ANNO DECIMO SEXTO & DECIMO SEPTIMO

VICTORIÆ REGINÆ.

****

Cap. clviii.

An Act for the Purchase of the Bridge and Ferry over the River of *Ross* at the Town of *New Ross*, and for maintaining the same free of Toll, and for other Purposes. [4th *August* 1853.]

WHEREAS an Act was passed in the Parliament of *Ireland*, in the Thirty-fifth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for erecting a Bridge* 35 G. 3. c. 48.
over the River of Ross *at the Town of* New Ross *in the County of* Wexford, whereby Power was given to certain Persons therein named, and their Successors, who were thereby incorporated under the Name and Style of the Commissioners for building a Bridge over the River of *Ross*, to purchase the Ferry across the River at *New Ross*, and to build a Bridge over the said River at the Site of the said Ferry: And whereas another Act was passed in the Fifty-fifth Year of the Reign of His said Majesty, intituled *An Act to amend an Act of His present* 55 G. 3. c. 72.
Majesty for erecting a Bridge over the River of Ross *at the Town of* New Ross *in the County of* Wexford: And whereas, in pursuance of the said Acts, the said Persons so incorporated under said first-recited Act purchased or otherwise obtained the said Ferry, and built and

erected

erected a Bridge over the said River on the Site and in lieu thereof, and now receive Toll for the same, pursuant to the Authorities and Powers vested in them under the said recited Acts: And whereas the Intercourse between those Parts of the Counties of *Wexford* and *Kilkenny* which are adjacent to the Town of *New Ross*, and the Agriculture and Trade thereof, and the Commerce of the Town and Harbour of *New Ross*, would be materially benefited if the Rights of the said Corporation under said recited Acts to said Bridge and Ferry were purchased, and the said Bridge maintained free from Toll, and was placed under the Management herein-after mentioned; 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 Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same:

Appointment of Trustees.

I. That the Right Honourable *William Fownes Tighe*, *Charles Tottenham*, *Robert Tottenham*, *Robert Tyndall*, *William Graves*, *John Cooke*, *Dawson Archer Milward*, *Michael John Sutton*, *James Galavan*, *Samuel Kough*, *George Talbot*, *Michael Power*, *John Jones*, *Joseph Jeffares*, *John Mc Conkey*, *Peter Strange*, *John Howlett*, *Philip Doyle*, *James Browne*, Sir *John Blunden*, and the Chairman for the Time being of the Town Commissioners of *New Ross*, shall be the First Trustees for carrying this Act into execution.

Power to fill up Vacancies.

II. When and so often as a Vacancy shall occur by the Death, Absence, Removal, Incapacity, Resignation, or Refusal to act, of any of the Persons hereby appointed as Trustees, or to be appointed under or by virtue of this Act, it shall be lawful for the Grand Juries of the Counties of *Wexford* and *Kilkenny* for the Time being, and they are hereby required, as soon as conveniently may be after each Vacancy shall have occurred, to elect alternately from their Grand Jury Panel for the Time being another Person as Trustee to supply such Vacancy, the first Vacancy to be filled up by the Grand Jury of the County of *Wexford*, the next by the Grand Jury of the County of *Kilkenny*, and so alternately on each Vacancy; and every Trustee so elected shall have such and the like Powers and Privileges as the Person in whose Place he shall be so elected: Provided always, that the Chairman for the Time being of the Town Commissioners of *New Ross* shall be an *ex-officio* Trustee.

8 & 9 Vict. c. 16. incorporated with this Act.

III. The several Clauses of "The Commissioners Clauses Act, 1847," with respect to the Meetings and other Proceedings of the Commissioners and their Liabilities, and which Clauses are numbered 36 to 55, both inclusive; and with respect to the Liabilities of the Commissioners, and to legal Proceedings by or against the Commissioners,

sioners, numbered 60 to 64, both inclusive; and with respect to Officers, numbered 65 to 74, both inclusive; and with respect to the Accounts to be kept by the Commissioners, numbered 89 to 95, both inclusive; and with respect to Byelaws, numbered respectively 96, 97, and 98; and with respect to the Mortgages to be executed by the Trustees, numbered 75 to 88, both inclusive; and with respect to Notices and Orders, numbered respectively 99, 100, and 101; and with respect to Access to the Special Act, numbered 110 and 111; and the Clause of the said Act with respect to Proof of Debts in Bankruptcy or Insolvency, numbered 102; and the Clause of the said Act with respect to Tender of Amends, numbered 103; and the Clauses with respect to the Construction of Act, numbered 2 and 3, shall be and the same are hereby incorporated with this Act.

Quorum of Trustees.

IV. Three shall be the Number of the Quorum of Meetings of Trustees.

Appointment of Auditors.

V. At the Spring Assizes in every Year the Grand Jury for the County of *Wexford* shall appoint One or more Persons, not being a Trustee or Trustees, to be Auditor or Auditors of the Accounts of the Trustees, and shall fix the Remuneration to be paid by the Trustees to such Auditor or Auditors; and such Auditor or Auditors shall perform the Duties, and be subject to the Responsibilities, imposed upon Auditors under the said Provisions in the said "Commissioners Clauses Act, 1847."

Trustees to purchase Bridge.

VI. And whereas the estimated present Value of the Bridge and Ferry and Tolls, and of the Rights and Interests of the Commissioners and Proprietors thereof, and Persons interested therein under the said recited Acts, is Eleven thousand Pounds, which Sum the said Commissioners have agreed to take for the Purchase thereof: Be it enacted, That it shall be lawful for the Trustees to purchase and take the said Bridge and Ferry, and the Tolls and Duties payable in respect thereof, at the Price or Sum of Eleven thousand Pounds, to be paid to the said Commissioners: Provided that if the Trustees shall require the Commissioners to receive any Part of the said Purchase Money not exceeding the Sum of Eight thousand two hundred Pounds in Debentures, to be issued by the Trustees under the Provisions of this Act, and carrying Interest at the Rate of Five Pounds *per Centum per Annum*, the Commissioners shall be bound to accept such Debentures, and the same may be made either to the Commissioners or to any of the Proprietors of the said Bridge, and shall be in such Amounts as the said Commissioners shall require; and upon Payment of the said Sum of Eleven thousand Pounds in Money, or in Money and Debentures as aforesaid, as the Case may be, the Trustees shall be at liberty to enter upon and take possession of

of the said Bridge and Ferry upon and for the Purposes of this Act, and the Interest and Claim therein and thereto of all Persons under the said recited Acts shall wholly cease and determine.

Bridge to be free.

VII. After the said present Bridge shall have been so taken Possession of by the said Trustees, the same shall be open for the Use of the Public without Payment of any Toll whatever.

The Bridge to be maintained as a County Bridge.

VIII. After the said Bridge shall have been so taken Possession of by the said Trustees, the same shall belong to, and become vested in, and shall be maintained and kept in repair by and at the Expense of the Inhabitants of the Counties of *Wexford* and *Kilkenny*, as in ordinary Cases of a Bridge across a River forming the Boundary of Two Counties; and it shall be lawful for the respective Grand Juries of the said Counties, and they are hereby required, from Time to Time to present such Sums of Money for the Repair and Maintenance of the said Bridge as may be necessary in that Behalf.

As to Repairs of Bridge until Provision is made by the Grand Juries.

IX. The County Surveyor of the County of *Wexford* shall and he is hereby authorized and required to keep the present Bridge in repair, from the opening thereof, free of Toll to the Public, until such Time as Provision shall have been made for that Purpose in the Manner by Law appointed for the Maintenance of County Works; and the Grand Jury of the County of *Wexford* are hereby required to provide, in the usual Manner, for the Expense which the said County Surveyor is hereby required to incur.

As to raising Money for Purposes of this Act.

X. And whereas the Expense of carrying into effect the Purposes of this Act cannot now be ascertained, but it is estimated that the same will amount to the Sum of Fourteen thousand Pounds, or thereabouts: Be it enacted, That the Monies required for carrying into effect the Purposes of this Act, not exceeding the Sum of Fourteen thousand Pounds, and Interest to accrue due upon any Debentures issued or Money borrowed by the Trustees, at the Rate of Five Pounds *per Centum per Annum*, shall be raised, by Presentments to be made by the said Grand Juries of the Counties of *Wexford* and *Kilkenny* respectively, as follows:

Upon and from the Occupiers of Lands, Tenements, and Hereditaments chargeable with the Payment of County Cess or Grand Jury Rates, and situate within that Part of the Borough of *New Ross* which is in the County of *Wexford*, an annual Sum during Twenty Years equal to the Rate of Fourpence in the Pound upon the annual Value of Property rateable thereto, together with Interest at the Rate of Five Pounds *per Centum* upon the Amount from Time to Time remaining unpaid of the Monies to be levied out of such Borough:

Upon

Upon and from the Occupiers of Lands, Tenements, and Hereditaments chargeable with the Payment of County Cess or Grand Jury Rates, and situate within the Barony of *Bantry* in the County of *Wexford*, outside and beyond the said Borough of *New Ross*, an annual Sum during Twenty Years equal to the Rate of One Halfpenny in the Pound upon the annual Value of Property rateable thereto, together with Interest at the Rate aforesaid upon the Amount from Time to Time remaining unpaid of the Monies to be levied out of such Property:

Upon and from the Occupiers of Lands, Tenements, and Hereditaments chargeable with the Payment of County Cess or Grand Jury Rates, and situate within the County of *Wexford*, outside and beyond the said Barony of *Bantry*, an annual Sum during Six Years equal to the Rate of One Farthing in the Pound upon the annual Value of Property rateable thereto, together with Interest at the Rate aforesaid upon the Amount from Time to Time remaining unpaid of the Monies to be levied out of such Property:

Upon and from the Occupiers of Lands, Tenements, and Hereditaments chargeable with the Payment of County Cess or Grand Jury Rates, and situate within the several Townlands of the Baronies of *Ida* and *Knocktopher* in the County of *Kilkenny*, mentioned or referred to in the Five several Classes contained in the Schedule to this Act annexed, an annual Sum during Twenty Years equal respectively to the Rate at the Head of each such Class mentioned upon the annual Value of Property rateable thereto, together with Interest at the Rate aforesaid upon the Amount from Time to Time remaining unpaid of the Monies to be levied out of such Townlands:

Upon and from the Occupiers of Lands, Tenements, and Hereditaments chargeable with the Payment of County Cess or Grand Jury Rates, and situate within the said Barony of *Ida*, other than the Lands, Tenements, and Hereditaments mentioned or referred to in the said Five several Classes contained in the said Schedule, an annual Sum during Twenty Years equal to the Rate of One Halfpenny in the Pound upon the annual Value of Property rateable thereto, together with Interest at the Rate aforesaid upon the Amount from Time to Time remaining unpaid of the Monies to be levied out of such Property:

Upon and from the Occupiers of Lands, Tenements, and Hereditaments chargeable with the Payment of County Cess or Grand Jury Rates, and situate within the County of *Kilkenny*, and not liable to either of the Two last-mentioned Rates or Sums, an annual Sum during Six Years equal to the Rate of One Farthing in the Pound upon the annual Value of Property rateable thereto, together with Interest at the Rate aforesaid upon the Amount

from Time to Time remaining unpaid of the Monies to be levied out of such Property.

Rates to be continued until Money raised be paid off.

XI. If the whole of the Principal and Interest Monies secured under the Provisions of this Act shall not be fully paid within the Periods by this Act limited for the Rates to be levied thereunder, then the Rates authorized to be levied on the Lands, Tenements, and Hereditaments within the said Baronies of *Bantry* and *Ida* shall be continued in the Proportions aforesaid until full Payment and Satisfaction of such Principal and Interest Monies.

Presentment Sessions and Grand Juries to decide on Purchase of Bridge.

XII. Within One Year after the passing of this Act an Application shall be made by the Trustees for such Presentments to authorize the Purchase of the said Bridge, and every such Application for a Presentment shall be laid before the Presentment Sessions of the County at large respectively of *Wexford* and *Kilkenny*, under the Provisions of the Act of the Sixth and Seventh *William* the Fourth, Chapter One hundred and sixteen, relating to the Presentment of Public Money by Grand Juries in *Ireland*, and shall be subject to such and the like Regulations in all respects as Applications already certified by the Grand Jury under the Provisions of that Act, and shall not be binding unless it shall be approved of by the Presentment Sessions aforesaid and the succeeding Grand Jury; and after such Presentment shall have been made and approved as aforesaid the Treasurers for the Time being of the Counties of *Wexford* and *Kilkenny* shall and are hereby required, without further Presentment or Authority in that Behalf, to insert in their Warrants, to be issued for and on account of the several Assizes, the Amount of the said respective Rates and Interest hereby directed to be paid as aforesaid, when and as the same shall be leviable respectively under this Act, in addition to the other Monies to be levied after each such Assizes; and if the Amount of any Presentment to be raised in any Year shall from any Cause fall short of the Amount hereby directed to be raised by such Presentment in such Year, then and in that Case, and as often as the same shall happen, the said Treasurer or Treasurers shall and he or they is and are hereby required to insert the Amount of such Deficiency, with the said Interest, in his or their Warrant for the ensuing Year; and the said Rates, with Interest as aforesaid, shall be assessed and levied yearly and every Year upon and off the Lands, Tenements, and Hereditaments hereby charged and made liable thereto, until the whole thereof shall have been raised in like Manner, and on such Powers, Terms, and Conditions as to Assessment, Amendment, Distress, Appeal, and Suit, and otherwise, and generally with such Rights, Powers, and Privileges, as may from Time to Time be applicable to Monies presented and levied for County Cess.

XIII. If

If Application fail, Contract for Purchase of Bridge, &c. to be void.

XIII. If any Application for a Presentment shall fail, any and every Agreement, Contract, or Bargain made by the Trustees for the Purchase of the said Bridge and Ferry shall be void; and in that Case the Costs incurred in obtaining this Act, and of all Acts, Matters, and Proceedings had or done thereunder, shall be paid to the Trustees by the respective Treasurers of the Counties aforesaid out of the Cess collected or to be collected for the Borough of *New Ross* in the County of *Wexford*, and such Portions of the Barony of *Ida* in the County of *Kilkenny* as are comprised in the Schedule to this Act respectively, in proportion to the Rate proposed to be levied thereout respectively under the Provisions of this Act.

Treasurer to pay Rates to Trustees.

XIV. The Treasurer of the said Counties respectively shall pay to the Trustees, or their Assigns, the said several Rates or Sums as the same, or any of them, shall be levied and collected from Time to Time.

Separate Rates to be made, and to be Poundage Rates upon the net annual Value.

XV. The Rates to be made and levied under the Authority of this Act shall be separate and distinct Rates upon the Occupiers of rateable Lands, Tenements, and Hereditaments; and every Rate to be made under the Authority of this Act shall be a Poundage Rate, and made upon an Estimate of the net annual Value of the several Lands, Tenements, and Hereditaments rated thereunto; and such annual Value shall be that at which the same Lands, Tenements, and Hereditaments respectively were applotted for the Grand Jury Cess at the Applotment made next before the making of the Rate to be levied under the Authority of this Act.

Rates to be paid by Occupier.

XVI. Every Rate made under the Authority of this Act shall be paid by the Person in the actual Occupation of the Lands, Tenements, or Hereditaments rated at the Time of the Rate being made, and on his Default, then by the Person or Persons subsequently in the Occupation of the same Property, from whom such Rate shall be demanded.

Tenants to deduct Half the Rate from the Rent.

XVII. When the Person occupying such Lands, Tenements, or Hereditaments shall be liable to pay a Rent in respect of the same, he may deduct from such Rent, for each Pound of the Rent which he shall be liable so to pay, One Half of the Sum which he shall have paid as Rate in respect of each Pound of the rateable Value, whether such Rent shall be greater or less than such rateable Value, and so in proportion for any less Sum than a Pound.

Sub-lessors to make proportionate Reduction

XVIII. Where any Person to whom Rent shall be payable in respect of any rateable Lands, Tenements, or Hereditaments shall also pay a Rent in respect of the same, he shall be entitled to deduct from the

from superior Landlord's Rent.

the Rent so paid by him a Sum bearing such a Proportion to the Amount of Rate deducted from the Rent payable to him as the Rent paid by him bears to the Rent payable to him.

Receipt for Rate to be taken in Discharge.

XIX. In all Cases the Receipt for Rates to be levied under the Authority of this Act in respect of any Lands, Tenements, or Hereditaments shall be accepted by every Person entitled to receive Rent in respect of the same in lieu of such a Portion of Rent as the Person tendering such Receipt is hereby entitled to deduct from such Rent by reason of his Payment of the Rate for which such Receipt shall be given: Provided always, that no Deduction on account of any Payment of Rate under this Act shall be held to be a Discharge of any Portion of any Gale or quarterly or other Payment of Rent due from the Person entitled to make such Deduction, so as to prejudice the Right of any Landlord to recover the Possession of any Hereditaments by Ejectment for Nonpayment of the Rent thereof in any Case where the remaining Portion of such Gale shall be unpaid, but that it shall and may be lawful for such Landlord to proceed for the Recovery of such Hereditaments by Ejectment as effectually as if the entire Gale or quarterly or other Payment of Rent out of which such Deduction is hereby allowed had remained wholly due and unpaid: Provided also, that no Deduction shall be made from any Rentcharge granted by way of Jointure, or any other Rentcharge or Annuity granted, limited, or devised for a Life or Lives in being only, or for Years determinable on a Life or Lives in being.

Covenants obliging Tenants to pay an entire Rate to be of no effect.

XX. Any Covenant or Agreement whereby any Person liable to pay a Rent, and entitled, under the Provisions of this Act, to deduct therefrom any Rate or proportional Rate, shall have covenanted or agreed, or shall hereafter covenant or agree, to forego such Deduction, shall, so far as such Rate is concerned, be of no Effect.

Trustees may issue Debentures for paying Portion of Purchase Money.

XXI. In case the Trustees shall decide to pay any Portion of the Purchase Money for the said Bridge and Ferry by means of Debentures, they shall and may issue, free of Expense, to the said Commissioners, Debentures or Mortgages in the Manner in the said "Commissioners Clauses Act, 1847," provided with respect to Mortgages; and the same shall carry Interest at the Rate of Five Pounds *per Centum per Annum*, and shall have the like Effect, and be subject to the like Provisions, in all respects, as Mortgages made by the Trustees.

Trustees to give Notice when sufficient Funds

XXII. As soon as the Trustees shall have received from the Treasurers of the said respective Counties sufficient Monies to satisfy the Purposes of this Act the Trustees shall give Notice thereof in Writing

Writing to the Treasurer and to the Secretary to the Grand Jury of each of the said Counties, and thereafter no Rate shall be laid or assessed for the Purposes of this Act, but any Rate already laid may be levied as usual; and if upon winding up the Affairs of the Trustees it shall appear that they have any Monies in hand, the same shall be returned by the Trustees to the respective Treasurers of the said Counties in the Proportion in which the last annual Payments were contributed by the said Counties, and the same respective Sums shall be credited by the said respective Treasurers to the respective Baronies in each County, according to the Proportion in which such Baronies contributed to the last Rate made under the Provisions of this Act. have been raised.

Power to borrow Money on Credit of Presentments, &c.

XXIII. It shall be lawful for the Trustees, from Time to Time, to borrow at Interest, on the Credit of the Presentments, Monies, Rates, and Assessments by this Act authorized to be raised, levied, and made, any Sum of Money not exceeding, with the Amount of Debentures, if any, given to the Commissioners, the Sum of Fourteen thousand Pounds Sterling, and in the event of any Part of such Sum or Sums of Money being repaid by the Trustees, to reborrow the same, and so *toties quoties;* and for securing the Repayment of the Money so borrowed, with Interest, the Trustees may assign over the said several Presentments, Monies, Rates, and Assessments, or any Part thereof, to the Person who shall advance or lend such Money, as a Security for the Payment of the Money so to be borrowed, together with Interest for the same.

Application of Monies.

XXIV. The Money to come to the Hands of the Trustees by virtue of this Act shall be applied, in the first place, in defraying the Expenses incurred in applying for and incidental to the passing of this Act; in the second place, in paying the annual Interest then due on any Debenture issued by the said Trustees, or on any Money borrowed by them, and in setting aside the Sum directed by the Commissioners Clauses Act to be appropriated as a Sinking Fund; in the third place, in defraying the Expenses of carrying this Act into execution; and lastly, in repaying the Principal Money borrowed by virtue of this Act, or due upon the said Debentures.

Recovery of Damages and Penalties.

XXV. The Clauses of the "Railways Clauses Consolidation Act, 1845," with respect to the Recovery of Damages not provided for, and of Penalties, and to the Determination of any other Matter referred to Justices, shall be and the same are hereby incorporated with this Act.

Trustees to make an Opening in Bridge for the Passage of Vessels.

XXVI. The Trustees shall, within Two Years from their being required so to do, by Notice in Writing under the Hand of the Secretary of the Admiralty, make and complete an Opening in the said

said Bridge, of not less than Thirty-six Feet in Width, in such Manner and at such Part of the Bridge as shall be approved of by the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, such Approval being signified by Writing under the Hand of the Secretary of the Admiralty; and such Opening Bridge shall be at all Times thereafter opened for the Passage of Vessels with fixed Masts through the same, and be free of Toll for such Passage.

The Grand Juries to employ a Person to attend to Opening of Bridge for Vessels.

XXVII. The Grand Juries of the Counties of *Wexford* and *Kilkenny* respectively shall, when in Possession or entitled to the Possession of the said Bridge, contract with, employ, and pay a fit and proper Person to attend to and open the said Opening Bridge, and such Person shall at all Times open the same for the Passage of Vessels; and the Expense incurred in employing any such Person shall be considered Part of the Expense of repairing and maintaining the said Bridge, and be raised accordingly.

Vessels not to be detained unreasonable Time for the Opening of Bridge.

XXVIII. It shall not be lawful for the Grand Juries, or any Person whomsoever, to detain any Vessel, Barge, or Boat navigating the River for a longer Space of Time than may be sufficient for opening the said Bridge to admit such Vessel, Barge, or Boat to pass; and in case they shall detain any such Vessel, Barge, or Boat contrary to the Provisions of this Act, or demand, take, or receive any Toll for the Passage of any Person or Persons, Vessel, Barge, or Boat, every Person so offending shall, in every such Case, forfeit and pay the Sum of Ten Pounds; but nothing in this Act shall prevent any Remedy for Damages which any Party may sustain in respect of any such Detention as aforesaid.

Works below High-water Mark not to be executed without the Consent of the Admiralty.

XXIX. It shall not be lawful for the Trustees to construct below High-water Mark at ordinary Spring Tides any Work hereby or otherwise authorized to be made without the previous Consent of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid for the Time being, to be signified in Writing under the Hand of the Secretary of the Admiralty, and then only according to such Plan and under such Restrictions and Regulations as the said Lord High Admiral or the said Commissioners for executing the Office of Lord High Admiral may approve, such Approval being signified as last aforesaid; and where any such Work shall have been constructed, it shall not be lawful for the Trustees at any Time to alter or extend the same without obtaining, previously to making any such Alteration or Extension, the like Consent or Approval; and if any such Work shall be commenced or completed or altered or extended contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral or the said Commissioners for executing the Office of Lord High

High Admiral to abate, alter, and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Trustees, and the Amount thereof shall be a Debt due to the Crown, and be recoverable accordingly, with Costs of Suit.

Admiralty may order a local Survey, if necessary, at Expense of Trustees.

XXX. If at any Time or Times during the Continuance of this Act it shall be deemed expedient by the Lord High Admiral of the United Kingdom or the Commissioners for executing the Office of Lord High Admiral to order a local Survey and Examination of any Works of the Trustees in or affecting or across the said River, the Trustees shall defray the Costs of every such local Survey and Examination, and the Amount thereof shall be a Debt due to Her Majesty from the Trustees, and if not paid upon Demand may be recovered as a Debt due to the Crown, with the Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Trustees.

If Works abandoned, &c., the Admiralty may restore the Site to its former Condition at Cost of Grand Juries.

XXXI. If any Work in or across the said River, or if any Portion of such Work which affects such River or Access thereto, shall be abandoned or suffered to fall into Disuse or Decay, it shall be lawful for the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral to abate and remove the same, or such Part or Parts thereof as he or they may at any Time or Times deem fit and proper, and to restore the Site thereof to its former Condition, at the Cost and Charge of the said Grand Juries, and the Amount thereof shall be a Debt due from the said Grand Juries to the Crown, and be recoverable accordingly, with Costs of Suit, and the Amount shall be raised in the same Manner as Money required for the Repair and Maintenance of the said Bridge.

As to Expiration of Powers of Trustees.

XXXII. From and after the Expiration of One Year next after full Satisfaction of all Mortgages and Debentures issued under the Provisions of this Act all the Powers and Authorities hereby given to the Trustees shall absolutely cease and determine, but so nevertheless as not to defeat, prejudice, or affect any Action or Suit which shall have arisen against them, or which they may have against any Person or Persons, or any Matter which may remain to be done for winding up the Affairs of the Trustees.

When Bridge completed the Two recited Acts to be repealed, and any Quit or other Rent legally payable, to continue to be paid.

XXXIII. When and as soon as the Trustees shall have made and completed the Purchase hereby authorized to be made of the Bridge and Ferry, and the Tolls and Duties payable in respect thereof, and all Compensation payable in respect thereof shall be fully paid and satisfied, then and immediately therefrom the Two herein-before recited Acts passed in the Reign of His Majesty King *George* the Third shall be repealed: Provided always, that any Quitrent or other Rent legally payable by the Commissioners in respect of the said Bridge or Ferry shall, after the Purchase of the said Bridge and Ferry by the said

said Trustees, be provided for and paid to the Person or Persons entitled thereto out of the Funds for the Time being applicable to the Repair of the said Bridge.

Short Title.

XXXIV. In reciting this Act in other Acts, and in legal Instruments, it shall be sufficient to use the Expression "The *New Ross* Free Bridge Act, 1853."

Commissioners may distribute Mortgages amongst the Bridge Proprietors.

XXXV. If any Part of the Purchase Money for the said Bridge and Ferry and Tolls shall be secured by Debentures under this Act, then such Debentures shall be distributed by the Commissioners amongst all or any of the Proprietors of the said Bridge, in such Proportions and Manner as the Commissioners shall think reasonable and just, or necessary to enable them to effect the Distribution of the Purchase Money for the said Bridge and Ferry and Tolls amongst the whole of the Proprietors thereof, and the Commissioners shall not be responsible for the Payment of the Principal Money or Interest secured by any such Debentures.

Receipt of Three Commissioners to be a sufficient Discharge.

XXXVI. The Receipt in Writing of Three of the Commissioners for the Time being, for the Purchase Money to be paid for the Bridge and Ferry, shall be an effectual Discharge for the Sum which in any such Receipt shall be expressed to be received, and the Trustees shall not be obliged to see to the Distribution or Application thereof.

Debts due at the Time of Purchase to belong to Commissioners notwithstanding this Act.

XXXVII. As between the Commissioners on the one hand, and the Trustees on the other hand, all Debts, Tolls, Rents, and other Monies which at the Time of the Bridge and Ferry becoming invested in the Trustees shall be due or owing to the Commissioners by any Person shall belong to the Commissioners, and be accordingly paid to them, in the same or the like Manner as if this Act had not passed, and that all Debts and Sums of Money which at the Time of the Bridge and Ferry becoming vested in the Trustees shall be due or owing from the Commissioners shall be paid by them.

Books, &c. of the Commissioners to be Evidence.

XXXVIII. All Books and other Documents whatsoever by the said recited Acts relating to the said Commissioners, kept by them, or authorized or directed to be kept, shall, after and notwithstanding such Repeal of the same Acts as aforesaid, be admitted as Evidence in all Courts of Law and Equity and elsewhere.

Application of Purchase and other Monies.

XXXIX. The said Commissioners to whom such Purchase and other Monies as aforesaid are herein-before directed to be paid by the said Trustees shall stand possessed of the same, and also of all other Sum and Sums of Money which at the Time of the Bridge, Tolls, and Ferry

Ferry becoming vested in the said Trustees, shall belong to or be owing to the said Commissioners, and which shall or may at any Time or Times thereafter be received by or come into the Hands of the said Commissioners on account of or for the Benefit of the Proprietors of the said Bridge, Tolls, and Ferry upon trust, after paying all the Debts, Liabilities, and Engagements of the said Commissioners in respect to the said Bridge, Tolls, and Ferry, or the Management thereof, to divide the same between the several Persons who at the Time of the Payment of such Purchase and other Monies as aforesaid shall be the Proprietors of the said Bridge, Tolls, and Ferry, in proportion to the Number of their respective Shares or Debentures therein, and their respective Executors, Administrators, and Assigns; and the said Commissioners shall have all such and the same Powers for the Recovery of Debts and Sums of Money as shall be due and owing to them, notwithstanding the Repeal of the said Acts relating thereto, as they would have had if the said Acts had not been repealed.

Commissioners not bound to regard Trusts.

XL. The said Commissioners shall not be bound to see to the Execution of any Trusts, whether express, implied, or constructive, to which any of the Shares or Debentures may be subject, and the Receipt of the Person or Persons in whose Name or Names any Share or Debenture shall stand in the Books of the said Commissioners shall be a sufficient Discharge to the Commissioners for all Monies which shall be paid in respect of such Shares or Debentures, notwithstanding any Trust to which such Share or Debenture may be subject, and whether the said Commissioners shall or shall not have had Notice of such Trusts; and the Commissioners shall not be bound to see to the Application of the Money paid upon such Receipt.

Receipt of Executor, &c. of the Shareholder to discharge Commissioners.

XLI. The Receipt of any Executor, Administrator, Committee, or Guardian of any Proprietor of the said Bridge and Ferry, or of any Person or Persons entitled to any Share or Shares therein, shall be a good and effectual Discharge to the Commissioners for so much Money as shall be paid by them for or on behalf of such Proprietor, Commissioner, or Person, and as shall be expressed in any such Receipt to have been received, and shall exonerate and discharge the Commissioners from seeing to the Application thereof, and from being answerable for any Misapplication or Nonapplication of the same, or any Part thereof, or being liable to any other Duty or Obligation, by reason of any Trust affecting the Person to whom, or the Share in respect of which, such Payment shall be made, and that the Assets of the said Commissioners, or the said Bridge, Tolls, or Ferry, shall not after such Payment be in anywise liable or subject to the Performance of such Trusts, or to any Action or Suit at Law or in Equity in respect thereof.

List of Non-claimants to be given in the Dublin Gazette.

XLII. At the Expiration of Six Months next after the Day on which such Purchase Monies as aforesaid shall have been paid to the Commissioners by the Trustees, the Commissioners shall, in case the whole of the Monies to be distributed under the Authority of this Act shall not have been called for by the Proprietors of Shares or Debentures, cause Notices to be inserted Three Times in the *Dublin Gazette*, and in some Newspaper usually printed or circulated in the County of *Wexford*, containing the Names, in alphabetical Order, of the Persons appearing in the Books of the said Commissioners to be Proprietors of Shares or Debentures therein, who may not have called for or claimed their Share, Debenture, or Proportion of the Money by this Act ordered to be distributed amongst the Proprietors of Shares or Debentures in the said Bridge and Ferry, and stating that if such Persons shall not make and substantiate their Claim to such Monies within the Time to be limited in such Notice (being Twelve Months from the Day on which such Purchase Monies as aforesaid shall have been so paid as aforesaid), the Amount of such Monies will be paid into the Bank of *Ireland* in pursuance of the Provisions of this Act: Provided always, that the Copy of such Notice as last aforesaid shall be given or sent by the Post unto or left at the last known Place of Abode in *Ireland* of the last Proprietor appearing in the Books of the said Commissioners to have been possessed of such unclaimed Shares, and in case the last or usual Place of Abode in *Ireland* of any such Proprietor cannot be ascertained upon Inquiry, then the Insertion as aforesaid of such Notice in the *Dublin Gazette*; and such Newspaper as aforesaid shall be deemed to be sufficient Notice to such Proprietor of Shares of the Matters contained in such Notice; and after such Notice, and in default of any such Proprietor or Commissioner in making or establishing his Claim in respect of such Shares, it shall be lawful for such Commissioners to pay such Monies into the Bank of *Ireland* accordingly.

Monies due in respect of Shares not claimed within 12 Months to be transferred into the Name of the Accountant General of the Court of Chancery.

XLIII. At the Expiration of Twelve Months from the Day on which such Purchase Monies shall have been so paid to the Commissioners as aforesaid the said Commissioners shall cause all such Sum and Sums of Money as shall not have been distributed amongst the Proprietors of the said Bridge, Tolls, and Ferry, and shall then remain in their Hands, either from the same not having been called for by the Proprietors entitled thereto, or from the Persons claiming the same not having shown a sufficient Title thereto, to the Satisfaction of the Commissioners, or from any other Cause, to be paid into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there to the Credit of the Person entitled thereto (describing him as he may be described in the Books of the Commissioners), pursuant to the Method prescribed

prescribed by any Act for the Time being in force for regulating Monies to be paid into the said Court.

If adverse Claims be made, Money to be paid into the Bank.

XLIV. If in the Course of winding up the Affairs of the Commissioners Two or more Persons shall claim to be entitled to the same Share or Debenture, or to the Money which may be payable in respect thereof, or to any Part of such Money, and such Persons cannot agree as to which of them shall receive such Money, or as to the Manner in which the same shall be disposed of, then and in such Case it shall be lawful for the Commissioners, and they are hereby authorized and empowered, at the Expiration of Twelve Months from the Day on which such Purchase Monies shall have been so paid as aforesaid, to pay the Money which shall be payable in respect of the Share or Debenture, the Title to which shall be so in dispute, into the Bank of *Ireland* in the Name and with the Privity of the Accountant General of the Court of Chancery, to be placed to his Account there, *ex parte* "The Proprietors of the Share or Shares numbered "in the Bridge, Tolls, and Ferry over the River at *New Ross*" (describing such Shares by their Numbers in the Books of the Commissioners), pursuant to the Method herein-before referred to, subject to the Control and Disposition of the said Court.

Cashier's Receipt a sufficient Discharge to the Commissioners.

XLV. In every Case in which any Money shall be paid into the Bank of *Ireland* by the said Commissioners in the Name and with the Privity of the Accountant General of the High Court of Chancery, under the Authority of this Act, the Certificate of the Accountant General, together with the Receipt of One of the Cashiers of the Bank of *Ireland* to be thereto annexed, and therewith filed in the Registrar's Office of the said Court of Chancery, of the Payment into the Bank of *Ireland* by the said Commissioners of any such Money as aforesaid, or an Office Copy thereof, shall be a good and sufficient Discharge to such Commissioners, and their respective Heirs, Executors, Administrators, and Assigns, for the same, or so much thereof as therein respectively shall be expressed to have been paid; and that such Commissioners, their Heirs, Executors, Administrators, or Assigns, shall not afterwards be liable to see to the Application of such Money, or be answerable or accountable for any Loss or Misapplication or Nonapplication of the same.

Money paid into the Bank by the Commissioners to be invested.

XLVI. All Money which shall be paid by the Commissioners into the Bank of *Ireland* in the Name of the Accountant General, under the Authority of this Act, shall there remain until the Person entitled thereto shall, upon Petition to be presented to the Court of Chancery in a summary Way (and which he is hereby authorized to present at his own Expense), obtain an Order for the Transfer thereof into his own Name, or otherwise, and that the said Accountant General shall

and

and may from Time to Time invest the Dividends thereof, when the same shall amount to a competent Sum, in the Purchase of Stock in the Three Pounds *per Centum* Consolidated Bank Annuities, for the Benefit of the Persons entitled thereto, subject to the Orders and Directions of the said Court, which Court, on the Application of any Person making Claim to such Money or any Part thereof, by Motion or Petition, shall be and is hereby empowered, in a summary Way of Proceeding or otherwise as to the said Court shall seem meet, to order the same to be laid out and invested in the Public Funds, and to order Distribution thereof, or Payment of the Dividends thereof, according to the respective Estates or Interest of the Persons making Claim thereto, and to make such other Order or Orders in the said Premises as to the said Court shall seem just and reasonable.

Purchase Money to be paid to the Commissioners may be invested at Interest until wanted for Distribution.

XLVII. In the meantime, and until the Purchase and other Monies herein-before directed to be paid to the Commissioners can be distributed among the Proprietors of Shares or Debentures in the said Bridge, in pursuance of the Provisions of this Act, the same or so much thereof as the Commissioners in their Discretion may think expedient may be invested by them in the Purchase of Government Stock, or may be deposited to their Credit in the Bank of *Ireland* or any Branch thereof; and the Money so invested or deposited, and the Interest, if any, which shall arise therefrom, shall be subject to the Directions and Provisions of this Act in regard to the said Purchase Money.

Commissioners may employ Clerks, &c.

XLVIII. It shall be lawful for the Commissioners, and they are hereby authorized, to employ such Clerks and other Officers as they may deem requisite for carrying into effect such of the Provisions of this Act as relate to the said Commissioners, and to allow them such Salaries or Remuneration as such Commissioners shall think fit out of the Funds which shall come to their Hands by virtue of this Act.

Commissioners to pay their Debts before Distribution of Purchase Money.

XLIX. It shall be lawful for the Commissioners, and they are hereby required, before they shall proceed to distribute any Part of the Monies by this Act made distributable amongst the Proprietors of the said Bridge and Tolls and Ferry, to pay and discharge all just Debts and Demands outstanding against the Commissioners, and also all such Costs and Charges as shall have been incurred by the Commissioners preparatory and incidental to the Sale of the said Bridge, Tolls, and Ferry, and the carrying the Provisions of this Act into effect, so far as they relate to the said Commissioners.

Commissioners to meet whenever requisite,

L. It shall be lawful for the said Commissioners to meet when and as often as they shall think fit for the Purposes of this Act, and that Three of such Commissioners present at a Meeting shall (so long as Three

Three Commissioners remain) be a Quorum and competent to act; and that when so soon as the Number of such Commissioners shall be reduced below Three, the remaining Commissioners or Commissioner for the Time being shall or may exercise all the Powers and Authorities by this Act vested in the whole Body of Commissioners. Three to be a Quorum.

LI. Provided also, That the said Commissioners, or any or either of them, or any or either of their respective Executors or Administrators, shall not be charged or chargeable with or for any more or other Monies than they respectively shall actually receive, or than shall come to their respective Hands under and by virtue of this Act, and that no One or more of the said Commissioners shall be answerable or accountable for the other or others of them, or for the Acts, Receipts, Neglects, or Defaults of the other or others of them, or for any other Misfortune, Loss, or Damage which may happen to the said Monies or Assets of the said Commissioners, in the Execution of the said Trusts or in relation thereto, unless the same shall happen by or through their own wilful Default respectively, and then and in that Case each Person respectively shall singly and alone be answerable for such Loss as shall arise from his own wilful Neglect or Default. Commissioners to be respectively chargeable for their own Acts only.

LII. The several Persons whose Names shall appear on the Books of the Commissioners to be the Proprietors of Shares or Debentures in the said Bridge and Tolls and Ferry shall, until the contrary be proved to the Satisfaction of the said Commissioners, be considered to be the Persons entitled to a distributive Part or Share of the said Purchase Monies, and of any other Monies to be divided amongst the Proprietors of Shares or Debentures in the said Bridge and Tolls and Ferries. Persons whose Names appear in the Books as Proprietors to be deemed such until the contrary be proved.

LIII. For the Purpose of ascertaining whether any Persons other than whose Names shall appear in the Books of the said Commissioners to be the Proprietors of Shares or Debentures in the said Bridge and Tolls and Ferry are entitled to any such Shares or Debentures therein, the said Commissioners shall cause Notice to be inserted twice in the *Dublin Gazette*, and also in some Newspaper usually printed or circulated in the Town of *New Ross*, stating the Intention of the Commissioners to pay to the several Persons whose Names shall, on a Day to be named therein, appear in the Books of the Commissioners to be Proprietors of Shares or Debentures therein, a distributive Part or Share of the Purchase Monies for the Bridge, Tolls, and Ferry, and requiring all Persons who may have become entitled to any Shares or Debentures in the said Bridge, Tolls, and Ferry, under or by reason of any Purchase, Marriage Bequest, Right of Representation, Operation of Law, or other Right or Title, to send in their Claim to such Shares to the Registrar or Treasurer of the said Notices to be given in the Dublin Gazette requiring unregistered Proprietors to make Claim.

Commissioners, on or before the Day to be named in such Notice, and to verify the same in such Manner as the said Commissioners shall think proper to require.

Saving Rights to the Crown.

LIV. Nothing contained in this Act, or in the Acts herein recited or referred to, shall extend to authorize the Trustees to purchase, take, or use any Land or Soil, or Rights in respect thereof, belonging to Her Majesty in right of Her Crown, without the Consent in Writing of the Commissioners or Commissioner for the Time being of Her Majesty's Woods, Forests, and Land Revenues having the Management of the Land Revenues of the Crown in *Ireland*, first had and obtained for that Purpose, and which such Commissioners or Commissioner are and is hereby authorized and empowered to give; or to prejudice, diminish, alter, or take away any of the Rights, Privileges, Powers, or Authorities vested in or enjoyed by Her Majesty, Her Heirs and Successors.

Interpretation of Terms.

LV. In this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant:

The Expression "the Trustees" shall mean the Trustees for the Time being acting by virtue of this Act:

The Expression "Commissioners" shall mean the Commissioners of the said Bridge constituted under the first-recited Act:

The Word "Rates" shall mean the several Sums by Rates, County or Baronial Cess, by this Act authorized to be levied:

The Words "Justice," or "Justice of the Peace," or "Justices," shall mean Justice or Justices of the Peace acting for the County of *Wexford*:

The Word "Bridge" shall include the Toll Houses, Toll Gates, Piers, Abutments, Appurtenances, and all other Things affixed or belonging to the Free Bridge hereby authorized to be established.

SCHE-

SCHEDULE referred to in this Act.

TOWNSHIPS AND TOWNLANDS IN THE COUNTY OF KILKENNY.

CLASS 1.—AT FOURPENCE IN THE POUND.

Townland.	Parish.
Rosbercon	Rosbercon.
Annefield	ditto.
Garranbehy, Big	ditto.
Ditto, Little	ditto.
Tinnakilly, Big	ditto.
Ditto, Little	ditto.
Ballybeg	ditto.
Milbanks	ditto.
Raheen	ditto.
Glencloughlea	Shanbogh.
Shanbow, Lower	ditto.
Ditto, Upper	ditto.
Annaghs	ditto.
Hoodsgrove	Rosbercon.
Tinneranny	ditto.
Glin	ditto.

CLASS 2.—AT THREEPENCE HALFPENNY IN THE POUND.

Glensansaw	Rosbercon.
Glentyroe	Dysartmoon.
Ballyknock	ditto.
Ballyreddy	ditto.
Kilbraggan	Dysartmoon.
Slievecarragh	ditto.
Ballyeden	Shanbogh.
Brownstown	Dysartmoon.
Ditto	Listerlin.
Rahora	ditto.
Ballycrony	Ballygurrein.
Milltown	ditto.
Busherstown	ditto.
Forestalstown	ditto.
Jamestown	ditto.
Ballyverneen	ditto.
Ballycurrin	Listerlin.

Townland.	Parish.
Class 3.—At Threepence in the Pound.	
Ballyneale	Dysartmoon.
Ditto	Listerlin.
Ballyfoile, Upper	Dysartmoon.
Ditto, Lower	ditto.
Newgrove	ditto.
Glenballyvally	ditto.
Curragh Lane	ditto.
Cooleen	ditto.
Tullogher	ditto.
Listerlin	Listerlin.
Ballalog	ditto.
Guilkaghbeg	ditto.
Guilkaghmore	ditto.
Class 4.—At Twopence Halfpenny in the Pound.	
Brabstown	Listerlin.
Bally Connaught	Dysartmoon.
Bally Kenna	ditto.
Curraghmore	ditto.
Garrandarragh	Jerpoint, West.
Brownsford	Dysartmoon.
Class 5.—At Twopence in the Pound.	
Darbystown	Listerlin.
Ballymartin	ditto.
Ballymagill	ditto.
Glenpipe	Jerpoint, West.
Mullinakill	ditto.
Colnahau	ditto.

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