ANNO SEXTO & SEPTIMO

GULIELMI IV. REGIS.

****

Cap. xcvii.

An Act for incorporating a Company for the Improvement of Waste Lands in *Ireland*.

[4th *July* 1836.]

WHEREAS there are in that Part of the United Kingdom called *Ireland* large Tracts of Bog, Waste, and other Lands at present wholly unproductive, but which, according to the Reports of certain Commissioners appointed by or in pursuance of an Act passed in the Forty-ninth Year of the Reign of His late Majesty King *George* the Third, and of certain Parliamentary Committees, are capable of great Improvement: And whereas it would be of great public Advantage if the said Lands were improved and brought into Cultivation: And whereas the several Persons herein-after named, with other Persons, are willing at their own Expence to undertake the Drainage and Improvement of the said Lands or Parts thereof; but the same cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the King's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That *John M Ashlin*, *William Blount*, *Thomas Bilcliffe Fyler*, *Thomas Lamie Murray*, *John Rawson*, *Daniel Robinson*, *John Roskell*, *Rowand Ronald*, the Honourable *Leicester Stanhope*, *Robert Ponsonby Staples*, *Richard Morris*, *George Granville Grenfell*, *Edward Rawdon Power*, *Arthur*

Proprietors incorporated.

Arthur William Tooke, *Samuel Humphry*, *John White Humphry*, *John Morris*, *Benjamin Somers* Doctor of Medicine, *Bernard Hartley*, *John Milthorpe Maude*, *William Lucas Hanley*, *John Pullen*, *John Todd*, *George Parbury*, *George Fyler*, *Hugh Brabazon Higgins*, the Reverend *William Harness*, *William Rickard*, *William Castell Damant*, *James Hutchinson*, *Thomas Carter*, *William Amory*, *John Dixon*, and *Thomas Clark*, and all other Persons and Corporations who have subscribed or who shall hereafter subscribe towards the said Undertaking, and their several and respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby united into a Company for draining and improving the Waste and other Lands in *Ireland*, and other the Works by this Act authorized, according to the Provisions and Restrictions herein-after mentioned, and for that Purpose shall be One Body Corporate by the Name and Style of "The *Irish* Waste Land Improvement Society," and by that Name shall have perpetual Succession, and shall have a Common Seal, and by that Name shall and may sue and be sued, and also shall have Power and Authority to take or purchase on Lease and hold Lands, to them and their Successors and Assigns, for the Use of the said Undertaking, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain, and shall also have Power to sell and demise or otherwise dispose of the said Lands in manner by this Act directed.

Meaning of certain Words in this Act.

II. And be it further enacted, That in the Construction of this Act every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing; and every Word importing the Plural Number shall extend and be applied to one Person or Thing as well as several Persons or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; and the Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure; and the Word "Corporation" shall be understood to mean any Body Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Capital to be 500,000*l.*, to be divided into 10,000 Shares of 50*l.* each.

III. And be it further enacted, That it shall be lawful for the said Society to raise amongst themselves any Sum or Sums of Money for taking or purchasing on Lease, and draining, improving, and cultivating, or otherwise working the Waste and other Lands by this Act authorized, and for the general Purposes of this Act, not exceeding in the whole the Sum of Five hundred thousand Pounds Sterling, the whole to be divided into Ten thousand Shares of Fifty Pounds each; and such Ten thousand Shares shall be numbered, beginning with Number One and ending with Number Ten thousand, in arithmetical Progression; and every such Share shall be distinguished by the Number to be applied to the same; and the said Shares shall be and are hereby vested in the several Parties so raising and paying the same, and their several and respective Successors, Executors, Administrators, and Assigns, to their proper Use and Benefit, proportionably to the Sums they shall severally contribute; and all Corpo-

Corporations and Persons, and their several Successors, Executors, Administrators, and Assigns, who shall severally subscribe for One or more Share or Shares, or such Sum or Sums as shall be demanded in lieu thereof, towards the said Undertaking, shall be entitled to and be the Proprietors of a proportionate Share of the Capital Stock of the said Society, and shall be entitled to and shall receive, at such Time or Times as shall in manner herein-after provided be directed or appointed, in proportionate Parts according to the respective Sums so by them respectively paid, the net Profits and Advantages which shall arise or accrue from or by the Rents, Issues, Profits, and other Sums of Money to be received by the said Society by virtue of this Act, as and when the same shall be divided; and all Corporations and Persons having such Property in the said Undertaking as aforesaid shall bear and pay a proportionate Sum towards carrying on the same to the full Amount of their respective Shares in the said Society.

Proprietors to contribute to the Capital, and share the Profits rateably.

IV. And be it further enacted, That all the Money to be raised or received by the said Society by virtue of this Act, whether by way of Capital or Profits or otherwise, shall be laid out and applied, in the first place, in paying and discharging all Costs and Expences incurred in applying for, obtaining, and passing this Act, and all other Expences preparatory or relating thereto, and the Remainder of such Money shall be applied in and towards taking Lands on Lease, and draining and improving the same, and erecting Buildings thereon, and otherwise in carrying this Act into execution.

Application of Monies to be raised.

V. And be it enacted, That it shall be lawful for the said Society, subject to the Restrictions and Provisions herein-after contained, to treat and agree with any Corporation, Tenant for Life, Tenant in Tail, or for any other partial or qualified Estate or Interest, seised or possessed of any Bogs, Waste or unprofitable Lands, or any Lands proper to be drained, improved, reclaimed, or cultivated, and with any Husband, Guardian, Trustee, or Committee of any Feme Covert, Lunatic, Idiot, or other incapacitated Person seised or possessed of any such Lands as aforesaid, which the said Society shall think fit to be drained, worked, improved, or reclaimed, or with any other Person whomsoever, for and take any Lease or Demise of and hold thereunder any such Lands, for Life or Lives certain, or for any Term of Years not exceeding Ninety-nine Years, at such Rent, and under such Covenants, Conditions, and Provisoes in respect of the Drainage, Improvement, working, or reclaiming of such Lands, and such other Matters and Things as may be mutually agreed on by and between such Society and the Lessor of such Lands.

Society empowered to take on Lease Waste Lands from Bodies Corporate, Tenants of particular Estates, and incapacitated Persons.

VI. And be it further enacted, That it shall be lawful for all Corporations, Tenants for Life, in Tail, or for any other partial or qualified Estate or Interest of or in any Bogs, Waste or unprofitable Lands or Land proper to be drained, improved, or cultivated, and for all Husbands, Guardians, Committees, Trustees, and Feoffees in Trust for charitable or other Purposes, Executors, Administrators, and all Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of

Corporations, Trustees, and Persons having a limited Interest, or under Disability, empowered to

ease Lands to the Society.

of all Persons entitled in Reversion, Remainder, or Expectancy after them, and for and on behalf of their Wives, Wards, Lunatics, and Idiots respectively, and for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons, and to and for all Femes Covert seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest, and for all other Persons whomsoever who are or shall be seised of or possessed of or interested in any such Lands, to contract and agree for and to demise or lease any such Lands to the said Society for any Term of Years not exceeding Ninety-nine Years, or for Life or Lives certain, not exceeding Three Lives, subject to such Covenants, Conditions, and Provisions, and at such yearly Rent payable at such Times, as may be mutually agreed upon between such Lessors and the said Society; and in every such Lease there shall be reserved a Power of Re-entry on the Nonpayment of the Rent reserved within a reasonable Time after the same shall become due and payable; and every such Lease shall be good, valid, and effectual against every Person having or claiming to have any Charge or Incumbrance affecting, either in Law or Equity, the Lands or Premises comprised therein: Provided always, that every or any such Creditor or Incumbrancer may sue for and recover and receive the Rent reserved upon any and every such Lease in such Manner and by such Proceedings, either at Law or in Equity, as he or they is or are enabled by Law to do in respect of Rent reserved upon Leases executed prior to their Liens upon the Lands out of which Rents are payable: And provided also, that no Fine, Premium, or Foregift shall be taken or received for or on making any such Lease or Demise, or any Renewal thereof: And provided also, that the Rent reserved on such Lease shall be equal to the full yearly Value of the Lands at the Time of making such Lease, and that such Rent shall be incident to the immediate Reversion of the Lands so to be leased.

No Fine to be taken.

Lands to be valued before Lease granted.

VII. Provided always, and be it further enacted, That before any such Lease or Demise shall be made as aforesaid by any Person or Persons not having Power to grant such Lease or Demise save under the Provisions of this Act, a Survey of such Lands, and an Estimate and Valuation of the full annual Value of such Lands, shall be made by some able practical Surveyor, to be named by the Chairman for the Time being of the Board of Public Works in *Ireland* by Writing under his Hand; and every such Surveyor shall annex to his Survey, Estimate, or Valuation, when completed, a Declaration to be subscribed by him and taken before and certified by any Justice of the Peace in *Ireland*, who is hereby authorized to take and receive a Declaration in that Behalf, the Form whereof shall be as follows:

Surveyor to annex to his Survey a Declaration.

Form of Declaration.

‘ I *A.B.* do solemnly and sincerely declare, That the Survey, Estimate, or Valuation hereunto annexed was faithfully and impartially made by me, and that the Value of the Property therein described is justly intimated therein, according to the best of my Skill and Judgment, and that all the Particulars stated therein are true to the best of my Knowledge and Belief; and I make this

‘ solemn

'solemn Declaration conscientiously believing the same to be true,' and by virtue of the Provisions of an Act passed in the Fifth and Sixth Year of the Reign of His present Majesty, intituled *An Act* 5 & 6 W. 4. c. 62. '*to repeal an Act of the present Session of Parliament, intituled 'An Act for the more effectual Abolition of Oaths and Affirmations taken and made in various Departments of the State, and to substitute Declarations in lieu thereof, and for the more entire Suppression of voluntary and extra-judicial Oaths and Affidavits;' and to make other Provisions for the Abolition of unnecessary Oaths.*'

Rent to be of the full annual Value.

And the Rent to be reserved on any such Lease or Demise shall in no Case be less than the full annual Value of the Lands comprised therein at the Time of making such Lease, as the same shall be estimated in such Valuation as aforesaid: Provided always, that every such Valuation shall be enrolled in the High Court of Chancery in *Ireland*.

Valuation to be enrolled.

In what Case Valuation may be dispensed with.

VIII. Provided always, and be it enacted, That where, from the Nature of any Lands so proposed to be demised or leased for the Purpose aforesaid, or from any Circumstances relative thereto, the Worth or Value thereof cannot be ascertained by the Means of a Survey or Inspection thereof, or where the Value of such Lands shall be previously known to be so small or inconsiderable that it shall not be deemed expedient to incur the Expence of taking a Survey thereof, or when such Lands shall have been previously surveyed and valued by or under the Authority of Parliament, then and in any such Case it shall be lawful for the said Society and the Lessor to enter into an Agreement for such Demise or Lease as aforesaid without such Survey or Estimate, provided that such Demise or Lease shall be made on the Terms and subject to the Conditions herein-before mentioned.

Contracts binding upon all Parties.

IX. And be it enacted, That all Contracts or Agreements in Writing entered into by the said Society with any Body Politic, Corporate, or Collegiate, or other Person herein-before described or empowered in that Behalf, relating to any Matter or Thing to be done by virtue of this Act, shall be binding on the said Society, and Owner, Corporation, or Person, and their Successors, Heirs, Executors, and Administrators, and upon all other Parties who shall sign the same, and the Heirs, Executors, and Administrators of such other Parties; and Actions and Suits shall and may be maintained thereon by the Society against such Owner, Corporation, or Person, and Damages and Costs recovered against the Person failing in the Performance of such Contracts or Agreements respectively.

Society empowered to sell Lands held on Lease, and to grant Underleases.

X. And be it further enacted, That it shall be lawful for the said Society from Time to Time to sell and dispose of such Lands as they are by this Act empowered to take on Lease, and shall have actually taken on Lease, or contracted or agreed so to do, or any Part thereof, either together or in Parcels, by public Auction or private Contract, or partly by public Auction and partly by private Contract, and for such Price as they shall deem most convenient and think fit, and by Deed under their Common Seal to assign and assure

assure such Lands to the Purchasers thereof for all the Term, Estate, and Interest which the said Society shall have therein; and in the meantime and until the said Society shall think proper to make such Sale it shall be lawful for the said Society to demise, lease, or let such Lands or any Part thereof to any Person willing to become the Tenant thereof, in such Manner and upon such Terms as the said Society shall think proper; and all such Assignments or Assurances, Demises or Leases, from the said Society, shall be valid and effectual, any thing in this Act contained, or any other Law, Statute, or Custom, to the contrary notwithstanding: Provided always, that the said Society, before they shall sell and dispose of any Lands so leased to them as aforesaid, shall first offer to sell the Lands comprised in any such Lease, or so much thereof as shall for the Time being be improved or rendered fit for Cultivation, to the Grantor of the same Lease to the said Society, or other the Person for the Time being entitled, either absolutely or for any partial Estate or Interest, to the immediate Reversion expectant on the Determination of any such Lease, and who shall be in *England* or *Ireland*, and be conveniently found, and be capable of entering into a Contract for the Purchase thereof; and every such Person, in case he shall be desirous of purchasing the same Lands, shall signify such his Desire and Intention in that Behalf to the said Society in Writing within Fourteen Days after such Offer of Sale shall have been made by Notice in Writing given to or left for him at his last known or usual Place of Abode; and in case such Person shall decline or neglect to avail himself of such Offer, or shall neglect so to signify his Desire and Intention to purchase such Lands, for the Space of Fourteen Days after such Offer shall have been made, the Right of Pre-emption of every such Person so declining or neglecting in respect of such Lands included in such Offer shall cease; and a Declaration made before a Master or Master Extraordinary in the High Court of Chancery in *Ireland*, or before any Justice of the Peace for the County or Place where such Lands may be situate, by some Person not interested in the same Lands, stating that the Person entitled to such Right of Pre-emption was not in *England* or *Ireland*, or was not to be found, or was not capable of entering into a Contract for the Purchase of such Lands, or that such Offer was made by or on behalf of the said Society, and was refused or was not accepted or agreed to (as the Case may be) by the Person to whom the same was made within the Space of Fourteen Days from the Time of making the same, shall in all Courts and on all Occasions whatever be conclusive Evidence and Proof that the Person entitled to such Right of Pre-emption was not in *England* or *Ireland*, or was not to be found, or was not capable of entering into a Contract for the Purchase of such Lands, or that such Offer was made and refused or was not accepted or agreed to (as the Case may be) within the Time aforesaid by the Person to whom such Offer was made; and in case such Person shall be desirous of purchasing the same he shall be at liberty so to do at or for such Price or Sum as shall be equivalent to Nineteen Years Purchase, to be calculated on the actual improved yearly Rent or Value of the same, after deducting the Rent or a proportionate Part thereof payable by the said Society for or in respect of the same Lands; and the Money produced by the Sale which may be made

Grantor of Lease to have the Right of purchasing the Lands leased by him at 19 Years purchase.

by

by the said Society of any such Lands as aforesaid shall be applied to the Purposes of this Act; and in the mean time and until the said Society shall think proper to make such Sale it shall be lawful for the said Society to demise, lease, or let any such Lands to any Person willing to become the Tenant thereof, in such Manner and upon such Terms as the said Society shall think proper.

Society required to sell Land at the End of Twenty-one Years.

XI. Provided always, and be it further enacted, That in case the Lands so leased to the said Society as aforesaid, or any of them, or any Part or Parts thereof respectively, shall remain unsold and undisposed of by the said Society at the End of Twenty-one Years after such Lands, or such Part or Parts thereof respectively as shall so remain unsold and undisposed of, shall have been improved, reclaimed, and brought into Cultivation, then and in such Case the said Society shall and are hereby required absolutely to sell and dispose of the Lands so brought into Cultivation and remaining unsold for all their Term, Estate, and Interest therein, and subject to any Under-leases granted thereof, either together or in Lots, and either by public Auction or Tender, or by private Contract, as the said Society shall think proper, to any Person or Persons willing to purchase the same, or any of them, or any Part thereof respectively, for the best Price that can be reasonably had or gotten for the same; provided a Price or Sum equivalent to Twenty Years Purchase, to be calculated on the actual improved yearly Rent or Value of the same, or of the Estate or Interest of the said Society therein, shall be offered or can be obtained for the same, but not otherwise.

Society empowered to purchase absolutely 100 Acres of Land for Wharfs and other Purposes.

XII. And be it further enacted, That it shall be lawful for the said Society and they are hereby empowered to contract with any Person or Corporation who shall be willing to sell the same for the absolute Purchase of any Lands (not exceeding in the whole One hundred Acres) in such Places as the said Society shall deem eligible for the Purpose of making and providing Wharfs, Storehouses, Depôts, Offices, Yards, Kilns, Pits, Warehouses, and other Buildings and Conveniences for providing, making, manufacturing, or obtaining Stone, Clay, Bricks, Lime, Gravel, Sand, or any other Materials whatsoever, or for receiving, depositing, or keeping any such Materials, or any other Goods, Articles, Produce, Matters, or Things whatsoever belonging to the said Society, or for any other Purposes whatsoever connected with the Undertaking by this Act authorized, which the said Society shall judge requisite; and it shall be lawful for all Corporations and other Persons whomsoever (including especially such or the like Corporations and Persons as are herein-before capacitated to grant Leases to the said Society and their Successors of any Waste or other Lands for the Purposes of this Act) to sell and convey to the said Society and their Successors any Lands whatsoever for the Purposes herein-before mentioned, or any of them, in the same Manner as is herein-before directed concerning the Lands to be taken on Lease for the Purposes by this Act authorized; and all such Contracts, Sales, and Conveyances shall be made at the Expence of the said Society; and shall be made according to the following Form, or as near thereto as the Number of the Parties and the Circumstances of the Case will admit; namely,

'I

Form of Conveyance.

'I Sum of of in consideration of the to me [*or* (*as the Case may be*) to *A.B.* of and *C.D.* of Trustees appointed to receive the same, pursuant to the Act after mentioned,] paid by the *Irish* Waste Land Improvement Society established and incorporated by an Act of Parliament passed in the Year of the Reign of His Majesty King *William* the Fourth, intituled [*here insert the Title of this Act*], do hereby convey [*or, in Cases of Copyhold or Customary Lands requiring Surrender,* do hereby agree to surrender,] to the said Society, their Successors and Assigns, all [*describing the Premises to be conveyed*], together with all Ways, Rights, and Appurtenances thereto belonging, and all such Estate, Right, Title, and Interest in and to the same and every Part thereof as I am or shall become seised of or entitled to, or am by the said Act capacitated or empowered to convey, to hold the Premises to the said Society, their Successors and Assigns for ever, according to the true Intent and Meaning of the said Act. In witness whereof I have hereunto set my Hand and Seal the Day of in the Year of our Lord .'

And all such Conveyances and Assurances as aforesaid shall be valid and effectual in Law to all Intents and Purposes, and shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Interest so thereby conveyed or aliened, and to bar and destroy all Estates Tail and all Titles to Dower, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever of and in the same.

Society empowered to sell such Lands and purchase others, but not to hold more than 100 Acres at any One Time.

XIII. And be it further enacted, That it shall be lawful for the said Society from Time to Time to sell and dispose of such Lands as they are by this Act empowered to purchase and shall have actually purchased for the Purposes last aforesaid, or such Parts of such Lands as the said Society shall think fit, in such Manner and to such Persons as the said Society shall think proper, and by Deed under their Common Seal to convey such Lands to the Purchasers thereof, and again from Time to Time to contract for and purchase any other Lands which the said Society shall deem more eligible for the Purposes aforesaid, and afterwards to sell and dispose of the same as aforesaid, and so from Time to Time as the said Society shall deem proper, so that the total Number or Quantity of Acres to be purchased and held by the said Society for any of such Purposes shall not exceed at any One Time the Number or Quantity of One hundred Acres for those Purposes expressly specified or allowed in or by this Act; and in the meantime and until the said Society shall think proper to make such Sale it shall be lawful for the said Society to let such Lands or any Part thereof to any Person willing to become the Tenant thereof, in such Manner and upon such Terms as the said Society shall think proper.

Society not to purchase more than

XIV. And whereas the said Society are enabled to purchase One hundred Acres of Land by virtue of this Act for the Purpose of providing

providing Wharfs, Storehouses, Depôts, Offices, Yards, Kilns, Pits, Warehouses, and other Conveniences, in addition to the Lands authorized to be taken on Lease, and all Corporations and Persons whomsoever are empowered to sell such Number or Quantity of Acres to the said Society: And whereas it is expedient to restrain the said Society from selling any such Land so purchased from Corporations or from Persons being under legal Disability or incapacitated, and again purchasing other Lands from the same or from any other Corporations or Persons being under legal Disability or incapacitated in lieu or stead of the Lands so sold; be it therefore enacted, That it shall not be lawful for the said Society to purchase from any Corporation, Trustee, or Feoffee in Trust for charitable or any other Purposes, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Lunatic, Idiot, Feme Covert, or Cestuique Trust not absolutely entitled in his own Right, or from any Tenant for Life, in Tail, or Person to whom or for whose Benefit Lands are limited in strict Settlement, or other Persons being under legal Disability or Incapacity, more than such One hundred Statute Acres; and in case the said Society shall purchase such One hundred Statute Acres from any Corporations or other Persons under such legal Disability or Incapacity as aforesaid, and shall afterwards sell the Whole or any Part of such One hundred Statute Acres so purchased, it shall not be lawful for the said Society to purchase of or from the same or of or from any other Corporations or Persons being under legal Disability or Incapacity, nor for the same nor for any other Corporations or Persons being under legal Disability or Incapacity to sell to the said Society, any other Lands in lieu of such One hundred Statute Acres of Land or any Part thereof so sold or disposed of by the said Society.

Not more than such 100 Acres from Corporations or Persons under Disabilities

XV. And be it further enacted, That in all Conveyances and Assurances to be made by the said Society under or in pursuance of this Act the Word "grant" shall operate as and be construed and adjudged in all Courts of Judicature to be express Covenants to or with the respective Grantees therein named, and the Successors, Heirs, Executors, Administrators, or Assigns of such Grantees, according to the Quality or Nature of such Grantees Interest therein, and the Estate or Interest therein expressed to be thereby conveyed or assured by or from the said Society, for themselves and their Successors, and that they the said Society, notwithstanding any Act and Default done by them, were, at the Time of the Execution of such Conveyances or Assurances, seised of or entitled to the Lands thereby granted for an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances done or occasioned by them, or otherwise for such Estate or Interest as therein expressed to be thereby granted, free from Incumbrance done or occasioned by them, that the Purchasers thereof, their Heirs and Assigns, Successors and Assigns, or Executors, Administrators, and Assigns (as the Case may be), shall quietly enjoy the same against the said Society, their Successors and all claiming under them, and be indemnified and saved harmless by the said Society and their Successors from all Incumbrances committed by the said Society, and also for further Assurance of such Lands by the said Society, their Successors, and all claiming under them, unless except and so

The Word "grant" in Conveyances from the Society to amount to certain Covenants.

far as the same shall be restrained and limited by express particular Words contained in such Conveyances or Assurances; and all such Grantees, and their several Successors, Heirs, Executors, Administrators, and Assigns respectively, according to their respective Quality or Nature, and the Estate or Interest expressed to be thereby conveyed or assured, shall and may in all Actions to be brought assign Breach or Breaches thereupon as they might do in case such Covenants were expressly inserted in such Conveyances or Assurances.

Receipts to be given for Money paid to the Society.

XVI. And be it further enacted, That upon Payment of the Money which shall arise by Sale of any Lands authorized by this Act to be sold by the said Society, or upon Payment to the said Society of any Money under this Act, it shall be lawful for the Secretary of the said Society for the Time being, or any Officer appointed by the Directors for that Purpose, to sign and give Receipts for the Money so paid, which Receipts shall be sufficient Discharges to all Persons for the Purchase Money for such Lands as shall be so sold, or for such other Sums of Money as in such Receipts respectively shall be expressed to be received, and such Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase or other Monies, or any Part thereof.

Society may enter Lands and make Watercourses for the Purposes of Drainage.

XVII. And be it further enacted, That, for the Purpose of draining and bringing into Cultivation the Bogs and Waste Lands hereby authorized to be taken or held by the said Society, the said Society shall and they are hereby authorized, by such Agents, Workmen, and Labourers as they shall think fit to employ, to enter into and upon any Lands or Grounds whatever, and to form, make, and erect, deepen, scour out, widen, and improve, all such Rivers, Streams, Watercourses, Cuts, Drains, Sluices, Engines, Bridges, and other Works in, through, upon, or over any such Bog or Waste Lands or any Part thereof, and in, through, upon, or over any other Lands, and also to deepen, cleanse, scour out, widen, and improve any Rivers, Streams, Watercourses, Cuts, or Drains flowing from or out of the said Bog or Waste Lands so to be drained and improved, and to do all other Things which they shall judge proper and expedient for effectually draining the same, doing as little Damage as may be; and the said Society may by any Writing under their Common Seal in the meantime appoint any such Person, and make such Orders and give such Directions for carrying on, effecting, and preserving such Works, and for maintaining, supporting, and keeping the same in good and sufficient Repair, as the said Society shall think proper, just, and equitable; and the said Society shall make such Recompence and Satisfaction to any such Body or Person in whose Lands or Grounds such Cuts, Drains, Sluices, Engines, Bridges, and other Works shall be made, or who shall be prejudiced thereby, or by means or in consequence thereof, or for the Value of the Land to be used for the Purposes aforesaid, and all such other Damages as they or he shall sustain, as shall or may be agreed upon between the said Society and the Body or Person who shall be prejudiced as aforesaid, and such Recompence and Satisfaction shall and may be raised in the same Manner as the other Expences for executing this Act; and if the said Society or such Body or Person cannot agree concerning the Amount

Amount of such Damages, then the same shall be ascertained and settled by the Verdict of a Jury, if required, as herein-after is directed.

Damages to be ascertained by a Jury.

XVIII. And be it further enacted, That if any such Body or Person cannot agree with the said Society respecting the Damage which they or he may sustain from Time to Time to their or his Lands by the Execution of the Powers of this Act and the Satisfaction for the same, or if any such Body or Person shall refuse to accept such Satisfaction or other Compensation as shall be offered by the said Society, and shall give Notice thereof in Writing to the Secretary of the said Society requiring the Matter in dispute to be submitted to the Determination of a Jury, or in any Case where an Agreement for Compensation for Damages incurred in the Execution of any of the Powers of this Act cannot be made, then and in every such Case the said Society shall and they are hereby required and empowered from Time to Time to issue a Warrant under their Common Seal, directed to the Sheriff of the County wherein such Damage shall be done, or in case the said Sheriff or his Under Sheriff shall be in any way interested in the Matter in question, then to any of the Coroners of the said County not interested as aforesaid, commanding such Sheriff or Coroner to impannel, summon, and return a Jury, and the said Sheriff or Coroner is hereby required and empowered accordingly to impannel, summon, and return a Jury of Twenty-four honest, sufficient, and indifferent Men, qualified according to the Laws of the Realm for the Time being to be returned for the Trial of Issues in His Majesty's Courts of Record at *Dublin;* and the Persons so to be impannelled, summoned, and returned are hereby required to appear before the said Sheriff, Under Sheriff, or Coroner at such Time and Place as in such Warrant shall be appointed, and to attend from Day to Day until duly discharged; and out of such Persons so to be impannelled, summoned, and returned a Jury of Twelve Men shall be drawn by the said Sheriff, Under Sheriff, or Coroner, or by some other Person to be by them respectively appointed; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid such Sheriff, Under Sheriff, Coroner, or other Person shall return other honest and indifferent Men of the Standers-by, or of others than can be speedily procured (being so qualified as aforesaid), to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against the said Jurymen, but shall not challenge the Array; and the said Sheriff, Under Sheriff, or Coroner is hereby empowered, authorized, and required to summon before him all and every Person or Persons who shall be thought necessary and proper to be examined as a Witness or Witnesses upon Oath touching or concerning the Premises; and the said Sheriff, Under Sheriff, or Coroner may order and authorize the said Jury, or any Six or more of them, either before or after they are sworn, to view the Place or Matter in question, if there be Occasion, and to use all other lawful Ways and Means as well for his own as for the Jury's better Information in the Premises as the said Sheriff, Under Sheriff, or Coroner shall think fit; which Jury upon their Oaths (which Oaths, as well as the Oaths to such Person or Persons as shall be called on to give Evidence,

Evidence, the said Sheriff, Under Sheriff, or Coroner is hereby empowered and required to administer,) shall inquire, assess, and ascertain what Damages have or may have been sustained by and what Satisfaction shall be made to the Proprietor, Occupier, or other Person interested for or on account of the Execution of the Powers of this Act; and after the said Jury shall have inquired of and ascertained and settled such Damages and Satisfaction the said Sheriff, Under Sheriff, or Coroner shall thereupon order the Sum or Sums of Money so assessed by the said Jury to be paid by the said Society to the said Proprietor, Occupier, or other Person interested in the said Lands, according to such Verdict and Inquisition of the said Jury, and shall give Judgment for such Satisfaction and Damages assessed by such Jury; which said Verdict or Inquisition, Order or Judgment thereon pronounced as aforesaid, shall be signed by the said Sheriff, and shall be binding and conclusive against all and every Persons claiming any Satisfaction or Damage from the said Society by the Operation of this Act, and shall not be removed by Certiorari or other Process into any of His Majesty's Courts of Record at *Dublin*, or any other Courts, notwithstanding any Law or Statute to the contrary thereof.

Penalty on Persons refusing to be Jurors or to give Evidence.

XIX. And be it further enacted, That if any Person so impannelled, summoned, and returned as aforesaid upon such Jury shall not appear without some reasonable Excuse, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give his Verdict, or shall in any Manner wilfully neglect his Duty therein, contrary to the true Intent and Meaning of this Act, he shall be liable and subject to the same Rules and Regulations and to the same Pains and Penalties for such Default as if he had been impannelled, summoned, and returned for the Trial of any Issue joined in any of His Majesty's Courts at *Dublin;* and if any Person so summoned and required to give Evidence before the said Jury touching the Premises shall neglect or refuse to appear after having been tendered a reasonable Sum for his Costs, Charges, and Expences, or shall not allege sufficient Excuse to the said Sheriff, Under Sheriff, or Coroner for not appearing, or appearing shall refuse to be sworn and examined or to give Evidence, then and in every such Case every such Person so offending, upon Proof thereof made before Two or more of His Majesty's Justices of the Peace for the County or Place in which the Matter in question shall arise upon the Oath of Two or more credible Witnesses, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, according to the Discretion of the said Justices; and in case any such Penalty shall not be forthwith paid it shall and may be levied, by virtue of any Warrant under the Hands and Seals of the said Justices, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to such Person the Overplus (if any) after such Penalty and the Charges of such Distress and Sale shall have been deducted; and every such Penalty which shall be paid by or recovered from any Person who shall be impannelled, summoned, and returned on such Jury, or to give such Evidence as aforesaid, shall be paid to the Person or Persons who shall appear to the said Justice to be injured by the Default of such Person.

Expences of Juries how to be paid.

XX. And be it further enacted, That in every Case in which the Verdict of a Jury summoned as aforesaid shall be given for a greater Sum than shall have been previously offered by the said Society as Compensation for any Damage or Loss which may happen or arise in the Execution of any of the Powers hereby granted, all the Costs, Charges, and Expences of summoning such Jury and of Witnesses, and also the Bond to be given by the Parties requiring such Jury to be summoned as herein-after mentioned, shall be defrayed by the said Society; and such Costs, Charges, and Expences shall be settled and determined by the said Sheriff, Under Sheriff, or Coroner; and in case such Costs, Charges, and Expences shall not be paid to the Party entitled to receive the same within Fourteen Days after the same shall have been demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods and Chattels of the said Society under a Warrant to be issued for that Purpose by any Justice of the Peace for the County, City, or Place wherein such Inquisition shall be held, not interested in the Matter in question, which Warrant such Justice is hereby authorized and required to issue under his Hand and Seal on Application made to him for that Purpose by any Party entitled to receive such Costs, Charges, and Expences; but if the Verdict of the Jury shall be given for the same or for a less Sum than shall have been previously offered by the said Society, or in case the said Society shall have required a Statement of the Manner in which any Amount of Money which shall have been demanded as a Satisfaction, Recompence, or Compensation has been computed and made up, and the Jury shall be of opinion that no sufficient Statement was delivered by the Claimant to enable the said Society to make a proper Offer, one Moiety of the said Costs, Charges, and Expences shall be defrayed by the Party with whom the said Society shall have such Controversy or Dispute, and the Remainder shall be defrayed by the said Society; and the former Moiety of such Costs, Charges, and Expences, having been ascertained and settled in manner herein-before mentioned, shall and may be deducted out of the Money adjudged to be paid to such other Party as so much Money advanced to and for his Use, and the Payment or Tender of the Remainder of the Money so adjudged shall be deemed and taken to all Intents and Purposes to be a good Payment or Tender in satisfaction of the whole thereof: Provided always, that in Cases in which, by reason of Absence in Foreign Parts, or from any other Cause or Disability not herein-before provided for, any Person shall have been prevented from treating and agreeing as aforesaid, the whole of such Costs, Charges, and Expences shall be borne and paid by the said Society.

Verdicts of Juries to be recorded.

XXI. And be it further enacted, That the said Judgments and Verdicts so given shall be transmitted to and be kept by the Clerk of the Peace or other Person or Persons having the Custody of the Records of the Quarter Sessions of the County in which the same shall be given, and shall be deposited with and deemed to be the Records of such Quarter Sessions respectively to all Intents and Purposes, and the same or true Copies thereof shall be allowed in Evidence in all Courts whatsoever, and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of Two

Shillings and Sixpence, and to have Copies thereof, paying for every Copy the Sum of Four-pence for every One hundred Words, and so in proportion for any greater or less Number of Words.

Persons requesting Juries to enter into Bonds to prosecute their Complaints and payExpences.

XXII. And be it further enacted, That all Parties with whom the said Society shall have any Dispute, and who shall require a Jury to be summoned as aforesaid, shall at their own Costs, before the said Society shall be obliged to issue their Warrant for the summoning of such Jury, enter into a Bond with One sufficient Surety to the said Society, in a Penalty of Two hundred Pounds, to prosecute their Complaint, and to bear and pay their Proportion of the Costs and Expences of summoning, impannelling, and returning such Jury, taking such Inquisition, and of the Attendance of Witnesses, and recording the Verdict or Judgment thereon, and otherwise incident to such Inquisition, in case any Part of such Costs and Expences shall fall upon them.

No Complaint to be taken notice of unless Notice be given to the Society within Six Months.

XXIII. And be it further enacted, That the said Society shall not be obliged by virtue of this Act to receive or take notice of any Complaint to be made by any Body or Person whomsoever for any Injury or Damage sustained or supposed to be sustained by them or him by virtue or in consequence of this Act, unless Notice in Writing shall have been given in relation thereto by or on behalf of such Body or Person to the said Society, within the Space of Six Calendar Months next after the Time that such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Damages under 20*l.* to be settled by Justices.

XXIV. And be it further enacted, That in case any Difference shall arise between the said Society and any of the Owners or Occupiers of the Lands to be taken or used for the Purposes of this Act as to the Amount or Value of the Damages done by the said Society, their Servants, Agents, or Workmen, to such Lands in the Execution of any of the Powers of this Act, and such Difference cannot be adjusted and settled between the said Parties, the same shall be ascertained and determined by some Two or more Justices of the Peace for the County, Liberty, or Place in which such Lands shall lie, who, upon Application made to them by both or either of the said Parties, shall examine into the Matter in dispute, and shall determine and settle the Amount of Compensation which shall be payable by the said Society, provided such Compensation do not exceed the Sum of Twenty Pounds; and the said Justices respectively are hereby authorized and required, on Nonpayment of the said Damages for the Space of Fourteen Days after the same shall become due, to levy such Damages and all Charges respecting the same by Distress and Sale of any Goods and Chattels of the said Society, in the same Manner as by this Act is directed with respect to the Recovery of Compensation for other Damages done by the said Society.

In default of Payment within 14 Days may be levied by Distress.

Application of Compensation if amounting to 200*l.*

XXV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands purchased, taken, or used by virtue of this Act for the Purposes thereof, or in satisfaction

of any Loss or Damage done to any Lands by the Operation of this Act, which Lands shall belong to any Bodies Corporate or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Idiot, Lunatic, Feme Covert, or other Cestuique Trust, in strict or other Settlement, or to any other Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the High Court of Chancery in *Ireland*, to be placed to his Account there *ex parte* "The *Irish* Waste Land Improvement Society," pursuant to the Method prescribed by an Act passed in the Parliament of *Ireland* in the Twenty-third and Twenty-fourth Years of the Reign of His late Majesty King *George* the Third, intituled *An Act for better securing the Monies and Effects of the Suitors of the Court of Chancery and the Court of Exchequer by depositing the same in the National Bank, and to prevent the forging and counterfeiting any Draft, Order, or other Voucher for the Payment or Delivery of such Money or Effects, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward, to the Intent that such Money shall be applied, under the Direction of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Body or Person who would have been entitled to the Rents and Profits of the Lands in respect of which the same shall be paid, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance or Part thereof, as the said Court shall authorize to be paid, affecting the said Lands, or affecting other Lands standing settled therewith to the same or the like Uses, Intents, and Purposes; and where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction of the said Court, in the Purchase of other Lands, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands which shall be so purchased, taken, used, or damaged as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the said Court upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of *Irish* Government Debentures, or *Irish* Treasury Bills, or Three Pounds *per Centum* Consolidated or Reduced Bank Annuities; and in the meantime, and until the said Debentures, Bills, or Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Debentures, Bills, or Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Body or Person who would for the Time being have been entitled to the Rents and Profits of the said Lands so hereby directed to be purchased in case such Purchase or Settlement were made.

23 & 24 G. 3. (I.)

XXVI. And

When under 200*l.* and exceeding 20*l.*

XXVI. And be it further enacted, That if any Money so agreed or awarded to be paid for any Lands purchased, taken, or used for the Purposes of and in virtue of the Powers of this Act, or on account of any Damage or Satisfaction arising to any Lands belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Body or Person for the Time being entitled to the Rents and Profits of the Lands so purchased, taken, used, or damaged, or of his or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, or Lunacy, to be signified in Writing under their respective Hands, to be paid into the Bank of *Ireland* in the Name and with the Privity of the said Accountant General of the Court of Chancery in *Ireland*, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees to be nominated by the Body or Person making such Option, and approved of by the said Society, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money and the Interest arising thereon may be applied in any Manner herein-before directed, as far as the Case may be applicable.

When not exceeding 20*l.*

XXVII. And be it further enacted, That when such Money so agreed or awarded to be paid as last before mentioned shall not exceed Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Body or Person who would for the Time being have been entitled to the Rents and Profits of the Lands purchased, taken, or used for the Purposes of this Act as aforesaid, or damaged in carrying the same into effect, in such Manner as the said Society shall think fit; or in case of Infancy, Idiotcy, or Lunacy, then such Money shall be paid to his Guardian or Committee to and for the Use and Benefit of such Person so respectively entitled.

In Cases of doubtful Title.

XXVIII. And be it further enacted, That where any Question shall arise touching the Title of any Body or Person to any Money to be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the said Court of Chancery in *Ireland*, in pursuance of this Act, for the Purchase of or in satisfaction for any Lands, or of any Estate, Right, or Interest in any Lands, damaged or injured in pursuance thereof, or to any Debentures, Bills, or Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Debentures, Bills, or Bank Annuities, the Body or Person who shall have been in Possession of the Lands at the Time of such Damage, and all Persons claiming under them or under the Possession of any such Body or Person, shall be deemed and be taken to have been lawfully entitled to such Lands according to such Possession until the contrary shall be shown to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Debentures, Bills, or Bank Annuities to be purchased by such Money, and also the Capital of such Debentures,

bentures, Bills, or Bank Annuities, 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 one, and that some other Person was lawfully entitled to such Lands, or to some Estate or Interest therein.

Society to pay all Costs attending Damages to Lands, &c.

XXIX. And be it further enacted, That where, by reason of the Disability or Incapacity of any Person or Corporation entitled to any Lands, Tenements, or Hereditaments to be damaged or injured under or by virtue of this Act, or from any other Cause whatsoever, any Money to be paid for or by way of Compensation or Satisfaction for any Injury or Damage done to the same shall be required to be paid into the Bank of *Ireland*, and be subject to the Orders and Directions of the Court of Chancery, under the Provisions herein contained, it shall be lawful for the said Court to order all the reasonable Costs, Charges, and Expences attending such Damage or Injury of any Lands, Tenements, and Hereditaments, or which may be incurred in consequence thereof, and also of the Investment of the Compensation Money paid in respect of such Lands, Tenements, and Hereditaments in Real or Government Securities, and likewise the Re-investment of such Compensation Money, or the Government or Real Securities purchased therewith, in the Purchase of Lands, Tenements, and Hereditaments as herein-before mentioned, together with the Costs, Charges, and Expences of obtaining the proper Orders and of the other Proceedings for such Purposes, and of the Payment of the Dividends and Interest of the said Government or Real Securities, and of the Payment of the Principal of the said Compensation Money, and of the Government or Real Securities purchased therewith, out of Court, to be paid by the said Society, and the said Society shall from Time to Time pay such Sums of Money for the said Costs, Charges, and Expences as the said Court shall direct.

Society may set out public Carriage Roads.

XXX. And be it enacted, That it shall be lawful for the said Society to set out and appoint public Carriage Roads and Highways through and over such Bog and Waste Lands so to be held by them as aforesaid, and to divert, turn up, and stop up any of the Roads and Tracts upon and over the same, as they shall judge necessary, so as such Roads and Highways shall be and remain Thirty Feet wide at the least, and so as the same shall be set out in such Directions as shall be most commodious to the Public, and shall also ascertain the same by Marks and Bounds, and prepare a Map in which Roads shall be accurately laid down and described, and cause the same to be deposited with the Clerk of the said Society; and the Expence of forming and completing such Roads respectively shall be raised and paid by the said Society.

Grand Jury to present Roads.

XXXI. And be it enacted, That the Grand Jury of any County wherein such Roads shall respectively be shall be and they are hereby authorized if they so think fit, at any Time thereafter, to present such Sums to be levied on the Barony or County for the completing and gravelling or metalling and repairing such Roads or Portions thereof, and for making all such Bridges, Gullets, and other

other Works appertaining thereto, as may appear proper to such Grand Jury, in like Manner in all respects and upon such Applications as such Grand Jury are authorized to make such Presentments in respect of any Road made or repaired by the Grand Jury Presentment.

Society to set out private Roads.

XXXII. And be it enacted, That the said Society shall also set out and appoint such private Roads, Bridleways, Footways, Ditches, Drains, Watercourses, Watering Places, Quarries, Bridges, Gates, Stiles, Mounds, Fences, Banks, Bounds, and Landmarks in, over, upon, and through the Lands to be held by the said Society, and the same shall be made, and at all Times thereafter during the said Society's Term, Estate, or Interest in such Lands be supported and kept in repair, by and at the Expence of the said Society, or by their Lessees or Assigns.

Drains to be cleared by the Society in case Proprietors neglect.

XXXIII. And be it enacted, That if any Tenant or Occupier of any Bog or other Lands which may be drained by virtue of this Act shall refuse or neglect to cleanse and scour out, and keep sufficiently wide and deep, any Drain, Ditch, or Dike, or neglect to make and keep in repair any private Road or Way, Fence, Drain, Bank, Bridge, Gate, Stile, or Tunnel, in, over, and upon the Lands occupied by him or them, after Thirty Days Notice in Writing shall have been given to him for that Purpose by any Officer to be appointed at any General or Special Meeting of the said Society for managing the Works of Drainage for the Time being, it shall be lawful for such Officer, and he is hereby authorized and required, to cause such Drain, Ditch, or Dike to be cleansed and scoured, or such private Road or Way, Fence, Drain, Bank, Bridge, Gate, Stile, or Tunnel, to be made and repaired; and the Tenant or Occupier so refusing or neglecting shall reimburse and pay to such Officer all such Costs, Charges, and Expences as shall be incurred by the cleansing, scouring, making, and repairing of any Drain, Ditch, or Dike as aforesaid, with reasonable Satisfaction to such Officer for his Time and Trouble therein; and in case such Tenant or Occupier shall, after Demand thereof made by such Officer, refuse or neglect to reimburse and pay all such Costs, Charges, Expences, and Satisfaction as aforesaid, then the same shall and may be levied by Distress and Sale of the Goods and Chattels of the said Party so offending by virtue of a Warrant or Precept under the Seal of the said Company.

Not to take any House, &c. without Consent.

XXXIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend to authorize or empower the said Society, or any other Person or Persons, to take, use, injure, or damage any House or Building, or any Ground which upon the First Day of *June* One thousand eight hundred and thirty-six was the Site of any House or other Building, or any Park or Demesne, Avenue, planted Walk, Lawn, Shrubbery, or Pleasure Ground, nor any Yard, Garden, or Orchard, without the Consent in Writing of the respective Owners and Occupiers thereof.

First and other general Meetings of the Society.

XXXV. And be it further enacted, That the said Society shall meet together at the *London* Tavern in the City of *London*, or at some other convenient Place in the same City, within Three Calendar

Months next after the passing of this Act, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, of which Meeting Fourteen Days Notice at the least shall be given in manner herein-after mentioned, and shall then and there proceed in the Execution of this Act; and from and after such First General Meeting of the said Society there shall be a Half-yearly General Meeting of the said Society in the Month of *February* and the Month of *August* in each and every Year, and also such and so many Special General Meetings of the said Society as the Directors of the said Society shall think proper to convene, or as shall be convened in manner herein-after provided, of which said General Meetings and Special General Meetings Fourteen Days public Notice at the least shall be given in the Manner herein-after mentioned, and every such Notice of a Special General Meeting shall specify the Purpose for which such Special General Meeting is called; and such First General Meeting of the said Society, and all other General Meetings and Special General Meetings of the said Society, may be adjourned from Time to Time as shall be found expedient.

Special General Meetings may be convened.

XXXVI. And be it further enacted, That a Special General Meeting of the Proprietors of the said Society may be called at any Time by the Directors for the Time being, or any Four of them, if they shall see Occasion; and any Twenty or more Proprietors of the said Society holding in the Aggregate Five hundred Shares or upwards therein, upon which all Calls actually previously made shall have been paid and satisfied, may at any Time by Writing under their Hands left at the Office of the said Society, or given to at least Three Directors of the said Society, or left at their last or usual Places of Abode in *England*, require the Directors of the said Society to call a Special General Meeting of the Proprietors of the said Society to be held in *London*, so as such Requisition fully express the Object for which such General Meeting is required to be called, and the said Directors are thereupon required to call such Meeting accordingly; provided that in every such Case Notice of such Meeting (whether called in pursuance of any such Requisition or not) be given in manner herein-after provided, and which Notice shall express the Object for which such Special General Meeting is called; and in case of Neglect or Refusal of the said Directors to call such Meeting for the Space of Twenty-one Days next after such Requisition given or left as aforesaid, the same may be called by such Twenty or more Proprietors by giving Fourteen Days Notice thereof by Advertisement in Two or more *London* Newspapers and in Two or more Newspapers usually circulated within the City of *Dublin* respectively, such Notice expressing the Object for which such Special Meeting is required to be called; and the said Society are hereby authorized to meet in pursuance of such Notice, and such of the Proprietors thereof as shall be present at such Meeting shall proceed to the Execution of the Powers by this Act given to the said Society with respect to the Matters so specified in such Notice; and all Acts and Resolutions of the major Part in Votes of the Proprietors of the said Society met together at any such Special General Meeting shall be as valid and binding with respect to the Matters specified in such Notice as if the same had been done or resolved at

a Half-

a Half-yearly General Meeting held at the Time herein-before appointed for holding the same.

As to the Notice required previous to any General or Special General Meeting.

XXXVII. Provided always, and be it further enacted, That all Notices herein directed to be given of any General or Special General Meeting of the Proprietors of the said Society, or of any Adjournment thereof respectively, or of any other Matters, to any of the Proprietors of the said Society, and not herein otherwise provided for, shall be signed by the Secretary of the said Society, and shall be given by Advertisement inserted in Two or more *London* Newspapers and in One or more Newspaper or Newspapers usually circulated in the City of *Dublin;* and such Notices, when so published and given, shall be deemed and considered the same as personal Notices.

Business at Special and adjourned General Meetings.

XXXVIII. And be it further enacted, That no Business shall be transacted at any Special General Meeting other than the Business for which it shall have been called; and no Business shall be transacted at any adjourned General or Special General Meeting other than the Business left unfinished at the Meeting from which such Adjournment shall have taken place.

General Meetings to consist of not less than 15 Persons possessing at least 300 Shares.

XXXIX. Provided always, and be it further enacted, That if at any such General Meeting there shall not be Fifteen Proprietors present who shall be Holders of at least Three hundred Shares in the Aggregate within Two Hours from the Time appointed for such Meeting, no Choice of Directors shall be made, nor shall any Business be done, but in such Case there shall be another Meeting of the said Society, at the same Place and the same Hour, at the Expiration of Fourteen Days then next, and if at such adjourned Meeting there shall not be Fifteen Proprietors present who shall be Holders of at least Three hundred Shares in the Aggregate within Two Hours from the Time appointed for such adjourned Meeting, such adjourned Meeting shall adjourn to the Seventh Day next following; and if at such further adjourned Meeting there shall not be present Fifteen Persons who shall be Holders of at least Three hundred Shares as last aforesaid within the Time last aforesaid, such last-mentioned Meeting shall stand further adjourned to the Seventh Day next following; and in case such Number of Persons qualified as aforesaid shall not then be present, the Directors for the Time being shall continue to act and have the same Powers as they had and were possessed of until the next General Half-yearly Meeting, or until new Directors shall be appointed.

Who is to preside at Meetings of the Society.

XL. And be it further enacted, That at all General and Special General Meetings of the said Society the Chairman of the said Directors, or in his Absence the Deputy Chairman of the said Directors, or in his Absence any Director of the said Society to be chosen at any such Meeting, or in the Absence of all the Directors any Proprietor to be chosen at such Meeting, shall preside as Chairman.

Scale of Votes and Mode of

XLI. And be it further enacted, That at all General and Special General Meetings to be convened by virtue of this Act all Corporations

tions and Persons who shall respectively have duly subscribed for or become the Proprietors of or entitled to Five Shares each or upwards in the said Society, and their respective Successors, Executors, Administrators, and Assigns, shall have and be entitled to a Vote or Votes in respect of such Shares respectively according to the Scale herein-after mentioned; (that is to say,) every Proprietor holding Five or more Shares and less than Ten Shares shall be entitled to One Vote, and holding Ten or more Shares and less than Twenty-five Shares to Two Votes, and holding Twenty-five or more Shares and less than Fifty Shares to Three Votes, and holding Fifty Shares or upwards to Four Votes; provided nevertheless, that no Corporation or Person shall have more than Four Votes in their or his own Right; and such Vote or Votes may be given by such respective Parties, or in their Absence by their respective Proxies constituted under the Seals of such Bodies, or under the Hands of the other Proprietors appointing such Proxies, all such Proxies being Proprietors of Shares in the said Society, and every such Vote by Proxy shall be as good and sufficient to all Intents and Purposes as if the Principal had voted in Person; and every Question, Matter, or Thing which shall be proposed in any General or Special General Meeting of the said Society shall be determined by a Majority of Votes and Proxies then present, and the Determination of such Majority shall bind the Meeting, such Majority to be ascertained by a Show of Hands or by Ballot, or in such other Manner as shall from Time to Time be provided for by any Bye Law of the said Society, or, subject thereto (and in default thereof), by any Regulation of the Directors of the said Society, or (subject to any such Bye Law or Regulation, or in default thereof,) by the Chairman at such Meeting; and at every such Meeting the Chairman thereof shall and may not only vote as a Principal and Proxy, but in case of any Equality of Votes shall and may also have a further or the dividing or casting Vote; and the Appointment of every such Proxy may be made according to the Form following, or as near thereto as the Quality, Nature, and Number of the Appointee or Appointees of the Proxy thereby constituted, and other Circumstances, will admit; (that is to say,) voting at Meetings.

'*A. B.* of one of the Pro- Form of Proxy.
'prietors of the *Irish* Waste Land Improvement Society, doth hereby
'appoint *C. D.* of to be the Proxy
'of the said *A. B.* to vote or give his Assent to or
'Dissent from any Business, Matter, or Thing relating to the said
'Society which shall be proposed at any General or Special General
'Meeting of the said Society, *or* at the General Meeting to be held
'on the Day of in such Manner as
'he the said *C. D.* shall think proper. In witness whereof
'the said *A. B.* hath hereunto set his Hand [*or* Common
'Seal] the Day of .'

XLII. And be it further enacted, That whenever Two or more Proprietors shall be jointly possessed of or entitled to any Shares in the said Society, all such Proprietors shall be entitled to give their Votes in respect of such Shares so jointly held by the Person whose Name shall stand first in the Books of the said Society as Proprietor of When Shares are jointly possessed, the Person whose Name stands first to be

deemed the Proprietor, and to vote.

of such Shares, and whose Vote shall on all Occasions be deemed and allowed to be the Vote for or in respect of the whole Property in such Share, without Proof of the Concurrence of the other Proprietor or Proprietors of such Share.

Lunatics and Minors to vote by Committees and Guardians.

XLIII. And be it further enacted, That in case any Proprietor entitled to vote at any such Meeting as aforesaid shall be a Lunatic or an Idiot, or a Minor under the Age of Twenty-one Years, such Lunatic or Idiot shall or may vote at such Meetings by his Committee or by any of his Committees, and such respective Committees may vote in respect of the Interest of such Lunatic or Idiot either in Person or by Proxy; and such Minor shall or may vote by his Guardian or by any of his Guardians, and such respective Guardians may vote in respect of the Interests of such Minor either in Person or by Proxy; provided that every such Committee or Guardian may also vote in right of his own Share as well as in the Character of Committee of any Lunatic or Idiot, or of Guardian of any Minor, on the same Occasion.

Proprietors in arrear for Calls not to vote.

XLIV. Provided also, and be it further enacted, That no Proprietor of any Share on which any Call made shall remain unpaid shall at any Meeting of the Proprietors of the said Society be allowed to vote, either personally or by Proxy, until the Money payable in respect of such Shares pursuant to such Call shall have been fully paid, unless the Time of Payment thereof shall not have expired.

Orders and Proceedings to be entered in a Book, and to be Evidence.

XLV. And be it further enacted, That the Orders and Proceedings of every Meeting (as well General as Special) of the said Society shall be entered in some Book or Books to be provided and kept for that Purpose, and shall be signed by the Chairman of such Meeting; and such Orders and Proceedings when so entered and signed, and also the Minutes or Entries herein-after provided to be kept of the Orders and Proceedings of the Directors when signed as herein-after ordered, shall be deemed original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts and before all Judges, Justices, and others, and that without Proof of such Meeting having been duly convened, or of the Persons making or entering such Orders or Proceedings being Proprietors or Directors of the said Society, as the Case may be.

Powers of General and Special Meetings.

XLVI. And be it further enacted, That it shall be competent to any General or Special General Meeting to call for, inspect, and examine the Accounts of the said Society and of the Directors, and of the Receivers and Collectors of the Rents, Issues, and Profits, or other Sums, and of the Officers of the said Society, and also in like Manner to call for, inspect, and examine all Rules, Regulations, Accounts, Books, Vouchers, Memorandums, and Documents relating to the said Society or to the Business thereof, and to call for any Information or Explanation from the Directors, Secretary, and other Officers of the said Society in respect of the said Matters or any of them, and also to give and allow to the Directors for the Time

being collectively, or to each or any of them individually, such Remuneration, Salary, or Allowance for his or their Time and Trouble in attending to or conducting the Business of the Society as by such Meeting shall be deemed fit, and also to allow and confirm the Accounts of the Society so as to bind all the Proprietors for the Time being and all Persons claiming under them, and generally to consider and decide upon any Business, Matter, or Thing relating to the said Society and the Affairs and Concerns thereof.

General and Special General Meetings may make Bye Laws.

XLVII. And be it further enacted, That the said Society shall have full Power and Authority, by the Resolution of any General or Special General Meetings as aforesaid, from Time to Time to make such Bye Laws, Rules, and Orders as to the said Society shall seem right and proper for the good Government of the Officers and Servants of the said Society, and for regulating the Proceedings and reimbursing the Expences of the said Directors, and for the Management of the Affairs of the said Society in all respects whatsoever, and from Time to Time to alter and repeal such Bye Laws, Rules, and Orders, or any of them, and to make others, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same, as to the said Society shall seem meet, not exceeding the Sum of Five Pounds for any One Offence, such Fines and Forfeitures to be levied and recovered as any Penalties and Forfeitures may by this Act be levied and recovered; which said Bye Laws, Rules, and Orders, being reduced into Writing under the Common Seal of the said Society, shall be printed and published or painted on Boards, and shall be hung up and fixed and continued in some conspicuous Part of the Office or several Offices of the said Society; and all such Bye Laws, Rules, and Orders as aforesaid shall be binding upon and be observed by all Parties, and shall be sufficient in all Courts of Law or Equity to justify all Persons who shall act under the same; provided that such Bye Laws, Rules, or Orders be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* to which they relate, or to any of the Provisions in this Act contained; and also such Bye Laws, Rules, and Orders shall be subject to Appeal in manner herein-after mentioned.

Management to be vested in 16 Directors; their general Duties and Powers.

XLVIII. And be it further enacted, That the Business and Concerns of the said Society shall be carried on under the Management of Sixteen Directors to be chosen from Time to Time from amongst the Proprietors for the Time being of the said Society qualified by holding Twenty Shares or upwards each; and such Directors shall have the general Management, Direction, and Superintendence and Control of the Business and Concerns of the said Society, and the Custody of the Common Seal of the said Society, with Power to use the same on their Behalf, and also the Custody of the Books of Account, and other Books, Deeds, and Papers, and shall have Power to direct the Investment, calling in, and laying out, Sale and Disposal of the Stock, Effects, Funds, Monies, and Securities of the Society, and all other the Dealings of the Society, and to call and appoint the Times and Places of holding General and other Meetings of the Proprietors, and to superintend, direct, and control the Correspondence

respondence and Mode of keeping the Accounts, and the Ascertainment of Dividends, and the Profits on Shares, and to do all other Things necessary or deemed by them proper or expedient for carrying on the Business and Concerns of the Society, and to enforce, perform, and execute all the Powers, Authorities, Privileges, Acts, and Things in relation to the said Society, and to bind the said Society as if the same were done by the whole Corporation, except such as are hereby required to be done at some General or Special Meetings of the said Society; and that the Directors for the Time being shall have Power to frame Rules and Regulations, and prescribe the Orders and Directions for carrying on the Business and Concerns of the said Society, and alter and vary the same from Time to Time as they in their Discretion shall think fit; and all such Rules and Regulations shall have the Force of Bye Laws, provided the same be not repugnant to any of the Provisions of this Act, nor to any Bye Law which may have been duly passed at any General or Special Meeting of the Proprietors of the said Society; and that no individual Proprietor, not being a Director (except as herein-after provided), shall have a Right to any Interference, Management, Direction, or Control in or over the Business and Concerns of the said Society, or the Capital Stock or Effects thereof.

First Directors.

XLIX. And be it further enacted, That *John M Ashlin*, *William Blount*, *Thomas Bilcliff Fyler*, *Thomas Lamie Murray*, *John Rawson*, *Daniel Robinson*, *Rowan Ronald*, *John Roskell*, the Honourable *Leicester Stanhope*, and *Robert Ponsonby Staples*, and such Six other Persons as shall be nominated by them or the Majority of them at the First or Second Meeting under this Act, shall be and they are hereby appointed the first or present Directors of the said Society under this Act, and they shall (unless they or any of them shall sooner die, resign, or become disqualified as herein-after mentioned,) continue in Office until the First General Half-yearly Meeting of the said Society to be held in the Year One thousand eight hundred and forty; and at such First General Half-yearly Meeting in the Year One thousand eight hundred and forty, and at each First General Half-yearly Meeting in the Three following Years, Four of the said first or present Directors (to be determined by Ballot among themselves) shall go out of Office; and at each First General Half-yearly Meeting in every subsequent Year the Four Directors who shall have been longest in Office since their last Election shall go out of Office; and at every General Half-yearly Meeting at which Four Directors are to go out of Office as aforesaid Four new Directors shall be elected: Provided nevertheless, that it shall and may be lawful for the Proprietors at any General Meeting to reduce the Number of Directors for carrying this Undertaking into effect, and to declare which of the Directors hereby appointed or to be hereafter appointed shall retire from the Direction: Provided also, that the Number of Directors shall never be reduced below the Number of Twelve.

Election of future Directors.

Power to reduce the Number of Directors.

Directors going out of Office to be re-eligible.

L. Provided always, and be it further enacted (notwithstanding any thing herein-before contained to the contrary), That any Director

rector who shall by Ballot or Rotation go out of Office as aforesaid may be immediately or at any future Time re-elected by the said Society as a Director of the said Society, and after such Re-election he shall, with reference to the going out in Rotation, be considered as a new Director.

Person holding Office not to be a Director.

LI. Provided always, and be it further enacted, That no Person holding any Office, Place, or Employment, or being concerned or interested in any Contract under the said Society, shall be capable of being chosen, or being so chosen of continuing, a Director of the said Society, nor shall any Director be capable of accepting any Office, Place, or Employment, or of taking or being concerned or interested in any Contract under the said Society; and in either of the said last-mentioned Cases the Parties so offending shall forfeit the Sum of Fifty Pounds during the Time he shall be a Director of the said Society; and if any Director of the said Society shall at any Time subsequent to his Election accept or continue to hold any other Office or Place of Trust or Profit under the said Society, or shall either directly or indirectly be concerned in any Contract with the said Society, or shall participate in any Manner in any Work to be done for the said Society, or shall at any Time cease to be a Proprietor of Twenty Shares at least in the said Society, the Office of such Director shall thereupon become vacant, and he shall thenceforth be disqualified from voting or acting at any succeeding Meeting of Directors: Provided nevertheless, that until the Disqualification of any Director shall have been communicated to and recorded by a Court of Directors, every Act and Proceeding to which such disqualified Director shall have been a Party shall be as binding and effectual as if no such Disqualification had taken place: Provided also, that it shall be lawful for any General Meeting to exempt any particular Person or Persons from the Operation of this present Clause in case they shall deem it advantageous so to do.

For supplying casual Vacancies in the Direction.

LII. And be it further enacted, That when and so often as any of the Directors herein-before appointed, or any Director to be elected by virtue of this Act, shall die, or resign, or become disqualified or incompetent to act as a Director, or shall cease to be a Director by any other Means than by going out of Office as aforesaid, it shall be lawful for the Proprietors at the next General Half-yearly Meeting to elect some other Proprietor duly qualified as aforesaid to be a Director, and every such Proprietor so elected to fill up any such Vacancy shall continue in Office so long only as the Person in whose Place or Stead he may be elected would have been entitled to continue in Office had he lived and remained in Office.

Directors may appoint Committees.

LIII. And be it further enacted, That it shall be lawful for the said Directors from Time to Time to nominate and appoint out of their own Body One or more Committee or Committees, with such Powers and Authorities as the said Directors shall think proper to delegate or intrust to them (save and except nevertheless making of Calls for Money upon the Proprietors of the said Undertaking); and that all Matters and Things which a Court of Directors shall order and direct to be done by such Committee or Committees shall and

may, by virtue of such Orders, be done by such Committee or Committees; and it shall be lawful for the said Directors, by an Order or Resolution of a Court of Directors for that Purpose, to break up and dissolve any such Committee, and to remove or displace any of the Members thereof, and to appoint others in their Place and Stead, or to appoint from Time to Time One or more other Committee or Committees in manner aforesaid, with such and the like or any other Powers or Authorities, when and so often as the said Directors shall think expedient.

For the Indemnity of Directors.

LIV. And be it further enacted, That the Directors, their Heirs, Executors, and Administrators, shall be indemnified and saved harmless from and against all Payments made or Liability incurred, and all Acts, Deeds, Matters, and Things executed, done, or ordered, and all Sums of Money, Losses, Costs, Charges, and Damages which they shall incur in the Execution of the Powers and Authorities hereby granted to them; and they shall be so indemnified out of the Assets for the Time being of the Society, and if necessary by Calls for that Purpose of the Capital which may remain unpaid; and the Directors for the Time being of the Society shall apply the then existing Funds, Assets, and Capital of the Society for the Purposes of such Indemnity and Reimbursement.

Meetings of Directors.

LV. And be it further enacted, That the Directors for the Time being of the said Society shall meet together at the Office of the said Society once at least in every Two Calendar Months, and at such other Times as they shall think proper, and at such other Times as they shall be convened as herein-after mentioned; and each of such Meetings shall be styled "A Court of Directors," but no Meeting of Directors shall be deemed a Court competent to enter and determine upon Business unless at least Three Directors shall be present at the Commencement of the Business and when a Decision takes place upon the Whole or any Part of the Business; and that if on the Day appointed for such Meeting a sufficient Number of Directors to constitute a Court shall not attend, then and in every such Case the said Meeting shall be adjourned to the next or some subsequent Day by the Directors then present, but if none be present, then by the Secretary of the said Society, or such other Person as shall attend in his Place; and that any Director shall be at liberty to call an Extraordinary Meeting of Directors upon such Notice and in such Manner and to consist of at least such Number (not being less than Three) as shall from Time to Time be provided by the Bye Laws of the Society or the Orders of the Court of Directors; and it is hereby declared and directed, that the First Meeting of the said Court of Directors shall be held on the First *Wednesday* of the Second Month next after the passing of this Act at the Office of the Society at Twelve of the Clock at Noon.

Election of Chairman and Deputy Chairman of Directors.

LVI. And be it further enacted, That at the First Meeting of the Directors which shall be held next after the passing of this Act, or at some Adjournment thereof, and at the First Meeting of Directors which shall be held next after the first Appointment of the said Directors under the Provision herein contained, or some Adjourn-

ment thereof, and in subsequent Years at the First Meeting of Directors after a new Election of Directors, or at some Adjournment thereof, the Directors present at such Meeting of Directors shall choose out of the Directors of the said Society for the Time being a Chairman and Deputy Chairman of the said Directors: Provided always, that when and so often as the Chairman or Deputy Chairman of the Directors to be chosen by virtue of this Act shall die, or resign, or become disqualified or otherwise cease to be a Director, it shall be lawful for the said Directors in like Manner, at the Meeting to be held next after such Vacancy, to choose some other of the said Directors to be their Chairman or Deputy Chairman, and every such Chairman or Deputy Chairman so to be chosen as last aforesaid to fill such Vacancy shall continue in Office so long only as the Person in whose Place or Stead he may be so elected would have been entitled under the Provisions of this Act to continue in Office if such Vacancy had not happened; and it is hereby declared, that in all Courts of Directors the Votes and Resolutions of the Majority of the Directors present, inclusive of the Chairman or Deputy Chairman or other Director presiding at such Meeting, (and who shall be elected for that Purpose at such Meeting in case both the Chairman and Deputy Chairman are absent,) shall be binding; and in case of an Equality of Votes the Chairman or Deputy Chairman, or other Director presiding at each respective Meeting, shall have a casting Vote besides his own Vote; and that the said Directors shall keep a regular Minute and Entry of the Orders and Proceedings at every Meeting of the said Directors, which shall be signed by the Chairman of each respective Meeting; and that the said Directors shall (if required) from Time to Time produce such Minutes to the Half-yearly General Meetings and to the Special General Meetings of the said Society, and shall in all Things obey their Orders and Directions.

Proceedings at Meetings of Directors.

LVII. And be it further enacted, That the Directors shall have full Power from Time to Time to make such Calls of Money from the several Subscribers to and Proprietors for the Time being of the said Society, not exceeding in the whole, including the Sums already paid in respect of such Share, the Sum of Fifty Pounds on each Share, as they shall from Time to Time find necessary for the Purposes of the said Society, so that no such Call shall exceed the Sum of Two Pounds Ten Shillings upon each Share in the said Society, and so that the total Amount of such Calls in any One Year shall not exceed Ten Pounds upon each Share; and that there shall be an Interval of Three Calendar Months at least between every Two successive Calls, and that such several Sums of Money so to be called for shall be paid into such Bank or Banks, or to such Person or Persons, and at such Time and Place, and in such Manner, as the said Directors shall from Time to Time order and appoint, of which Time and Place Twenty-one Days Notice at the least shall be previously given by Advertisement, under the Hand of the Secretary for the Time being, inserted in Two or more of the daily *London* Newspapers, and in Two or more Newspapers usually circulated in the City of *Dublin*.

Directors may make Calls.

LVIII. And

Directors may enter into Contracts, and use the Common Seal.

LVIII. And be it further enacted, That the Court of Directors for the Time being shall have full Power and Authority, on behalf of the said Society, to purchase and take Leases of Lands, and all other Matters and Things which they shall deem necessary or expedient, for the Use of the said Society, and to sell, lease, and let Lands hereby authorized to be sold, leased, and let, and generally to enter into and execute, and also to release, modify, alter, vary, and discharge, any Contract, Agreement, or Engagement, whether under Seal or otherwise, on behalf of the said Society, respecting any Matters in which the said Society may be interested, and to make and execute all Assignments and Conveyances and all other Acts to which the Corporate Seal is required to be affixed; and that the Chairman or Deputy Chairman of the Directors for the Time being of the said Society, and in their Absence then the Directors present at any such Court as aforesaid, shall have the Power, in pursuance of the Resolution of a Court of Directors, but not otherwise, to use the Common Seal on behalf of the said Society; and that all Contracts in Writing relating to the Affairs of the said Society which shall be signed by any Three of the Directors, in pursuance of the Resolution of a Court of Directors, shall be binding on the said Society and all other Parties thereto, and their respective Successors, Heirs, Executors, and Administrators, and Actions and Suits may be maintained thereon, and Damages and Costs recovered by or against the said Society or any other Parties failing in the Execution thereof.

Directors to direct Works, and appoint Officers and Servants.

LIX. And be it further enacted, That the said Directors shall have full Power and Authority to direct the Works and Workmen, and regulate the Drainage, Improvement, and Cultivation of the Lands belonging to the said Society, and also from Time to Time to appoint and displace the Banker or Bankers and the Solicitor or Solicitors of the said Society, and also to appoint the Secretary of the said Society, and all such Managers, Officers, Agents, Clerks, Workmen, and Servants as the said Directors shall think proper, and to allow to them respectively, and also to any Director authorized by any General Meeting to hold any Office, Place, or Employment under the said Society as aforesaid, such Salaries, Wages, Gratuities, and Recompences as to the said Directors shall seem proper, and shall have Power from Time to Time to delegate to them respectively by any Instrument in Writing or otherwise such Powers and Authorities as the said Directors may deem expedient, and to vary, alter, and revoke such Powers and Authorities, and to grant and delegate others whensoever and as often as the said Directors may think proper, and shall have Power to displace or remove any Secretary, Managers, Officers, Agents, Clerks, Workmen, and Servants, either as Occasion shall require or as the said Directors in their Discretion shall think fit, and also from Time to Time, if deemed expedient, to appoint other Persons to fill Vacancies in their Places and Situations respectively occasioned by such Displacement or Removal as aforesaid, or by Death, Resignation, or otherwise: Provided nevertheless, that it shall not be lawful for the said Directors to fix or order what Remuneration shall be allowed to the Directors of the said Society for their Services as Directors.

LX. Pro-

Security to be taken from Officers receiving Monies.

LX. Provided always, and be it further enacted, That the Directors shall and they are hereby required to take sufficient Security for every Receiver, Collector, and other Officer appointed by the said Directors, having the Custody or Control of any Monies received by virtue of this Act, for the faithful Execution of his Office before he shall enter thereupon.

Treasurer and Clerk not to be the same Person.

LXI. And be it further enacted, That if the said Society shall at any Time appoint a Clerk and also a Treasurer, it shall not be lawful for them to appoint the Person who may be appointed to act as Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk of or other Person in the Service or Employ of any such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any other Person in the Service or Employ of any such Treasurer or of his Partner, to be the Clerk to the said Society; and if any Person shall act in both Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk of or other Person in the Service or Employ of such Clerk or of his Partner, shall act as Treasurer or as Deputy of the Treasurer, or being the Partner of any such Treasurer, or the Clerk of or other Person in the Service or Employ of such Treasurer, or the Clerk of or other Person in the Service or Employ of the Partner of such Treasurer, shall act as Clerk in the Execution of this Act, or as Deputy of such Clerk, or if any Treasurer shall hold any Place of Profit or Trust under the said Society other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Directors to keep Accounts and record their Transactions in a Book.

LXII. And be it further enacted, That the said Directors shall keep full and accurate Accounts of all Monies disbursed and Payments made by the said Directors and by all Persons employed by or under them, and of all Monies which they shall receive on behalf of the said Society from any Collector or other Officer, or from any other Person employed in or having any Concern, Dealing, or Transaction with the said Society, or from any other Person on any Account for the Use of the said Society, and shall regularly enter in the Minutes or Entries of their Orders and Proceedings to be kept as herein-before provided Notes, Minutes, or Copies (as the Case shall require) of every Appointment, Removal, Contract, Bargain, Receipt, and Disbursement made under the Authority of this Act.

Proprietors to pay Subscriptions as called for.

LXIII. And be it further enacted, That the several Parties who have subscribed or who shall hereafter subscribe for or towards the said Undertaking, and every Proprietor of any Share in the said Society, shall pay and they are hereby required to pay the respective Sums of Money by them respectively subscribed for, or such Parts or

In default of Payment Amount recoverable at Law, with Costs.

or Proportions thereof as shall from Time to Time be called for by the Directors by virtue of and pursuant to the Powers and Authorities of this Act, to such Persons and at such Times and Places as the Directors shall from Time to Time in manner herein-before mentioned direct and appoint; and if any Proprietor of any such Shares shall refuse or neglect to pay his rateable Proportion of the Money so to be called for at such Time and in such Manner as aforesaid, then and in such Case and so often as the same shall happen such Proprietor shall pay Interest for the same after the Rate of Five Pounds *per Centum per Annum* from the Day appointed for the Payment thereof up to the Time when the same shall be actually paid; and if any Proprietor of any such Share shall neglect or refuse so to pay such his rateable Proportion, together with Interest (if any) accruing for the same, for the Space of One Calendar Month next after the Day appointed for the Payment thereof as aforesaid, then it shall be lawful for the said Society to sue for and recover the same, with full Costs of Suit, in any of His Majesty's Courts of Record, by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Wager, or Protection of Law, nor more than One Imparlance, shall be allowed.

Proceedings and Evidence in Actions for Calls.

LXIV. And be it further enacted, That in any Action to be brought by the said Society against any Proprietor of any Share in the said Society to recover any Money due and payable to the said Society for or by reason of any Call made by virtue of this Act, it shall be sufficient for the said Society to declare and allege that the Defendant, being a Proprietor of so many Shares in the said Society, is indebted to the said Society in such Sum of Money as the Calls in arrear shall amount to for so many Calls of such Sums of Money upon so many Shares belonging to the said Defendant, whereby an Action hath accrued to the Society by virtue of this Act, without setting forth the special Matters; and on the Trial of such Action it shall only be necessary to prove that the Defendant at the Time of making such respective Calls was a Proprietor of such Shares in the said Society as such Action is brought in respect of, and that such Calls were in fact made, and that Notice thereof was given as is directed by this Act, without proving the Appointment of the Directors who made such Call, or any other Matter whatsoever; and the said Society shall thereupon be entitled to recover what shall appear due, including Interest computed as aforesaid, in respect of such Calls, unless it shall appear that any such Call exceeded Two Pounds Ten Shillings for every Share of Fifty Pounds, or was made within the Space of Three Calendar Months from the last preceding Call, or that Calls amounting to more than Ten Pounds in the whole had been made in some One Year; and in order to prove that such Defendant was a Proprietor of such Shares in the said Society as alleged, the Production of the Book in which the Secretary of the said Society is by this Act directed to enter and keep a List of the Names and Additions and Places of Abode of the several Proprietors of Shares in the said Society, with the Number of Shares they are respectively entitled to hold, shall be *primâ facie* Evidence that such Defendant is a Proprietor, and of the Number or Amount of his Shares therein.

LXV. And

Shares may be forfeited on Nonpayment of Calls.

LXV. And be it further enacted, That if any Subscriber for or Proprietor of any Share in the said Society shall refuse or neglect to pay his rateable Proportion of the Money so to be called for as aforesaid, together with the Interest (if any) accruing for the same, for the Space of One Calendar Month after the Day appointed for the Payment thereof as aforesaid, then and in every such Case the said Directors may and they are hereby authorized to declare the Share belonging to any Person so refusing or neglecting to pay any such Call, together with Interest, in manner last aforesaid, to be forfeited, and to direct the same to be sold, subject to the Provisions of this Act; nevertheless without Prejudice to the Right of enforcing the Payment of such Call or Calls: Provided nevertheless, that no Advantage shall be taken of any Forfeiture of any Share in the said Society until Notice in Writing under the Hand of Three Directors or of the Secretary of the said Society, of such Share having been declared by the Directors forfeited, shall have been given or sent by the Post or left at the last known Place of Abode in *England* of the Proprietor of such Share, or at the Place mentioned and described as his Place of Abode in the Book in which the Secretary of the said Society is by this Act directed to enter and keep a List of the Names and Additions and Places of Abode of the several Proprietors of Shares in the said Society, nor until the Declaration of Forfeiture thereof by the said Directors shall have been confirmed at a Half-yearly General Meeting of the said Society, or at a Special General Meeting of the said Society to be called for that Purpose, and to be respectively held after the Expiration of One Calendar Month at the least from the Day on which such Notice of Forfeiture shall have been given or sent as aforesaid.

No Advantage to be taken of Forfeiture until Notice has been given.

Forfeited Shares may be sold.

LXVI. And be it further enacted, That after such Forfeiture shall have been confirmed by such Half-yearly or Special General Meeting, the said Society, by an Order to be made at a General Meeting or Special General Meeting, shall have Power to direct the said Directors to sell and dispose of the Shares so forfeited or any of them in manner by this Act directed, and the said Directors may and they are hereby authorized in that Case to sell and dispose of such Shares by public Auction or private Contract, and together or in Lots, or in such other Manner and for such Price as they may think fit; and a Declaration made by some credible Person not interested before a Justice of the Peace or Master or Master Extraordinary in the High Court of Chancery, stating that such Call had been made by the said Directors, and such Notice thereof as aforesaid given, and that such Default as aforesaid had been made in payment thereof in respect of the Share so sold, and that the same Share had been declared to be forfeited, and that such Declaration had been confirmed in manner aforesaid, shall be sufficient Evidence of the Facts therein stated; and the Purchaser of such Share shall not be bound to see to the Application of his Purchase Money, nor shall his Title to such Share be affected by any Irregularity of Proceeding in reference to such Sale, and any Proprietor shall be enabled to purchase such Share.

If Produce of Sale of forfeited Shares

LXVII. Provided always, and be it further enacted, That in case the Money produced by the Sale of any such Share as shall be forfeited

be more than sufficient to pay the Arrears of Calls, Interest, and Costs, the Surplus to be paid to the Owners.

feited by reason of the Nonpayment of any Call or the Interest thereon as herein authorized shall be more than sufficient to pay all such Arrears and Calls as aforesaid, and legal Interest thereon as aforesaid, and the Expences attending the Sale thereof, or otherwise occasioned by such Forfeiture, the Surplus of such Purchase Money shall be paid, on Demand, to the Party to whom such forfeited Share shall have belonged: Provided also, that the said Society or the said Directors shall not by virtue of this Act sell or transfer more of the Shares of such Defaulter in payment of Calls than shall be sufficient, as near as may be, at the Time of such Sale, to pay the Arrears due from such Defaulter for or on account of such Call and the Interest on and Expences attending the same; and from and after the Payment of such Call, and the Interest and Expences aforesaid, any Share vested in the said Society as aforesaid which shall remain in their Hands unsold shall revert to and again become the Property of the Party to whom such Share shall have belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Call had been duly paid; but it is hereby expressly declared that this Provision shall not affect the Title of any Purchaser under the Powers herein-before contained.

For ascertaining the Proprietorship of Shares in certain Cases, for the Purpose of enforcing Payment of Calls.

LXVIII. And whereas in Cases in which Proprietors of Shares in the said Society shall die, or marry (being Females), or become insolvent or bankrupt, or go out of the Kingdom, or shall transfer their Right or Interest therein to some other Person, and no Register shall have been made of the Transfer thereof with the Secretary of the said Society as herein-after provided, it may not be in the Power of the said Society to ascertain who are the Proprietors of such Shares, in order to give them, or their respective Executors, Administrators, Husbands, Successors, or Assigns, Notice of Calls to be made on such Shares, or to maintain any Action, Suit, or other Proceeding against them, or their respective Executors, Administrators, Husbands, Successors, or Assigns, for the Recovery of the same; be it therefore further enacted, That in all Cases where the Right of Property in any Share in the said Society shall pass from the Proprietor thereof to any other Person or Corporation by any other legal Means than by a Transfer or Conveyance thereof duly made and executed in the Form and Manner herein-after specified, and such Declaration as is herein-after in that Behalf directed shall have been transmitted to the said Society, then and in any of the said Cases, after Twenty-one Days Notice in Writing shall have been given under the Hands of Three Directors or of the Secretary of the said Society to the Person or Corporation stated or claiming in such Declaration to be the then Proprietor of such Share, or left at the last or usual Place of Abode in *England* of such Person, or of the Clerk of such Corporation (as the Case may require), to pay his or their Proportion of Money to be called for, and such Person or Corporation shall not have paid such his or their Proportion as aforesaid, it shall be lawful for the said Society, at any General Meeting after the Expiration of such Notice, to declare every such Share to be forfeited, and in such Case the same shall become forfeited, and shall and may be sold and disposed of in such Manner, on such Evidence of Title, and with such Powers and such Indemnity to Purchasers as in other Cases of Sales of Shares forfeited

for the Nonpayment of Calls thereon; and in case there shall be no such Declaration made as aforesaid, then such Notice as is hereinbefore directed to be given shall be served upon or left at the last known Place of Abode in *England* of the Executors or Administrators of such Proprietor so dying, or of the Husband of such Female Proprietor so marrying, or of the Assignees or Trustees of such Proprietor so becoming bankrupt or insolvent, or, in the event of the Share having been so disposed of as aforesaid, of the last Proprietor appearing in the Books of the said Society to have been possessed of the same; and in case the last or usual Place of Abode of such Proprietor cannot be ascertained upon Inquiry, or in case the Proprietor of the same shall be out of the Kingdom, such Notice shall be inserted once at least in the *London Gazette;* and in all such Cases after such Notice or Default being made the said Share shall be forfeited, and shall or may be sold in manner aforesaid; and the like Evidence of the Title shall be sufficient on any Sale, and the like Indemnity to the Purchasers shall exist, as in other Cases of Sales for Nonpayment of Calls; provided, that in case of Proprietors being Abroad the Shares shall not be forfeited until the Expiration of Six Calendar Months after the Day on which the Notice shall have been given as aforesaid, and inserted in the *London Gazette* as aforesaid.

Power to pay Subscription in advance.

LXIX. And be it further enacted, That it shall be lawful for the several Proprietors for the Time being of the said Society, and they are hereby empowered, whether before or after any Call or Calls shall have been paid in respect of any Shares held by them respectively, to pay in advance, in case the Directors shall think proper to accept the same, which they are hereby authorized to do, to such Person as the said Directors shall appoint, the respective Sums of Money by them respectively subscribed for, or such Part or Proportion thereof as shall be wanting (over and above the Amount, if any, actually paid in respect of such Shares) to make up the full Sum of Fifty Pounds in respect of each such Share; and the said Society shall and they are hereby required to pay Interest at such Rate, not exceeding the Rate of Four Pounds for every One hundred Pounds by the Year, upon the Principal Monies which shall have been so paid in advance, or for so much thereof as shall from Time to Time exceed the Amount of the Calls which shall have been made upon the Shares in respect of which such Money shall have been paid in advance as aforesaid, as the Subscriber paying such Sum in advance and the Directors for the Time being of the said Society shall agree upon.

Interest to be paid on the Amount in advance.

Names of Proprietors to be entered in a Book.

LXX. And be it further enacted, That the said Society shall and they are hereby required from Time to Time to cause the Names of the several Corporations, and the Names and Additions and Places of Abode of the several Persons, who shall be from Time to Time respectively entitled to Shares in the said Society, with the Number of Shares which they are respectively entitled to hold, and the Amount of the Subscriptions paid thereon, and also the proper Number by which every such Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the Secretary

of the said Society; and that every Proprietor of the said Society, or in the Case of a Corporation their Clerk or Agent duly appointed, may at all convenient Times have recourse to and peruse the same *gratis*, and may demand and have Copies thereof, paying to the said Society at and after the Rate of Four-pence for every Seventy-two Words so to be copied; and if any such Secretary of the said Society shall refuse to permit any such Proprietor or Agent as aforesaid to peruse such Books at all convenient Times, or refuse to make such Copy within a reasonable Period at the Rate aforesaid, he shall for every such Offence forfeit and pay the Sum of Two Pounds for the Benefit of the said Society.

In the Case of a Share being vested in more than One, the Proprietor whose Name stands first in the Society's Books to be deemed the Owner.

LXXI. And be it further enacted, That whenever Two or more Persons shall be jointly possessed of or entitled to any Share in the said Society, the Person whose Name shall stand first in the Books of the said Society as Proprietor of such Share shall for the Purposes of this Act be deemed as the Proprietor of such Share; and all Notices by this Act required to be given to the Proprietors of Shares in the said Society shall and may, for and in respect of any such Shares so jointly held, be given to the Person whose Name shall so stand first on the Books of the said Society, or be left at the last or usual Place of Abode in *England* of such Person, or at the Place mentioned and described as his Place of Abode in the Book in which the Secretary of the said Society is by this Act directed to enter and keep a List of the Names and Additions and Places of Abode of the several Proprietors of Shares in the said Society, or be inserted in the *London Gazette* as herein-before mentioned (as the Case may require); and such Notice to such Person shall be deemed sufficient Notice to all Proprietors of such Shares so jointly held for all the Purposes for which such Notice is intended to be given.

Receipt of One Proprietor of a Share to be sufficient.

LXXII. Provided always, and be it further enacted, That the Receipt of the Person or any One of the Persons in whose Name or Names any Share in the said Society shall stand in the Books of the said Society shall from Time to Time be a sufficient Discharge to the said Society and Directors for any Dividend or other Sum of Money which shall become payable and be paid for or in respect of such Share, notwithstanding any Trusts upon which such Share shall be then settled or assured, and the said Society shall not be bound to see to the Application of the Money mentioned in such Receipt.

Receipt of Guardian or Parent of a Minor, and Committee of Lunatic, a sufficient Discharge.

LXXIII. And be it further enacted, That in all Cases where any Dividend or other Sum of Money shall be payable, under the Provisions of this Act, to any Proprietor of any Share in the said Society who shall be a Minor under the Age of Twenty-one Years, or Idiot or Lunatic, the Receipt of the Guardian (if any), or if not of the Parent of such Minor, or of the Committee or One of the Committees of such Idiot or Lunatic, shall be a sufficient Discharge to the said Society and Directors for the same.

Shares to be personal Estate.

LXXIV. And be it further enacted, That all the Shares and Proportions of and in the said Society, or the Joint Stock or Fund of the said Society, shall to all Intents and Purposes be deemed Personal

Estate,

Estate, and be transmissible as such, and shall not be deemed to be of the Nature of Real Property.

Shares to be transferable.

LXXV. And be it further enacted, That it shall be lawful for the several Proprietors of Shares in the said Society, and their respective Executors and Administrators and Successors, to sell or otherwise dispose of and to transfer any Share to which they shall be entitled therein, subject to the Rules and Conditions herein provided, and to such Restrictions and Regulations (if any) as the Directors may from Time to Time think necessary to impose; and the Form of Transfer of Shares shall be by Deed in Writing, and may be in the following Words or to the like Effect, varying the Names and Descriptions of the contracting Parties as the Case may require; (that is to say,)

Form of Transfer.

'I *A. B.* of in consideration of the Sum of paid to me by *C. D.* of do hereby assign and transfer to the said *C. D.* [*or* Shares] numbered Share of and in the Society called "The *Irish* Waste Land Improvement Society," to hold unto the said *C. D.*, his Executors, Administrators, and Assigns [*or* Successors and Assigns], subject to the same Conditions as I held the same immediately before the Execution hereof; and I the said *C. D.* do hereby agree to accept and take the said Share [*or* Shares] subject to the same Conditions. As witness our Hands and Seals the Day of '

Transfer to be entered in a Book.

And on every such Sale the Deed or Transfer, being executed by the Seller and Purchaser, shall be produced to the said Society or the Secretary of the said Society, who shall enter in some Book to be kept for that Purpose a Note of such Transfer, and indorse the same on the said Deed of Transfer, and the said Society or Secretary is hereby required to make such Entry and Indorsement accordingly; and until such Note shall have been made and entered as before directed such Purchaser shall not be deemed a Proprietor of the Society, and shall have no Part or Share of the Profits of the said Society, nor any Interest in respect of such Share paid to him, nor any Vote in respect thereof.

After a Call no Share to be transferred until Call is paid.

LXXVI. And be it further enacted, That no Person or Corporation shall sell or transfer any Share which he or they shall possess in the said Society after any Call shall have been made by the said Directors for any Sum of Money in respect of such Share, unless he or they, at the Time of such Sale or Transfer, shall have paid the full Sum of Money which shall have been called for in respect of such Share so to be sold or transferred.

For ascertaining Proprietorship of Shares in case of Marriage or Death.

LXXVII. And whereas by the Death of or by other Events happening to the Proprietors, or by the Marriage of Female Proprietors of Shares in the said Society, it may be difficult to ascertain to whom such Shares or the Dividends arising or due upon such Shares may belong or ought to be paid; be it therefore enacted, That where any Person shall claim any Part of the Profits of the said Society in right of Marriage with any Female Proprietor, a Certificate of the Marriage of such Female Proprietor, certified and proved as the said Directors shall from Time to Time order or direct, shall be produced to the Secretary

Secretary of the said Society; and where any Person or Corporation shall claim any Part or Share of the Profits of the said Society by virtue of any Bequest or Will, or in the Course of Administration, the said Will or the Probate thereof, or the Letters of Administration or an Office Copy thereof, shall be left with the said Secretary for not less than Seven Days for Registration; and before such Certificate, Probate, Administration, or Copy as aforesaid, as the Case may be, shall have been so left with the Secretary, no Person or Corporation to whom any such Share shall pass in right of Marriage, or by virtue of any Bequest or Will, or in the Course of Administration or otherwise as aforesaid, shall be entitled to receive any Part of the Profits of the said Society, or to vote or exercise any of the Privileges of a Proprietor in respect of such Share: Provided always, and it is hereby expressly declared, that the said Society shall not be bound to see to the Execution of any Trust, whether expressed or constructive, to which any Share as aforesaid shall be subject or liable.

Directors to cause Accounts to be kept.

LXXVIII. And be it further enacted, That the said Directors shall cause a Book or Books to be kept by a Book-keeper, who shall be expressly appointed by the said Directors for that Purpose, and who shall enter or cause to be entered in the said Book or Books true and regular Accounts of all Sums of Money received and expended for or on account of the said Society, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed and paid; and such Book or Books shall at all reasonable Times be open to the Inspection of any of the Proprietors of the said Society, or of any Loan Creditor for any Money to be borrowed under this Act as herein-after mentioned, without Fee or Reward, and the said Proprietors or any Creditor as aforesaid shall and may take Copies of or Extracts from the said Book or Books, or any Part thereof, without paying any thing for the same; and in case the said Book-keeper shall refuse to permit or shall not permit the said Proprietors or any such Creditor to inspect any such Book or Books, or to take such Copies or Extracts as aforesaid, such Book-keeper shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, to be levied and applied in the same Manner as other Penalties are by this Act directed to be levied and applied.

Officers to account for and deliver up their Papers.

LXXIX. And be it further enacted, That every Officer and Person who shall be employed by virtue of this Act shall from Time to Time, when thereunto required by the said Society or by the said Directors, make out and deliver to the said Society or to the said Directors, or to such Persons as they shall respectively for that Purpose appoint, a true and perfect Account in Writing under his Hand of all Monies which shall have been by him received by virtue of this Act, and stating how and to whom and for what Purpose the same shall have been disposed of, together with Vouchers and Receipts for such Payments; and every such Officer and Person shall pay all such Monies as upon the Balance of such Account shall appear to be owing from him to the Treasurer of the said Society, or to such Person as the said Society or Directors shall appoint to receive the same;

same; and if any such Officer or Person shall refuse or neglect to render such Account, or to produce and deliver up such Vouchers and Receipts relating to the same, or to pay the Balance thereof when required in manner aforesaid, or shall refuse or neglect to deliver up to the said Society or to the said Directors, or to such Person as they respectively shall appoint, within Fifteen Days after being thereunto required by the said Society or by the said Directors as last aforesaid, all Books, Papers, Vouchers, and Writings in his Custody or Power relating to the Execution of this Act, then and in every such Case, Complaint being made thereof by the said Society, or by the said Directors, or by any other Person on their Behalf, to any Justice of the Peace for the County or Place in which such Officer or Person shall be or reside, such Justice may and he is hereby required by Warrant under his Hand and Seal to cause such Officer or Person to be brought before him, and upon his appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Society or the said Directors might have done; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath of any credible Witness, or by the solemn Affirmation of any Person being a Quaker, it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of or be owing from such Officer or Person, such Justice may and he is hereby empowered, upon Nonpayment thereof, by Warrant under his Hand and Seal to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Monies, and the Charges of taking and making such Distress, and of selling the same, or if such Officer or Person shall not appear before such Justice at the Time and Place appointed for that Purpose, or, if appearing, shall refuse or neglect to make out and deliver to such Justice such Accounts in Writing as aforesaid, or to produce and deliver to the said Justice the several Vouchers and Receipts relating to such Accounts, or to deliver up such Books, Papers, and Writings as aforesaid, then and in any of the Cases aforesaid the said Justice may and he is hereby required by Warrant under his Hand and Seal to commit such Officer or Person to some Common Gaol or House of Correction of or for the County or Place in which such Officer or Person shall live or reside, there to remain without Bail or Mainprize until he shall have made out and delivered such Account, and have delivered up the Vouchers and Receipts (if any) relating thereto, and have delivered up such Books, Papers, and Writings (if any) as aforesaid, and shall have paid all the Money which shall appear to have been in the Hands of or owing from him, and the reasonable Charges of such Distress and Sale as shall in that respect have been made, or until he shall have compounded with the said Society or with the said Directors for such Money and Charges, and have paid the Composition Money to the said Society or to the said Directors, (and which Composition the said Society and the said Directors are hereby respectively empowered to make and accept,) or have given Satisfaction in respect of such Vouchers, Receipts, Books, Papers, and Writings to the said Society or to the said Directors: Provided always,

Mode of enforcing such Payment and Delivery.

always, that no Person who shall be committed for Want of sufficient Distress only shall be detained in Prison for any longer Space than Six Calendar Months.

Accounts to be made up half-yearly.

LXXX. And be it further enacted, That the said Society or the Directors of the said Society shall and they are hereby required to cause a true and particular Account to be kept and to be made up twice in every Year, (that is to say,) on the Thirtieth Day of *June* and the Thirty-first Day of *December*, of the Money to be received by the said Society and by the Directors of the said Society, or otherwise for the Use of the said Society, by virtue of this Act, and of the Charges and Expences attending the carrying on the said Undertaking, and of all other the Receipts and Expenditure of the said Society and of the said Directors, up to the Period at which such Account shall be made up and balanced; which Account shall be laid before the then next Half-yearly General Meeting of the said Society herein-before directed to be held, and which Account shall be produced to any Proprietor who shall require to be allowed to examine or inspect the same, at any Time within Seven Days prior to the Day of such Half-yearly General Meeting: Provided always, that if the Account so to be laid before any Half-yearly General Meeting shall not be considered satisfactory by such Meeting, then and in such Case the said Meeting shall have Power to appoint a Committee of Inspection, to consist of Ten or more Proprietors, each of whom shall hold at least One hundred Shares in the said Society, who shall examine into such Account, and report thereon to a future Meeting of the said Society to be held for that Purpose by Adjournment or otherwise, and for the Purpose of such Examination the said Directors shall, on Demand, at all convenient Times, cause to be produced to the said Committee or any Members thereof all Books of Account, Vouchers, and Documents in the Possession or Power of the said Directors relating to the Affairs of the said Society.

Dividends to be declared.

LXXXI. And be it further enacted, That it shall be lawful for the said Society and they are hereby empowered from Time to Time, at any Half-yearly General Meeting or at a Special General Meeting to be called for that Purpose, to declare and make a Dividend out of the clear Profits of the said Society, if the Majority of Proprietors present at such Meeting shall think proper so to do, and such Dividend shall be after the Rate of so much *per* Share upon the several Shares held by the Proprietors of the said Society in the Joint Stock thereof: Provided always, that such Dividends shall not be made oftener than half-yearly, and no Dividend shall be made exceeding the net Amount of clear Profit at the Time being in the Hands of the said Society, nor whereby the Capital of the said Society shall in any degree be reduced or impaired, nor shall any Dividend be paid in respect of any Share, after a Day appointed for the Payment of any Call of Money in respect thereof, until such Call shall have been paid.

A reserved Fund to be set aside

LXXXII. And be it further enacted, That previously to any Dividend being declared out of the net Profits of the said Society

it shall be lawful for the said Directors (unless otherwise directed by the General Meeting of the said Society) to set apart One Tenth Part or any less Part of such net Profits to form a Fund for the Purpose herein-after mentioned, and the remaining Nine Tenths or other greater Parts only of such net Profits shall in that Case be divisible among the Proprietors of the said Society, any thing herein-before contained to the contrary notwithstanding: Provided always, that if at any Time such reserved Fund shall amount to the Sum of One hundred thousand Pounds, then in such Case the whole of such net Profits shall be divisible among the Proprietors of the said Society: Provided also, that any General or Special General Meeting of the said Society may and they are hereby authorized to order the whole of the net Profits of the said Society to be divided among the said Proprietors.

before Dividends made.

LXXXIII. And be it further enacted, That it shall be lawful for the said Directors from Time to Time to lay out and invest in the Names of Four Trustees, for and on behalf of the said Society, to be nominated by the said Directors, such One Tenth or other less Part of the said net Profits, as and when the same may be set apart as aforesaid, in such of the Public Funds or Stocks of *Great Britain* as the said Directors shall deem expedient, and from Time to Time to lay out and invest the Dividends and Interest arising from such Funds or Stocks in the same or any other Public Funds or Stocks, in order that the same may accumulate at Compound Interest until the Funds so formed shall amount to the said Sum of One hundred thousand Pounds: Provided always, that when such Fund shall, by Accumulation or otherwise, amount to the Sum of One hundred thousand Pounds, the Interest and Dividends thereof shall no longer be invested, but shall be applied for the general Purposes of the said Society: Provided also, that it shall be lawful for any General or Special General Meeting of the said Society to divide and dispose of the Whole or any Part of such reserved or accumulated Fund among the said Proprietors in proportion to their Shares in the said Society, or otherwise for the Benefit and Use of the said Society.

Reserved Fund to be invested in the Public Funds, and accumulated until amounting to 100,000*l.*, or ordered to be divided.

LXXXIV. And be it further enacted, That it shall be lawful for the said Directors to resort to the reserved or accumulated Fund so to be formed as aforesaid in order to satisfy any Claims or Demands upon the said Society, instead of making any Call upon the Proprietors of the said Society for the Payment of any further Sum or Sums in respect of their Shares.

Reserved Fund may be resorted to instead of making Calls upon Proprietors.

LXXXV. And be it further enacted, That when and so often as the Fund to be formed as aforesaid shall, by reason of any Vote of any Meeting as aforesaid, or of any such Claim or Demand, or from any other Cause, have been reduced below the Sum of Fifty thousand Pounds, the One Tenth or other less Part of the net Profits of the said Society shall again in like Manner be liable to be set apart and invested, and the Interest and Dividends thereof in like Manner again to be allowed to accumulate at Compound Interest until such Fund shall again amount to the Sum of One hundred thousand Pounds, and

When reserved Fund is reduced below 50,000*l.* Part of Profit again to be reserved and to accumulate.

and such reserved or accumulated Fund shall then thereafter be liable to be again divided in manner herein-before authorized.

Directors empowered to vary Securities in which reserved Fund may be invested, and to sell out the same.

LXXXVI. And be it further enacted, That it shall be lawful for the said Directors from Time to Time as they shall think proper to vary or transpose the Funds or Stocks, or any of them, in which the said Monies or reserved Fund, or any Part thereof, shall from Time to Time be invested, and also to sell and dispose of all or any Part of the said reserved Funds and Stock, and to convert the same into Money for the Purpose of satisfying any Claims or Demands upon the said Society as herein-before mentioned.

Power to raise an additional Sum of 250,000*l.* on Mortgage.

LXXXVII. And be it further enacted, That in case the Money hereby authorized to be raised by Subscription as herein-before mentioned, shall be found insufficient for the Purposes of this Act, it shall be lawful for the said Society, by an Order of any General or Special General Meeting of the said Society, after the said Sum of Five hundred thousand Pounds Sterling shall have been subscribed, from Time to Time to borrow and take up at Interest any further or additional Sum of Money not exceeding the Sum of Two hundred and fifty thousand Pounds on the Credit of the said Society, as to them shall seem proper; and the said Society and the Directors of the said Society, after an Order made for that Purpose at any General or Special General Meeting of the said Society, are hereby empowered to mortgage, assign, and charge the Property of the said Society, and the Rents, Issues, Profits, and other Sums arising or to arise by virtue of this Act, or any Part thereof, (the Costs and Charges of assigning the same to be paid out of such Rents, Issues, Profits, or Sums,) as a Security for any such Sum of Money to be borrowed as aforesaid, with Interest, to or for the Benefit of the Party, or to his Trustee, who shall advance the same; and a Copy of the Order of any General or Special General Meeting of the said Society, authorizing the borrowing of any such Sum of Money, certified by One Director or the Secretary of the said Society to be a true Copy, shall be sufficient Evidence of the making of such Order for raising such additional Sum of Money, and also of the Money authorized to be raised by Subscription as aforesaid being insufficient for the Purposes of this Act; and all such Mortgages and Assignments and Charges shall be made under the Common Seal of the said Society, and may be in the Words or to the Effect following, or with such Variation therein as the Circumstances of the Loan may render necessary; (that is to say,)

Form of Mortgage.

'*Irish* Waste Land Improvement Society.

'Number

'BY virtue of an Act passed in the Year of the Reign of His Majesty King *William* the Fourth, intituled '[*here insert the Title of this Act*], we, the *Irish* Waste Land Improvement Society, incorporated by and under the said Act, in 'consideration of the Sum of to us paid 'by *A.B.* of do assign unto the said *A.B.*, his 'Executors, Administrators, and Assigns, the said Undertaking, and 'all

'all and singular the Rents, Issues, Profits, and Sums of Money 'arising by virtue of the said Act, and all the Estate, Right, Title, 'and Interest of the said Society of, in, and to the same, to hold unto 'the said *A.B.*, his Executors, Administrators, and Assigns, until the 'said Sum of together with Interest for the 'same after the Rate of for every One 'hundred Pounds for a Year, shall be fully paid and satisfied. Given 'under our Common Seal this Day of in the 'Year of our Lord .'

And the respective Parties to whom such Mortgages or Assignments shall be made shall be entitled, one with the other, to their respective Proportions of the said Rents, Issues, Profits, Sums, and Premises, according to the respective Sums in such Mortgages or Assignments mentioned to be advanced, without any Preference by reason of Priority in the Date of any such Order of Meeting, or Priority in the Date of any such Mortgage or Assignment, or on any other Account whatsoever; and an Entry or Memorial of every such Mortgage or Assignment, containing the Number and Date thereof, and the Names of the Parties, with their proper Additions, to whom the same shall have been made, and of the Sums borrowed, together with the Rate of Interest to be paid thereon respectively, shall, within Fourteen Days next after the Date thereof, be entered in some Book to be kept by the Secretary of the said Society, which said Book may be perused at all seasonable Times by any of the Proprietors or Mortgagees of the said Undertaking, or other Persons interested therein, without Fee or Reward; and all Parties to whom any such Mortgages or Assignments shall have been made as aforesaid, or who shall be entitled to the Money due thereon, may from Time to Time transfer their respective Rights or Interests therein to any other Person or Persons; and every Transfer thereof shall be by Deed in Writing, wherein the Consideration for the same shall be truly stated, and may be made in the Words or to the Effect following; (that is to say,)

Form of Transfer of Mortgage.

'I *A.B.* of in consideration of the Sum of 'to me paid by *C.D.* of do 'hereby transfer to the said *C.D.* his Executors, Administrators, and 'Assigns, a certain Mortgage, Number made by the '*Irish* Waste Land Improvement Society to bearing 'Date the Day of for securing the Sum 'of and Interest, and all my Right, Estate, and 'Interest in and to the Money thereby secured, and in and to the 'Rents, Issues, Profits, Sums of Money, and Property thereby 'assigned. Dated this Day of in the Year of 'our Lord .'

And every such Transfer shall, within Twenty-one Days next after the Date thereof if executed in *England*, or otherwise within Twenty-one Days next after the Arival thereof in *England* if executed elsewhere, be produced to the Secretary of the said Society, who shall cause an Entry or Memorial to be made thereof in the same Manner as of the original Mortgage or Assignment, for which the said Society shall be paid such Sum as the said Society shall appoint, not exceeding the Sum of Two Shillings and Sixpence; and after such Entry or

Memorial made every such Transfer shall entitle such Assignee, or his Executors, Administrators, and Assigns, to the full Benefit thereof and Payment thereon; and it shall not be in the Power of any Person who shall have made such Transfer to make void, release, or discharge the Mortgage so transferred, or any Sum of Money thereon due or thereby secured, or any Part thereof.

Interest of Money borrowed to be paid in preference to Dividends.

Interest how to be recovered in default of Payment.

LXXXVIII. And be it further enacted, That the Interest of the Money which shall be raised by Mortgage, Assignment, or Charge as aforesaid shall be paid half-yearly to the several Parties entitled thereto, and in preference to any Dividends payable by virtue of this Act to the Proprietors of the said Society or any of them; and in case such Interest or any Part thereof shall be unpaid for the Space of Thirty Days, next after the same shall have become due and payable as aforesaid, and the same shall not be paid within Ten Days next after Demand thereof in Writing shall have been made to the said Society or left at the Office of the said Society, it shall be lawful for any Two or more Justices of the Peace (acting within their respective Jurisdictions and not being interested in the Matter in question), and they are hereby required, on Request to them made by or on behalf of any Mortgagee whose Interest shall be so in arrear, by an Order under their Hands to appoint some Person to receive the Whole or such Parts of the said Rents, Issues, Profits, or Sums as are liable to pay such Interest so due and unpaid as aforesaid, and the Money so to be received by such Person is hereby declared to be so much Money received by or to the Use of the Person to whom such Interest shall be then due, until the same, together with the Costs and Charges of recovering and receiving the said Rents, Issues, Profits, or Sums, shall be fully paid and satisfied; and after such Interest and Costs shall have been paid and satisfied the Power and Authority of such Receiver for the Purposes aforesaid shall cease and determine; or otherwise the said Interest so due and unpaid as aforesaid may be sued for and recovered from the said Society, with Costs, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

Mortgagee not to be deemed a Proprietor or entitled to vote as such.

LXXXIX. Provided always, and be it further enacted, That no Person to whom any such Mortgage or Assignment shall be made or transferred as aforesaid shall be deemed a Proprietor of any Share, or shall be capable of acting or voting as such at any Meeting of the said Society, by or on account of his having advanced any Money on such Mortgage or Assignment.

In case Mortgages are paid off, the Society may raise the like Amount again.

XC. And be it further enacted, That in case the said Society shall raise the Whole or any Part of the Money herein-before authorized to be raised by Mortgage, Assignment, or Charge as aforesaid, and shall afterwards pay off all or any Part of the Principal Sum so raised or borrowed upon Mortgage, Assignment, or Charge as aforesaid, then and in every such Case it shall be lawful for the said Society immediately, and at any Time or Times thereafter, again to raise in lieu of the Principal Money so paid off by them such Sum or Sums of Money as they shall from Time to Time have paid off to the Holders of such Mortgages or Assignments, or any of them,

or

or any Part thereof, and so from Time to Time as often as the same shall happen, but so nevertheless that the said Society shall not in any Event borrow upon Mortgage, Assignment, or Charge as aforesaid in such Manner or to such Extent as that more than the Principal Sum of Two hundred and fifty thousand Pounds in the whole shall be owing at any one Time on Mortgage or Assignment of or as a Charge upon the said Undertaking or Society, over and above the Amount of Calls for the Time being remaining unpaid and still to be called for by the said Society.

Society may stipulate Periods for Payment of Mortgage Money.

XCI. And be it further enacted, That when any Sum of Money shall be borrowed at Interest, pursuant to the Powers in that Behalf contained in this Act, it shall be lawful for the said Society, in case they shall in their Discretion think proper so to do, to fix a Period or Periods for the Repayment of the Principal Sum of Money so to be borrowed, with the Interest thereof, and in such Case the Society shall cause to be inserted in such Mortgage or Assignment the Time or Times which shall be fixed or agreed upon for the Repayment of the Principal Money thereby to be secured; and such Sum of Money, with all Arrears of Interest thereon, shall accordingly be paid at the Time or Times so to be fixed to the Party who shall upon the Expiration of such Period or Periods be the Holder of and entitled to such Mortgage or Assignment, or his Nominee.

As to paying off Mortgages when no Period is stipulated.

XCII. And be it further enacted, That where no Period shall be fixed for the Repayment of any Sum of Money borrowed under the Authority of this Act the Party entitled to any such Mortgage or Assignment may and he is hereby authorized to demand Payment of the Principal Monies thereby secured, with all Arrears of Interest, at or at any Time after the Expiration of Twelve Calendar Months from the Date of such Mortgage or Assignment, upon giving Six Calendar Months Notice in Writing to the Secretary of the said Society for the Time being: Provided nevertheless, that the said Society may at all Times pay off and discharge all such Mortgages or Assignments in which no Time shall be fixed for the Payment thereof, or any Part of the Money thereby secured, on giving Six Calendar Months Notice in the *London Gazette* and in One or more Newspapers circulated in *London;* and at the Expiration of the Term of Six Calendar Months all Interest shall cease to be paid on the said Principal Money unless the said Society shall, on Demand, make default in the Payment of the said Principal Money and Interest then due in pursuance of such Notice.

For securing Repayment of Principal Money borrowed.

XCIII. And be it further enacted, That in case of Nonpayment of any Principal Sum of Money which shall be secured by any such Mortgage or Assignment as aforesaid by virtue of this Act, or of any Part of such Principal Monies, at the Time or Times when the same ought to be made, and in case the same shall not be paid within Six Calendar Months next after the same shall be so payable as aforesaid, and after Demand thereof in Writing shall have been made to the said Society, it shall be lawful for Two or more Justices of the Peace (acting within their respective Jurisdictions and not being interested in the Matter in question), and they are hereby respectively

respectively required, on Request to them made on behalf of any Parties entitled to any such Mortgage or Assignment as aforesaid and to whom any Principal Sums of Money shall be then due thereon and unpaid, amounting in the whole to the Sum of Twenty thousand Pounds or upwards, by an Order under their Hands to appoint some Person to receive the Whole or such Part of the said Rents, Issues, Profits, or Sums as are liable to pay such Principal Monies so due and unpaid as aforesaid; and the Money so to be received by such Person is hereby declared to be so much Money received by or for the Use of the Persons and Corporations to whom such Principal Money shall be due, and on whose Behalf such Receiver shall have been so appointed, until the same, together with the Costs and Charges of recovering and receiving the Rents, Issues, Profits, or Sums, and all Interest then due thereon, shall be fully satisfied and paid; and after such Principal, Interest, and Costs shall have been paid and satisfied, the Power and Authority of such Receiver for the Purposes aforesaid shall cease and determine; or otherwise the said Principal Money so due and unpaid as aforesaid may be sued for and recovered from the said Society, with Costs, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

Society may apply to Lord Lieutenant for a Commission to undertake Works under Provisions of 1 & 2 W. 4. c 57.

XCIV. And whereas an Act was passed in the First and Second Years of the Reign of His present Majesty, intituled *An Act to empower Landed Proprietors in* Ireland *to sink, embank, and remove Obstructions in Rivers:* And whereas the Works by the said Act authorized to be executed may in some Instances be conveniently undertaken by the said Society, it shall and may be lawful for the said Society to make Application to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for a Commission for carrying into effect the Purposes or any of them of the said recited Act, in like Manner and Form, and upon and after such Notice, and the Observance and Performance of like Preliminaries, so far as the same are applicable, as have been by the said recited Act appointed and required in order to the procuring and granting to or creating any Joint Stock Company for the Purposes of the said recited Act; and the said Lord Lieutenant or other Chief Governors is and are hereby authorized, if to him or them it shall seem fit, upon receiving such Application in Form by the said recited Act provided, as far as the same shall be applicable, accompanied by Duplicates of the Maps, Plans, Specifications, Sections, and Lists by the said recited Act directed to be lodged with the Clerk of the Peace, together with the Estimate therein directed to be made, and under the Conditions therein provided, to grant and issue such Commission accordingly, conferring such and the like Powers and Authorities as might or ought to have been contained in and conferred by a Commission to or creating any Joint Stock Company under the Provisions of the said recited Act, or such Share of such Powers as to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* may seem good; and the said Society by this Act incorporated shall be and are hereby declared to be and become by virtue of such Commission, from the Date of the issuing thereof, Undertakers within the Meaning of the said recited Act for executing the Works by such

Commission authorized, and shall have, use, and exercise all such Privileges, Powers, and Authorities, and be subject and liable to all such Obligations and Duties, and invested with all such Incidents, as are by the said recited Act conferred or imposed or attached upon any Joint Stock Company constituted Undertakers under the Provisions of the said recited Act, save and except in so far as the same may be inappropriate, or shall be modified or abridged by the said Lord Lieutenant or other Chief Governor or Governors in the Exercise of his or their Discretion as aforesaid; and the like Proceedings in all respects, so far as the same may be possible, shall be taken under any Commission so to be granted to the said Society by this Act incorporated, as under any Commission created and granted to any Joint Stock Company; and on the Completion of the Works performed thereunder Trustees shall be in like Manner appointed for the Preservation thereof, and from Time to Time continued; and all other the Provisions of the said Act shall be deemed and taken to apply and extend to the Case of any Commission so to be granted to the said Company by this Act incorporated, as fully and effectually as to the Case of any Commission creating or granted to any Joint Stock Company, so far as the same are applicable thereto.

Penalty for destroying the Works.

XCV. And be it further enacted, That if any Person shall wilfully and maliciously destroy or damage or remove any Drain, Ditch, Trench, Sluice, Bridge, Tunnel, or Mark, or any Matter or Thing which shall be made, erected, or set up under the Authority of the said Society, or maliciously break, injure, or destroy any of the Articles, Matters, or Things which are hereby or shall become vested in the said Society by virtue of this Act, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Penalty on Persons obstructing Officers in the Execution of this Act.

XCVI. And be it further enacted, That if any Person shall assault, obstruct, hinder, or molest any of the said Clerks, Surveyors, or other Officers, Workmen, or other Persons whomsoever, in the Execution of any thing required or directed to be done in virtue or in pursuance of this Act, such Person so offending shall, on being convicted of such Offence by a Justice of the Peace, for every such Offence forfeit and pay any Sum not exceeding Ten Pounds or less than Five Pounds, as such Justice before whom any such Offender shall be convicted shall from Time to Time direct.

Damages and Charges how to be ascertained and recovered.

XCVII. And be it further enacted, That in all Cases wherein Damages or Charges are by this Act directed or authorized to be paid, and the Manner of ascertaining the Amount thereof is not specified or provided for, such Amount, in case of Nonpayment thereof or any Dispute respecting the same, shall be ascertained and determined by Two or more Justices of the Peace for the County or Place wherein such Damages or Charges shall be incurred; and where by this Act any Damages or Charges are directed to be paid in addition to any Penalty for any Offence, the Amount of such Damages and Charges, in case of Nonpayment thereof or of any Dispute respecting the same, shall be settled and determined by the Justices by or before whom any Offender shall be convicted of such Offence; and such

attend before a Justice.

Justice of the Peace touching any Matter or Fact contained or involved in or affecting any Information or Complaint for any Offence committed against this Act, either on the Part of the Prosecutor or on the Part of the Party summoned, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, having been paid or tendered a reasonable Sum for his Loss of Time, Costs, and Expences, without a reasonable Excuse for his Refusal or Neglect, or appearing shall refuse to be examined upon Oath (or, in case of a Quaker, on solemn Affirmation,) to give Evidence before such Justice, then and in either of the said Cases every such Person shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Forms of Information and Conviction:

CIII. And be it further enacted, That all Justices of the Peace before whom any Person shall be informed against or convicted for or in respect of any Offence against this Act may cause the Information, whenever Information shall be taken, in Writing or in Print, and the Conviction respectively, to be drawn up according to the following Forms, or any other Forms to the same Effect, as the Case may require; (that is to say,)

Form of Information.

'} BE it remembered, That on the Day of to wit. informeth one of His Majesty's Justices of the Peace for the County of [*as the Case may be*], that of [*here describe the Offence, and the Time and Place when and where committed,*] contrary to an Act passed in the Year of the Reign of His Majesty King *William* the Fourth, intituled [*here insert the Title of this Act*], which hath imposed a Forfeiture of for the said Offence. Taken the Day of before me.'

Form of Conviction.

'} BE it remembered, That on the Day of to wit. in the Year of our Lord is convicted before me one of His Majesty's Justices of the Peace for the County of [*here describe the Offence, and the Time and Place where committed,*] contrary to an Act passed in the Year of the Reign of His Majesty King *William* the Fourth, intituled [*here insert the Title of this Act*]. Given under my Hand and Seal the Day and Year first above written.'

Distress not unlawful for Want of Form.

CIV. And be it further enacted, That where any Distress shall be made for any Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity which shall be afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity shall and may recover full Satisfaction for the special Damage by an Action upon the Case.

CV. And

Persons aggrieved may appeal to the Quarter Sessions.

CV. And be it further enacted, That the said Society and all other Corporations and Persons who may think themselves aggrieved by any Order, Judgment, or Determination of any Justice of the Peace relating to any Matter or Thing in this Act mentioned or contained, and for which no Power of Appeal is by this Act specifically given, may, within Four Calendar Months next after such Order, Judgment, or Determination shall have been made or given, appeal to the Justices of the Peace at any General or Quarter Sessions to be held for the County or Place where the alleged Cause of Appeal shall arise, first giving Ten Days Notice in Writing of such Intention to appeal, and of the Grounds and Nature thereof, to the Party against whom such Complaint is intended to be made, or to the said Society (as the Case may be), and forthwith after such Notice entering into Recognizance before some Justice of the Peace, with Two sufficient Sureties, conditioned in such Penalty as to such Justice shall seem right, to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justices shall in a summary Way either hear and determine the said Complaint at such General, Quarter Sessions, or, if they think proper, may adjourn the Hearing thereof to the following General or Quarter Sessions of the Peace to be held for such County or Place; and the said Justices may, if they see Cause, mitigate any Penalty or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such Bye Law, Rule, Order, or Determination, and may also order any further Satisfaction to be made to the Party injured as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing as they shall think reasonable.

Proceedings not to be quashed for Want of Form, or removed.

CVI. And be it further enacted, That no Proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Dublin* or elsewhere, any Law or Statute to the contrary notwithstanding.

Power to Society to release Witnesses.

CVII. And be it further enacted, That in all Actions, Suits at Law or in Equity, and in all Proceedings under this Act or otherwise, against or by or on behalf of the said Society, and in all Arbitrations, References, and other Proceedings in or consequent upon or arising out of any such Actions, Suits, or Proceedings, it shall be lawful for any Three or more of the Directors of the said Society, for or on behalf of the said Society, to make, sign, seal, execute, and deliver such general or other Releases as may be or may be deemed necessary for the Purpose of exonerating, releasing, and discharging any Person who shall or may be produced as a Witness in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding as aforesaid, from any Claim or Demand which may be necessary to be released by the said Society so as to qualify such Person to give Evidence as a Witness in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding aforesaid, and also to do any other Act, Matter, or Thing in any Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding which any Plaintiff or

Defendant may do in any Action, Suit, or Prosecution, Arbitration, Reference, or other Proceeding; and every such Release, Act, Matter, and Thing shall be as valid and effectual in all respects, and to all Intents and Purposes whatsoever, as if the same were made under the Seal of the said Society.

Limitation of Actions.

CVIII. And be it further enacted, That no Action, Suit, or Information, nor any other Proceeding, of what Nature soever, shall be brought, commenced, or prosecuted against any Person for any thing done or omitted to be done in pursuance of this Act, or in the Execution of the Powers or Authorities or any of the Orders made, given, or directed in, by, or under this Act, unless Ten Days previous Notice in Writing shall be given by the Party intending to commence and prosecute such Action, Suit, Information, or other Proceeding to the intended Defendant, nor unless such Action, Suit, Information, or other Proceeding shall be brought or commenced within Six Calendar Months next after the Act committed, or in case there shall be a Continuation of Damage, then within Three Calendar Months after the doing or committing such Damage shall have ceased, nor unless such Action, Suit, Information, or Proceeding shall be laid and brought in the County or Place within which the Matter in dispute or Cause of Action shall have arisen; and the Defendant in such Action, Suit, Information, or Proceeding may plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon, and that the Acts were done or were omitted to be done (as the Case may be) in pursuance or by the Authority of this Act; and if they shall appear to have been so done or to have been so omitted to be done, or that such Action, Suit, Information, or Proceeding shall have been brought otherwise than as herein-before directed, then and in every such Case the Jury shall find for the Defendant; and upon such Verdict, or if the Plaintiff shall become nonsuited, or shall suffer a Discontinuance of his Action, Suit, Information, or other Proceeding, after the Defendant shall have appeared thereto, or if a Verdict shall pass against the Plaintiff therein, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff, the Defendant shall have his Costs, and shall have such Remedy for recovering the same as Defendants have for recovering Costs of Suit by Law in any other Cases.

Plaintiff not to recover after Tender of sufficient Amends.

CIX. Provided also, and be it further enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding made or committed in the Execution of this Act, if Tender of sufficient Amends shall have been made by or on behalf of the Party who shall have committed such Irregularity, Trespass, or other wrongful Proceeding, before such Action brought; and in case no Tender shall have been made it shall be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, whereupon such Proceedings, Order, and Adjudication shall be had and made in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

Declaring what shall be good Service of Notice on the Society.

CX. And be it further enacted, That in all Cases in which it may be necessary for any Person or Corporation to serve any Summons or Demand, or any Notice, or any Writ, or other Proceeding at Law or in Equity, upon the said Society, personal Service thereof upon the Secretary of the said Society, or leaving the same at the Office of the said Society in *London*, or delivering the same to some Inmate at such Office, or in case the same shall not be found or known, then personal Service thereof upon any Agent of or Officer employed by the said Society, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Society.

Declaring what shall be good Service of Notice by the Society.

CXI. And be it further enacted, That in all Cases in which it may be necessary for the said Society to serve any Summons or Demand, or any Notice of any Writ, or other Proceeding at Law or in Equity, upon any Corporation or any Person whomsoever, under the Provisions or Directions contained in this Act, the same shall be in Writing or in Print, or partly in Writing and partly in Print, and be signed by the Secretary for the Time being of the said Society, without being required to be under the Common Seal of the said Society, and may be personally delivered to such Person, or left or sent by the Post to his last or most usual Place of Abode in *England* or *Ireland*, or to be delivered to some Member of such Corporation, or be left at his last or usual Place of Abode, or to some Clerk or other Officer of such Corporation, or be left at the Office of such Clerk or Officer, or at his last or usual Place of Abode, which shall be deemed good and sufficient Service of the same respectively upon such Person or Corporation (as the Case may be), except in Cases where any other Mode of Service is by this Act particularly directed.

Act to be a Public Act.

CXII. And be it further enacted, That this Act shall be deemed a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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Printers to the King's most Excellent Majesty. 1836.

Arthur William Tooke, *Samuel Humphry*, *John White Humphry*, *John Morris*, *Benjamin Somers* Doctor of Medicine, *Bernard Hartley*, *John Milthorpe Maude*, *William Lucas Hanley*, *John Pullen*, *John Todd*, *George Parbury*, *George Fyler*, *Hugh Brabazon Higgins*, the Reverend *William Harness*, *William Rickard*, *William Castell Damant*, *James Hutchinson*, *Thomas Carter*, *William Amory*, *John Dixon*, and *Thomas Clark*, and all other Persons and Corporations who have subscribed or who shall hereafter subscribe towards the said Undertaking, and their several and respective Successors, Executors, Administrators, and Assigns, shall be and they are hereby united into a Company for draining and improving the Waste and other Lands in *Ireland*, and other the Works by this Act authorized, according to the Provisions and Restrictions herein-after mentioned, and for that Purpose shall be One Body Corporate by the Name and Style of "The *Irish* Waste Land Improvement Society," and by that Name shall have perpetual Succession, and shall have a Common Seal, and by that Name shall and may sue and be sued, and also shall have Power and Authority to take or purchase on Lease and hold Lands, to them and their Successors and Assigns, for the Use of the said Undertaking, without incurring any of the Penalties or Forfeitures of the Statutes of Mortmain, and shall also have Power to sell and demise or otherwise dispose of the said Lands in manner by this Act directed.

Meaning of certain Words in this Act.

II. And be it further enacted, That in the Construction of this Act every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing; and every Word importing the Plural Number shall extend and be applied to one Person or Thing as well as several Persons or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; and the Word "Lands" shall extend to Messuages, Lands, Tenements, and Hereditaments of any Tenure; and the Word "Corporation" shall be understood to mean any Body Politic, Corporate, or Collegiate, Civil or Ecclesiastical, Aggregate or Sole; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Capital to be 500,000*l.*, to be divided into 10,000 Shares of 50*l.* each.

III. And be it further enacted, That it shall be lawful for the said Society to raise amongst themselves any Sum or Sums of Money for taking or purchasing on Lease, and draining, improving, and cultivating, or otherwise working the Waste and other Lands by this Act authorized, and for the general Purposes of this Act, not exceeding in the whole the Sum of Five hundred thousand Pounds Sterling, the whole to be divided into Ten thousand Shares of Fifty Pounds each; and such Ten thousand Shares shall be numbered, beginning with Number One and ending with Number Ten thousand, in arithmetical Progression; and every such Share shall be distinguished by the Number to be applied to the same; and the said Shares shall be and are hereby vested in the several Parties so raising and paying the same, and their several and respective Successors, Executors, Administrators, and Assigns, to their proper Use and Benefit, proportionably to the Sums they shall severally contribute; and all

Corporations and Persons, and their several Successors, Executors, Administrators, and Assigns, who shall severally subscribe for One or more Share or Shares, or such Sum or Sums as shall be demanded in lieu thereof, towards the said Undertaking, shall be entitled to and be the Proprietors of a proportionate Share of the Capital Stock of the said Society, and shall be entitled to and shall receive, at such Time or Times as shall in manner herein-after provided be directed or appointed, in proportionate Parts according to the respective Sums so by them respectively paid, the net Profits and Advantages which shall arise or accrue from or by the Rents, Issues, Profits, and other Sums of Money to be received by the said Society by virtue of this Act, as and when the same shall be divided; and all Corporations and Persons having such Property in the said Undertaking as aforesaid shall bear and pay a proportionate Sum towards carrying on the same to the full Amount of their respective Shares in the said Society.

Proprietors to contribute to the Capital, and share the Profits rateably.

IV. And be it further enacted, That all the Money to be raised or received by the said Society by virtue of this Act, whether by way of Capital or Profits or otherwise, shall be laid out and applied, in the first place, in paying and discharging all Costs and Expences incurred in applying for, obtaining, and passing this Act, and all other Expences preparatory or relating thereto, and the Remainder of such Money shall be applied in and towards taking Lands on Lease, and draining and improving the same, and erecting Buildings thereon, and otherwise in carrying this Act into execution.

Application of Monies to be raised.

V. And be it enacted, That it shall be lawful for the said Society, subject to the Restrictions and Provisions herein-after contained, to treat and agree with any Corporation, Tenant for Life, Tenant in Tail, or for any other partial or qualified Estate or Interest, seised or possessed of any Bogs, Waste or unprofitable Lands, or any Lands proper to be drained, improved, reclaimed, or cultivated, and with any Husband, Guardian, Trustee, or Committee of any Feme Covert, Lunatic, Idiot, or other incapacitated Person seised or possessed of any such Lands as aforesaid, which the said Society shall think fit to be drained, worked, improved, or reclaimed, or with any other Person whomsoever, for and take any Lease or Demise of and hold thereunder any such Lands, for Life or Lives certain, or for any Term of Years not exceeding Ninety-nine Years, at such Rent, and under such Covenants, Conditions, and Provisoes in respect of the Drainage, Improvement, working, or reclaiming of such Lands, and such other Matters and Things as may be mutually agreed on by and between such Society and the Lessor of such Lands.

Society empowered to take on Lease Waste Lands from Bodies Corporate, Tenants of particular Estates, and incapacitated Persons.

VI. And be it further enacted, That it shall be lawful for all Corporations, Tenants for Life, in Tail, or for any other partial or qualified Estate or Interest of or in any Bogs, Waste or unprofitable Lands or Land proper to be drained, improved, or cultivated, and for all Husbands, Guardians, Committees, Trustees, and Feoffees in Trust for charitable or other Purposes, Executors, Administrators, and all Trustees and Persons whomsoever, not only for and on behalf of themselves, their Heirs and Successors, but also for and on behalf of

Corporations, Trustees, and Persons having a limited Interest, or under Disability, empowered to

ease Lands to the Society.

of all Persons entitled in Reversion, Remainder, or Expectancy after them, and for and on behalf of their Wives, Wards, Lunatics, and Idiots respectively, and for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Persons, and to and for all Femes Covert seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest, and for all other Persons whomsoever who are or shall be seised of or possessed of or interested in any such Lands, to contract and agree for and to demise or lease any such Lands to the said Society for any Term of Years not exceeding Ninety-nine Years, or for Life or Lives certain, not exceeding Three Lives, subject to such Covenants, Conditions, and Provisions, and at such yearly Rent payable at such Times, as may be mutually agreed upon between such Lessors and the said Society; and in every such Lease there shall be reserved a Power of Re-entry on the Nonpayment of the Rent reserved within a reasonable Time after the same shall become due and payable; and every such Lease shall be good, valid, and effectual against every Person having or claiming to have any Charge or Incumbrance affecting, either in Law or Equity, the Lands or Premises comprised therein: Provided always, that every or any such Creditor or Incumbrancer may sue for and recover and receive the Rent reserved upon any and every such Lease in such Manner and by such Proceedings, either at Law or in Equity, as he or they is or are enabled by Law to do in respect of Rent reserved upon Leases executed prior to their Liens upon the Lands out of which Rents are payable: And provided also, that no Fine, Premium, or Foregift shall be taken or received for or on making any such Lease or Demise, or any Renewal thereof: And provided also, that the Rent reserved on such Lease shall be equal to the full yearly Value of the Lands at the Time of making such Lease, and that such Rent shall be incident to the immediate Reversion of the Lands so to be leased.

No Fine to be taken.

Lands to be valued before Lease granted.

VII. Provided always, and be it further enacted, That before any such Lease or Demise shall be made as aforesaid by any Person or Persons not having Power to grant such Lease or Demise save under the Provisions of this Act, a Survey of such Lands, and an Estimate and Valuation of the full annual Value of such Lands, shall be made by some able practical Surveyor, to be named by the Chairman for the Time being of the Board of Public Works in *Ireland* by Writing under his Hand; and every such Surveyor shall annex to his Survey, Estimate, or Valuation, when completed, a Declaration to be subscribed by him and taken before and certified by any Justice of the Peace in *Ireland*, who is hereby authorized to take and receive a Declaration in that Behalf, the Form whereof shall be as follows:

Surveyor to annex to his Survey a Declaration.

Form of Declaration.

‘ I *A.B.* do solemnly and sincerely declare, That the Survey, Estimate, or Valuation hereunto annexed was faithfully and impartially made by me, and that the Value of the Property therein described is justly intimated therein, according to the best of my Skill and Judgment, and that all the Particulars stated therein are true to the best of my Knowledge and Belief; and I make this

‘ solemn

'solemn Declaration conscientiously believing the same to be true,
'and by virtue of the Provisions of an Act passed in the Fifth and
'Sixth Year of the Reign of His present Majesty, intituled *An Act* 5 & 6 W. 4.
'*to repeal an Act of the present Session of Parliament, intituled 'An Act* c. 62.
'*for the more effectual Abolition of Oaths and Affirmations taken and*
'*made in various Departments of the State, and to substitute Decla-*
'*rations in lieu thereof, and for the more entire Suppression of*
'*voluntary and extra-judicial Oaths and Affidavits;' and to make*
'*other Provisions for the Abolition of unnecessary Oaths.*'

Rent to be of the full annual Value.

And the Rent to be reserved on any such Lease or Demise shall in no Case be less than the full annual Value of the Lands comprised therein at the Time of making such Lease, as the same shall be estimated in such Valuation as aforesaid: Provided always, that every such Valuation shall be enrolled in the High Court of Chancery in *Ireland*.

Valuation to be enrolled.

In what Case Valuation may be dispensed with.

VIII. Provided always, and be it enacted, That where, from the Nature of any Lands so proposed to be demised or leased for the Purpose aforesaid, or from any Circumstances relative thereto, the Worth or Value thereof cannot be ascertained by the Means of a Survey or Inspection thereof, or where the Value of such Lands shall be previously known to be so small or inconsiderable that it shall not be deemed expedient to incur the Expence of taking a Survey thereof, or when such Lands shall have been previously surveyed and valued by or under the Authority of Parliament, then and in any such Case it shall be lawful for the said Society and the Lessor to enter into an Agreement for such Demise or Lease as aforesaid without such Survey or Estimate, provided that such Demise or Lease shall be made on the Terms and subject to the Conditions herein-before mentioned.

Contracts binding upon all Parties.

IX. And be it enacted, That all Contracts or Agreements in Writing entered into by the said Society with any Body Politic, Corporate, or Collegiate, or other Person herein-before described or empowered in that Behalf, relating to any Matter or Thing to be done by virtue of this Act, shall be binding on the said Society, and Owner, Corporation, or Person, and their Successors, Heirs, Executors, and Administrators, and upon all other Parties who shall sign the same, and the Heirs, Executors, and Administrators of such other Parties; and Actions and Suits shall and may be maintained thereon by the Society against such Owner, Corporation, or Person, and Damages and Costs recovered against the Person failing in the Performance of such Contracts or Agreements respectively.

Society empowered to sell Lands held on Lease, and to grant Underleases.

X. And be it further enacted, That it shall be lawful for the said Society from Time to Time to sell and dispose of such Lands as they are by this Act empowered to take on Lease, and shall have actually taken on Lease, or contracted or agreed so to do, or any Part thereof, either together or in Parcels, by public Auction or private Contract, or partly by public Auction and partly by private Contract, and for such Price as they shall deem most convenient and think fit, and by Deed under their Common Seal to assign and

assure such Lands to the Purchasers thereof for all the Term, Estate, and Interest which the said Society shall have therein; and in the meantime and until the said Society shall think proper to make such Sale it shall be lawful for the said Society to demise, lease, or let such Lands or any Part thereof to any Person willing to become the Tenant thereof, in such Manner and upon such Terms as the said Society shall think proper; and all such Assignments or Assurances, Demises or Leases, from the said Society, shall be valid and effectual, any thing in this Act contained, or any other Law, Statute, or Custom, to the contrary notwithstanding: Provided always, that the said Society, before they shall sell and dispose of any Lands so leased to them as aforesaid, shall first offer to sell the Lands comprised in any such Lease, or so much thereof as shall for the Time being be improved or rendered fit for Cultivation, to the Grantor of the same Lease to the said Society, or other the Person for the Time being entitled, either absolutely or for any partial Estate or Interest, to the immediate Reversion expectant on the Determination of any such Lease, and who shall be in *England* or *Ireland*, and be conveniently found, and be capable of entering into a Contract for the Purchase thereof; and every such Person, in case he shall be desirous of purchasing the same Lands, shall signify such his Desire and Intention in that Behalf to the said Society in Writing within Fourteen Days after such Offer of Sale shall have been made by Notice in Writing given to or left for him at his last known or usual Place of Abode; and in case such Person shall decline or neglect to avail himself of such Offer, or shall neglect so to signify his Desire and Intention to purchase such Lands, for the Space of Fourteen Days after such Offer shall have been made, the Right of Pre-emption of every such Person so declining or neglecting in respect of such Lands included in such Offer shall cease; and a Declaration made before a Master or Master Extraordinary in the High Court of Chancery in *Ireland*, or before any Justice of the Peace for the County or Place where such Lands may be situate, by some Person not interested in the same Lands, stating that the Person entitled to such Right of Pre-emption was not in *England* or *Ireland*, or was not to be found, or was not capable of entering into a Contract for the Purchase of such Lands, or that such Offer was made by or on behalf of the said Society, and was refused or was not accepted or agreed to (as the Case may be) by the Person to whom the same was made within the Space of Fourteen Days from the Time of making the same, shall in all Courts and on all Occasions whatever be conclusive Evidence and Proof that the Person entitled to such Right of Pre-emption was not in *England* or *Ireland*, or was not to be found, or was not capable of entering into a Contract for the Purchase of such Lands, or that such Offer was made and refused or was not accepted or agreed to (as the Case may be) within the Time aforesaid by the Person to whom such Offer was made; and in case such Person shall be desirous of purchasing the same he shall be at liberty so to do at or for such Price or Sum as shall be equivalent to Nineteen Years Purchase, to be calculated on the actual improved yearly Rent or Value of the same, after deducting the Rent or a proportionate Part thereof payable by the said Society for or in respect of the same Lands; and the Money produced by the Sale which may be made

Grantor of Lease to have the Right of purchasing the Lands leased by him at 19 Years purchase.

by the said Society of any such Lands as aforesaid shall be applied to the Purposes of this Act; and in the mean time and until the said Society shall think proper to make such Sale it shall be lawful for the said Society to demise, lease, or let any such Lands to any Person willing to become the Tenant thereof, in such Manner and upon such Terms as the said Society shall think proper.

Society required to sell Land at the End of Twenty-one Years.

XI. Provided always, and be it further enacted, That in case the Lands so leased to the said Society as aforesaid, or any of them, or any Part or Parts thereof respectively, shall remain unsold and undisposed of by the said Society at the End of Twenty-one Years after such Lands, or such Part or Parts thereof respectively as shall so remain unsold and undisposed of, shall have been improved, reclaimed, and brought into Cultivation, then and in such Case the said Society shall and are hereby required absolutely to sell and dispose of the Lands so brought into Cultivation and remaining unsold for all their Term, Estate, and Interest therein, and subject to any Under-leases granted thereof, either together or in Lots, and either by public Auction or Tender, or by private Contract, as the said Society shall think proper, to any Person or Persons willing to purchase the same, or any of them, or any Part thereof respectively, for the best Price that can be reasonably had or gotten for the same; provided a Price or Sum equivalent to Twenty Years Purchase, to be calculated on the actual improved yearly Rent or Value of the same, or of the Estate or Interest of the said Society therein, shall be offered or can be obtained for the same, but not otherwise.

Society empowered to purchase absolutely 100 Acres of Land for Wharfs and other Purposes.

XII. And be it further enacted, That it shall be lawful for the said Society and they are hereby empowered to contract with any Person or Corporation who shall be willing to sell the same for the absolute Purchase of any Lands (not exceeding in the whole One hundred Acres) in such Places as the said Society shall deem eligible for the Purpose of making and providing Wharfs, Storehouses, Depôts, Offices, Yards, Kilns, Pits, Warehouses, and other Buildings and Conveniences for providing, making, manufacturing, or obtaining Stone, Clay, Bricks, Lime, Gravel, Sand, or any other Materials whatsoever, or for receiving, depositing, or keeping any such Materials, or any other Goods, Articles, Produce, Matters, or Things whatsoever belonging to the said Society, or for any other Purposes whatsoever connected with the Undertaking by this Act authorized, which the said Society shall judge requisite; and it shall be lawful for all Corporations and other Persons whomsoever (including especially such or the like Corporations and Persons as are herein-before capacitated to grant Leases to the said Society and their Successors of any Waste or other Lands for the Purposes of this Act) to sell and convey to the said Society and their Successors any Lands whatsoever for the Purposes herein-before mentioned, or any of them, in the same Manner as is herein-before directed concerning the Lands to be taken on Lease for the Purposes by this Act authorized; and all such Contracts, Sales, and Conveyances shall be made at the Expence of the said Society; and shall be made according to the following Form, or as near thereto as the Number of the Parties and the Circumstances of the Case will admit; namely,

'I

Form of Conveyance.

'I Sum of of in consideration of the
'of and *C.D.* of Trustees appointed
'to receive the same, pursuant to the Act after mentioned,] paid by
'the *Irish* Waste Land Improvement Society established and in-
'corporated by an Act of Parliament passed in the
'Year of the Reign of His Majesty King *William* the Fourth,
'intituled [*here insert the Title of this Act*], do hereby convey [*or*,
'*in Cases of Copyhold or Customary Lands requiring Surrender*,
'do hereby agree to surrender,] to the said Society, their Successors
'and Assigns, all [*describing the Premises to be conveyed*], together
'with all Ways, Rights, and Appurtenances thereto belonging, and
'all such Estate, Right, Title, and Interest in and to the same and
'every Part thereof as I am or shall become seised of or entitled to,
'or am by the said Act capacitated or empowered to convey, to
'hold the Premises to the said Society, their Successors and Assigns
'for ever, according to the true Intent and Meaning of the said
'Act. In witness whereof I have hereunto set my Hand and Seal
'the Day of in the Year of our
'Lord .'

And all such Conveyances and Assurances as aforesaid shall be valid and effectual in Law to all Intents and Purposes, and shall operate to merge all Terms of Years attendant by express Declaration or by Construction of Law on the Estate or Interest so thereby conveyed or aliened, and to bar and destroy all Estates Tail and all Titles to Dower, and all other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, and Interests whatsoever of and in the same.

Society empowered to sell such Lands and purchase others, but not to hold more than 100 Acres at any One Time.

XIII. And be it further enacted, That it shall be lawful for the said Society from Time to Time to sell and dispose of such Lands as they are by this Act empowered to purchase and shall have actually purchased for the Purposes last aforesaid, or such Parts of such Lands as the said Society shall think fit, in such Manner and to such Persons as the said Society shall think proper, and by Deed under their Common Seal to convey such Lands to the Purchasers thereof, and again from Time to Time to contract for and purchase any other Lands which the said Society shall deem more eligible for the Purposes aforesaid, and afterwards to sell and dispose of the same as aforesaid, and so from Time to Time as the said Society shall deem proper, so that the total Number or Quantity of Acres to be purchased and held by the said Society for any of such Purposes shall not exceed at any One Time the Number or Quantity of One hundred Acres for those Purposes expressly specified or allowed in or by this Act; and in the meantime and until the said Society shall think proper to make such Sale it shall be lawful for the said Society to let such Lands or any Part thereof to any Person willing to become the Tenant thereof, in such Manner and upon such Terms as the said Society shall think proper.

Society not to purchase more than

XIV. And whereas the said Society are enabled to purchase One hundred Acres of Land by virtue of this Act for the Purpose of providing

providing Wharfs, Storehouses, Depôts, Offices, Yards, Kilns, Pits, Warehouses, and other Conveniences, in addition to the Lands authorized to be taken on Lease, and all Corporations and Persons whomsoever are empowered to sell such Number or Quantity of Acres to the said Society: And whereas it is expedient to restrain the said Society from selling any such Land so purchased from Corporations or from Persons being under legal Disability or incapacitated, and again purchasing other Lands from the same or from any other Corporations or Persons being under legal Disability or incapacitated in lieu or stead of the Lands so sold; be it therefore enacted, That it shall not be lawful for the said Society to purchase from any Corporation, Trustee, or Feoffee in Trust for charitable or any other Purposes, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Lunatic, Idiot, Feme Covert, or Cestuique Trust not absolutely entitled in his own Right, or from any Tenant for Life, in Tail, or Person to whom or for whose Benefit Lands are limited in strict Settlement, or other Persons being under legal Disability or Incapacity, more than such One hundred Statute Acres; and in case the said Society shall purchase such One hundred Statute Acres from any Corporations or other Persons under such legal Disability or Incapacity as aforesaid, and shall afterwards sell the Whole or any Part of such One hundred Statute Acres so purchased, it shall not be lawful for the said Society to purchase of or from the same or of or from any other Corporations or Persons being under legal Disability or Incapacity, nor for the same nor for any other Corporations or Persons being under legal Disability or Incapacity to sell to the said Society, any other Lands in lieu of such One hundred Statute Acres of Land or any Part thereof so sold or disposed of by the said Society.

Not more than such 100 Acres from Corporations or Persons under Disabilities

XV. And be it further enacted, That in all Conveyances and Assurances to be made by the said Society under or in pursuance of this Act the Word "grant" shall operate as and be construed and adjudged in all Courts of Judicature to be express Covenants to or with the respective Grantees therein named, and the Successors, Heirs, Executors, Administrators, or Assigns of such Grantees, according to the Quality or Nature of such Grantees Interest therein, and the Estate or Interest therein expressed to be thereby conveyed or assured by or from the said Society, for themselves and their Successors, and that they the said Society, notwithstanding any Act and Default done by them, were, at the Time of the Execution of such Conveyances or Assurances, seised of or entitled to the Lands thereby granted for an indefeasible Estate of Inheritance in Fee Simple, free from all Incumbrances done or occasioned by them, or otherwise for such Estate or Interest as therein expressed to be thereby granted, free from Incumbrance done or occasioned by them, that the Purchasers thereof, their Heirs and Assigns, Successors and Assigns, or Executors, Administrators, and Assigns (as the Case may be), shall quietly enjoy the same against the said Society, their Successors and all claiming under them, and be indemnified and saved harmless by the said Society and their Successors from all Incumbrances committed by the said Society, and also for further Assurance of such Lands by the said Society, their Successors, and all claiming under them, unless except and so far

The Word "grant" in Conveyances from the Society to amount to certain Covenants.

far as the same shall be restrained and limited by express particular Words contained in such Conveyances or Assurances; and all such Grantees, and their several Successors, Heirs, Executors, Administrators, and Assigns respectively, according to their respective Quality or Nature, and the Estate or Interest expressed to be thereby conveyed or assured, shall and may in all Actions to be brought assign Breach or Breaches thereupon as they might do in case such Covenants were expressly inserted in such Conveyances or Assurances.

Receipts to be given for Money paid to the Society.

XVI. And be it further enacted, That upon Payment of the Money which shall arise by Sale of any Lands authorized by this Act to be sold by the said Society, or upon Payment to the said Society of any Money under this Act, it shall be lawful for the Secretary of the said Society for the Time being, or any Officer appointed by the Directors for that Purpose, to sign and give Receipts for the Money so paid, which Receipts shall be sufficient Discharges to all Persons for the Purchase Money for such Lands as shall be so sold, or for such other Sums of Money as in such Receipts respectively shall be expressed to be received, and such Persons shall not afterwards be answerable or accountable for any Loss, Misapplication, or Nonapplication of such Purchase or other Monies, or any Part thereof.

Society may enter Lands and make Watercourses for the Purposes of Drainage.

XVII. And be it further enacted, That, for the Purpose of draining and bringing into Cultivation the Bogs and Waste Lands hereby authorized to be taken or held by the said Society, the said Society shall and they are hereby authorized, by such Agents, Workmen, and Labourers as they shall think fit to employ, to enter into and upon any Lands or Grounds whatever, and to form, make, and erect, deepen, scour out, widen, and improve, all such Rivers, Streams, Watercourses, Cuts, Drains, Sluices, Engines, Bridges, and other Works in, through, upon, or over any such Bog or Waste Lands or any Part thereof, and in, through, upon, or over any other Lands, and also to deepen, cleanse, scour out, widen, and improve any Rivers, Streams, Watercourses, Cuts, or Drains flowing from or out of the said Bog or Waste Lands so to be drained and improved, and to do all other Things which they shall judge proper and expedient for effectually draining the same, doing as little Damage as may be; and the said Society may by any Writing under their Common Seal in the meantime appoint any such Person, and make such Orders and give such Directions for carrying on, effecting, and preserving such Works, and for maintaining, supporting, and keeping the same in good and sufficient Repair, as the said Society shall think proper, just, and equitable; and the said Society shall make such Recompence and Satisfaction to any such Body or Person in whose Lands or Grounds such Cuts, Drains, Sluices, Engines, Bridges, and other Works shall be made, or who shall be prejudiced thereby, or by means or in consequence thereof, or for the Value of the Land to be used for the Purposes aforesaid, and all such other Damages as they or he shall sustain, as shall or may be agreed upon between the said Society and the Body or Person who shall be prejudiced as aforesaid, and such Recompence and Satisfaction shall and may be raised in the same Manner as the other Expences for executing this Act; and if the said Society or such Body or Person cannot agree concerning the Amount

Amount of such Damages, then the same shall be ascertained and settled by the Verdict of a Jury, if required, as herein-after is directed.

Damages to be ascertained by a Jury.

XVIII. And be it further enacted, That if any such Body or Person cannot agree with the said Society respecting the Damage which they or he may sustain from Time to Time to their or his Lands by the Execution of the Powers of this Act and the Satisfaction for the same, or if any such Body or Person shall refuse to accept such Satisfaction or other Compensation as shall be offered by the said Society, and shall give Notice thereof in Writing to the Secretary of the said Society requiring the Matter in dispute to be submitted to the Determination of a Jury, or in any Case where an Agreement for Compensation for Damages incurred in the Execution of any of the Powers of this Act cannot be made, then and in every such Case the said Society shall and they are hereby required and empowered from Time to Time to issue a Warrant under their Common Seal, directed to the Sheriff of the County wherein such Damage shall be done, or in case the said Sheriff or his Under Sheriff shall be in any way interested in the Matter in question, then to any of the Coroners of the said County not interested as aforesaid, commanding such Sheriff or Coroner to impannel, summon, and return a Jury, and the said Sheriff or Coroner is hereby required and empowered accordingly to impannel, summon, and return a Jury of Twenty-four honest, sufficient, and indifferent Men, qualified according to the Laws of the Realm for the Time being to be returned for the Trial of Issues in His Majesty's Courts of Record at *Dublin;* and the Persons so to be impannelled, summoned, and returned are hereby required to appear before the said Sheriff, Under Sheriff, or Coroner at such Time and Place as in such Warrant shall be appointed, and to attend from Day to Day until duly discharged; and out of such Persons so to be impannelled, summoned, and returned a Jury of Twelve Men shall be drawn by the said Sheriff, Under Sheriff, or Coroner, or by some other Person to be by them respectively appointed; and in case a sufficient Number of Jurymen shall not appear at the Time and Place so to be appointed as aforesaid such Sheriff, Under Sheriff, Coroner, or other Person shall return other honest and indifferent Men of the Standers-by, or of others than can be speedily procured (being so qualified as aforesaid), to make up the said Jury to the Number of Twelve; and all Parties concerned may have their lawful Challenges against the said Jurymen, but shall not challenge the Array; and the said Sheriff, Under Sheriff, or Coroner is hereby empowered, authorized, and required to summon before him all and every Person or Persons who shall be thought necessary and proper to be examined as a Witness or Witnesses upon Oath touching or concerning the Premises; and the said Sheriff, Under Sheriff, or Coroner may order and authorize the said Jury, or any Six or more of them, either before or after they are sworn, to view the Place or Matter in question, if there be Occasion, and to use all other lawful Ways and Means as well for his own as for the Jury's better Information in the Premises as the said Sheriff, Under Sheriff, or Coroner shall think fit; which Jury upon their Oaths (which Oaths, as well as the Oaths to such Person or Persons as shall be called on to give Evidence,

Evidence, the said Sheriff, Under Sheriff, or Coroner is hereby empowered and required to administer,) shall inquire, assess, and ascertain what Damages have or may have been sustained by and what Satisfaction shall be made to the Proprietor, Occupier, or other Person interested for or on account of the Execution of the Powers of this Act; and after the said Jury shall have inquired of and ascertained and settled such Damages and Satisfaction the said Sheriff, Under Sheriff, or Coroner shall thereupon order the Sum or Sums of Money so assessed by the said Jury to be paid by the said Society to the said Proprietor, Occupier, or other Person interested in the said Lands, according to such Verdict and Inquisition of the said Jury, and shall give Judgment for such Satisfaction and Damages assessed by such Jury; which said Verdict or Inquisition, Order or Judgment thereon pronounced as aforesaid, shall be signed by the said Sheriff, and shall be binding and conclusive against all and every Persons claiming any Satisfaction or Damage from the said Society by the Operation of this Act, and shall not be removed by Certiorari or other Process into any of His Majesty's Courts of Record at *Dublin*, or any other Courts, notwithstanding any Law or Statute to the contrary thereof.

Penalty on Persons refusing to be Jurors or to give Evidence.

XIX. And be it further enacted, That if any Person so impannelled, summoned, and returned as aforesaid upon such Jury shall not appear without some reasonable Excuse, or appearing shall refuse to be sworn on the said Jury, or being sworn shall refuse to give his Verdict, or shall in any Manner wilfully neglect his Duty therein, contrary to the true Intent and Meaning of this Act, he shall be liable and subject to the same Rules and Regulations and to the same Pains and Penalties for such Default as if he had been impannelled, summoned, and returned for the Trial of any Issue joined in any of His Majesty's Courts at *Dublin*; and if any Person so summoned and required to give Evidence before the said Jury touching the Premises shall neglect or refuse to appear after having been tendered a reasonable Sum for his Costs, Charges, and Expences, or shall not allege sufficient Excuse to the said Sheriff, Under Sheriff, or Coroner for not appearing, or appearing shall refuse to be sworn and examined or to give Evidence, then and in every such Case every such Person so offending, upon Proof thereof made before Two or more of His Majesty's Justices of the Peace for the County or Place in which the Matter in question shall arise upon the Oath of Two or more credible Witnesses, shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds, according to the Discretion of the said Justices; and in case any such Penalty shall not be forthwith paid it shall and may be levied, by virtue of any Warrant under the Hands and Seals of the said Justices, by Distress and Sale of the Goods and Chattels of the Person so offending, rendering to such Person the Overplus (if any) after such Penalty and the Charges of such Distress and Sale shall have been deducted; and every such Penalty which shall be paid by or recovered from any Person who shall be impannelled, summoned, and returned on such Jury, or to give such Evidence as aforesaid, shall be paid to the Person or Persons who shall appear to the said Justice to be injured by the Default of such Person.

Expences of Juries how to be paid.

XX. And be it further enacted, That in every Case in which the Verdict of a Jury summoned as aforesaid shall be given for a greater Sum than shall have been previously offered by the said Society as Compensation for any Damage or Loss which may happen or arise in the Execution of any of the Powers hereby granted, all the Costs, Charges, and Expences of summoning such Jury and of Witnesses, and also the Bond to be given by the Parties requiring such Jury to be summoned as herein-after mentioned, shall be defrayed by the said Society; and such Costs, Charges, and Expences shall be settled and determined by the said Sheriff, Under Sheriff, or Coroner; and in case such Costs, Charges, and Expences shall not be paid to the Party entitled to receive the same within Fourteen Days after the same shall have been demanded, then the same shall and may be levied and recovered by Distress and Sale of any Goods and Chattels of the said Society under a Warrant to be issued for that Purpose by any Justice of the Peace for the County, City, or Place wherein such Inquisition shall be held, not interested in the Matter in question, which Warrant such Justice is hereby authorized and required to issue under his Hand and Seal on Application made to him for that Purpose by any Party entitled to receive such Costs, Charges, and Expences; but if the Verdict of the Jury shall be given for the same or for a less Sum than shall have been previously offered by the said Society, or in case the said Society shall have required a Statement of the Manner in which any Amount of Money which shall have been demanded as a Satisfaction, Recompence, or Compensation has been computed and made up, and the Jury shall be of opinion that no sufficient Statement was delivered by the Claimant to enable the said Society to make a proper Offer, one Moiety of the said Costs, Charges, and Expences shall be defrayed by the Party with whom the said Society shall have such Controversy or Dispute, and the Remainder shall be defrayed by the said Society; and the former Moiety of such Costs, Charges, and Expences, having been ascertained and settled in manner herein-before mentioned, shall and may be deducted out of the Money adjudged to be paid to such other Party as so much Money advanced to and for his Use, and the Payment or Tender of the Remainder of the Money so adjudged shall be deemed and taken to all Intents and Purposes to be a good Payment or Tender in satisfaction of the whole thereof: Provided always, that in Cases in which, by reason of Absence in Foreign Parts, or from any other Cause or Disability not herein-before provided for, any Person shall have been prevented from treating and agreeing as aforesaid, the whole of such Costs, Charges, and Expences shall be borne and paid by the said Society.

Verdicts of Juries to be recorded.

XXI. And be it further enacted, That the said Judgments and Verdicts so given shall be transmitted to and be kept by the Clerk of the Peace or other Person or Persons having the Custody of the Records of the Quarter Sessions of the County in which the same shall be given, and shall be deposited with and deemed to be the Records of such Quarter Sessions respectively to all Intents and Purposes, and the same or true Copies thereof shall be allowed in Evidence in all Courts whatsoever, and all Persons shall have Liberty to inspect the same, paying for such Inspection the Sum of Two

Shillings and Sixpence, and to have Copies thereof, paying for every Copy the Sum of Four-pence for every One hundred Words, and so in proportion for any greater or less Number of Words.

Persons requesting Juries to enter into Bonds to prosecute their Complaints and payExpences.

XXII. And be it further enacted, That all Parties with whom the said Society shall have any Dispute, and who shall require a Jury to be summoned as aforesaid, shall at their own Costs, before the said Society shall be obliged to issue their Warrant for the summoning of such Jury, enter into a Bond with One sufficient Surety to the said Society, in a Penalty of Two hundred Pounds, to prosecute their Complaint, and to bear and pay their Proportion of the Costs and Expences of summoning, impannelling, and returning such Jury, taking such Inquisition, and of the Attendance of Witnesses, and recording the Verdict or Judgment thereon, and otherwise incident to such Inquisition, in case any Part of such Costs and Expences shall fall upon them.

No Complaint to be taken notice of unless Notice be given to the Society within Six Months.

XXIII. And be it further enacted, That the said Society shall not be obliged by virtue of this Act to receive or take notice of any Complaint to be made by any Body or Person whomsoever for any Injury or Damage sustained or supposed to be sustained by them or him by virtue or in consequence of this Act, unless Notice in Writing shall have been given in relation thereto by or on behalf of such Body or Person to the said Society, within the Space of Six Calendar Months next after the Time that such supposed Injury or Damage shall have been sustained, or the doing or committing thereof shall have ceased.

Damages under 20*l.* to be settled by Justices.

XXIV. And be it further enacted, That in case any Difference shall arise between the said Society and any of the Owners or Occupiers of the Lands to be taken or used for the Purposes of this Act as to the Amount or Value of the Damages done by the said Society, their Servants, Agents, or Workmen, to such Lands in the Execution of any of the Powers of this Act, and such Difference cannot be adjusted and settled between the said Parties, the same shall be ascertained and determined by some Two or more Justices of the Peace for the County, Liberty, or Place in which such Lands shall lie, who, upon Application made to them by both or either of the said Parties, shall examine into the Matter in dispute, and shall determine and settle the Amount of Compensation which shall be payable by the said Society, provided such Compensation do not exceed the Sum of Twenty Pounds; and the said Justices respectively are hereby authorized and required, on Nonpayment of the said Damages for the Space of Fourteen Days after the same shall become due, to levy such Damages and all Charges respecting the same by Distress and Sale of any Goods and Chattels of the said Society, in the same Manner as by this Act is directed with respect to the Recovery of Compensation for other Damages done by the said Society.

In default of Payment within 14 Days may be levied by Distress.

Application of Compensation if amounting to 200*l.*

XXV. And be it further enacted, That if any Money shall be agreed or awarded to be paid for any Lands purchased, taken, or used by virtue of this Act for the Purposes thereof, or in satisfaction

of any Loss or Damage done to any Lands by the Operation of this Act, which Lands shall belong to any Bodies Corporate or Collegiate, or to any Feoffee in Trust, Executor, Administrator, Husband, Guardian, Committee, or other Trustee for or on behalf of any Idiot, Lunatic, Feme Covert, or other Cestuique Trust, in strict or other Settlement, or to any other Person under any other Disability or Incapacity whatsoever, such Money shall, in case the same shall amount to or exceed the Sum of Two hundred Pounds, be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the High Court of Chancery in *Ireland*, to be placed to his Account there *ex parte* "The *Irish* Waste Land Improvement Society," pursuant to the Method prescribed by an Act passed in the Parliament of *Ireland* in the Twenty-third and Twenty-fourth Years of the Reign of His late Majesty King *George* the Third, intituled *An Act for better securing the Monies and Effects of the Suitors of the Court of Chancery and the Court of Exchequer by depositing the same in the National Bank, and to prevent the forging and counterfeiting any Draft, Order, or other Voucher for the Payment or Delivery of such Money or Effects, and for other Purposes*, and the General Orders of the said Court, and without Fee or Reward, to the Intent that such Money shall be applied, under the Direction of the said Court, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Body or Person who would have been entitled to the Rents and Profits of the Lands in respect of which the same shall be paid, in the Purchase or Redemption of the Land Tax, or Discharge of any Debt or Debts, or such other Incumbrance or Part thereof, as the said Court shall authorize to be paid, affecting the said Lands, or affecting other Lands standing settled therewith to the same or the like Uses, Intents, and Purposes; and where such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction of the said Court, in the Purchase of other Lands, which shall be conveyed and settled to, for, and upon such and the like Uses, Trusts, Intents, and Purposes, and in the same Manner, as the Lands which shall be so purchased, taken, used, or damaged as aforesaid stood settled or limited, or such of them as at the Time of making such Conveyance and Settlement shall be existing undetermined and capable of taking effect; and in the meantime and until such Purchase shall be made the said Money shall, by Order of the said Court upon Application thereto, be invested by the said Accountant General in his Name in the Purchase of *Irish* Government Debentures, or *Irish* Treasury Bills, or Three Pounds *per Centum* Consolidated or Reduced Bank Annuities; and in the meantime, and until the said Debentures, Bills, or Bank Annuities shall be ordered by the said Court to be sold for the Purposes aforesaid, the Dividends and annual Produce of the said Debentures, Bills, or Bank Annuities shall from Time to Time be paid, by Order of the said Court, to the Body or Person who would for the Time being have been entitled to the Rents and Profits of the said Lands so hereby directed to be purchased in case such Purchase or Settlement were made.

23 & 24 G. 3. (I.)

XXVI. And

When under 200*l.* and exceeding 20*l.*

XXVI. And be it further enacted, That if any Money so agreed or awarded to be paid for any Lands purchased, taken, or used for the Purposes of and in virtue of the Powers of this Act, or on account of any Damage or Satisfaction arising to any Lands belonging to any Corporation, or to any Person or Persons under Disability or Incapacity as aforesaid, shall be less than the Sum of Two hundred Pounds and shall exceed the Sum of Twenty Pounds, then and in all such Cases the same shall, at the Option of the Body or Person for the Time being entitled to the Rents and Profits of the Lands so purchased, taken, used, or damaged, or of his or their Guardian or Guardians, Committee or Committees, in case of Infancy, Idiotcy, or Lunacy, to be signified in Writing under their respective Hands, to be paid into the Bank of *Ireland* in the Name and with the Privity of the said Accountant General of the Court of Chancery in *Ireland*, and be placed to his Account as aforesaid, in order to be applied in manner herein-before directed; or otherwise the same shall be paid, at the like Option, to Two Trustees to be nominated by the Body or Person making such Option, and approved of by the said Society, (such Nomination and Approbation to be signified in Writing under the Hands of the nominating and approving Parties,) in order that such Principal Money and the Interest arising thereon may be applied in any Manner herein-before directed, as far as the Case may be applicable.

When not exceeding 20*l.*

XXVII. And be it further enacted, That when such Money so agreed or awarded to be paid as last before mentioned shall not exceed Twenty Pounds, then and in all such Cases the same shall be applied to the Use of the Body or Person who would for the Time being have been entitled to the Rents and Profits of the Lands purchased, taken, or used for the Purposes of this Act as aforesaid, or damaged in carrying the same into effect, in such Manner as the said Society shall think fit; or in case of Infancy, Idiotcy, or Lunacy, then such Money shall be paid to his Guardian or Committee to and for the Use and Benefit of such Person so respectively entitled.

In Cases of doubtful Title.

XXVIII. And be it further enacted, That where any Question shall arise touching the Title of any Body or Person to any Money to be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the said Court of Chancery in *Ireland*, in pursuance of this Act, for the Purchase of or in satisfaction for any Lands, or of any Estate, Right, or Interest in any Lands, damaged or injured in pursuance thereof, or to any Debentures, Bills, or Bank Annuities to be purchased with any such Money, or to the Dividends or Interest of any such Debentures, Bills, or Bank Annuities, the Body or Person who shall have been in Possession of the Lands at the Time of such Damage, and all Persons claiming under them or under the Possession of any such Body or Person, shall be deemed and be taken to have been lawfully entitled to such Lands according to such Possession until the contrary shall be shown to the Satisfaction of the said Court of Chancery; and the Dividends or Interest of the Debentures, Bills, or Bank Annuities to be purchased by such Money, and also the Capital of such Debentures,

bentures, Bills, or Bank Annuities, 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 one, and that some other Person was lawfully entitled to such Lands, or to some Estate or Interest therein.

Society to pay all Costs attending Damages to Lands, &c.

XXIX. And be it further enacted, That where, by reason of the Disability or Incapacity of any Person or Corporation entitled to any Lands, Tenements, or Hereditaments to be damaged or injured under or by virtue of this Act, or from any other Cause whatsoever, any Money to be paid for or by way of Compensation or Satisfaction for any Injury or Damage done to the same shall be required to be paid into the Bank of *Ireland*, and be subject to the Orders and Directions of the Court of Chancery, under the Provisions herein contained, it shall be lawful for the said Court to order all the reasonable Costs, Charges, and Expences attending such Damage or Injury of any Lands, Tenements, and Hereditaments, or which may be incurred in consequence thereof, and also of the Investment of the Compensation Money paid in respect of such Lands, Tenements, and Hereditaments in Real or Government Securities, and likewise the Re-investment of such Compensation Money, or the Government or Real Securities purchased therewith, in the Purchase of Lands, Tenements, and Hereditaments as herein-before mentioned, together with the Costs, Charges, and Expences of obtaining the proper Orders and of the other Proceedings for such Purposes, and of the Payment of the Dividends and Interest of the said Government or Real Securities, and of the Payment of the Principal of the said Compensation Money, and of the Government or Real Securities purchased therewith, out of Court, to be paid by the said Society, and the said Society shall from Time to Time pay such Sums of Money for the said Costs, Charges, and Expences as the said Court shall direct.

Society may set out public Carriage Roads.

XXX. And be it enacted, That it shall be lawful for the said Society to set out and appoint public Carriage Roads and Highways through and over such Bog and Waste Lands so to be held by them as aforesaid, and to divert, turn up, and stop up any of the Roads and Tracts upon and over the same, as they shall judge necessary, so as such Roads and Highways shall be and remain Thirty Feet wide at the least, and so as the same shall be set out in such Directions as shall be most commodious to the Public, and shall also ascertain the same by Marks and Bounds, and prepare a Map in which Roads shall be accurately laid down and described, and cause the same to be deposited with the Clerk of the said Society; and the Expence of forming and completing such Roads respectively shall be raised and paid by the said Society.

Grand Jury to present Roads.

XXXI. And be it enacted, That the Grand Jury of any County wherein such Roads shall respectively be shall be and they are hereby authorized if they so think fit, at any Time thereafter, to present such Sums to be levied on the Barony or County for the completing and gravelling or metalling and repairing such Roads or Portions thereof, and for making all such Bridges, Gullets, and

other Works appertaining thereto, as may appear proper to such Grand Jury, in like Manner in all respects and upon such Applications as such Grand Jury are authorized to make such Presentments in respect of any Road made or repaired by the Grand Jury Presentment.

Society to set out private Roads.

XXXII. And be it enacted, That the said Society shall also set out and appoint such private Roads, Bridleways, Footways, Ditches, Drains, Watercourses, Watering Places, Quarries, Bridges, Gates, Stiles, Mounds, Fences, Banks, Bounds, and Landmarks in, over, upon, and through the Lands to be held by the said Society, and the same shall be made, and at all Times thereafter during the said Society's Term, Estate, or Interest in such Lands be supported and kept in repair, by and at the Expence of the said Society, or by their Lessees or Assigns.

Drains to be cleared by the Society in case Proprietors neglect.

XXXIII. And be it enacted, That if any Tenant or Occupier of any Bog or other Lands which may be drained by virtue of this Act shall refuse or neglect to cleanse and scour out, and keep sufficiently wide and deep, any Drain, Ditch, or Dike, or neglect to make and keep in repair any private Road or Way, Fence, Drain, Bank, Bridge, Gate, Stile, or Tunnel, in, over, and upon the Lands occupied by him or them, after Thirty Days Notice in Writing shall have been given to him for that Purpose by any Officer to be appointed at any General or Special Meeting of the said Society for managing the Works of Drainage for the Time being, it shall be lawful for such Officer, and he is hereby authorized and required, to cause such Drain, Ditch, or Dike to be cleansed and scoured, or such private Road or Way, Fence, Drain, Bank, Bridge, Gate, Stile, or Tunnel, to be made and repaired; and the Tenant or Occupier so refusing or neglecting shall reimburse and pay to such Officer all such Costs, Charges, and Expences as shall be incurred by the cleansing, scouring, making, and repairing of any Drain, Ditch, or Dike as aforesaid, with reasonable Satisfaction to such Officer for his Time and Trouble therein; and in case such Tenant or Occupier shall, after Demand thereof made by such Officer, refuse or neglect to reimburse and pay all such Costs, Charges, Expences, and Satisfaction as aforesaid, then the same shall and may be levied by Distress and Sale of the Goods and Chattels of the said Party so offending by virtue of a Warrant or Precept under the Seal of the said Company.

Not to take any House, &c. without Consent.

XXXIV. Provided always, and be it further enacted, That nothing in this Act contained shall extend to authorize or empower the said Society, or any other Person or Persons, to take, use, injure, or damage any House or Building, or any Ground which upon the First Day of *June* One thousand eight hundred and thirty-six was the Site of any House or other Building, or any Park or Demesne, Avenue, planted Walk, Lawn, Shrubbery, or Pleasure Ground, nor any Yard, Garden, or Orchard, without the Consent in Writing of the respective Owners and Occupiers thereof.

First and other general Meetings of the Society.

XXXV. And be it further enacted, That the said Society shall meet together at the *London* Tavern in the City of *London*, or at some other convenient Place in the same City, within Three Calendar

Months next after the passing of this Act, between the Hours of Ten of the Clock in the Forenoon and Two of the Clock in the Afternoon, of which Meeting Fourteen Days Notice at the least shall be given in manner herein-after mentioned, and shall then and there proceed in the Execution of this Act; and from and after such First General Meeting of the said Society there shall be a Half-yearly General Meeting of the said Society in the Month of *February* and the Month of *August* in each and every Year, and also such and so many Special General Meetings of the said Society as the Directors of the said Society shall think proper to convene, or as shall be convened in manner herein-after provided, of which said General Meetings and Special General Meetings Fourteen Days public Notice at the least shall be given in the Manner herein-after mentioned, and every such Notice of a Special General Meeting shall specify the Purpose for which such Special General Meeting is called; and such First General Meeting of the said Society, and all other General Meetings and Special General Meetings of the said Society, may be adjourned from Time to Time as shall be found expedient.

Special General Meetings may be convened.

XXXVI. And be it further enacted, That a Special General Meeting of the Proprietors of the said Society may be called at any Time by the Directors for the Time being, or any Four of them, if they shall see Occasion; and any Twenty or more Proprietors of the said Society holding in the Aggregate Five hundred Shares or upwards therein, upon which all Calls actually previously made shall have been paid and satisfied, may at any Time by Writing under their Hands left at the Office of the said Society, or given to at least Three Directors of the said Society, or left at their last or usual Places of Abode in *England*, require the Directors of the said Society to call a Special General Meeting of the Proprietors of the said Society to be held in *London*, so as such Requisition fully express the Object for which such General Meeting is required to be called, and the said Directors are thereupon required to call such Meeting accordingly; provided that in every such Case Notice of such Meeting (whether called in pursuance of any such Requisition or not) be given in manner herein-after provided, and which Notice shall express the Object for which such Special General Meeting is called; and in case of Neglect or Refusal of the said Directors to call such Meeting for the Space of Twenty-one Days next after such Requisition given or left as aforesaid, the same may be called by such Twenty or more Proprietors by giving Fourteen Days Notice thereof by Advertisement in Two or more *London* Newspapers and in Two or more Newspapers usually circulated within the City of *Dublin* respectively, such Notice expressing the Object for which such Special Meeting is required to be called; and the said Society are hereby authorized to meet in pursuance of such Notice, and such of the Proprietors thereof as shall be present at such Meeting shall proceed to the Execution of the Powers by this Act given to the said Society with respect to the Matters so specified in such Notice; and all Acts and Resolutions of the major Part in Votes of the Proprietors of the said Society met together at any such Special General Meeting shall be as valid and binding with respect to the Matters specified in such Notice as if the same had been done or resolved at a Half-

a Half-yearly General Meeting held at the Time herein-before appointed for holding the same.

As to the Notice required previous to any General or Special General Meeting.

XXXVII. Provided always, and be it further enacted, That all Notices herein directed to be given of any General or Special General Meeting of the Proprietors of the said Society, or of any Adjournment thereof respectively, or of any other Matters, to any of the Proprietors of the said Society, and not herein otherwise provided for, shall be signed by the Secretary of the said Society, and shall be given by Advertisement inserted in Two or more *London* Newspapers and in One or more Newspaper or Newspapers usually circulated in the City of *Dublin;* and such Notices, when so published and given, shall be deemed and considered the same as personal Notices.

Business at Special and adjourned General Meetings.

XXXVIII. And be it further enacted, That no Business shall be transacted at any Special General Meeting other than the Business for which it shall have been called; and no Business shall be transacted at any adjourned General or Special General Meeting other than the Business left unfinished at the Meeting from which such Adjournment shall have taken place.

General Meetings to consist of not less than 15 Persons possessing at least 300 Shares.

XXXIX. Provided always, and be it further enacted, That if at any such General Meeting there shall not be Fifteen Proprietors present who shall be Holders of at least Three hundred Shares in the Aggregate within Two Hours from the Time appointed for such Meeting, no Choice of Directors shall be made, nor shall any Business be done, but in such Case there shall be another Meeting of the said Society, at the same Place and the same Hour, at the Expiration of Fourteen Days then next, and if at such adjourned Meeting there shall not be Fifteen Proprietors present who shall be Holders of at least Three hundred Shares in the Aggregate within Two Hours from the Time appointed for such adjourned Meeting, such adjourned Meeting shall adjourn to the Seventh Day next following; and if at such further adjourned Meeting there shall not be present Fifteen Persons who shall be Holders of at least Three hundred Shares as last aforesaid within the Time last aforesaid, such last-mentioned Meeting shall stand further adjourned to the Seventh Day next following; and in case such Number of Persons qualified as aforesaid shall not then be present, the Directors for the Time being shall continue to act and have the same Powers as they had and were possessed of until the next General Half-yearly Meeting, or until new Directors shall be appointed.

Who is to preside at Meetings of the Society.

XL. And be it further enacted, That at all General and Special General Meetings of the said Society the Chairman of the said Directors, or in his Absence the Deputy Chairman of the said Directors, or in his Absence any Director of the said Society to be chosen at any such Meeting, or in the Absence of all the Directors any Proprietor to be chosen at such Meeting, shall preside as Chairman.

Scale of Votes and Mode of

XLI. And be it further enacted, That at all General and Special General Meetings to be convened by virtue of this Act all Corporations

tions and Persons who shall respectively have duly subscribed for or become the Proprietors of or entitled to Five Shares each or upwards in the said Society, and their respective Successors, Executors, Administrators, and Assigns, shall have and be entitled to a Vote or Votes in respect of such Shares respectively according to the Scale herein-after mentioned; (that is to say,) every Proprietor holding Five or more Shares and less than Ten Shares shall be entitled to One Vote, and holding Ten or more Shares and less than Twenty-five Shares to Two Votes, and holding Twenty-five or more Shares and less than Fifty Shares to Three Votes, and holding Fifty Shares or upwards to Four Votes; provided nevertheless, that no Corporation or Person shall have more than Four Votes in their or his own Right; and such Vote or Votes may be given by such respective Parties, or in their Absence by their respective Proxies constituted under the Seals of such Bodies, or under the Hands of the other Proprietors appointing such Proxies, all such Proxies being Proprietors of Shares in the said Society, and every such Vote by Proxy shall be as good and sufficient to all Intents and Purposes as if the Principal had voted in Person; and every Question, Matter, or Thing which shall be proposed in any General or Special General Meeting of the said Society shall be determined by a Majority of Votes and Proxies then present, and the Determination of such Majority shall bind the Meeting, such Majority to be ascertained by a Show of Hands or by Ballot, or in such other Manner as shall from Time to Time be provided for by any Bye Law of the said Society, or, subject thereto (and in default thereof), by any Regulation of the Directors of the said Society, or (subject to any such Bye Law or Regulation, or in default thereof,) by the Chairman at such Meeting; and at every such Meeting the Chairman thereof shall and may not only vote as a Principal and Proxy, but in case of any Equality of Votes shall and may also have a further or the dividing or casting Vote; and the Appointment of every such Proxy may be made according to the Form following, or as near thereto as the Quality, Nature, and Number of the Appointee or Appointees of the Proxy thereby constituted, and other Circumstances, will admit; (that is to say,) voting at Meetings.

'*A. B.* of one of the Pro- Form of Proxy.
'prietors of the *Irish* Waste Land Improvement Society, doth hereby
'appoint *C. D.* of to be the Proxy
'of the said *A. B.* to vote or give his Assent to or
'Dissent from any Business, Matter, or Thing relating to the said
'Society which shall be proposed at any General or Special General
'Meeting of the said Society, *or* at the General Meeting to be held
'on the Day of in such Manner as
'he the said *C. D.* shall think proper. In witness whereof
'the said *A. B.* hath hereunto set his Hand [*or* Common
'Seal] the Day of .'

XLII. And be it further enacted, That whenever Two or more Proprietors shall be jointly possessed of or entitled to any Shares in the said Society, all such Proprietors shall be entitled to give their Votes in respect of such Shares so jointly held by the Person whose Name shall stand first in the Books of the said Society as Proprietor of When Shares are jointly possessed, the Person whose Name stands first to be

deemed the Proprietor, and to vote.

of such Shares, and whose Vote shall on all Occasions be deemed and allowed to be the Vote for or in respect of the whole Property in such Share, without Proof of the Concurrence of the other Proprietor or Proprietors of such Share.

Lunatics and Minors to vote by Committees and Guardians.

XLIII. And be it further enacted, That in case any Proprietor entitled to vote at any such Meeting as aforesaid shall be a Lunatic or an Idiot, or a Minor under the Age of Twenty-one Years, such Lunatic or Idiot shall or may vote at such Meetings by his Committee or by any of his Committees, and such respective Committees may vote in respect of the Interest of such Lunatic or Idiot either in Person or by Proxy; and such Minor shall or may vote by his Guardian or by any of his Guardians, and such respective Guardians may vote in respect of the Interests of such Minor either in Person or by Proxy; provided that every such Committee or Guardian may also vote in right of his own Share as well as in the Character of Committee of any Lunatic or Idiot, or of Guardian of any Minor, on the same Occasion.

Proprietors in arrear for Calls not to vote.

XLIV. Provided also, and be it further enacted, That no Proprietor of any Share on which any Call made shall remain unpaid shall at any Meeting of the Proprietors of the said Society be allowed to vote, either personally or by Proxy, until the Money payable in respect of such Shares pursuant to such Call shall have been fully paid, unless the Time of Payment thereof shall not have expired.

Orders and Proceedings to be entered in a Book, and to be Evidence.

XLV. And be it further enacted, That the Orders and Proceedings of every Meeting (as well General as Special) of the said Society shall be entered in some Book or Books to be provided and kept for that Purpose, and shall be signed by the Chairman of such Meeting; and such Orders and Proceedings when so entered and signed, and also the Minutes or Entries herein-after provided to be kept of the Orders and Proceedings of the Directors when signed as herein-after ordered, shall be deemed original Orders and Proceedings, and shall be allowed to be read in Evidence in all Courts and before all Judges, Justices, and others, and that without Proof of such Meeting having been duly convened, or of the Persons making or entering such Orders or Proceedings being Proprietors or Directors of the said Society, as the Case may be.

Powers of General and Special Meetings.

XLVI. And be it further enacted, That it shall be competent to any General or Special General Meeting to call for, inspect, and examine the Accounts of the said Society and of the Directors, and of the Receivers and Collectors of the Rents, Issues, and Profits, or other Sums, and of the Officers of the said Society, and also in like Manner to call for, inspect, and examine all Rules, Regulations, Accounts, Books, Vouchers, Memorandums, and Documents relating to the said Society or to the Business thereof, and to call for any Information or Explanation from the Directors, Secretary, and other Officers of the said Society in respect of the said Matters or any of them, and also to give and allow to the Directors for the Time

being collectively, or to each or any of them individually, such Remuneration; Salary, or Allowance for his or their Time and Trouble in attending to or conducting the Business of the Society as by such Meeting shall be deemed fit, and also to allow and confirm the Accounts of the Society so as to bind all the Proprietors for the Time being and all Persons claiming under them, and generally to consider and decide upon any Business, Matter, or Thing relating to the said Society and the Affairs and Concerns thereof.

General and Special General Meetings may make Bye Laws.

XLVII. And be it further enacted, That the said Society shall have full Power and Authority, by the Resolution of any General or Special General Meetings as aforesaid, from Time to Time to make such Bye Laws, Rules, and Orders as to the said Society shall seem right and proper for the good Government of the Officers and Servants of the said Society, and for regulating the Proceedings and reimbursing the Expences of the said Directors, and for the Management of the Affairs of the said Society in all respects whatsoever, and from Time to Time to alter and repeal such Bye Laws, Rules, and Orders, or any of them, and to make others, and to impose and inflict such reasonable Fines and Forfeitures upon all Persons offending against the same, as to the said Society shall seem meet, not exceeding the Sum of Five Pounds for any One Offence, such Fines and Forfeitures to be levied and recovered as any Penalties and Forfeitures may by this Act be levied and recovered; which said Bye Laws, Rules, and Orders, being reduced into Writing under the Common Seal of the said Society, shall be printed and published or painted on Boards, and shall be hung up and fixed and continued in some conspicuous Part of the Office or several Offices of the said Society; and all such Bye Laws, Rules, and Orders as aforesaid shall be binding upon and be observed by all Parties, and shall be sufficient in all Courts of Law or Equity to justify all Persons who shall act under the same; provided that such Bye Laws, Rules, or Orders be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* to which they relate, or to any of the Provisions in this Act contained; and also such Bye Laws, Rules, and Orders shall be subject to Appeal in manner herein-after mentioned.

Management to be vested in 16 Directors; their general Duties and Powers.

XLVIII. And be it further enacted, That the Business and Concerns of the said Society shall be carried on under the Management of Sixteen Directors to be chosen from Time to Time from amongst the Proprietors for the Time being of the said Society qualified by holding Twenty Shares or upwards each; and such Directors shall have the general Management, Direction, and Superintendence and Control of the Business and Concerns of the said Society, and the Custody of the Common Seal of the said Society, with Power to use the same on their Behalf, and also the Custody of the Books of Account, and other Books, Deeds, and Papers, and shall have Power to direct the Investment, calling in, and laying out, Sale and Disposal of the Stock, Effects, Funds, Monies, and Securities of the Society, and all other the Dealings of the Society, and to call and appoint the Times and Places of holding General and other Meetings of the Proprietors, and to superintend, direct, and control the Correspondence

respondence and Mode of keeping the Accounts, and the Ascertainment of Dividends, and the Profits on Shares, and to do all other Things necessary or deemed by them proper or expedient for carrying on the Business and Concerns of the Society, and to enforce, perform, and execute all the Powers, Authorities, Privileges, Acts, and Things in relation to the said Society, and to bind the said Society as if the same were done by the whole Corporation, except such as are hereby required to be done at some General or Special Meetings of the said Society; and that the Directors for the Time being shall have Power to frame Rules and Regulations, and prescribe the Orders and Directions for carrying on the Business and Concerns of the said Society, and alter and vary the same from Time to Time as they in their Discretion shall think fit; and all such Rules and Regulations shall have the Force of Bye Laws, provided the same be not repugnant to any of the Provisions of this Act, nor to any Bye Law which may have been duly passed at any General or Special Meeting of the Proprietors of the said Society; and that no individual Proprietor, not being a Director (except as herein-after provided), shall have a Right to any Interference, Management, Direction, or Control in or over the Business and Concerns of the said Society, or the Capital Stock or Effects thereof.

First Directors.

XLIX. And be it further enacted, That *John M Ashlin*, *William Blount*, *Thomas Bilcliff Fyler*, *Thomas Lamie Murray*, *John Rawson*, *Daniel Robinson*, *Rowan Ronald*, *John Roskell*, the Honourable *Leicester Stanhope*, and *Robert Ponsonby Staples*, and such Six other Persons as shall be nominated by them or the Majority of them at the First or Second Meeting under this Act, shall be and they are hereby appointed the first or present Directors of the said Society under this Act, and they shall (unless they or any of them shall sooner die, resign, or become disqualified as herein-after mentioned,) continue in Office until the First General Half-yearly Meeting of the said Society to be held in the Year One thousand eight hundred and forty; and at such First General Half-yearly Meeting in the Year One thousand eight hundred and forty, and at each First General Half-yearly Meeting in the Three following Years, Four of the said first or present Directors (to be determined by Ballot among themselves) shall go out of Office; and at each First General Half-yearly Meeting in every subsequent Year the Four Directors who shall have been longest in Office since their last Election shall go out of Office; and at every General Half-yearly Meeting at which Four Directors are to go out of Office as aforesaid Four new Directors shall be elected: Provided nevertheless, that it shall and may be lawful for the Proprietors at any General Meeting to reduce the Number of Directors for carrying this Undertaking into effect, and to declare which of the Directors hereby appointed or to be hereafter appointed shall retire from the Direction: Provided also, that the Number of Directors shall never be reduced below the Number of Twelve.

Election of future Directors.

Power to reduce the Number of Directors.

Directors going out of Office to be re-eligible.

L. Provided always, and be it further enacted (notwithstanding any thing herein-before contained to the contrary), That any Director

rector who shall by Ballot or Rotation go out of Office as aforesaid may be immediately or at any future Time re-elected by the said Society as a Director of the said Society, and after such Re-election he shall, with reference to the going out in Rotation, be considered as a new Director.

Person holding Office not to be a Director.

LI. Provided always, and be it further enacted, That no Person holding any Office, Place, or Employment, or being concerned or interested in any Contract under the said Society, shall be capable of being chosen, or being so chosen of continuing, a Director of the said Society, nor shall any Director be capable of accepting any Office, Place, or Employment, or of taking or being concerned or interested in any Contract under the said Society; and in either of the said last-mentioned Cases the Parties so offending shall forfeit the Sum of Fifty Pounds during the Time he shall be a Director of the said Society; and if any Director of the said Society shall at any Time subsequent to his Election accept or continue to hold any other Office or Place of Trust or Profit under the said Society, or shall either directly or indirectly be concerned in any Contract with the said Society, or shall participate in any Manner in any Work to be done for the said Society, or shall at any Time cease to be a Proprietor of Twenty Shares at least in the said Society, the Office of such Director shall thereupon become vacant, and he shall thenceforth be disqualified from voting or acting at any succeeding Meeting of Directors: Provided nevertheless, that until the Disqualification of any Director shall have been communicated to and recorded by a Court of Directors, every Act and Proceeding to which such disqualified Director shall have been a Party shall be as binding and effectual as if no such Disqualification had taken place: Provided also, that it shall be lawful for any General Meeting to exempt any particular Person or Persons from the Operation of this present Clause in case they shall deem it advantageous so to do.

For supplying casual Vacancies in the Direction.

LII. And be it further enacted, That when and so often as any of the Directors herein-before appointed, or any Director to be elected by virtue of this Act, shall die, or resign, or become disqualified or incompetent to act as a Director, or shall cease to be a Director by any other Means than by going out of Office as aforesaid, it shall be lawful for the Proprietors at the next General Half-yearly Meeting to elect some other Proprietor duly qualified as aforesaid to be a Director, and every such Proprietor so elected to fill up any such Vacancy shall continue in Office so long only as the Person in whose Place or Stead he may be elected would have been entitled to continue in Office had he lived and remained in Office.

Directors may appoint Committees.

LIII. And be it further enacted, That it shall be lawful for the said Directors from Time to Time to nominate and appoint out of their own Body One or more Committee or Committees, with such Powers and Authorities as the said Directors shall think proper to delegate or intrust to them (save and except nevertheless making of Calls for Money upon the Proprietors of the said Undertaking); and that all Matters and Things which a Court of Directors shall order and direct to be done by such Committee or Committees shall and

may, by virtue of such Orders, be done by such Committee or Committees; and it shall be lawful for the said Directors, by an Order or Resolution of a Court of Directors for that Purpose, to break up and dissolve any such Committee, and to remove or displace any of the Members thereof, and to appoint others in their Place and Stead, or to appoint from Time to Time One or more other Committee or Committees in manner aforesaid, with such and the like or any other Powers or Authorities, when and so often as the said Directors shall think expedient.

For the Indemnity of Directors.

LIV. And be it further enacted, That the Directors, their Heirs, Executors, and Administrators, shall be indemnified and saved harmless from and against all Payments made or Liability incurred, and all Acts, Deeds, Matters, and Things executed, done, or ordered, and all Sums of Money, Losses, Costs, Charges, and Damages which they shall incur in the Execution of the Powers and Authorities hereby granted to them; and they shall be so indemnified out of the Assets for the Time being of the Society, and if necessary by Calls for that Purpose of the Capital which may remain unpaid; and the Directors for the Time being of the Society shall apply the then existing Funds, Assets, and Capital of the Society for the Purposes of such Indemnity and Reimbursement.

Meetings of Directors.

LV. And be it further enacted, That the Directors for the Time being of the said Society shall meet together at the Office of the said Society once at least in every Two Calendar Months, and at such other Times as they shall think proper, and at such other Times as they shall be convened as herein-after mentioned; and each of such Meetings shall be styled "A Court of Directors," but no Meeting of Directors shall be deemed a Court competent to enter and determine upon Business unless at least Three Directors shall be present at the Commencement of the Business and when a Decision takes place upon the Whole or any Part of the Business; and that if on the Day appointed for such Meeting a sufficient Number of Directors to constitute a Court shall not attend, then and in every such Case the said Meeting shall be adjourned to the next or some subsequent Day by the Directors then present, but if none be present, then by the Secretary of the said Society, or such other Person as shall attend in his Place; and that any Director shall be at liberty to call an Extraordinary Meeting of Directors upon such Notice and in such Manner and to consist of at least such Number (not being less than Three) as shall from Time to Time be provided by the Bye Laws of the Society or the Orders of the Court of Directors; and it is hereby declared and directed, that the First Meeting of the said Court of Directors shall be held on the First *Wednesday* of the Second Month next after the passing of this Act at the Office of the Society at Twelve of the Clock at Noon.

Election of Chairman and Deputy Chairman of Directors.

LVI. And be it further enacted, That at the First Meeting of the Directors which shall be held next after the passing of this Act, or at some Adjournment thereof, and at the First Meeting of Directors which shall be held next after the first Appointment of the said Directors under the Provision herein contained, or some Adjourn-

ment thereof, and in subsequent Years at the First Meeting of Directors after a new Election of Directors, or at some Adjournment thereof, the Directors present at such Meeting of Directors shall choose out of the Directors of the said Society for the Time being a Chairman and Deputy Chairman of the said Directors: Provided always, that when and so often as the Chairman or Deputy Chairman of the Directors to be chosen by virtue of this Act shall die, or resign, or become disqualified or otherwise cease to be a Director, it shall be lawful for the said Directors in like Manner, at the Meeting to be held next after such Vacancy, to choose some other of the said Directors to be their Chairman or Deputy Chairman, and every such Chairman or Deputy Chairman so to be chosen as last aforesaid to fill such Vacancy shall continue in Office so long only as the Person in whose Place or Stead he may be so elected would have been entitled under the Provisions of this Act to continue in Office if such Vacancy had not happened; and it is hereby declared, that in all Courts of Directors the Votes and Resolutions of the Majority of the Directors present, inclusive of the Chairman or Deputy Chairman or other Director presiding at such Meeting, (and who shall be elected for that Purpose at such Meeting in case both the Chairman and Deputy Chairman are absent,) shall be binding; and in case of an Equality of Votes the Chairman or Deputy Chairman, or other Director presiding at each respective Meeting, shall have a casting Vote besides his own Vote; and that the said Directors shall keep a regular Minute and Entry of the Orders and Proceedings at every Meeting of the said Directors, which shall be signed by the Chairman of each respective Meeting; and that the said Directors shall (if required) from Time to Time produce such Minutes to the Half-yearly General Meetings and to the Special General Meetings of the said Society, and shall in all Things obey their Orders and Directions.

Proceedings at Meetings of Directors.

LVII. And be it further enacted, That the Directors shall have full Power from Time to Time to make such Calls of Money from the several Subscribers to and Proprietors for the Time being of the said Society, not exceeding in the whole, including the Sums already paid in respect of such Share, the Sum of Fifty Pounds on each Share, as they shall from Time to Time find necessary for the Purposes of the said Society, so that no such Call shall exceed the Sum of Two Pounds Ten Shillings upon each Share in the said Society, and so that the total Amount of such Calls in any One Year shall not exceed Ten Pounds upon each Share; and that there shall be an Interval of Three Calendar Months at least between every Two successive Calls, and that such several Sums of Money so to be called for shall be paid into such Bank or Banks, or to such Person or Persons, and at such Time and Place, and in such Manner, as the said Directors shall from Time to Time order and appoint, of which Time and Place Twenty-one Days Notice at the least shall be previously given by Advertisement, under the Hand of the Secretary for the Time being, inserted in Two or more of the daily *London* Newspapers, and in Two or more Newspapers usually circulated in the City of *Dublin*.

Directors may make Calls.

LVIII. And

Directors may enter into Contracts, and use the Common Seal.

LVIII. And be it further enacted, That the Court of Directors for the Time being shall have full Power and Authority, on behalf of the said Society, to purchase and take Leases of Lands, and all other Matters and Things which they shall deem necessary or expedient, for the Use of the said Society, and to sell, lease, and let Lands hereby authorized to be sold, leased, and let, and generally to enter into and execute, and also to release, modify, alter, vary, and discharge, any Contract, Agreement, or Engagement, whether under Seal or otherwise, on behalf of the said Society, respecting any Matters in which the said Society may be interested, and to make and execute all Assignments and Conveyances and all other Acts to which the Corporate Seal is required to be affixed; and that the Chairman or Deputy Chairman of the Directors for the Time being of the said Society, and in their Absence then the Directors present at any such Court as aforesaid, shall have the Power, in pursuance of the Resolution of a Court of Directors, but not otherwise, to use the Common Seal on behalf of the said Society; and that all Contracts in Writing relating to the Affairs of the said Society which shall be signed by any Three of the Directors, in pursuance of the Resolution of a Court of Directors, shall be binding on the said Society and all other Parties thereto, and their respective Successors, Heirs, Executors, and Administrators, and Actions and Suits may be maintained thereon, and Damages and Costs recovered by or against the said Society or any other Parties failing in the Execution thereof.

Directors to direct Works, and appoint Officers and Servants.

LIX. And be it further enacted, That the said Directors shall have full Power and Authority to direct the Works and Workmen, and regulate the Drainage, Improvement, and Cultivation of the Lands belonging to the said Society, and also from Time to Time to appoint and displace the Banker or Bankers and the Solicitor or Solicitors of the said Society, and also to appoint the Secretary of the said Society, and all such Managers, Officers, Agents, Clerks, Workmen, and Servants as the said Directors shall think proper, and to allow to them respectively, and also to any Director authorized by any General Meeting to hold any Office, Place, or Employment under the said Society as aforesaid, such Salaries, Wages, Gratuities, and Recompences as to the said Directors shall seem proper, and shall have Power from Time to Time to delegate to them respectively by any Instrument in Writing or otherwise such Powers and Authorities as the said Directors may deem expedient, and to vary, alter, and revoke such Powers and Authorities, and to grant and delegate others whensoever and as often as the said Directors may think proper, and shall have Power to displace or remove any Secretary, Managers, Officers, Agents, Clerks, Workmen, and Servants, either as Occasion shall require or as the said Directors in their Discretion shall think fit, and also from Time to Time, if deemed expedient, to appoint other Persons to fill Vacancies in their Places and Situations respectively occasioned by such Displacement or Removal as aforesaid, or by Death, Resignation, or otherwise: Provided nevertheless, that it shall not be lawful for the said Directors to fix or order what Remuneration shall be allowed to the Directors of the said Society for their Services as Directors.

LX. Pro-

Security to be taken from Officers receiving Monies.

LX. Provided always, and be it further enacted, That the Directors shall and they are hereby required to take sufficient Security for every Receiver, Collector, and other Officer appointed by the said Directors, having the Custody or Control of any Monies received by virtue of this Act, for the faithful Execution of his Office before he shall enter thereupon.

Treasurer and Clerk not to be the same Person.

LXI. And be it further enacted, That if the said Society shall at any Time appoint a Clerk and also a Treasurer, it shall not be lawful for them to appoint the Person who may be appointed to act as Clerk in the Execution of this Act, or the Partner of any such Clerk, or the Clerk of or other Person in the Service or Employ of any such Clerk or of his Partner, to be the Treasurer for the Purposes of this Act, or to appoint the Person who may be appointed Treasurer, or the Partner of any such Treasurer, or the Clerk or any other Person in the Service or Employ of any such Treasurer or of his Partner, to be the Clerk to the said Society; and if any Person shall act in both Capacities of Clerk and Treasurer for the Purposes of this Act, or if any Person being the Partner of any such Clerk, or the Clerk of or other Person in the Service or Employ of such Clerk or of his Partner, shall act as Treasurer or as Deputy of the Treasurer, or being the Partner of any such Treasurer, or the Clerk of or other Person in the Service or Employ of such Treasurer, or the Clerk of or other Person in the Service or Employ of the Partner of such Treasurer, shall act as Clerk in the Execution of this Act, or as Deputy of such Clerk, or if any Treasurer shall hold any Place of Profit or Trust under the said Society other than that of Treasurer, every Person so offending shall for every such Offence forfeit and pay the Sum of One hundred Pounds to any Person or Persons who shall sue for the same, to be recovered, together with full Costs of Suit, in any of His Majesty's Courts of Record at *Westminster* by Action of Debt or on the Case, or by Bill, Suit, or Information, wherein no Essoign, Protection, or Wager of Law, nor more than One Imparlance, shall be allowed.

Directors to keep Accounts and record their Transactions in a Book.

LXII. And be it further enacted, That the said Directors shall keep full and accurate Accounts of all Monies disbursed and Payments made by the said Directors and by all Persons employed by or under them, and of all Monies which they shall receive on behalf of the said Society from any Collector or other Officer, or from any other Person employed in or having any Concern, Dealing, or Transaction with the said Society, or from any other Person on any Account for the Use of the said Society, and shall regularly enter in the Minutes or Entries of their Orders and Proceedings to be kept as herein-before provided Notes, Minutes, or Copies (as the Case shall require) of every Appointment, Removal, Contract, Bargain, Receipt, and Disbursement made under the Authority of this Act.

Proprietors to pay Subscriptions as called for.

LXIII. And be it further enacted, That the several Parties who have subscribed or who shall hereafter subscribe for or towards the said Undertaking, and every Proprietor of any Share in the said Society, shall pay and they are hereby required to pay the respective Sums of Money by them respectively subscribed for, or such Parts

be more than sufficient to pay the Arrears of Calls, Interest, and Costs, the Surplus to be paid to the Owners.

feited by reason of the Nonpayment of any Call or the Interest thereon as herein authorized shall be more than sufficient to pay all such Arrears and Calls as aforesaid, and legal Interest thereon as aforesaid, and the Expences attending the Sale thereof, or otherwise occasioned by such Forfeiture, the Surplus of such Purchase Money shall be paid, on Demand, to the Party to whom such forfeited Share shall have belonged: Provided also, that the said Society or the said Directors shall not by virtue of this Act sell or transfer more of the Shares of such Defaulter in payment of Calls than shall be sufficient, as near as may be, at the Time of such Sale, to pay the Arrears due from such Defaulter for or on account of such Call and the Interest on and Expences attending the same; and from and after the Payment of such Call, and the Interest and Expences aforesaid, any Share vested in the said Society as aforesaid which shall remain in their Hands unsold shall revert to and again become the Property of the Party to whom such Share shall have belonged immediately before such Forfeiture as aforesaid, in such Manner as if such Call had been duly paid; but it is hereby expressly declared that this Provision shall not affect the Title of any Purchaser under the Powers herein-before contained.

For ascertaining the Proprietorship of Shares in certain Cases, for the Purpose of enforcing Payment of Calls.

LXVIII. And whereas in Cases in which Proprietors of Shares in the said Society shall die, or marry (being Females), or become insolvent or bankrupt, or go out of the Kingdom, or shall transfer their Right or Interest therein to some other Person, and no Register shall have been made of the Transfer thereof with the Secretary of the said Society as herein-after provided, it may not be in the Power of the said Society to ascertain who are the Proprietors of such Shares, in order to give them, or their respective Executors, Administrators, Husbands, Successors, or Assigns, Notice of Calls to be made on such Shares, or to maintain any Action, Suit, or other Proceeding against them, or their respective Executors, Administrators, Husbands, Successors, or Assigns, for the Recovery of the same; be it therefore further enacted, That in all Cases where the Right of Property in any Share in the said Society shall pass from the Proprietor thereof to any other Person or Corporation by any other legal Means than by a Transfer or Conveyance thereof duly made and executed in the Form and Manner herein-after specified, and such Declaration as is herein-after in that Behalf directed shall have been transmitted to the said Society, then and in any of the said Cases, after Twenty-one Days Notice in Writing shall have been given under the Hands of Three Directors or of the Secretary of the said Society to the Person or Corporation stated or claiming in such Declaration to be the then Proprietor of such Share, or left at the last or usual Place of Abode in *England* of such Person, or of the Clerk of such Corporation (as the Case may require), to pay his or their Proportion of Money to be called for, and such Person or Corporation shall not have paid such his or their Proportion as aforesaid, it shall be lawful for the said Society, at any General Meeting after the Expiration of such Notice, to declare every such Share to be forfeited, and in such Case the same shall become forfeited, and shall and may be sold and disposed of in such Manner, on such Evidence of Title, and with such Powers and such Indemnity to Purchasers as in other Cases of Sales of Shares forfeited

for the Nonpayment of Calls thereon; and in case there shall be no such Declaration made as aforesaid, then such Notice as is hereinbefore directed to be given shall be served upon or left at the last known Place of Abode in *England* of the Executors or Administrators of such Proprietor so dying, or of the Husband of such Female Proprietor so marrying, or of the Assignees or Trustees of such Proprietor so becoming bankrupt or insolvent, or, in the event of the Share having been so disposed of as aforesaid, of the last Proprietor appearing in the Books of the said Society to have been possessed of the same; and in case the last or usual Place of Abode of such Proprietor cannot be ascertained upon Inquiry, or in case the Proprietor of the same shall be out of the Kingdom, such Notice shall be inserted once at least in the *London Gazette*; and in all such Cases after such Notice or Default being made the said Share shall be forfeited, and shall or may be sold in manner aforesaid; and the like Evidence of the Title shall be sufficient on any Sale, and the like Indemnity to the Purchasers shall exist, as in other Cases of Sales for Nonpayment of Calls; provided, that in case of Proprietors being Abroad the Shares shall not be forfeited until the Expiration of Six Calendar Months after the Day on which the Notice shall have been given as aforesaid, and inserted in the *London Gazette* as aforesaid.

Power to pay Subscription in advance.

LXIX. And be it further enacted, That it shall be lawful for the several Proprietors for the Time being of the said Society, and they are hereby empowered, whether before or after any Call or Calls shall have been paid in respect of any Shares held by them respectively, to pay in advance, in case the Directors shall think proper to accept the same, which they are hereby authorized to do, to such Person as the said Directors shall appoint, the respective Sums of Money by them respectively subscribed for, or such Part or Proportion thereof as shall be wanting (over and above the Amount, if any, actually paid in respect of such Shares) to make up the full Sum of Fifty Pounds in respect of each such Share; and the said Society shall and they are hereby required to pay Interest at such Rate, not exceeding the Rate of Four Pounds for every One hundred Pounds by the Year, upon the Principal Monies which shall have been so paid in advance, or for so much thereof as shall from Time to Time exceed the Amount of the Calls which shall have been made upon the Shares in respect of which such Money shall have been paid in advance as aforesaid, as the Subscriber paying such Sum in advance and the Directors for the Time being of the said Society shall agree upon.

Interest to be paid on the Amount in advance.

Names of Proprietors to be entered in a Book.

LXX. And be it further enacted, That the said Society shall and they are hereby required from Time to Time to cause the Names of the several Corporations, and the Names and Additions and Places of Abode of the several Persons, who shall be from Time to Time respectively entitled to Shares in the said Society, with the Number of Shares which they are respectively entitled to hold, and the Amount of the Subscriptions paid thereon, and also the proper Number by which every such Share shall be distinguished, to be fairly and distinctly entered in a Book to be kept by the Secretary

of the said Society; and that every Proprietor of the said Society, or in the Case of a Corporation their Clerk or Agent duly appointed, may at all convenient Times have recourse to and peruse the same *gratis*, and may demand and have Copies thereof, paying to the said Society at and after the Rate of Four-pence for every Seventy-two Words so to be copied; and if any such Secretary of the said Society shall refuse to permit any such Proprietor or Agent as aforesaid to peruse such Books at all convenient Times, or refuse to make such Copy within a reasonable Period at the Rate aforesaid, he shall for every such Offence forfeit and pay the Sum of Two Pounds for the Benefit of the said Society.

In the Case of a Share being vested in more than One, the Proprietor whose Name stands first in the Society's Books to be deemed the Owner.

LXXI. And be it further enacted, That whenever Two or more Persons shall be jointly possessed of or entitled to any Share in the said Society, the Person whose Name shall stand first in the Books of the said Society as Proprietor of such Share shall for the Purposes of this Act be deemed as the Proprietor of such Share; and all Notices by this Act required to be given to the Proprietors of Shares in the said Society shall and may, for and in respect of any such Shares so jointly held, be given to the Person whose Name shall so stand first on the Books of the said Society, or be left at the last or usual Place of Abode in *England* of such Person, or at the Place mentioned and described as his Place of Abode in the Book in which the Secretary of the said Society is by this Act directed to enter and keep a List of the Names and Additions and Places of Abode of the several Proprietors of Shares in the said Society, or be inserted in the *London Gazette* as herein-before mentioned (as the Case may require); and such Notice to such Person shall be deemed sufficient Notice to all Proprietors of such Shares so jointly held for all the Purposes for which such Notice is intended to be given.

Receipt of One Proprietor of a Share to be sufficient.

LXXII. Provided always, and be it further enacted, That the Receipt of the Person or any One of the Persons in whose Name or Names any Share in the said Society shall stand in the Books of the said Society shall from Time to Time be a sufficient Discharge to the said Society and Directors for any Dividend or other Sum of Money which shall become payable and be paid for or in respect of such Share, notwithstanding any Trusts upon which such Share shall be then settled or assured, and the said Society shall not be bound to see to the Application of the Money mentioned in such Receipt.

Receipt of Guardian or Parent of a Minor, and Committee of Lunatic, a sufficient Discharge.

LXXIII. And be it further enacted, That in all Cases where any Dividend or other Sum of Money shall be payable, under the Provisions of this Act, to any Proprietor of any Share in the said Society who shall be a Minor under the Age of Twenty-one Years, or Idiot or Lunatic, the Receipt of the Guardian (if any), or if not of the Parent of such Minor, or of the Committee or One of the Committees of such Idiot or Lunatic, shall be a sufficient Discharge to the said Society and Directors for the same.

Shares to be personal Estate.

LXXIV. And be it further enacted, That all the Shares and Proportions of and in the said Society, or the Joint Stock or Fund of the said Society, shall to all Intents and Purposes be deemed Personal

Estate, and be transmissible as such, and shall not be deemed to be of the Nature of Real Property.

Shares to be transferable.

LXXV. And be it further enacted, That it shall be lawful for the several Proprietors of Shares in the said Society, and their respective Executors and Administrators and Successors, to sell or otherwise dispose of and to transfer any Share to which they shall be entitled therein, subject to the Rules and Conditions herein provided, and to such Restrictions and Regulations (if any) as the Directors may from Time to Time think necessary to impose; and the Form of Transfer of Shares shall be by Deed in Writing, and may be in the following Words or to the like Effect, varying the Names and Descriptions of the contracting Parties as the Case may require; (that is to say,)

Form of Transfer.

'I *A. B.* of in consideration of the Sum of paid to me by *C. D.* of do hereby assign and transfer to the said *C. D.* Share [*or* Shares] numbered of and in the Society called "The *Irish* Waste Land Improvement Society," to hold unto the said *C. D.*, his Executors, Administrators, and Assigns [*or* Successors and Assigns], subject to the same Conditions as I held the same immediately before the Execution hereof; and I the said *C. D.* do hereby agree to accept and take the said Share [*or* Shares] subject to the same Conditions. As witness our Hands and Seals the Day of .'

Transfer to be entered in a Book.

And on every such Sale the Deed or Transfer, being executed by the Seller and Purchaser, shall be produced to the said Society or the Secretary of the said Society, who shall enter in some Book to be kept for that Purpose a Note of such Transfer, and indorse the same on the said Deed of Transfer, and the said Society or Secretary is hereby required to make such Entry and Indorsement accordingly; and until such Note shall have been made and entered as before directed such Purchaser shall not be deemed a Proprietor of the Society, and shall have no Part or Share of the Profits of the said Society, nor any Interest in respect of such Share paid to him, nor any Vote in respect thereof.

After a Call no Share to be transferred until Call is paid.

LXXVI. And be it further enacted, That no Person or Corporation shall sell or transfer any Share which he or they shall possess in the said Society after any Call shall have been made by the said Directors for any Sum of Money in respect of such Share, unless he or they, at the Time of such Sale or Transfer, shall have paid the full Sum of Money which shall have been called for in respect of such Share so to be sold or transferred.

For ascertaining Proprietorship of Shares in case of Marriage or Death.

LXXVII. And whereas by the Death of or by other Events happening to the Proprietors, or by the Marriage of Female Proprietors of Shares in the said Society, it may be difficult to ascertain to whom such Shares or the Dividends arising or due upon such Shares may belong or ought to be paid; be it therefore enacted, That where any Person shall claim any Part of the Profits of the said Society in right of Marriage with any Female Proprietor, a Certificate of the Marriage of such Female Proprietor, certified and proved as the said Directors shall from Time to Time order or direct, shall be produced to the Secretary

Secretary of the said Society; and where any Person or Corporation shall claim any Part or Share of the Profits of the said Society by virtue of any Bequest or Will, or in the Course of Administration, the said Will or the Probate thereof, or the Letters of Administration or an Office Copy thereof, shall be left with the said Secretary for not less than Seven Days for Registration; and before such Certificate, Probate, Administration, or Copy as aforesaid, as the Case may be, shall have been so left with the Secretary, no Person or Corporation to whom any such Share shall pass in right of Marriage, or by virtue of any Bequest or Will, or in the Course of Administration or otherwise as aforesaid, shall be entitled to receive any Part of the Profits of the said Society, or to vote or exercise any of the Privileges of a Proprietor in respect of such Share: Provided always, and it is hereby expressly declared, that the said Society shall not be bound to see to the Execution of any Trust, whether expressed or constructive, to which any Share as aforesaid shall be subject or liable.

Directors to cause Accounts to be kept.

LXXVIII. And be it further enacted, That the said Directors shall cause a Book or Books to be kept by a Book-keeper, who shall be expressly appointed by the said Directors for that Purpose, and who shall enter or cause to be entered in the said Book or Books true and regular Accounts of all Sums of Money received and expended for or on account of the said Society, and of the several Articles, Matters, and Things for which such Sums of Money shall have been disbursed and paid; and such Book or Books shall at all reasonable Times be open to the Inspection of any of the Proprietors of the said Society, or of any Loan Creditor for any Money to be borrowed under this Act as herein-after mentioned, without Fee or Reward, and the said Proprietors or any Creditor as aforesaid shall and may take Copies of or Extracts from the said Book or Books, or any Part thereof, without paying any thing for the same; and in case the said Book-keeper shall refuse to permit or shall not permit the said Proprietors or any such Creditor to inspect any such Book or Books, or to take such Copies or Extracts as aforesaid, such Book-keeper shall forfeit and pay for every such Offence any Sum not exceeding Five Pounds, to be levied and applied in the same Manner as other Penalties are by this Act directed to be levied and applied.

Officers to account for and deliver up their Papers.

LXXIX. And be it further enacted, That every Officer and Person who shall be employed by virtue of this Act shall from Time to Time, when thereunto required by the said Society or by the said Directors, make out and deliver to the said Society or to the said Directors, or to such Persons as they shall respectively for that Purpose appoint, a true and perfect Account in Writing under his Hand of all Monies which shall have been by him received by virtue of this Act, and stating how and to whom and for what Purpose the same shall have been disposed of, together with Vouchers and Receipts for such Payments; and every such Officer and Person shall pay all such Monies as upon the Balance of such Account shall appear to be owing from him to the Treasurer of the said Society, or to such Person as the said Society or Directors shall appoint to receive the same;

same; and if any such Officer or Person shall refuse or neglect to render such Account, or to produce and deliver up such Vouchers and Receipts relating to the same, or to pay the Balance thereof when required in manner aforesaid, or shall refuse or neglect to deliver up to the said Society or to the said Directors, or to such Person as they respectively shall appoint, within Fifteen Days after being thereunto required by the said Society or by the said Directors as last aforesaid, all Books, Papers, Vouchers, and Writings in his Custody or Power relating to the Execution of this Act, then and in every such Case, Complaint being made thereof by the said Society, or by the said Directors, or by any other Person on their Behalf, to any Justice of the Peace for the County or Place in which such Officer or Person shall be or reside, such Justice may and he is hereby required by Warrant under his Hand and Seal to cause such Officer or Person to be brought before him, and upon his appearing, or not being to be found, to hear and determine the Matter of such Complaint in a summary Way, and to settle the said Account, if produced, in such Manner as the said Society or the said Directors might have done; and if upon the Confession of the Officer or Person against whom such Complaint shall be made, or by the Oath of any credible Witness, or by the solemn Affirmation of any Person being a Quaker, it shall appear to such Justice that any of the Monies which shall have been collected or received shall be in the Hands of or be owing from such Officer or Person, such Justice may and he is hereby empowered, upon Nonpayment thereof, by Warrant under his Hand and Seal to cause such Money to be levied by Distress and Sale of the Goods and Chattels of such Officer or Person; and if no Goods or Chattels shall be found sufficient to answer and satisfy the said Monies, and the Charges of taking and making such Distress, and of selling the same, or if such Officer or Person shall not appear before such Justice at the Time and Place appointed for that Purpose, or, if appearing, shall refuse or neglect to make out and deliver to such Justice such Accounts in Writing as aforesaid, or to produce and deliver to the said Justice the several Vouchers and Receipts relating to such Accounts, or to deliver up such Books, Papers, and Writings as aforesaid, then and in any of the Cases aforesaid the said Justice may and he is hereby required by Warrant under his Hand and Seal to commit such Officer or Person to some Common Gaol or House of Correction of or for the County or Place in which such Officer or Person shall live or reside, there to remain without Bail or Mainprize until he shall have made out and delivered such Account, and have delivered up the Vouchers and Receipts (if any) relating thereto, and have delivered up such Books, Papers, and Writings (if any) as aforesaid, and shall have paid all the Money which shall appear to have been in the Hands of or owing from him, and the reasonable Charges of such Distress and Sale as shall in that respect have been made, or until he shall have compounded with the said Society or with the said Directors for such Money and Charges, and have paid the Composition Money to the said Society or to the said Directors, (and which Composition the said Society and the said Directors are hereby respectively empowered to make and accept,) or have given Satisfaction in respect of such Vouchers, Receipts, Books, Papers, and Writings to the said Society or to the said Directors: Provided always,

Mode of enforcing such Payment and Delivery.

always, that no Person who shall be committed for Want of sufficient Distress only shall be detained in Prison for any longer Space than Six Calendar Months.

Accounts to be made up half-yearly.

LXXX. And be it further enacted, That the said Society or the Directors of the said Society shall and they are hereby required to cause a true and particular Account to be kept and to be made up twice in every Year, (that is to say,) on the Thirtieth Day of *June* and the Thirty-first Day of *December*, of the Money to be received by the said Society and by the Directors of the said Society, or otherwise for the Use of the said Society, by virtue of this Act, and of the Charges and Expences attending the carrying on the said Undertaking, and of all other the Receipts and Expenditure of the said Society and of the said Directors, up to the Period at which such Account shall be made up and balanced; which Account shall be laid before the then next Half-yearly General Meeting of the said Society herein-before directed to be held, and which Account shall be produced to any Proprietor who shall require to be allowed to examine or inspect the same, at any Time within Seven Days prior to the Day of such Half-yearly General Meeting: Provided always, that if the Account so to be laid before any Half-yearly General Meeting shall not be considered satisfactory by such Meeting, then and in such Case the said Meeting shall have Power to appoint a Committee of Inspection, to consist of Ten or more Proprietors, each of whom shall hold at least One hundred Shares in the said Society, who shall examine into such Account, and report thereon to a future Meeting of the said Society to be held for that Purpose by Adjournment or otherwise, and for the Purpose of such Examination the said Directors shall, on Demand, at all convenient Times, cause to be produced to the said Committee or any Members thereof all Books of Account, Vouchers, and Documents in the Possession or Power of the said Directors relating to the Affairs of the said Society.

Dividends to be declared.

LXXXI. And be it further enacted, That it shall be lawful for the said Society and they are hereby empowered from Time to Time, at any Half-yearly General Meeting or at a Special General Meeting to be called for that Purpose, to declare and make a Dividend out of the clear Profits of the said Society, if the Majority of Proprietors present at such Meeting shall think proper so to do, and such Dividend shall be after the Rate of so much *per* Share upon the several Shares held by the Proprietors of the said Society in the Joint Stock thereof: Provided always, that such Dividends shall not be made oftener than half-yearly, and no Dividend shall be made exceeding the net Amount of clear Profit at the Time being in the Hands of the said Society, nor whereby the Capital of the said Society shall in any degree be reduced or impaired, nor shall any Dividend be paid in respect of any Share, after a Day appointed for the Payment of any Call of Money in respect thereof, until such Call shall have been paid.

A reserved Fund to be set aside

LXXXII. And be it further enacted, That previously to any Dividend being declared out of the net Profits of the said Society it

it shall be lawful for the said Directors (unless otherwise directed by the General Meeting of the said Society) to set apart One Tenth Part or any less Part of such net Profits to form a Fund for the Purpose herein-after mentioned, and the remaining Nine Tenths or other greater Parts only of such net Profits shall in that Case be divisible among the Proprietors of the said Society, any thing herein-before contained to the contrary notwithstanding: Provided always, that if at any Time such reserved Fund shall amount to the Sum of One hundred thousand Pounds, then in such Case the whole of such net Profits shall be divisible among the Proprietors of the said Society: Provided also, that any General or Special General Meeting of the said Society may and they are hereby authorized to order the whole of the net Profits of the said Society to be divided among the said Proprietors.

before Dividends made.

LXXXIII. And be it further enacted, That it shall be lawful for the said Directors from Time to Time to lay out and invest in the Names of Four Trustees, for and on behalf of the said Society, to be nominated by the said Directors, such One Tenth or other less Part of the said net Profits, as and when the same may be set apart as aforesaid, in such of the Public Funds or Stocks of *Great Britain* as the said Directors shall deem expedient, and from Time to Time to lay out and invest the Dividends and Interest arising from such Funds or Stocks in the same or any other Public Funds or Stocks, in order that the same may accumulate at Compound Interest until the Funds so formed shall amount to the said Sum of One hundred thousand Pounds: Provided always, that when such Fund shall, by Accumulation or otherwise, amount to the Sum of One hundred thousand Pounds, the Interest and Dividends thereof shall no longer be invested, but shall be applied for the general Purposes of the said Society: Provided also, that it shall be lawful for any General or Special General Meeting of the said Society to divide and dispose of the Whole or any Part of such reserved or accumulated Fund among the said Proprietors in proportion to their Shares in the said Society, or otherwise for the Benefit and Use of the said Society.

Reserved Fund to be invested in the Public Funds, and accumulated until amounting to 100,000*l.*, or ordered to be divided.

LXXXIV. And be it further enacted, That it shall be lawful for the said Directors to resort to the reserved or accumulated Fund so to be formed as aforesaid in order to satisfy any Claims or Demands upon the said Society, instead of making any Call upon the Proprietors of the said Society for the Payment of any further Sum or Sums in respect of their Shares.

Reserved Fund may be resorted to instead of making Calls upon Proprietors.

LXXXV. And be it further enacted, That when and so often as the Fund to be formed as aforesaid shall, by reason of any Vote of any Meeting as aforesaid, or of any such Claim or Demand, or from any other Cause, have been reduced below the Sum of Fifty thousand Pounds, the One Tenth or other less Part of the net Profits of the said Society shall again in like Manner be liable to be set apart and invested, and the Interest and Dividends thereof in like Manner again to be allowed to accumulate at Compound Interest until such Fund shall again amount to the Sum of One hundred thousand Pounds,

When reserved Fund is reduced below 50,000*l.* Part of Profit again to be reserved and to accumulate.

and

and such reserved or accumulated Fund shall then thereafter be liable to be again divided in manner herein-before authorized.

Directors empowered to vary Securities in which reserved Fund may be invested, and to sell out the same.

LXXXVI. And be it further enacted, That it shall be lawful for the said Directors from Time to Time as they shall think proper to vary or transpose the Funds or Stocks, or any of them, in which the said Monies or reserved Fund, or any Part thereof, shall from Time to Time be invested, and also to sell and dispose of all or any Part of the said reserved Funds and Stock, and to convert the same into Money for the Purpose of satisfying any Claims or Demands upon the said Society as herein-before mentioned.

Power to raise an additional Sum of 250,000*l.* on Mortgage.

LXXXVII. And be it further enacted, That in case the Money hereby authorized to be raised by Subscription as herein-before mentioned, shall be found insufficient for the Purposes of this Act, it shall be lawful for the said Society, by an Order of any General or Special General Meeting of the said Society, after the said Sum of Five hundred thousand Pounds Sterling shall have been subscribed, from Time to Time to borrow and take up at Interest any further or additional Sum of Money not exceeding the Sum of Two hundred and fifty thousand Pounds on the Credit of the said Society, as to them shall seem proper; and the said Society and the Directors of the said Society, after an Order made for that Purpose at any General or Special General Meeting of the said Society, are hereby empowered to mortgage, assign, and charge the Property of the said Society, and the Rents, Issues, Profits, and other Sums arising or to arise by virtue of this Act, or any Part thereof, (the Costs and Charges of assigning the same to be paid out of such Rents, Issues, Profits, or Sums,) as a Security for any such Sum of Money to be borrowed as aforesaid, with Interest, to or for the Benefit of the Party, or to his Trustee, who shall advance the same; and a Copy of the Order of any General or Special General Meeting of the said Society, authorizing the borrowing of any such Sum of Money, certified by One Director or the Secretary of the said Society to be a true Copy, shall be sufficient Evidence of the making of such Order for raising such additional Sum of Money, and also of the Money authorized to be raised by Subscription as aforesaid being insufficient for the Purposes of this Act; and all such Mortgages and Assignments and Charges shall be made under the Common Seal of the said Society, and may be in the Words or to the Effect following, or with such Variation therein as the Circumstances of the Loan may render necessary; (that is to say,)

Form of Mortgage.

'*Irish* Waste Land Improvement Society.

'Number

'BY virtue of an Act passed in the Year
'of the Reign of His Majesty King *William* the Fourth, intituled
'[*here insert the Title of this Act*], we, the *Irish* Waste Land Im-
'provement Society, incorporated by and under the said Act, in
'consideration of the Sum of to us paid
'by *A.B.* of do assign unto the said *A.B.*, his
'Executors, Administrators, and Assigns, the said Undertaking, and
'all

'all and singular the Rents, Issues, Profits, and Sums of Money 'arising by virtue of the said Act, and all the Estate, Right, Title, 'and Interest of the said Society of, in, and to the same, to hold unto 'the said *A.B.*, his Executors, Administrators, and Assigns, until the 'said Sum of together with Interest for the 'same after the Rate of for every One 'hundred Pounds for a Year, shall be fully paid and satisfied. Given 'under our Common Seal this Day of in the 'Year of our Lord .'

And the respective Parties to whom such Mortgages or Assignments shall be made shall be entitled, one with the other, to their respective Proportions of the said Rents, Issues, Profits, Sums, and Premises, according to the respective Sums in such Mortgages or Assignments mentioned to be advanced, without any Preference by reason of Priority in the Date of any such Order of Meeting, or Priority in the Date of any such Mortgage or Assignment, or on any other Account whatsoever; and an Entry or Memorial of every such Mortgage or Assignment, containing the Number and Date thereof, and the Names of the Parties, with their proper Additions, to whom the same shall have been made, and of the Sums borrowed, together with the Rate of Interest to be paid thereon respectively, shall, within Fourteen Days next after the Date thereof, be entered in some Book to be kept by the Secretary of the said Society, which said Book may be perused at all seasonable Times by any of the Proprietors or Mortgagees of the said Undertaking, or other Persons interested therein, without Fee or Reward; and all Parties to whom any such Mortgages or Assignments shall have been made as aforesaid, or who shall be entitled to the Money due thereon, may from Time to Time transfer their respective Rights or Interests therein to any other Person or Persons; and every Transfer thereof shall be by Deed in Writing, wherein the Consideration for the same shall be truly stated, and may be made in the Words or to the Effect following; (that is to say,)

Form of Transfer of Mortgage.

'I *A.B.* of in consideration of the Sum of 'to me paid by *C.D.* of do 'hereby transfer to the said *C.D.* his Executors, Administrators, and 'Assigns, a certain Mortgage, Number made by the '*Irish* Waste Land Improvement Society to bearing 'Date the Day of for securing the Sum 'of and Interest, and all my Right, Estate, and 'Interest in and to the Money thereby secured, and in and to the 'Rents, Issues, Profits, Sums of Money, and Property thereby 'assigned. Dated this Day of in the Year of 'our Lord .'

And every such Transfer shall, within Twenty-one Days next after the Date thereof if executed in *England*, or otherwise within Twenty-one Days next after the Arival thereof in *England* if executed elsewhere, be produced to the Secretary of the said Society, who shall cause an Entry or Memorial to be made thereof in the same Manner as of the original Mortgage or Assignment, for which the said Society shall be paid such Sum as the said Society shall appoint, not exceeding the Sum of Two Shillings and Sixpence; and after such Entry or

Memorial made every such Transfer shall entitle such Assignee, or his Executors, Administrators, and Assigns, to the full Benefit thereof and Payment thereon; and it shall not be in the Power of any Person who shall have made such Transfer to make void, release, or discharge the Mortgage so transferred, or any Sum of Money thereon due or thereby secured, or any Part thereof.

Interest of Money borrowed to be paid in preference to Dividends.

Interest how to be recovered in default of Payment.

LXXXVIII. And be it further enacted, That the Interest of the Money which shall be raised by Mortgage, Assignment, or Charge as aforesaid shall be paid half-yearly to the several Parties entitled thereto, and in preference to any Dividends payable by virtue of this Act to the Proprietors of the said Society or any of them; and in case such Interest or any Part thereof shall be unpaid for the Space of Thirty Days, next after the same shall have become due and payable as aforesaid, and the same shall not be paid within Ten Days next after Demand thereof in Writing shall have been made to the said Society or left at the Office of the said Society, it shall be lawful for any Two or more Justices of the Peace (acting within their respective Jurisdictions and not being interested in the Matter in question), and they are hereby required, on Request to them made by or on behalf of any Mortgagee whose Interest shall be so in arrear, by an Order under their Hands to appoint some Person to receive the Whole or such Parts of the said Rents, Issues, Profits, or Sums as are liable to pay such Interest so due and unpaid as aforesaid, and the Money so to be received by such Person is hereby declared to be so much Money received by or to the Use of the Person to whom such Interest shall be then due, until the same, together with the Costs and Charges of recovering and receiving the said Rents, Issues, Profits, or Sums, shall be fully paid and satisfied; and after such Interest and Costs shall have been paid and satisfied the Power and Authority of such Receiver for the Purposes aforesaid shall cease and determine; or otherwise the said Interest so due and unpaid as aforesaid may be sued for and recovered from the said Society, with Costs, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

Mortgagee not to be deemed a Proprietor or entitled to vote as such.

LXXXIX. Provided always, and be it further enacted, That no Person to whom any such Mortgage or Assignment shall be made or transferred as aforesaid shall be deemed a Proprietor of any Share, or shall be capable of acting or voting as such at any Meeting of the said Society, by or on account of his having advanced any Money on such Mortgage or Assignment.

In case Mortgages are paid off, the Society may raise the like Amount again.

XC. And be it further enacted, That in case the said Society shall raise the Whole or any Part of the Money herein-before authorized to be raised by Mortgage, Assignment, or Charge as aforesaid, and shall afterwards pay off all or any Part of the Principal Sum so raised or borrowed upon Mortgage, Assignment, or Charge as aforesaid, then and in every such Case it shall be lawful for the said Society immediately, and at any Time or Times thereafter, again to raise in lieu of the Principal Money so paid off by them such Sum or Sums of Money as they shall from Time to Time have paid off to the Holders of such Mortgages or Assignments, or any of them,

or

or any Part thereof, and so from Time to Time as often as the same shall happen, but so nevertheless that the said Society shall not in any Event borrow upon Mortgage, Assignment, or Charge as aforesaid in such Manner or to such Extent as that more than the Principal Sum of Two hundred and fifty thousand Pounds in the whole shall be owing at any one Time on Mortgage or Assignment of or as a Charge upon the said Undertaking or Society, over and above the Amount of Calls for the Time being remaining unpaid and still to be called for by the said Society.

Society may stipulate Periods for Payment of Mortgage Money.

XCI. And be it further enacted, That when any Sum of Money shall be borrowed at Interest, pursuant to the Powers in that Behalf contained in this Act, it shall be lawful for the said Society, in case they shall in their Discretion think proper so to do, to fix a Period or Periods for the Repayment of the Principal Sum of Money so to be borrowed, with the Interest thereof, and in such Case the Society shall cause to be inserted in such Mortgage or Assignment the Time or Times which shall be fixed or agreed upon for the Repayment of the Principal Money thereby to be secured; and such Sum of Money, with all Arrears of Interest thereon, shall accordingly be paid at the Time or Times so to be fixed to the Party who shall upon the Expiration of such Period or Periods be the Holder of and entitled to such Mortgage or Assignment, or his Nominee.

As to paying off Mortgages when no Period is stipulated.

XCII. And be it further enacted, That where no Period shall be fixed for the Repayment of any Sum of Money borrowed under the Authority of this Act the Party entitled to any such Mortgage or Assignment may and he is hereby authorized to demand Payment of the Principal Monies thereby secured, with all Arrears of Interest, at or at any Time after the Expiration of Twelve Calendar Months from the Date of such Mortgage or Assignment, upon giving Six Calendar Months Notice in Writing to the Secretary of the said Society for the Time being: Provided nevertheless, that the said Society may at all Times pay off and discharge all such Mortgages or Assignments in which no Time shall be fixed for the Payment thereof, or any Part of the Money thereby secured, on giving Six Calendar Months Notice in the *London Gazette* and in One or more Newspapers circulated in *London;* and at the Expiration of the Term of Six Calendar Months all Interest shall cease to be paid on the said Principal Money unless the said Society shall, on Demand, make default in the Payment of the said Principal Money and Interest then due in pursuance of such Notice.

For securing Repayment of Principal Money borrowed.

XCIII. And be it further enacted, That in case of Nonpayment of any Principal Sum of Money which shall be secured by any such Mortgage or Assignment as aforesaid by virtue of this Act, or of any Part of such Principal Monies, at the Time or Times when the same ought to be made, and in case the same shall not be paid within Six Calendar Months next after the same shall be so payable as aforesaid, and after Demand thereof in Writing shall have been made to the said Society, it shall be lawful for Two or more Justices of the Peace (acting within their respective Jurisdictions and not being interested in the Matter in question), and they are hereby respectively

respectively required, on Request to them made on behalf of any Parties entitled to any such Mortgage or Assignment as aforesaid and to whom any Principal Sums of Money shall be then due thereon and unpaid, amounting in the whole to the Sum of Twenty thousand Pounds or upwards, by an Order under their Hands to appoint some Person to receive the Whole or such Part of the said Rents, Issues, Profits, or Sums as are liable to pay such Principal Monies so due and unpaid as aforesaid; and the Money so to be received by such Person is hereby declared to be so much Money received by or for the Use of the Persons and Corporations to whom such Principal Money shall be due, and on whose Behalf such Receiver shall have been so appointed, until the same, together with the Costs and Charges of recovering and receiving the Rents, Issues, Profits, or Sums, and all Interest then due thereon, shall be fully satisfied and paid; and after such Principal, Interest, and Costs shall have been paid and satisfied, the Power and Authority of such Receiver for the Purposes aforesaid shall cease and determine; or otherwise the said Principal Money so due and unpaid as aforesaid may be sued for and recovered from the said Society, with Costs, by Action of Debt in any of His Majesty's Courts of Record at *Westminster*.

Society may apply to Lord Lieutenant for a Commission to undertake Works under Provisions of 1 & 2 W. 4. c 57.

XCIV. And whereas an Act was passed in the First and Second Years of the Reign of His present Majesty, intituled *An Act to empower Landed Proprietors in* Ireland *to sink, embank, and remove Obstructions in Rivers:* And whereas the Works by the said Act authorized to be executed may in some Instances be conveniently undertaken by the said Society, it shall and may be lawful for the said Society to make Application to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for a Commission for carrying into effect the Purposes or any of them of the said recited Act, in like Manner and Form, and upon and after such Notice, and the Observance and Performance of like Preliminaries, so far as the same are applicable, as have been by the said recited Act appointed and required in order to the procuring and granting to or creating any Joint Stock Company for the Purposes of the said recited Act; and the said Lord Lieutenant or other Chief Governors is and are hereby authorized, if to him or them it shall seem fit, upon receiving such Application in Form by the said recited Act provided, as far as the same shall be applicable, accompanied by Duplicates of the Maps, Plans, Specifications, Sections, and Lists by the said recited Act directed to be lodged with the Clerk of the Peace, together with the Estimate therein directed to be made, and under the Conditions therein provided, to grant and issue such Commission accordingly, conferring such and the like Powers and Authorities as might or ought to have been contained in and conferred by a Commission to or creating any Joint Stock Company under the Provisions of the said recited Act, or such Share of such Powers as to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* may seem good; and the said Society by this Act incorporated shall be and are hereby declared to be and become by virtue of such Commission, from the Date of the issuing thereof, Undertakers within the Meaning of the said recited Act for executing the Works by such

Commission authorized, and shall have, use, and exercise all such Privileges, Powers, and Authorities, and be subject and liable to all such Obligations and Duties, and invested with all such Incidents, as are by the said recited Act conferred or imposed or attached upon any Joint Stock Company constituted Undertakers under the Provisions of the said recited Act, save and except in so far as the same may be inappropriate, or shall be modified or abridged by the said Lord Lieutenant or other Chief Governor or Governors in the Exercise of his or their Discretion as aforesaid; and the like Proceedings in all respects, so far as the same may be possible, shall be taken under any Commission so to be granted to the said Society by this Act incorporated, as under any Commission created and granted to any Joint Stock Company; and on the Completion of the Works performed thereunder Trustees shall be in like Manner appointed for the Preservation thereof, and from Time to Time continued; and all other the Provisions of the said Act shall be deemed and taken to apply and extend to the Case of any Commission so to be granted to the said Company by this Act incorporated, as fully and effectually as to the Case of any Commission creating or granted to any Joint Stock Company, so far as the same are applicable thereto.

Penalty for destroying the Works.

XCV. And be it further enacted, That if any Person shall wilfully and maliciously destroy or damage or remove any Drain, Ditch, Trench, Sluice, Bridge, Tunnel, or Mark, or any Matter or Thing which shall be made, erected, or set up under the Authority of the said Society, or maliciously break, injure, or destroy any of the Articles, Matters, or Things which are hereby or shall become vested in the said Society by virtue of this Act, every Person so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds.

Penalty on Persons obstructing Officers in the Execution of this Act.

XCVI. And be it further enacted, That if any Person shall assault, obstruct, hinder, or molest any of the said Clerks, Surveyors, or other Officers, Workmen, or other Persons whomsoever, in the Execution of any thing required or directed to be done in virtue or in pursuance of this Act, such Person so offending shall, on being convicted of such Offence by a Justice of the Peace, for every such Offence forfeit and pay any Sum not exceeding Ten Pounds or less than Five Pounds, as such Justice before whom any such Offender shall be convicted shall from Time to Time direct.

Damages and Charges how to be ascertained and recovered.

XCVII. And be it further enacted, That in all Cases wherein Damages or Charges are by this Act directed or authorized to be paid, and the Manner of ascertaining the Amount thereof is not specified or provided for, such Amount, in case of Nonpayment thereof or any Dispute respecting the same, shall be ascertained and determined by Two or more Justices of the Peace for the County or Place wherein such Damages or Charges shall be incurred; and where by this Act any Damages or Charges are directed to be paid in addition to any Penalty for any Offence, the Amount of such Damages and Charges, in case of Nonpayment thereof or of any Dispute respecting the same, shall be settled and determined by the Justices by or before whom any Offender shall be convicted of such Offence; and such

Justices respectively are hereby authorized and required, on Nonpayment of the Damages in any of the Cases aforesaid, to levy such Damages and Charges by Distress and Sale of the Offender's Goods and Chattels, in manner by this Act directed for the levying of any Forfeitures or Penalties.

Money ordered by any Justice to be paid by the Society, how to be recovered.

XCVIII. And be it further enacted, That when and so often as any Money shall by any Justice of the Peace be ordered to be paid in pursuance of this Act as or by way of Compensation or Satisfaction for any Materials or Costs, or for any Damage or Injury of any Nature or Kind soever done or committed by the said Society, or by any Person acting by or under their Authority, and such Money shall not be paid by the said Society to the Parties entitled to receive the same within Five Days after Demand in Writing shall have been made upon the said Society in pursuance of the Directions or Order made by such Justice, and in which Demand the Order of such Justice shall be stated, then and in such Case the Amount of Compensation or Satisfaction shall and may be levied and recovered by Distress and Sale of any Goods and Chattels of the said Society under a Warrant to be issued for that Purpose by such Justice (which Warrant any such Justice is hereby authorized and required to grant) under his Hand and Seal, on Application made to him for that Purpose by the Party entitled to receive such Money; and in case any Overplus shall remain after Payment of such Money, and the Costs and Expences of hearing and determining the Matters in dispute, and also the Costs and Expences of such Distress and Sale, then and in such Case such Overplus shall be returned, on Demand, to the said Society.

Recovery and Application of Penalties.

XCIX. And be it further enacted, That all Penalties and Forfeitures inflicted or imposed by this Act (the Manner of levying and recovering whereof is not otherwise herein particularly directed) may, in case of Nonpayment thereof, be recovered in a summary Way by the Order and Adjudication of some Two or more Justices of the Peace for the County or Place in which the Offence shall be committed on Complaint to them for that Purpose made, and afterwards be levied, as well as the Costs of any such Proceedings, on Nonpayment, by Distress and Sale of the Goods and Chattels of the respective Offenders or Persons liable to pay the same, by Warrant under the Hands and Seals of such Justices; and the Overplus (if any) of the Money so raised or recovered, after discharging such Penalty or Forfeiture and the Costs and Expences as aforesaid, shall be returned, on Demand, to the Party whose Goods and Chattels shall be so distrained; all which Penalties and Forfeitures not herein directed to be otherwise applied shall be paid, one Moiety to the Informer, and the other Moiety to the said Society, unless such Penalties or Forfeitures shall be incurred by the said Society, in which Case such last-mentioned Moiety shall be paid to the Overseers of the Poor of the Parish, Township, or Place within which the Offence shall be committed, to be applied by such Overseers for the Benefit of the Poor of such Parish, Township, or Place; and in case such Penalties and Forfeitures shall not be forthwith paid it shall be lawful for the said Justices and they are hereby required to

order the Offender so convicted to be detained in safe Custody until Return can be conveniently made to such Warrant of Distress, unless such Offender shall give sufficient Security to the Satisfaction of such Justices for his Appearance before such Justices or before some other Justices of the Peace having Jurisdiction at such Time as shall be appointed for the Return of such Warrant of Distress, (such Time not being more than Three Days from the taking of such Security,) and which Security any of the said Justices are 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 could be had whereupon to levy the said Penalties or Forfeitures and such Costs and Expences as aforesaid, and the same shall not be forthwith paid, or in case it shall appear to the Satisfaction of such Justices, upon the Confession of the Offender or otherwise, that he hath not sufficient Goods and Chattels whereupon such Penalties, Forfeitures, Costs, and Expences could be levied if a Warrant of Distress should be issued, such Justices shall not be required to issue such Warrant, but in such Case it shall be lawful for such Justices and they are hereby required by Warrant under their Hands and Seals to commit such Offender to some Common Gaol or House of Correction for the County or Place within their Jurisdiction, there to remain for any Time not exceeding Three Calendar Months, or until such Penalty or Forfeiture shall be sooner paid or satisfied, together with all the Costs and Charges attending such Proceedings as aforesaid, to be ascertained by such Justice, or until such Offender shall be otherwise discharged by due Course of Law.

Justices may proceed by Summons for the Recovery of Penalties.

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

General Power to Justices to administer Oaths.

CI. And be it further enacted, That in all Cases where any Justice of the Peace is authorized by this Act to examine any Person, or to take cognizance of or to hear or determine any Matter or Complaint, it shall be lawful for such Justice and he is hereby required to administer an Oath to or (in case of a Quaker) to receive the Affirmation of any Person before he shall be examined by or before such Justice.

Forcompelling Witnesses to

CII. And be it further enacted, That if any Person who shall be summoned as a Witness to attend and give Evidence before any Justice

attend before a Justice.

Justice of the Peace touching any Matter or Fact contained or involved in or affecting any Information or Complaint for any Offence committed against this Act, either on the Part of the Prosecutor or on the Part of the Party summoned, shall refuse or neglect to appear at the Time and Place to be for that Purpose appointed, having been paid or tendered a reasonable Sum for his Loss of Time, Costs, and Expences, without a reasonable Excuse for his Refusal or Neglect, or appearing shall refuse to be examined upon Oath (or, in case of a Quaker, on solemn Affirmation,) to give Evidence before such Justice, then and in either of the said Cases every such Person shall forfeit and pay any Sum not exceeding Five Pounds for every such Offence.

Forms of Information and Conviction:

CIII. And be it further enacted, That all Justices of the Peace before whom any Person shall be informed against or convicted for or in respect of any Offence against this Act may cause the Information, whenever Information shall be taken, in Writing or in Print, and the Conviction respectively, to be drawn up according to the following Forms, or any other Forms to the same Effect, as the Case may require; (that is to say,)

Form of Information.

'} BE it remembered, That on the Day of to wit. informeth one of His Majesty's Justices of the Peace for the County of [*as the Case may be*], that of [*here describe the Offence, and the Time and Place when and where committed,*] contrary to an Act passed in the Year of the Reign of His Majesty King *William* the Fourth, intituled [*here insert the Title of this Act*], which hath imposed a Forfeiture of for the said Offence. Taken the Day of before me .'

Form of Conviction.

'} BE it remembered, That on the Day of to wit. in the Year of our Lord is convicted before me one of His Majesty's Justices of the Peace for the County of [*here describe the Offence, and the Time and Place where committed,*] contrary to an Act passed in the Year of the Reign of His Majesty King *William* the Fourth, intituled [*here insert the Title of this Act*]. Given under my Hand and Seal the Day and Year first above written.'

Distress not unlawful for Want of Form.

CIV. And be it further enacted, That where any Distress shall be made for any Money to be levied by virtue of this Act, the Distress itself shall not be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity which shall be afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity shall and may recover full Satisfaction for the special Damage by an Action upon the Case.

CV. And

Persons aggrieved may appeal to the Quarter Sessions.

CV. And be it further enacted, That the said Society and all other Corporations and Persons who may think themselves aggrieved by any Order, Judgment, or Determination of any Justice of the Peace relating to any Matter or Thing in this Act mentioned or contained, and for which no Power of Appeal is by this Act specifically given, may, within Four Calendar Months next after such Order, Judgment, or Determination shall have been made or given, appeal to the Justices of the Peace at any General or Quarter Sessions to be held for the County or Place where the alleged Cause of Appeal shall arise, first giving Ten Days Notice in Writing of such Intention to appeal, and of the Grounds and Nature thereof, to the Party against whom such Complaint is intended to be made, or to the said Society (as the Case may be), and forthwith after such Notice entering into Recognizance before some Justice of the Peace, with Two sufficient Sureties, conditioned in such Penalty as to such Justice shall seem right, to try such Appeal, and abide the Order and Award of the said Court thereon; and the said Justices shall in a summary Way either hear and determine the said Complaint at such General, Quarter Sessions, or, if they think proper, may adjourn the Hearing thereof to the following General or Quarter Sessions of the Peace to be held for such County or Place; and the said Justices may, if they see Cause, mitigate any Penalty or Forfeiture, and may order any Money to be returned which shall have been levied in pursuance of such Bye Law, Rule, Order, or Determination, and may also order any further Satisfaction to be made to the Party injured as they shall judge reasonable, and may also order such Costs to be paid to the Party aggrieved by the Party aggressing as they shall think reasonable.

Proceedings not to be quashed for Want of Form, or removed.

CVI. And be it further enacted, That no Proceeding to be had or taken in pursuance of this Act shall be quashed or vacated for Want of Form, or be removed by Certiorari, or by any other Writ or Process whatsoever, into any of His Majesty's Courts of Record at *Dublin* or elsewhere, any Law or Statute to the contrary notwithstanding.

Power to Society to release Witnesses.

CVII. And be it further enacted, That in all Actions, Suits at Law or in Equity, and in all Proceedings under this Act or otherwise, against or by or on behalf of the said Society, and in all Arbitrations, References, and other Proceedings in or consequent upon or arising out of any such Actions, Suits, or Proceedings, it shall be lawful for any Three or more of the Directors of the said Society, for or on behalf of the said Society, to make, sign, seal, execute, and deliver such general or other Releases as may be or may be deemed necessary for the Purpose of exonerating, releasing, and discharging any Person who shall or may be produced as a Witness in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding as aforesaid, from any Claim or Demand which may be necessary to be released by the said Society so as to qualify such Person to give Evidence as a Witness in any such Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding aforesaid, and also to do any other Act, Matter, or Thing in any Action, Suit, Prosecution, Arbitration, Reference, or other Proceeding which any Plaintiff or

Defendant may do in any Action, Suit, or Prosecution, Arbitration, Reference, or other Proceeding; and every such Release, Act, Matter, and Thing shall be as valid and effectual in all respects, and to all Intents and Purposes whatsoever, as if the same were made under the Seal of the said Society.

Limitation of Actions.

CVIII. And be it further enacted, That no Action, Suit, or Information, nor any other Proceeding, of what Nature soever, shall be brought, commenced, or prosecuted against any Person for any thing done or omitted to be done in pursuance of this Act, or in the Execution of the Powers or Authorities or any of the Orders made, given, or directed in, by, or under this Act, unless Ten Days previous Notice in Writing shall be given by the Party intending to commence and prosecute such Action, Suit, Information, or other Proceeding to the intended Defendant, nor unless such Action, Suit, Information, or other Proceeding shall be brought or commenced within Six Calendar Months next after the Act committed, or in case there shall be a Continuation of Damage, then within Three Calendar Months after the doing or committing such Damage shall have ceased, nor unless such Action, Suit, Information, or Proceeding shall be laid and brought in the County or Place within which the Matter in dispute or Cause of Action shall have arisen; and the Defendant in such Action, Suit, Information, or Proceeding may plead the General Issue, and give this Act and the special Matter in Evidence, at any Trial to be had thereupon, and that the Acts were done or were omitted to be done (as the Case may be) in pursuance or by the Authority of this Act; and if they shall appear to have been so done or to have been so omitted to be done, or that such Action, Suit, Information, or Proceeding shall have been brought otherwise than as herein-before directed, then and in every such Case the Jury shall find for the Defendant; and upon such Verdict, or if the Plaintiff shall become nonsuited, or shall suffer a Discontinuance of his Action, Suit, Information, or other Proceeding, after the Defendant shall have appeared thereto, or if a Verdict shall pass against the Plaintiff therein, or if, upon Demurrer or otherwise, Judgment shall be given against the Plaintiff, the Defendant shall have his Costs, and shall have such Remedy for recovering the same as Defendants have for recovering Costs of Suit by Law in any other Cases.

Plaintiff not to recover after Tender of sufficient Amends.

CIX. Provided also, and be it further enacted, That no Plaintiff shall recover in any Action for any Irregularity, Trespass, or other wrongful Proceeding made or committed in the Execution of this Act, if Tender of sufficient Amends shall have been made by or on behalf of the Party who shall have committed such Irregularity, Trespass, or other wrongful Proceeding, before such Action brought; and in case no Tender shall have been made it shall be lawful for the Defendant in any such Action, by Leave of the Court where such Action shall depend, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, whereupon such Proceedings, Order, and Adjudication shall be had and made in and by such Court as in other Actions where Defendants are allowed to pay Money into Court.

Declaring what shall be good Service of Notice on the Society.

CX. And be it further enacted, That in all Cases in which it may be necessary for any Person or Corporation to serve any Summons or Demand, or any Notice, or any Writ, or other Proceeding at Law or in Equity, upon the said Society, personal Service thereof upon the Secretary of the said Society, or leaving the same at the Office of the said Society in *London*, or delivering the same to some Inmate at such Office, or in case the same shall not be found or known, then personal Service thereof upon any Agent of or Officer employed by the said Society, or left at his last or usual Place of Abode, shall be deemed good and sufficient Service of the same respectively on the said Society.

Declaring what shall be good Service of Notice by the Society.

CXI. And be it further enacted, That in all Cases in which it may be necessary for the said Society to serve any Summons or Demand, or any Notice of any Writ, or other Proceeding at Law or in Equity, upon any Corporation or any Person whomsoever, under the Provisions or Directions contained in this Act, the same shall be in Writing or in Print, or partly in Writing and partly in Print, and be signed by the Secretary for the Time being of the said Society, without being required to be under the Common Seal of the said Society, and may be personally delivered to such Person, or left or sent by the Post to his last or most usual Place of Abode in *England* or *Ireland*, or to be delivered to some Member of such Corporation, or be left at his last or usual Place of Abode, or to some Clerk or other Officer of such Corporation, or be left at the Office of such Clerk or Officer, or at his last or usual Place of Abode, which shall be deemed good and sufficient Service of the same respectively upon such Person or Corporation (as the Case may be), except in Cases where any other Mode of Service is by this Act particularly directed.

Act to be a Public Act.

CXII. And be it further enacted, That this Act shall be deemed a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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