ANNO SEXTO

GULIELMI IV. REGIS.

Cap. lxxi.

An Act to extend the Time limited by an Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, for the Improvement of the *Newry* Navigation.

[21st *June* 1836.]

WHEREAS by an Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the Improvement and Extension of the* Newry *Navigation*, it is among other Things enacted, that whenever and so soon as it should be made appear, upon any Plan or Estimate by or on behalf of the *Newry* Navigation Company therein named, to the Satisfaction of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, that the Sum of Eighty thousand Pounds or any other Sum shall be necessary and sufficient for the Execution of the Works therein, and that such Sum had been actually subscribed, or the Payment thereof fully made or secured, it should be lawful for such Lord Lieutenant or other Chief Governor or Governors, by any Order to be signified to the said *Newry* Navigation Company by the Chief Secretary of such Lord Lieutenant or other Chief Governor or Governors, to declare the Approbation of such Lord Lieutenant or other Chief Governor or Governors of such Plan and Estimate, and to direct that from a Day to be mentioned in such Order all Powers and Authorities whatsoever vested in the Directors of Inland Navigation, or in any Commissioners, Officers, Servants, 10 G. 4. c. 126.

Servants, Agents, or other Persons employed, appointed, or authorized by them, should cease and determine, and should become null and void, so far as the same related to the said *Newry* Navigation or the Branches thereof or of any Part thereof, or the Property, Tolls, or Profits of the same, or to the Control, Management, or conducting thereof, and that all such Powers and Authorities should thereupon actually cease and determine accordingly, and should be and become and to be thereby declared to be null and void: And whereas in pursuance of the said Provision in the said recited Act His Grace *Hugh* Duke of *Northumberland*, then Lord Lieutenant General and General Governor of *Ireland*, by Order bearing Date at the Castle of *Dublin* the Twelfth Day of *July* One thousand eight hundred and thirty, after reciting, among other Things, the Provision herein-before mentioned, and that it had been fully made appear, upon a Plan and Estimate submitted to the said Lord Lieutenant General by and on behalf of the said *Newry* Navigation Company, that a Sum of Sixty-six thousand seven hundred and ninety-six Pounds would be necessary and sufficient for the Execution of the Works in the said Act mentioned, and that such Sums had been actually subscribed, and the Payment thereof fully made or secured, did signify and declare to the said *Newry* Navigation Company, by the Right Honourable *Francis Leveson Gower*, then Chief Secretary of the said Lord Lieutenant General, his Approbation of the Plan and Estimate therein mentioned, and did direct that from *Monday* the Twenty-sixth Day of *July* then instant all Powers and Authorities whatsoever vested in the said Directors of Inland Navigation, or any Commissioners, Officers, Servants, Agents, or other Persons employed, appointed, or authorized by them, should cease and determine, and should become null and void, so far as the same related to the *Newry* Navigation or the Branches thereof or any Part thereof, or the Property, Tolls, or Profits of the same, or to the Control, managing, or conducting thereof: And whereas the Time granted for the Improvement of the *Newry* Canal and for the Completion of the Navigation thereof was by the said recited Act limited to a Term of Seven Years to be computed from the Time when the said *Newry* Navigation Company should receive Possession of the said Canal under the said Act, and the said Term will in consequence expire on the Twenty-sixth Day of *July* One thousand eight hundred and thirty-seven: And whereas considerable and beneficial Improvements have been made by the Company by the said Act incorporated for that Purpose in the said Navigation, and a Sum of Thirty-one thousand Pounds or thereabouts has been expended thereon; but the Time so limited for completing the Improvements of the said Navigation by the said recited Act has been found too short, and that it is necessary to extend such Term for a further Term of Four Years beyond the said Twenty-sixth Day of *July* One thousand eight hundred and thirty-seven: 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,

Time for completing

That the Period limited by the said recited Act for the Completion of the said Navigation and the Works authorized to be made under

the said recited Act shall be and the same is hereby extended to the Twenty-sixth Day of *July* One thousand eight hundred and forty-one, and that all Powers, Authorities, Provisions, Penalties, Forfeitures, Matters, and Things contained in the said recited Act shall be and remain and continue in full Force and Effect for the Purposes of the said recited Act and of this Act, during such further Period as aforesaid, as fully and effectually, in all respects, and to all Intents and Purposes, as if such extended Period had been given by the said recited Act, and as if all and singular the Powers, Authorities, Provisions, Penalties, Forfeitures, Matters, and Things contained in the said recited Act had been specially and particularly re-enacted in and made Part of this Act. the Navigation extended.

II. Provided always, and be it enacted, That in case the said Company shall neglect or abandon the Improvement of the said Navigation during the said extended Term, or shall not fully complete the same within such Term, then and in either of such Cases it shall and may be lawful for the said Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being to order and direct that the Powers, Authorities, Rights, and Privileges given to the said Company by this Act and the said recited Act shall cease and determine, and thereupon to deal with the said Canal and the Works, and Funds and Tolls, and the Property, Real, Chattel, and Personal, belonging or relating to the same, in like Manner, and with the like Powers and Authorities, and subject to the like Regulations, to all Intents and Purposes, as by the said recited Act provided in case of the Neglect or Abandonment or Non-completion of the said Navigation within the said original Term of Seven Years. In case of Neglect or Abandonment, or Non-completion of Navigation within the original Term.

III. And whereas it was by the said recited Act enacted, that at the Annual General Meeting which should be held on the First *Monday* in *May* next after the Appointment of the Committee first appointed under the said Act Three of the Members thereof should go out of Office and cease to be Members of the said Committee, and that on the First *Monday* in the Month of *May* then next following Three more Members of the Committee should also go out of Office as aforesaid, and that on the First *Monday* in the Month of *May* then next following the Three remaining Members of the said Committee so first appointed under the said Act should go out of Office and cease to be Members thereof: And whereas the said recited Enactment only provides for a Rotation among Nine Members, and it is provided by and was the Intent and Meaning of the said Act that such Committee should consist of Twelve Members; be it therefore further declared and enacted, for the Removal of any Doubt or Difficulty which might arise by reason of the Contrariety of the said Provisions, That the Rotation prescribed by the said Act shall and ought to have taken place as between the Twelve Members of such Committee; and that the several Persons heretofore from Time to Time elected and appointed, and who have been in all other respects duly qualified, elected, and appointed, and acted as Members of the said Committee in such Rotation, shall be deemed and taken to have been duly appointed Members of such Committee pursuant to the Provisions of the said Act, and that no Act, Matter, Acts of the Committees heretofore appointed to be in all respects valid.

or

or Thing heretofore done or hereafter to be done by them or any of them as Members of such Committee shall be impeached by reason of such Rotation having taken place or taking place; and that on all future Elections of the Committee of Management under the Provisions of the said Act Three Members of each such Committee shall annually go out of Office as aforesaid and cease to be Members of such Committee, any thing in the said Act to the contrary thereof in anywise notwithstanding: Provided always, that it shall and may be lawful for the said Navigation Company again to nominate and appoint any such Person or Persons so qualified, when necessary, as aforesaid, going out of Office, to be a Member or Members of the said Committee of Management.

Expences of this Act.

IV. And be it further enacted, That the Costs, Charges, and Expences of applying for and obtaining this Act shall be paid and defrayed by the said Company out of the Monies raised or levied or to be raised or levied by them by virtue of the said recited Act or this Act, or either of them.

Public Act.

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

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