. to be affixed in conspicuous Places.

*Maintenance of Works.*

be obliterated or defaced, to, upon, or near every Work or Building at which any such Rates or Tolls shall be collected or received.

Power to let the Tolls and Rates.

LXVII. And be it enacted, That it shall be lawful for the said Commissioners, if they shall so think fit, by public Bidding, from Time to Time to let, and from Time to Time to relet, all or any of the Tolls or Rates payable under the Provisions of this Act, for Terms not exceeding Ten nor less than Five Years, on such Conditions, and with such Security for Payment of the Rent reserved on such Lease, as the said Commissioners shall think fit, and the Commissioners of Her Majesty's Treasury shall from Time to Time approve: Provided always, that every such Lease shall contain a Covenant on the Part of the Lessee or Lessees to keep such Work in repair (so far as the ordinary Wear and Tear of such Work may render necessary), and shall also contain a Power of Re-entry on the Nonpayment of such Rent, or Nonperformance of such Covenant for Repairs, within Three Calendar Months after the same shall become due, or after any Breach of any such Covenant, and a Power to such Commissioners at any Time to put an end thereto on giving Three Calendar Months Notice to the Lessees or Lessee thereof of an Intention so to do: Provided always, that nothing in this Act contained shall be construed to extend to or affect any Tolls already raiseable and payable, or which shall hereafter be made raiseable or payable, by virtue of the Provisions of any Act passed before the passing of this Act.

Covenant in Leases.

Application of Tolls and Rents of Lands.

LXVIII. And be it enacted, That the Tolls payable under the Provisions of this Act, or the Rent payable upon any Lease thereof, or the Rents payable in respect of any Lands let or leased by the said Commissioners under the Provisions herein-before contained, shall be applied in manner following; (that is to say,) first, in repairing and maintaining the Pier, Harbour, Quay, or other Work in respect of which, or in respect of Lands adjacent and in connexion with which, such Tolls or Rents shall be payable; and in the next place in defraying all the contingent Expences of the said Commissioners in relation to such Work; and the Surplus of such Tolls or Rents shall be in the meantime invested in Public or Government Securities, and suffered to accumulate so as to form a Fund for the Repair, Reconstruction, or future Improvement of such Work; and such Fund shall be applied for such Purpose, at such Time, and in such Manner as the said Commissioners shall from Time to Time direct, and the Commissioners of Her Majesty's Treasury shall from Time to Time appoint.

Power of enforcing Payment of Tolls.

LXIX. And be it enacted, That it shall be lawful for the said Commissioners, in Cases in which such Tolls or Rates shall not be leased or let, and for the Lessees or Lessee of such Tolls or Rates, if leased or let, from Time to Time to appoint sufficient Collectors and Officers or Agents for the Purpose of receiving the Tolls and Rates payable under this Act; and in case any Person liable to pay such Tolls or Rates shall refuse or neglect to pay the same, it shall be lawful for the said Commissioners, or for the Lessees or Lessee of the said Tolls and Rates, or their Officer or Agent, or other Person to whom

whom such Toll or Rate ought to have been paid, to seize the Vessel, Goods, Articles, and Things in respect of which such Tolls or Rates ought to have been paid wherever the same may be found, and to detain the same until such Tolls or Rates, together with the reasonable Costs and Expences of such Seizure and Detention, shall be paid; and if such Vessels, Goods, Articles, and Things shall not be redeemed within Twenty-one Days after the Seizure thereof, the same shall be appraised and sold, and, after deducting the Costs of such Seizure, Detention, and Sale, all such Sums as shall be due in respect of such Toll or Rates shall be satisfied thereout, and the Overplus paid to the Owner, in like Manner as the Law directs in Cases of Distress for Rent in arrear. *Maintenance of Works.*

LXX. And be it enacted, That it shall and may be lawful for the said Commissioners and they are hereby authorized and empowered from Time to Time to make such Bye Laws, Rules, Orders, and Regulations, not being contrary to any Law or Statute in force in *Ireland*, as to them shall seem meet and proper, according to the Circumstances of every Case, for better carrying into effect the Purposes of this Act, or in any Manner relating thereto, and from Time to Time to alter or repeal all or any of such Bye Laws, Rules, Orders, or Regulations, and to make others, and to impose such Fines and Penalties, not exceeding the Sum of Five Pounds, upon all Persons offending against any of such Bye Laws, Rules, Orders, or Regulations, as to the said Commissioners shall seem reasonable; and all such Bye Laws, Rules, Orders, and Regulations shall be reduced into Writing, and signed by the said Commissioners or any Two or more of them; and a Copy thereof, signed by the said Commissioners, shall be deposited with the Clerk of the Peace of every County in or near to which any Work to which such Bye Laws shall relate shall be situate, and the same shall be kept with the Records of the County; and a printed or painted Copy of such of the said Bye Laws, Rules, Orders, or Regulations as shall subject any Person, not being an Officer or Servant of the said Commissioners, to any Fine or Penalty, shall be exhibited, on Boards or otherwise, at or near each Work, and in such other Places as to the said Commissioners shall seem fit, and shall from Time to Time be renewed as often as the same or any Part thereof shall be obliterated or destroyed; and such Bye Laws, Rules, and Orders shall be binding upon and shall be observed by all Persons whomsoever; provided that all such Bye Laws, Rules, Orders, and Regulations be approved of and confirmed by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* in Council, by Writing under his or their Hands. Commissioners to make Bye Laws.

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

*Maintenance of Works.*

of such Bye Laws, Rules, Orders, or Regulations was duly exhibited in manner herein-before directed.

Persons destroying Works guilty of Misdemeanor.

LXXII. And be it enacted, That all and every Person or Persons whomsoever who shall at any Time hereafter wilfully and maliciously cut, break down, destroy, or damage any Work, Engine, or Building, or any Part thereof, which shall be erected and made for the Purposes of this Act, or shall become vested in the said Commissioners, shall be guilty of Misdemeanor, and being convicted thereof shall be liable, at the Discretion of the Court, to be transported beyond the Seas for the Term of Seven Years, or to be imprisoned for any Term not exceeding Two Years.

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

LXXIII. And be it enacted, That if any Person shall throw or deposit any Ballast, Gravel, or other Matter or Thing into any Harbour or Precincts of any Pier, Quay, Landing Place, or other Work, so as to interrupt or obstruct the free Navigation to or from any Work which shall have been constructed or improved by the said Commissioners under this Act, or shall, without the Consent of the said Commissioners, lay any Ballast, Gravel, Stones, Dirt, Rubbish, Lime, Timbers, or Clay on any of the Banks, Wharfs, or Landing Places of any of the Works aforesaid, or if any Person shall maliciously open any Lock, Sluice, Dam, Gate, or Watercourse belonging to the said Commissioners, or shall so leave any of the same open, or shall raise any Wall, Building, or other Obstruction within or on such Works, or the Lands of said Commissioners, without the Consent in Writing of the Commissioners, such Person, being convicted of any of the Offences aforesaid before any Justice or Justices of the Peace of the County where such Offence shall be committed, or of any adjoining County, by the Oath of One or more credible Witness or Witnesses, shall be fined by such Justice or Justices a Sum not exceeding Ten Pounds, to be levied in such Manner as is herein-after directed with respect to the levying any Fine imposed by any Justice or Justices; and all such Walls, Buildings, or other Obstructions may be forthwith pulled down and removed by the said Commissioners, or any Person or Persons duly authorized by them, and the Materials of such Walls, Buildings, or Obstructions may be sold by Order of the said Commissioners to defray the Costs of their Removal.

*Miscellaneous.*

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

LXXIV. And be it enacted, That if any Person or Persons shall wilfully prevent or assault any of the Commissioners for the Execution of this Act, or any Engineer, or other Officer, Servant, or Workman, acting in aid or under the Orders of any such Commissioners in the Execution of any of the Powers given by this Act, or shall wilfully destroy or injure any of the Instruments, Tools, Engines, or Implements or Materials kept or used by the said Commissioners or any of them, or by any Person or Persons employed by them or any of them, for or in the Execution, Maintenance, or Repairs of any of the Works under this Act, any Person so offending shall, in addition to any other Punishment to which by Law he may be subject for such Offence, forfeit and pay for every such Offence, upon Conviction thereof by the Oaths of One or more credible Witness or Witnesses before

before any Justice of the Peace, such Sum not exceeding Five Pounds as such Justice shall think fit. *Miscellaneous.*

Proceedings by Summons for the Recovery of Penalties.

LXXV. And be it enacted, That in all Cases in which by this Act any Penalty or Forfeiture is made recoverable, by Information or otherwise, before a Justice of the Peace, it shall be lawful for the Justice of the Peace to whom Complaint shall be made of any Offence against this Act to summon the Party complained against before him, and on such Summons to hear and determine the Matter of such Complaint, and on Proof or Admission of the Offence to commit the Offender, and adjudge him to pay the Penalty or Forfeiture incurred, and to proceed to recover the same, although no Information in Writing shall have been exhibited or taken by or before such Justice; and all such Proceedings by Summons without Information in Writing shall be as good, valid, and effectual to all Intents and Purposes as if an Information in Writing had been exhibited.

Form of Conviction.

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

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

Recovery and Application of Penalties.

LXXVII. And be it enacted, That all Penalties and Forfeitures inflicted or imposed by this Act, or incurred under the Provisions or Directions thereof, and all Sums payable for Compensation or Damage, the Manner of levying and recovering whereof is not hereinbefore otherwise particularly directed, may be recovered in a summary Way by the Order and Adjudication of some Justice of the Peace of the County in or adjacent to which such Offence shall have been committed, on Complaint to him for that Purpose exhibited by the Oath or Affirmation of any Person, or on the Confession of the Party offending, which Oath or Affirmation such Justice is hereby authorized to administer; and in default of Payment of such Penalties or Forfeitures, or Sums for Compensation or Damage, the same shall be levied by Distress and Sale of the Goods and Chattels of the Party making such Default, by Warrant under the Hand and Seal of such Justice, rendering the Overplus (if any), on demand, to the Party whose Goods and Chattels shall be so distrained, the reasonable Charges of such Distress and Sale being deducted; and in case such Penalties or Forfeitures shall be not forthwith paid off, it shall be lawful for such Justice and he is hereby authorized and required to order the Offender so convicted to be detained

*Miscellaneous.*

detained and kept in safe Custody until Return can be conveniently made of such Warrant of Distress, unless the Offender can give sufficient Security, to the Satisfaction of such Justice, for his Appearance before such Justice, or before some other Justice of the Peace for the County in or adjacent to which such Offence shall have been committed as aforesaid, on such Day or Days as shall be appointed for the Return of the Warrant or Warrants of Distress, such Day or Days not being more than Eight Days from the taking any such Security, and which Security any Justice is hereby empowered to take by way of Recognizance or otherwise; but if upon the Return of such Warrant it shall appear that no sufficient Distress can be had whereupon to levy the Penalty and such Costs as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justice, upon the Confession of the Offender or otherwise, that he has no sufficient Goods and Chattels whereupon such Penalty, Forfeitures, Costs, and Expences could be levied (if a Warrant of Distress should be issued), such Justice shall not be required to issue such Warrant of Distress, and thereupon it shall be lawful for such Justice and he is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender to any Common Gaol or House of Correction, there to remain for any Time not exceeding Three Calendar Months, unless such Penalties or Forfeitures, and all Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice, shall be sooner paid and satisfied, or shall otherwise be discharged by due Course of Law; and such Penalties and Forfeitures, when received, shall be paid to the Commissioners aforesaid, and be by them applied to the Purposes of this Act.

Provision as to Petty Sessions, Districts, and Counties.

LXXVIII. And be it enacted, That wheresoever throughout this Act any Act, Matter, or Thing may be directed to be done at the Petty Sessions for the District, or by any Justice of the Peace for the County wherein any Place may be situate, or Offence may be committed respectively, the same shall and may be done at the Petty Sessions for the next adjoining District, or by any Justice of the Peace for the next adjoining County, in any Case where such Place shall not be included or Offence committed in any District or County respectively; and whenever any Work constructed or repaired by, or any Work or Lands vested in the said Commissioners, under the Provisions of this Act, shall not be situate in any County, such Work or Lands shall for the Purposes of this Act be deemed and taken to be a Part of the County to which or any Part of which such Work or Land is next adjacent.

Proceedings not to be quashed for Want of Form.

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

No Action to be brought against Per-

LXXX. And be it enacted, That no Action, Suit, or Information shall be brought, commenced, or prosecuted by any Person for any thing done in pursuance of this Act, or in execution of the Powers



or

or Authorities herein contained, unless Notice in Writing of such Action, Suit, or Information, specifying the Ground or Cause thereof, and signed by the Attorney for the Plaintiff, shall be given to the said Commissioners or Persons against whom Proceedings are intended to be commenced at least Twenty-one Days before such Action, Suit, or Information shall be commenced.

son acting in execution of this Act until after Notice, &c.

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

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

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

General Issue.

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

Power to Commissioners to adjourn Meetings.

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

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

*Miscellaneous.*

execution, and shall be applied accordingly; and all Persons who shall wilfully give false Evidence, or otherwise forswear themselves in any such Examination, may be prosecuted for same, and upon Conviction thereof shall be liable to the same Pains and Penalties as Persons guilty of wilful and corrupt Perjury are now liable to by Law.

Certain Works not to be executed without Consent of the Admiralty.

LXXXV. Provided always, and be it enacted, That it shall not be lawful for the said Commissioners to execute or alter any Work below High-water Mark of Spring Tides without the previous Consent of the Lord High Admiral, or of the Commissioners for executing the Office of Lord High Admiral, to be signified in Writing under the Hand of the Secretary of the Admiralty for the Time being.

Accounts of Proceedings to be laid before Parliament.

LXXXVI. And be it enacted, That the said Commissioners shall cause detailed Accounts in Writing of their Proceedings under this Act, and of the several Sums received by them as such Commissioners, and of the Sums expended by them, and the Mode of such Expenditure, and of the several Works made or in progress under this Act, to be made up to the Thirty-first Day of *December* in each Year; and such Account shall be laid before both Houses of Parliament within Thirty Days thereafter, if Parliament be then sitting, or within Thirty Days after the first Meeting of Parliament subsequent to the Thirty-first Day of *December;* and the said Commissioners shall, as often as they shall be required so to do by the Commissioners of Her Majesty's Treasury, transmit to the said Commissioners of the Treasury like Accounts made up to such Period as the said Commissioners of the Treasury shall direct.

Definition of Terms in this Act.

LXXXVII. And be it enacted, That in the Construction of this Act (except where the Nature of the Provision or the Context of the Act shall exclude such Construction) the Word "Land" shall extend to all Arable, Pasture, or otherwise profitable, and to all waste uncultivated Land, whether Bog Land or Land covered with Water, and shall also extend to Messuages, Tenements, and other Hereditaments, corporeal or incorporeal, and any Estate or Interest therein, and any undivided Part thereof, and any Charge or Incumbrance thereon; and the Words "Sea" or "Sea Coast" shall extend to all Places where the Tide ebbs and flows; and the Expression "Commissioners of Her Majesty's Treasury," or "Commissioners of the Treasury," shall mean the said last-mentioned Commissioners, or any Three or more of them; and the Expression "the said Commissioners" shall mean the Commissioners for the Execution of this Act, or any Two or more of them (except where otherwise provided); and the Word "Works" shall extend to or include all or any of the Works by this Act authorized to be executed; and the Words "Person or Persons," and the Words "Proprietor or Proprietors," shall extend to all Bodies Politic, Corporate, or Collegiate, and also all Bishops, Parsons, and other Ecclesiastical Persons, as to Lands held by them in those respective Characters, and to any Number of Persons associated together as a Company or Partnership; and the Word "County" shall extend and be applied to all Counties, Counties of Cities, and Counties of Towns; and every Word importing

*Miscellaneous.*

importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing; and every Word importing the Plural Number shall extend and be applied to one Person or Thing as well as several Persons or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male.

Act may be amended, &c.

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

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