ANNO PRIMO & SECUNDO

GULIELMI IV. REGIS.

CAP. XXXIII.

An Act for the Extension and Promotion of Public Works in *Ireland*. [15th *October* 1831.]

WHEREAS under and by virtue of an Act passed in the Fifty-seventh Year of the Reign of His Majesty King *George* the Third, intituled *An Act to authorize the Issue of Exchequer Bills, and the Advance of Money out of the Consolidated Fund, to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and Employment of the Poor in* Great Britain, *in manner therein mentioned*, and by several other Acts since from Time to Time made, certain Sums of Money were appropriated and made applicable, under the Direction of Commissioners appointed by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, to the Aid and Encouragement, by way of Loan upon certain Securities in such Acts specified, of Public Works in *Ireland*: And whereas great Benefit has been found to arise from holding out and affording such Aid and Encouragement, but the Sums of Money for that Purpose granted have been nearly all appropriated; and it is expedient further to promote the Execution of Works of Public Utility, by extending to such Works, upon a permanent System, the Aid of Public Credit, to be afforded on sufficient Security taken for the Repayment of the Money raised thereunder, together with Interest thereon, under the Controul and Direction of Commissioners to be for that Purpose appointed: And whereas it is also expedient to transfer to such Commissioners the Duties now performed by various Public Boards, capable of being consolidated with Advantage to the Public Service and Economy to the

57 G. 3. c. 34.

the Resources of the Nation; be it therefore 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 it shall and may be lawful for the King's most Excellent Majesty, by Warrant or Warrants under His Royal Sign Manual, to authorize and empower the Commissioners of His Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, now or for the Time being, to cause or direct to be made out from Time to Time, as may be necessary, under the Provisions of this Act, at His Majesty's Exchequer in *Great Britain*, any Number of Exchequer Bills the Amount whereof at any Time outstanding shall not exceed in the whole the Sum of Five hundred thousand Pounds; such Bills to be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions (except where other Directions for making out the same are contained and particularly expressed in this Act), as in and by an Act made in the Forty-eighth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, are enacted and prescribed.

His Majesty may authorize the Treasury to direct 500,000*l.* Exchequer Bills to be issued as under 48 G. 3. c. 1.

II. And be it further enacted, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Act of the Forty-eighth Year of the Reign of His late Majesty King *George* the Third shall be applied and extend to the Exchequer Bills to be made in pursuance of this Act, as fully and effectually to all Intents and Purposes as if the said several Clauses or Provisoes had been particularly repeated and re-enacted in the Body of this Act.

Provisions of 48 G. 3. c. 1. to extend to this Act.

III. And be it further enacted, That the said Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein, and shall be made payable at such Periods as shall be fixed by the said Commissioners of His Majesty Treasury; nevertheless so as that all such Bills as shall be made out for the carrying on of any Works under the Provisions of this Act shall be made payable within Three Years from the Date thereof, and that the Principal Sum contained in every such Bill, together with such Interest as aforesaid, to be computed from the Day of the Date thereof until the Time appointed for the Payment thereof, shall be paid off and discharged upon the Days and Times respectively appointed for the Payment thereof.

Exchequer Bills to bear Interest after the Rate of $3\frac{1}{2}$*d.* per Diem, and to be payable as the Treasury shall appoint, but not later than Three Years from their Date.

IV. Provided always, and be it further enacted, That all and every the Exchequer Bills to be made out by virtue of this Act, or so many of them as shall from Time to Time remain undischarged and uncancelled after the respective Days on which they shall become due and payable, shall and may after that Time pass and be current to all and every the Receivers and Collectors in *Great Britain* and *Ireland* of the Customs, Excise, or any Revenue, Supply, Aid, or

Exchequer Bills after they have become due to be current with Collectors of Excise, &c. but not before.

Tax whatsoever, due or payable to His Majesty, His Heirs or Successors, and also at the Receipt of Exchequer in *Great Britain*, and at the Bank of *Ireland* to the Credit and Account of the Teller of His Majesty's Exchequer of *Ireland*, from the said Receivers or Collectors; but no such Receiver or Collector shall exchange at any Time before the said Day of Payment thereof, for any Money of such Revenues, Aid, Taxes, or Supplies in his Hands, any Exchequer Bill which shall have been issued as aforesaid by virtue of this Act, nor shall any Action be maintained against such Receiver or Collector for neglecting or refusing to exchange any such Exchequer Bill for ready Money before the said Day of Payment thereof, any thing in this Act to the contrary contained in anywise notwithstanding; and that such of the same Bills as shall be received at the said Receipt of the Exchequer in *Great Britain*, and at the said Bank of *Ireland* to the Credit and Account of the said Teller of His Majesty's Exchequer there, shall and may be locked up and secured as Cash according to the Course of the said Exchequers of *Great Britain* and *Ireland* respectively, settled and established by Law for locking up and securing Monies received in Specie at the said Exchequer of *Great Britain*, or Bank of *Ireland* to the Credit and Account of the Teller of the said Exchequer of *Ireland* respectively.

Three Commissioners to be appointed under Sign Manual.

V. And be it further enacted, That it shall and may be lawful for the King's most Excellent Majesty, by Warrant or Warrants under the Royal Sign Manual, to nominate Three Persons to be Commissioners for the Execution of this Act during His Majesty's Pleasure, and to remove any One or more of the same, and in like Manner to nominate another or others in the Room of the Person or Persons so removed; and the said Persons so to be from Time to Time nominated shall be and they are hereby constituted and appointed Commissioners for the Execution of this Act.

Commissioners to meet in Dublin, and appoint Secretary, Surveyors, &c. and other Officers, with Salary, subject to Direction and Approbation of Commissioners of Treasury.

VI. And be it further enacted, That the said Commissioners for the Execution of this Act, or the Chairman with any One of them, shall meet and sit from Time to Time in *Dublin*, in such Place or Places as they shall respectively find most convenient, with or without Adjournment; and they, or the Chairman and any One of them, shall and may from Time to Time appoint and employ such Secretary, Solicitor, and such and so many Civil Engineers or Surveyors, Clerks, Messengers, or other Officer or Officers, as by the Commissioners of His Majesty's Treasury for the Time being may be directed or approved; and it shall and may be lawful to and for the said Commissioners for the Execution of this Act to allow to such Secretary, Solicitor, Engineers, Surveyors, Clerks, Messengers, and other Officers such reasonable Salary and Salaries, Pay or Reward, as to such Commissioners may seem meet, subject always to the Approval and Direction of the Commissioners of His Majesty's Treasury, and from Time to Time, at their Discretion, to dismiss and discharge such Secretary, Solicitor, Engineer or Engineers, Surveyor or Surveyors, and other Officers, or any or either of them, and to appoint others in their Place, subject to such Direction or Approval as aforesaid; and the said Secretary, Solicitor, Engineers, Surveyors, Clerks, Messengers, and other Officers are hereby required to execute and perform

form their several Duties without any Fee or Gratuity whatsoever therefor, other than such Salaries, Pay, or Rewards as the said Commissioners for the Execution of this Act shall, with such Approval and Direction as aforesaid, fix, appoint, and allow in manner by this Act directed.

No Superannuation Allowance to any Person under this Act.

VII. Provided, and be it further enacted, That no Commissioner, nor any Officer nor other Person appointed or to be appointed under this Act, shall be entitled, by reason of any Service under this Act, to claim or receive any Superannuation, Pension, or Allowance in the Nature thereof; any thing in any Act or Acts heretofore made, or any Law or Usage, to the contrary notwithstanding.

Lord Lieutenant to issue Money for necessary Expences and Allowances, on Order of Commissioners, and an Account thereof to be laid before Parliament.

VIII. And be it further enacted, That it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, and he or they is and are hereby authorized and required, to issue and advance, or cause to be issued and advanced, all such Sums of Money, to such Person or Persons, in such Manner and in such Proportions, as the Commissioners for the Execution of this Act, or the Chairman with any One of them, shall by Writing under their Hands from Time to Time desire, out of any of the Public Monies remaining in His Majesty's Exchequer in *Dublin*, to be replaced in the Manner in this Act mentioned; which Sums so to be issued and advanced shall be employed for the Payment of Salaries and Allowances, and in defraying all other necessary Charges and Expences in or about the Execution of this Act, without other Account than the said Commissioners of His Majesty's Treasury shall direct in that Behalf; and which Money so to be issued shall not be subject to any Tax, Duty, Rate, or Assessment whatsoever imposed by Authority of Parliament; but that an Account of the said Charges and Expences shall be laid before both Houses of Parliament at such Times and in such Manner as herein-after directed and appointed.

No Officer in Exchequer or Vice Treasurer's Office to take Fees, other than as allowed.

IX. And be it further enacted, That no Officer or other Person or Persons whatsoever employed in the Receipt of His Majesty's Exchequer in *Great Britain* or *Ireland*, or in the Office of the Vice Treasurer for *Ireland*, shall demand, take, or accept any Fee or Gratuity whatsoever for his or their Care and Labour in and about the Execution of this Act, other than such Salaries, Allowances, Rewards, or Emoluments as shall or may be granted to or allowed to be taken by them respectively.

Chairman and One Commissioner to be a Quorum.

X. And be it further enacted, That all Acts, Matters, and Things which the Commissioners for the Execution of this Act are by any of the Provisions thereof required or authorized to do or execute shall and may be done and executed by any Two of such Commissioners, of whom, except in case of Sickness or other unavoidable Circumstances, the Chairman shall be One.

Commissioners not to sit in House of Commons.

XI. And be it further enacted, That no Commissioner or other Officer appointed or to be appointed under the Provisions of this Act shall during the Time of his acting or Appointment, as such Commissioner

missioner or Officer be capable of being elected a Member of or sitting in the House of Commons.

Commissioners to transmit Accounts to the Treasury quarterly, and at other Times if required; such Accounts to be laid before Parliament.

XII. And be it further enacted, That the Commissioners for the Execution of this Act shall transmit to the Commissioners of His Majesty's Treasury an Account or Accounts of their Proceedings quarterly, and at all other Times when they may be required so to do by the said Commissioners of His Majesty's Treasury; and such Account or Accounts, together with a Summary of all the Applications, whether acceded to or rejected, which shall be made to the said Commissioners under the Provisions herein-after contained, shall at the Commencement of every Session be laid before both Houses of Parliament, together with an Account or Accounts of the Money issued out of the Consolidated Fund, by Warrant of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, for the Payment of Salaries, Allowances, and all other Charges and Expences incurred in the Execution of this Act.

Commissioners before proceeding to Execution of this Act to make Rules and Regulations for their own Government, subject to Revisal of Treasury;

and appoint a Day for receiving Applications.

XIII. And be it enacted, That the Commissioners for the Execution of this Act shall meet on such Day after their Appointment, and at such Place, as by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall be appointed; and shall when so met, and immediately on entering upon the Duty of their Office, and before receiving any Application for Advances under this Act, in the first place frame and prepare such general Rules and Regulations for effectuating the Intent and Objects of this Act, and for their own Government and Direction in receiving, classifying, and considering the Applications which may be made to them thereunder, and generally in discharge of their Duties under this Act, as they shall think fit; and that having duly considered and digested such Rules and Regulations, they shall submit the same to the Commissioners of His Majesty's Treasury for the Time being, to be by them revised, altered, or confirmed, and the same shall be revised, altered, or confirmed accordingly; and the said Commissioners for the Execution of this Act shall, according to the true Purport and Meaning of such Rules and Regulations, so revised, altered, or confirmed, from and after a Day to be by them publicly notified by a Notice inserted in the *Dublin Gazette*, proceed from Time to Time to receive, or authorize their Secretary to receive, and they shall take into consideration, all such Applications as may be made to them under and conformably to the said Rules and Regulations: Provided always, that it shall be lawful for the said Commissioners, from Time to Time, with the Approval or by the Direction of the Lords Commissioners of His Majesty's Treasury for the Time being, to amend, vary, or annul the said Rules and Regulations established as aforesaid, or to adopt new Rules and Regulations, as the Case may require; which Rules and Regulations so altered or varied, or which new Rules and Regulations, shall be to all Intents and Purposes as valid, obligatory, and effectual as the Rules and Regulations originally established as aforesaid.

Rules and Regulations may be altered, with Approval or by Direction of the Treasury.

Particulars which the Rules and

XIV. And be it enacted, That the Rules and Regulations to be established in manner aforesaid shall contain Provisions requiring in all

Regulations shall comprise.

all Cases the Production of such detailed Estimates, Maps, Plans, or Specifications as may be applicable or suitable to the Nature of the respective Works for the Execution or in aid of which any Application may be made, accompanied by Statements distinctly exhibiting and describing the general Nature and Object of each Work, and the Provision made or to be made for the future Maintenance, Repair, and Preservation thereof, and what, if any, Rate, Toll, Custom, Profit, or other such Payment may issue or be expected to accrue therefrom, and the Uses to which any such Payment may be applicable, and the Charges or Liabilities in any respect attaching thereon, as well as the estimated Cost of executing or completing the whole proposed Work, and the several other Matters and Things by any of the Provisions of this Act required and appointed to be stated or observed; and that Copies of such Rules and Regulations, embodying the Requisitions of this Act, and such further Requisitions as may be judged needful or expedient by the Commissioners as aforesaid, subject to such Revision, Direction, and Sanction as aforesaid, shall be published and distributed in such Manner as by the said Commissioners may be deemed proper, for the Information of Persons desirous of making Applications under this Act.

Commissioners to enter in a Book Applications in such a Manner as to exhibit the Nature and Object of each Application and to allow of the Classification of all Applications.

XV. And be it enacted, That the said Commissioners for the Execution of this Act shall enter in a Book, to be by them for that Purpose provided, all such Applications as shall be made to them conformably to the Provisions of this Act, and that such Book shall be in such Manner prepared as to exhibit in a convenient Form the Nature and Object of each Application, and the Conformity of such Application with each and every of the Rules and Regulations established as aforesaid, and also so as to admit of the Classification of all such Applications according to the comparative Merits of the same, in respect of the Description and Certainty of the Security offered for Repayment of the Advances applied for, the shorter or longer Period at which it may be proposed to make such Repayment, the Manner thereof, and whether by Instalments or not, and if by Instalments the Periods at which such Instalments are to commence and the Intervals at which to be continued, and also the Obstacles or Difficulties which may exist to prevent the Execution of such Works in case no such Loan or other Assistance is given, as well as the Benefit which may arise from the Work in affording present Employment for the labouring Classes of the People, and the increased Industry and permanent Demand for Labour which may grow thereout.

Commissioners to appoint a Surveyor to inspect proposed Works, and ascertain Correctness of Estimate, &c.

XVI. And be it enacted, That the Commissioners for the Execution of this Act shall proceed with all convenient Dispatch, upon the Receipt of all such Applications as may be made to them from Time to Time under the Provisions of this Act, to take the same into their Consideration, and shall examine the Statement, Maps, Plans, Specifications, and Estimates accompanying such Applications, and shall, if they shall so think fit, direct and appoint some competent Surveyor or Surveyors to inspect the proposed Work or Works, and to examine into the Accuracy of all such Maps, Plans, Specifications, and Estimates, and to investigate the general Object, Utility, and Nature

of the proposed Work or Works, and report thereon to the said Commissioners; and the Expence attendant upon such Application, Inspection and Examination, Investigation and Report, shall be defrayed by the Parties making the Application; and such Parties shall, when thereunto required, in the first place deposit, as the said Commissioners shall direct, a Sum adequate to defray such Expence; and the said Commissioners for the Execution of this Act shall, upon such Report, and after good Advice, Information, and Deliberation, having due Regard to the Intent and Objects of this Act, and the several Circumstances herein-before specified as Points to be noted in the Classification of Applications under this Act, decide upon each Application, and whether the same be in their Judgment proper to be complied with or rejected, and whether wholly or in part, and what (if any) Sum of Money it might be proper to advance, and when and how payable, and at what Rate of Interest, subject to the Regulations herein-after contained in respect thereof, the same ought to be advanced, and what Security to be required, and, in Cases where they shall so think fit, whether any and what Modification of such Application might be proper to be complied with; and the said Commissioners for the Execution of this Act shall transmit a Copy of such their Decision to the Lords Commissioners of His Majesty's Treasury, together with an Extract or Extracts of so much of the Entries in the Book which they are herein-before directed to prepare and keep as may refer or belong to the Application on which such Decision is made, so as to show fully the Grounds and Reasons therefor.

No Money to issue without the Sanction of the Treasury.

XVII. And be it enacted, That no Advance under this Act, for or on account of any Work, or in compliance with any Application, shall be made, until the same shall have been first submitted to and sanctioned by the Lords Commissioners of His Majesty's Treasury; any thing in this Act contained to the contrary notwithstanding.

All Persons receiving Advances, except Grand Juries, and Commissioners or Trustees for carrying on Works under Authority of Parliament or the Lord Lieutenant, to enter into Security for the Purposes after mentioned.

XVIII. And be it further enacted, That all and every Person and Persons, save as herein-after excepted, to whom Advances may be made for the Use of any Person or Persons, Body or Bodies Politic or Corporate, or Company or Companies, in *Ireland*, or for any other Purposes, under the Provisions of this Act, shall, besides the Securities in each Case respectively herein-after directed to be taken, previously enter into Security by Writing Obligatory to our Sovereign Lord the King, in such penal Sum or Sums of Money as shall be directed by the Commissioners for the Execution of this Act, by such Form of Words as Obligations to the King's Majesty have been used to be made, for the full Performance of such Conditions to be thereunder written as by such Commissioners shall be deemed proper; and that such Commissioners shall have Power and Authority to take and cause such Writing Obligatory to be made and entered into; and that all such Obligations to be so made shall be good and effectual in Law to all Intents and Purposes as any Obligation made to our Sovereign Lord the now King, or His Predecessors, or any of them, hath at any Time heretofore been or now is adjudged, received, or taken to be, any Law, Usage, or Custom to the contrary notwithstanding; provided that it shall not be necessary to take or require any such Security in case of Loans or Advances made to any Grand Jury,

Jury, or Corporation or Company, or Commissioners, Directors, or Trustees for carrying on any Work or Works under Authority of Parliament or of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*.

What shall be contained in Writings Obligatory.

XIX. And be it further enacted, That every such Writing Obligatory or Security shall contain a Clause or Condition binding the Person or Persons, Body or Bodies Politic or Corporate, or Company or Companies, to whom any Advance shall from Time to Time be made under Authority of this Act, to apply the Monies so advanced to and for the Purposes specified in the Application, Plan, and Specification delivered pursuant to the Provisions herein-before contained, and to no other Purpose whatsoever; and also well and truly to account to the said Commissioners for the Execution of this Act, in such Manner as they may be directed by the Commissioners of His Majesty's Treasury, for the Employment, Expenditure, and Disbursement of the Monies so advanced; and also to lay before such Commissioners, whensoever and so often as may be required, a Statement or Report of the Progress of the Works begun and then going on, and also of such further Sums as may be necessary for the Completion of such Works; and also, if so required, to lay before the said Commissioners, as well during the Progress as at the Completion thereof, all such Contracts and Agreements as may have been entered into by the said Person or Persons, Body or Bodies Corporate or Politic, Company or Companies, for the Execution of the Works for which such Money shall be or have been advanced; and also to permit, at all such Times as such Commissioners shall desire, the Inspection by such Commissioners, or any Person or Persons duly authorized by them for that Purpose, of all the Works, Papers, Contracts, Agreements, and Accounts thereunto belonging; and that if it shall at any Time appear to the said Commissioners that the Person or Persons, Body or Bodies Politic or Corporate, Company or Companies, to whom any such Advance may have been made or agreed to be made, have deviated or are proceeding to deviate from the original Plan or Specification delivered as aforesaid by such Person or Persons, Body or Bodies Politic or Corporate, Company or Companies, to such Commissioners, and whereon it may have been agreed upon to make such Advance, then and in such Case it shall and may be lawful for such Commissioners, at their Discretion, to suspend or discontinue making any Advance for the Completion of such Work or Works, any Agreement, Stipulation, or Contract made by such Commissioners with any such Person or Persons, Body or Bodies Politic or Corporate, Company or Companies, to the contrary notwithstanding; and such Commissioners shall forthwith report to the Commissioners of His Majesty's Treasury such Deviations or designed Deviation, and the Suspension or Discontinuance of such Advance; and thereupon such Commissioners of the Treasury for the Time being shall take such Report into their Consideration, and make such Order concerning the same as shall to them seem fit and meet, and shall, upon being satisfied of such Deviation having been made or intended to be made, have Power and Authority, at their Discretion, to wholly avoid any Contract, Agreement, or Stipulation made by the Commissioners for the Execution of this Act with

Commissioners may suspend Advances in case of Deviation from original Specification and Plan;

and report to the Treasury, who may authorize Commissioners to avoid any Agreement for the further Advance of Money.

with any such Person or Persons, Body or Bodies Politic or Corporate, Company or Companies, and to absolve such Commissioners therefrom, and the same shall thereupon become utterly null and void as against such Commissioners: Provided always, that it shall and may be lawful nevertheless to put in Suit such Writing Obligatory entered into as herein-before directed; and provided always, that if at any Time it shall be made to appear to the Satisfaction of such Commissioners that there are good and sufficient Grounds and Reasons to warrant or recommend a Deviation from such original Plan or Specification, then and in such Case it shall and may be lawful for such Commissioners, with the Consent and Approbation of the Commissioners of His Majesty's Treasury, to allow and permit of any Alteration in such original Plan or Specification, as to such Commissioners for the Execution of this Act shall seem proper; and a Memorandum of such Deviation shall be made upon such Writing Obligatory to our Lord the King as has been herein-before directed to be entered into, and the same shall be taken as Part of such Writing Obligatory, and taken and construed therewith; and, if necessary, a new Plan or Specification shall be made, and the same shall be taken in lieu of the former Plan or Specification, or annexed thereto, and be to all Intents and Purposes alike valid, obligatory, directory, and descriptive of the Work or Works to be executed as the original Plan or Specification, and so of any further or other Deviation which may be at any Time permitted and sanctioned in manner aforesaid.

Commissioners, with Consent of Treasury, may permit any Deviation on good Cause shown.

XX. And be it further enacted, That after the due Payment of the Monies, with Interest thereon, in respect of the Loan or Advance whereof any Obligation may have been entered into in pursuance of this Act, the same, being fully satisfied according to the true Intent and Meaning of this Act, shall be forthwith delivered up to be cancelled; and in case any such Obligation shall have been prosecuted according to the Directions of this Act, the Commissioners for the Execution of this Act shall by their Warrant or Warrants direct the proper Officer or Officers of the Court of Exchequer in *Ireland* to enter up Satisfaction in such Obligation or Obligations, so being satisfied as aforesaid, upon the Record or otherwise, to deliver up the same to be cancelled, as the Case may require.

Obligations to be cancelled, upon their being satisfied.

XXI. And be it further enacted, That in case of any Default made or Condition broken by any Person or Persons who may have become bound by virtue of any Obligation entered into pursuant to the Provisions of this Act, it shall be lawful for the Commissioners for the Execution of this Act to issue their Warrant or Warrants from Time to Time to their Solicitor for the Time being, requiring such Solicitor presently to proceed against all or any of the Person or Persons making default as aforesaid, his, her, and their Heirs, Executors, and Administrators, for the Recovery of such Sum or Sums as shall be then due and in arrear for or on account of the Advances in respect whereof such Writing Obligatory may have been entered into, and such Costs and Charges attending such Proceedings as shall be by Law payable for the same, not exceeding the Penalty in the said Writing Obligatory limited, the Amount of which Sum or Sums so to be levied the said Commissioners shall cause from Time to Time to

In case of Default of Obligations, Commissioners to issue Warrant to their Solicitor to proceed against the Persons for the Recovery of the Arrears.

be testified by their Note in Writing under their Hands to such Solicitor, and which Sum or Sums shall be inserted in the Writ of Process; and the like Process shall and may from Time to Time issue as Occasion shall require, and the Sum or Sums so recovered (the Costs and Charges aforesaid excepted) shall be paid into the Bank of *Ireland*, to the Credit and Account of the Commissioners for the Execution of this Act, and applied in like Manner as other Monies paid to the Credit of such Account, without Abatement, Deduction, or Delay, in satisfaction of such Sum or Sums so due and in arrear as aforesaid; and it shall be in the Discretion of the said Commissioners to direct against which of the Obligors in any Security or Writing Obligatory entered into pursuant to the Provisions of this Act Proceedings shall be from Time to Time commenced or prosecuted; and the said Commissioners shall have the Controul and Superintendence of such Prosecutions, and the same shall not be discontinued, quashed, or abated upon any Pretence whatever, without the Authority of the said Commissioners, testified under their Hands and Seals, and exhibited to the Barons of His Majesty's Court of Exchequer in *Dublin*.

In Proceedings against Obligors no Writ of Scire facias requisite.

XXII. Provided always, and be it further enacted, That where any Proceedings shall be directed by the said Commissioners under this Act against any of the Obligors, or any Obligor named in any such Obligation, no Writ or Writs of Scire facias shall be required to be issued; but that upon the Production of the Warrant or Warrants of the said Commissioners before any of the Barons of the said Court of Exchequer, an Extent shall and may issue in the First Process upon the Fiat of such Baron, without any Affidavit or other Verification or Proof of the Cause of such Proceeding than such Warrant or Warrants as aforesaid.

Grand Juries may make Presentments for any Public Works, in order to obtain Advances for the same, payable by Instalments.

XXIII. And be it further enacted, That it shall and may be lawful to and for any Grand Jury of a County, County of a City, or County of a Town, at any Assizes, or, if in the County of *Dublin* or County of the City of *Dublin*, in any Presenting Term, to present any Sum or Sums of Money for the Purpose of any Public Work which it is by the Laws now in force competent for them to present, in order to obtain Advances from the Commissioners for the Execution of this Act, and to set forth in such Presentment that such Sum or Sums of Money shall be raised and levied by half-yearly Instalments of not less than Ten Pounds *per Centum per Annum* of the whole Sum to be expended; and likewise to present a Sum sufficient to pay the annual Interest of such Sum or Sums to be so expended and from Time to Time remaining due, at such Rate not exceeding Five Pounds *per Centum* as may be directed by the said Commissioners; and likewise to include in such Presentment a sufficient Sum to defray the Expences attendant on making Application to the Commissioners for Execution of this Act; and to set forth in such Presentment what Part thereof shall be raised upon any Barony or Baronies, or Half Barony or Half Baronies, or Parish or Parishes, in such County, or on the County at large; and that the Treasurer of such County, County of a City, or County of a Town, shall and he is hereby authorized and required, from Time to Time, without

further Authority or Presentment in that Behalf, to insert in his Warrant at each Assizes or Presenting Term (if in the County or County of the City of *Dublin*) such Portion or Portions of the whole Sum so presented, together with such Sum for annual Interest thereon, not exceeding the Limits aforesaid, as may be fixed and determined by the Commissioners for the Execution of this Act, in case they shall think fit to make any Advance on the Credit of such Presentment, and for the Purpose therein specified; and the Sum inserted in such Warrant, pursuant to the Directions of the said Commissioners, shall be raised and levied from and off the Barony or Baronies, Half Barony or Half Baronies, Parish or Parishes named in such Presentment and Warrant, in like Manner, from Time to Time, and with like Remedy in case of Nonpayment, as all other Money directed by any Warrant of such Treasurer is by Law to be or may be levied.

Commissioners may inspect such Works and suspend Advances in same Manner as with respect to other Advances.

XXIV. And be it enacted, That the said Commissioners, or any Person or Persons by them duly authorized, shall have like Power and Authority to inspect any Work or Works in aid of which any Advance shall have been made on the Credit of any Grand Jury Presentment, as other Works for which Advances may be made under this Act; and that in case of any Deviation or designed Deviation from the original Plan or Specification, the said Commissioners shall and may in like Manner suspend or discontinue Advances agreed to be made on the Credit of Grand Jury Presentments, in like Manner as they are herein-before authorized and empowered to suspend or discontinue other Advances made under the Provisions of this Act.

Certificate of Presentment to be deemed an Application for Advance; and Commissioners, after like Proceedings as in Cases of other Applications, may make them.

XXV. And be it enacted, That when and so soon as any such Presentment as aforesaid shall have been duly certified to the Commissioners for the Execution of this Act by the acting Clerk of the Crown, the same shall be taken to be an Application for a Loan or Advance under this Act; and it shall and may be lawful for the said Commissioners for the Execution of this Act, upon the Delivery to them of such and the like Plan, Map, Estimate, and Specification as herein-before required to be delivered by any Person or Persons, Body or Bodies Politic or Corporate, Company or Companies, making Application for any Advance, and upon and after such Advice and Consideration as afore directed in case of Applications generally under this Act, and by and with the Sanction of the Commissioners of His Majesty's Treasury, to be first had and obtained as aforesaid, to make any Advance upon the Credit of such Presentment, and to fix and determine the Amount of the Instalments by which Repayment is to be made, and the Rate of Interest to be paid on the Advances made, subject to the Limitations in respect thereof contained in the said Presentment and in this Act; and all such Money advanced under Authority of this Act, on the Credit of any Grand Jury Presentment, shall be delivered or paid to the Treasurer of the County, County of a City or Town, for which the same shall have been made, and shall be accounted for by him in like Manner as any other Monies by him received for the Use of such County or Place, and all Securities given or to be given by him or in

Advance to be delivered to Treasurer of County, who shall furnish Accounts of Expenditure.

in his Behalf shall extend to such Money; and such Treasurer shall also, from Time to Time and at all Times when thereunto required by the said Commissioners for the Execution of this Act, furnish to the said Commissioners as they may direct, an Account of all his Disbursements and Receipts in respect of such Advances, and shall prepare the Warrant which he is herein-before directed to prepare for the levying of the Sums to be raised for Payment of the Principal of and Interest on the Advances made by the said Commissioners in pursuance of the Order and Directions of the said Commissioners, certified to him by their Secretary.

Original Presentment may be traversed.

XXVI. Provided always, and be it further enacted, That Presentments by Grand Juries for any Public Work in aid of which any Application for any Advance under the Provisions of this Act is intended to be made shall be subject to such and the like Traverse, and all Proceedings thereon, as other Grand Jury Presentments; but that after any such Presentment shall have been made and fiated, it shall not be lawful for any Grand Jury to restrain the Preparation and Issue of the Warrants which the Treasurer of such Grand Jury ought from Time to Time to prepare and issue agreeably to the Provisions of this Act.

Treasurer of County shall pay Instalments as received to Collector of Excise, for Account of Commissioners.

XXVII. And be it further enacted, That every such Treasurer shall pay to the Collector of Excise of the District wherein such Public Work shall be situate all and every such Sum and Sums as shall from Time to Time be received from the Baronial or other Collectors by virtue of the Presentment and Warrants issued thereafter, on account of which such Money shall have been advanced, until the whole Sum advanced shall be repaid, together with Interest for the same, by such Instalments and at such Rate of Interest as it shall have been agreed that the same shall be repaid by and at; and such Monies shall be paid by such Collector in such Manner and to such Account as the said Commissioners shall direct in that Behalf.

If Money not advanced in Twelve Months, Presentments shall be quashed.

XXVIII. Provided always, and be it enacted, That if any Sum or Sums of Money for Repayment of which any Presentment or Presentments shall have been made shall not be obtained from or granted by the said Commissioners for the Execution of this Act within Twelve Months from the Time of making such Presentment or Presentments, then and in such Case every such Presentment or Presentments for or on account of which such Money shall not have been obtained as aforesaid shall be quashed or vacated by the next going Judge of Assize, or by His Majesty's Court of King's Bench if in the County or the County of the City of *Dublin*, at the Assizes or in the Term, as the Case may be, next after the Expiration of the said Twelve Months, any thing in this Act contained to the contrary notwithstanding; and if it shall so happen that any Money shall have been raised by virtue of any such Presentment or Presentments which shall not be required for the Purposes for which it shall have been so raised, the same shall be carried to the Credit of the County, Barony, Half Barony, or Parish, or of the County of the Town, or of the County of the City, whereon the same shall have been levied, by the

Surplus Money raised shall be carried to the Credit of the County.

the Treasurer of such County, or County of a Town, or County of a City respectively.

Commissioners may take Real or Leasehold Property as Security.

XXIX. And be it enacted, That in Cases of Applications for the Loan or Advance of Money under the Provisions of this Act, the said Commissioners for the Execution of this Act shall require and take Security for Repayment thereof, with Interest, by Mortgages, Assignments, Surrenders, or other competent Assurance, upon the Freehold or Leasehold Estate or Estates of the Body Corporate or Politic, Company or Companies, Commissioners or Trustees, or Party or Persons applying for such Loan or Advance, or of such Party or Person as may be willing to give the same, either as Principal or Surety.

Commissioners may make Advances on Mortgage of existing Tolls, to be repaid by Instalments;

XXX. Provided always, and be it enacted, That it shall and may be lawful for the said Commissioners for the Execution of this Act to make Advances under this Act in Aid, Extension, or Improvement of any Work from which Rates, Rents, Tolls, or Profits shall be accruing or arising, and have accrued or arisen for a Term of Seven Years previous, and have yielded during such Term of Years a clear average annual Surplus, beyond all Charges of Management, Repairs, and other Outgoings, to an Amount at least Double that of the Interest required by such Commissioners on the Sum proposed to be advanced; and that in all such Cases the said Commissioners for the Execution of this Act shall require the Repayment of the whole Principal Money advanced within a Period of Twenty-five Years from the Date of the said Advance, such Repayment to be made by Instalments, the first whereof to be made and payable within the Period of Five Years at farthest from the Date of such Advance, and the remaining Instalments to be made and payable at such future Times within the said Period of Twenty-five Years as the said Commissioners shall appoint, together with Interest at a Rate not less than Four Pounds *per Centum per Annum* on the Principal from Time to Time remaining due; and that in order to insure the Repayment of the said Amount of Principal and Interest by such Instalments and within such Period as aforesaid, the Commissioners for the Execution of this Act shall and may take and require Mortgages, Assignments, or other competent Assurance on such Work or Undertaking, and on all Property of what Nature or Kind soever belonging thereto, and on the Rates, Rents, Tolls, Profits, and Receipts, of what Nature or Kind soever, accruing or which may at any Time thereafter accrue, arise, or be taken, collected, or received by or for the Use of the Body Politic or Corporate, or Company of Proprietors, Trustees, or Commissioners, or other Parties or Persons interested in the Work or Undertaking in respect or in aid of which such Advance may be made.

or where no Tolls are in existence, if it be proved to their Satisfaction that future Tolls will be suffi-

XXXI. Provided further, and be it enacted, That it shall and may be lawful to and for the said Commissioners for the Execution of this Act to make Advances under this Act in Aid, Extension, or Completion of any Work projected or in part completed, and which may not yield any present Rate, Rents, Receipts, Tolls, or Profits, or which may yield any Rates, Rents, Tolls, or Profits less in Amount than Double

cient to pay Principal and Interest in 25 Years by Instalments, and One Third of Amount of estimated Expence subscribed for, taking a Mortgage of the Works.

the Amount of the Interest on the Advance sought for as aforesaid; provided that it shall be proved to the Satisfaction of the said Commissioners, upon competent Evidence, accompanied by the Certificate of a skilful Engineer or Surveyor, to be approved of by the said Commissioners, that Rates, Rents, Receipts, Tolls, or Profits adequate to the Payment and Discharge of the said Loan by Instalments, the first thereof to be made within Five Years as aforesaid, and the whole completed within the Period of Twenty-five Years from the Date of the said Advance, together with Interest at a Rate not less than Four Pounds *per Centum per Annum* on the Principal from Time to Time remaining due, may be reasonably calculated upon and expected to accrue or arise from such Work or Undertaking; and provided further, that the Corporation, Commissioners, Trustees, Directors, Company, Party, or Persons undertaking or carrying such Work into execution shall expend, subscribe for, secure, or deposit, in such Manner as the said Commissioners shall direct, before any Advance shall be made under the Provisions of this Act, a Sum equal to not less than One Third Part of the estimated Costs of the Construction or Completion of such Work as aforesaid; and that in such Cases it shall and may be lawful for the said Commissioners for the Execution of this Act to take and require, as a Security for the due Payment of the Principal and Interest on such Advance, by such Instalments and at such Rate of Interest as aforesaid, and subject to such other Clauses, Restrictions, Conditions, and Regulations as the said Commissioners shall think fit and necessary, a Mortgage or Assignment of the said Work, and of all Property of what Nature or Kind soever belonging thereto, and of all Rates, Rents, Receipts, Tolls, or Profits which shall in anywise accrue or arise or issue out of or from such Works.

Commissioners may make Advances for draining Lands in certain Cases.

XXXII. Provided further, and be it enacted, That it shall and may be lawful for the Commissioners for the Execution of this Act to make Advances in aid of the Drainage, Embankment, Reclaiming, or other Improvement of Land, on the Credit of Mortgages, Assignments, or other Assurances of the Estate and Interest, Freehold or Leasehold, in such Land which is to be the Subject of such Drainage, Embankment, Reclamation, or other Improvement: Provided always, that it shall be made out to the Satisfaction of such Commissioners by competent Evidence, accompanied by the Certificate of a skilful Engineer or Surveyor, approved of by the said Commissioners, that such Drainage, Embankment, Reclamation, or other Improvement when completed will increase the Value of such Land in the Proportion of at least Ten *per Centum* on the Sum proposed to be expended thereon, and that a Contract, with Two good and sufficient Sureties, to be approved of by the said Commissioners, shall be previously made and entered into for the full and complete Execution of such Drainage, Embankment, Reclaiming, or other Improvement, at and for a Sum not exceeding the Amount of the Advance sought therefor, within a Period, to be fixed by the said Commissioners, not exceeding Seven Years from the Date of such Advance; and that in all such Cases the whole Amount of such Advance shall be made repayable within Three Years next after the Period so fixed for the Completion of such Drainage, Embankment, Reclaiming, or other

Loans to be repaid when Works are completed.

Improvement, with Interest thereon in the meanwhile at a Rate not less than Five Pounds *per Centum per Annum*, payable half-yearly, as the said Commissioners shall fix and appoint.

Where Advances are made for Extension of any Work, on Mortgage of Rates, &c., such Mortgage to extend to all Works executed or to be executed.

XXXIII. Provided always, and be it enacted, That in Cases where any Extension or Addition to or Improvement of any Road, Railway, Canal, or other Work whatsoever shall or may be proposed, such Security by way of Mortgage, Assignment, or other Assurance upon any Tolls, Rates, Rents, Receipts, or Profits accruing and issuing, or expected to accrue and issue therefrom or thereout, shall not be limited to the proposed Extension, Addition, or Improvement, but shall extend to and comprise such Part or Portion of the whole Line of such Road, Railway, or Canal, and such Part of the entire Work, and all Rates, Rents, Tolls, Profits, or Receipts, and all other the Revenues and Profits arising or accruing or to arise or accrue from such Part or Portion of the whole Line or Work, to or to the Use of the Body Corporate or Politic, Company, Commissioners, Trustees, Party, or Persons interested in such Road, Railway, Canal, or other Work, as the Commissioners for the Execution of this Act shall deem to be needful or sufficient Security.

Commissioners may take Mortgage of Tolls, Rates, &c. as sole Security, where Works are carried on under the Authority of Parliament, and where no Dividend or Profit is payable thereout;

XXXIV. Provided always, and be it enacted, That it shall and may be lawful for the Commissioners for the Execution of this Act, in Cases where any Public Work from which no Dividend or Profit shall issue or be payable to any Person or Persons shall be carried on under the Management and Direction of any Corporation or Commissioners, or Trustees or Directors, acting under the Authority of Parliament, to make Advances upon the Credit of any Rates, Rents, Receipts, Tolls, or Profits which are or shall be levied, paid, and applied under the Authority or Controul of such Corporation or Commissioners, or Trustees or Directors last-mentioned; and in such Cases to take and require, as the Security for such Advances, such Mortgages, Assignments, or other Assurances as in Cases of other Advances made under the Provisions herein contained on the Credit of Rates, Rents, Tolls, Receipts, or Profits arising out of Public Works: Provided always, that such Advances shall be repaid by like Instalments within the said Period of Twenty-five Years, the first whereof to be made within Five Years from the Date of such Advance as aforesaid, with Interest on the Principal from Time to Time remaining unpaid, at a Rate not less than Four Pounds *per Centum per Annum*, in like Manner as is herein-before provided in respect of Advances made in other Cases on the Credit of Rates, Rents, Tolls, Receipts, or Profits.

Commissioners may take Deposit of Bank or Government Stock, or Exchequer Bills or India Bonds, as chief or collateral Security;

XXXV. And be it further enacted, That it shall be lawful for the said Commissioners for the Execution of this Act, in the Place of such real or other Security or Securities as they are herein-before empowered and directed to take and require, or as collateral thereto, to accept and take, as Security for any Loan or Advance to be made under the Provisions of this Act, Deposits or Transfers of Bank or Government Stock, Exchequer Bills, or *India* Bonds, which shall be assigned, transferred, or deposited for that Purpose as the said Commissioners shall direct; and all such Bank or Government Stock, Exchequer Bills, and *India* Bonds, so assigned, transferred, or deposited,

deposited, shall, in default of Payment of such Loan, with Interest due thereon, in the Manner directed and appointed by the said Commissioners for the Execution of this Act, become and be absolutely vested in the said Commissioners, and shall and may be sold and disposed of, or the Monies due or payable by virtue thereof shall and may be sued for in due Course of Law, in the Name of their Secretary for the Time being, for the Use of the said Commissioners under this Act.

or may take Personal Security as a collateral Security.

XXXVI. And be it further enacted, That it shall and may be lawful for the said Commissioners for the Execution of this Act, in all Cases of Loans or Advances made under this Act when they shall think the same necessary or expedient, to require and take, in addition, and as in chief, or collateral to the other Security or Securities herein-before appointed to be respectively required and taken in the several Cases before specified of Applications under this Act, Security for the Repayment of such Loans or Advances, either by a separate Recognizance, or by a Clause or Condition inserted in or underwritten on such Writing Obligatory to our Sovereign Lord the King as it has been herein-before provided that the said Commissioners shall require and take for the due Application and Employment of the Money advanced, and of like Force, Validity, and Effect.

Commissioners may make Advances on Personal Security alone.

XXXVII. Provided further, and be it enacted, That it shall and may be lawful for the said Commissioners in the Execution of this Act to make Loans or Advances under this Act, upon Applications duly made in conformity to the Provisions of this Act, on Security by Writing Obligatory alone, provided that no such Loan or Advance shall be made for any One Work or Undertaking to a greater Amount than One thousand Pounds; and provided further, that the Party or Parties making such Application shall previously expend, subscribe for, secure, or deposit, in such Manner as the said Commissioners shall direct, a Sum equal to not less than One Half of the estimated Costs of the Completion or Construction of the proposed Work; and that in all Cases of Advances made on such Security alone the said Commissioners shall require Repayment of the whole Principal Sum advanced within a Period of Five Years from the Advance thereof, with Interest on the same in the meantime at a Rate not less than Five Pounds *per Centum per Annum*, payable half-yearly; and such Writing Obligatory shall be made to our Sovereign Lord the King, and entered into by at least Three Persons, the Sufficiency and Solvency of whom shall be clearly made out to the Satisfaction of the said Commissioners; and such Writing Obligatory shall be in a Sum at least Double the Amount of the Advance made on Security thereof, to be paid to our said Lord the King, by such Form of Words as Obligations to the King's Majesty have been used to be made, and with such Conditions to be thereunder written as by such Commissioners shall be deemed proper; and all such Obligations to be so made shall be good and effectual in the Law, and shall be of the same Quality, Force, and Effect to all Intents and Purposes as any Obligation made to our Sovereign Lord the now King or His Predecessors, or any of them, hath at any Time heretofore been or now is adjudged, received, or taken to be, and shall and

and may be dealt with and proceeded upon in all respects as any Obligation entered into by virtue of the Provisions of this Act.

Limiting Advances on Personal Security.

XXXVIII. Provided, and be it enacted, That the Amount of the several Advances made on Security by Writing Obligatory alone, as herein-before provided, at any One Time outstanding, shall not in the whole exceed the Sum of Fifty thousand Pounds.

Interest to be paid half-yearly at One Half per Cent. above current Rate.

XXXIX. And be it enacted, That the Commissioners for the Execution of this Act, in Cases of Loans or Advances not otherwise specially provided for, shall require that the Interest on the same shall be paid half-yearly, at the Rate of not less than Ten Shillings *per* Hundred Pounds *per Annum* above the Rate of Interest on the Exchequer Bills which shall be made out and issued for the Purpose of providing for such Loans or Advances.

Advances to be repaid by Instalments, except as otherwise provided for.

XL. And be it enacted, That the Commissioners for the Execution of this Act shall require that the Repayment of all Advances, except as herein otherwise provided, be made by Instalments, the first to commence within a Period not exceeding Five Years next after such Advances shall be made respectively, and the other remaining ones to be completed within Twenty-five Years from the Time when the first Advance shall be made.

Bodies Politic and Corporate, and Trustees, may mortgage Funds or Estates of their respective Trusts to Commissioners only, as Security for Advances to be made to them.

XLI. And whereas it is expedient to facilitate and promote the Application of the private Funds and Estates of Bodies Politic and Corporate, and of Companies, Trustees, and Commissioners acting under the Authority of Parliament or Charter, and of Companies and Proprietors acting under Deeds of Settlement, in the Execution and making of Roads, Bridges, Canals, Harbours, Piers, Railways, Drainages, or Embankments, and other Works for the Promotion of which it is contemplated to make Advances under the Provisions of this Act; be it therefore enacted, That it shall and may be lawful for any Body or Bodies Politic or Corporate, Commissioners, Trustees, Company, Directors, Proprietors, or other Party or Persons acting under Authority of Parliament, Charter, or Deeds of Settlement as aforesaid, to mortgage and assign to the Commissioners for the Execution of this Act only, in Trust, any Estate, moveable Chattels, Funds, Tolls, Rates, and other accruing Profits whatever of or to which such Body or Bodies Politic or Corporate, Commissioners, Trustees, Company, Proprietors, or other Party or Persons may be or become seised, possessed, or entitled, for the Purpose of securing the Repayment of any Advance, with Interest thereon, which the said Commissioners for the Execution of this Act shall have made or shall think fit to make to the said Body or Bodies Politic or Corporate, Commissioners, Trustees, Company, Proprietors, or other Party or Persons respectively, any Act or Acts of Parliament relating to such Body or Bodies Politic or Corporate, Companies, Commissioners, or Trustees, or to any such Works respectively, or any other Act or Acts in force, to the contrary notwithstanding, and notwithstanding such Body Corporate or Politic, Commissioners, Trustees, Company, Proprietors, or other Parties or Persons may not or have not, otherwise than by this Act, Right, Power, or Authority to make or execute

any Mortgage or Assignment in Trust as aforesaid, or in any Manner to encumber or charge, forestall or anticipate, the Profits of any Lands, Tolls, Rates, or other Funds; and all Mortgages and Assignments in Trust to such Commissioners for the Execution of this Act, for the Purpose aforesaid, shall be good, valid, and effectual in Law; and such Commissioners are hereby authorized, with the Consent of the Commissioners of His Majesty's Treasury, to make Advances on the Security of such Estates, moveable Chattels, Funds, Tolls, Rates, and accruing Profits as aforesaid, subject always to the Limitations and Conditions herein-before specified, and reserving the like Power of suspending any Advances which may have been agreed upon, and also the like Power and Authority to visit and inspect, by themselves or their Agents, all Works in aid of which any such Advance may have been made, and to call for and require all Papers, Accounts, and Contracts thereunto belonging, and generally to do all such Acts as they are herein-before required and authorized to do in the Case of other Advances made under the Provisions of this Act; and all and every Body or Bodies Politic or Corporate, Commissioners, Trustees, Company, Proprietors, or other Parties or Persons, applying for or receiving such Advances, shall deliver in the like Plans, Specifications, Maps, and Estimates, and shall permit the Inspection of such Works, Papers, Contracts, and Accounts thereunto belonging, and deliver in Accounts of the Progress of the Works, and do and acquiesce in all such other Acts and Things, in such and the like Manner as any other Person or Persons applying for or receiving any Advances from the Commissioners for the Execution of this Act are herein-before authorized and required to do and acquiesce.

Securities given to Commissioners to have Priority, except over Securities previously existing;

XLII. And be it further enacted, That all such Mortgages, Assurances, Assignments, and other Securities as may be made by any Bodies Politic or Corporate, Trustees, Commissioners, Companies, or Persons or Parties as aforesaid, to the said Commissioners for the Execution of this Act, for the Purpose of securing the Repayment, with Interest, of any Advances made by the said Commissioners, shall have Priority over and shall precede all other Securities, and all Dividends or Division of Profit or Interest upon any Sums lent, advanced, or contributed for the carrying on or completing of any such Canal, Road, Railway, or Work, save and except such Sums as shall have been theretofore advanced by way of Loan, and for securing of which said precedent Advances Mortgages, Assignments, or other Assurances or Securities shall have been previously given and executed to any Person or Persons *bonâ fide* Creditors, and entitled as such to the Repayment of the Principal Money advanced by them, as well as Interest thereon, any thing contained in any Act or Acts of Parliament, Charter, or Deed of Settlement relating to any such Canal, Road, Railway, or Work in aid or respect of which any such Advance may have been or shall be made under the Provisions of this Act, or any Estate or Interest of such Body Politic or Corporate, Company, Proprietors, Commissioners, or Trustees, or Parties or Persons as aforesaid, to the contrary in anywise notwithstanding.

XLIII. Pro-

and over such Securities if Four Fifths of the Parties holding them shall concur.

XLIII. Provided always, and be it further enacted, That in every Case in which Four Fifths in Value of the Persons holding prior Mortgages, Assignments, or other Securities on such Canals, Roads, Railways, or Works in respect of which Application shall be made for any Advance under the Provisions of this Act, shall agree and signify their Consent in Writing that a Priority over the Securities held by them respectively shall be given to the Commissioners for the Purposes of this Act, then and in such Case the Mortgages, Assignments, or other Securities given by the Body Politic or Corporate, or Company of Proprietors, or Parties or Persons interested in any such Canal, Road, Railway, or Work, to the Secretary of the said Commissioners for the Time being, shall have Priority over the Claims of all Persons holding the like Securities, as well such as have not agreed or assented to such Priority as of those who have so agreed as aforesaid, any thing contained in any Act or Acts of Parliament relating to any such Canal, Road, Railway, or Work as aforesaid, or any thing contained in any Mortgage, Assignment, or other Security given to any such Parties respectively, to the contrary notwithstanding.

Mortgages, Assignments, &c. as Security for Advances, to be made in the Name of the Secretary to the Commissioners.

XLIV. And be it enacted, That all and every Mortgage, Assignment, Surrender, or other Assurance, except the Obligations to His Majesty herein-before mentioned, which by any of the Provisions of this Act the Commissioners for the Execution thereof are directed or required to take or require, shall be respectively made to and in the Name of the Secretary of the said Commissioners for the Execution of this Act for the Time being, in Trust for the said Commissioners, by the Name, Style, and Title of the Secretary of the Commissioners for the Extension and Promotion of Public Works in *Ireland*.

In default of Payments of Advance or Interest where secured by Mortgage, Commissioners may take possession and levy Amount by Sale or otherwise.

XLV. And be it enacted, That if Default shall be made in the Repayment of all or any Part of any Loan or Advance, or of the Interest on such Loan or Advance, which shall be secured to the Commissioners for the Execution of this Act, in part or in the whole, by any Mortgage, Assignment, or other Assurance of or on any Interest, Property, or Effects whatsoever (Real, Chattel, or Personal), it shall and may be lawful for the said Commissioners, or such Person or Persons as shall be nominated and authorized in manner aforesaid by any Two or more of them, without any other Process or Writ, to enter upon and to take possession of all or any Parts or Part of such mortgaged or assigned Interest, Property, or Effects, and by Sale or Mortgage of the same, or a competent Part thereof, to raise and levy such Sum or Sums of Money as shall be sufficient to repay all Monies due and in arrear upon or in respect of such Loan or Advance, and the Interest thereof, and all Costs as between Attorney and Client, and other Charges whatever attending such Proceedings; and the Monies so recovered (the Costs and Charges aforesaid excepted) shall be paid and applied in and towards the Reimbursement and Satisfaction of the Sum due upon and in arrear in respect of such Loan or Advance or Interest in like Manner as the Sums of Money to be recovered by Suit or Course of Law under the Proceedings authorized by this Act in default of Payment are directed to be paid and applied; and the Receipt of such Person or Persons as the said Commissioners shall nominate and appoint as aforesaid shall alone be a full

a full and sufficient Discharge to all and every Person and Persons whatsoever, and by whatever Title claiming or howsoever entitled or deriving, for any Money or Monies advanced on Mortgage, or for the Purchase Money or Purchase Monies of the respective Interest, Property, or Effects so mortgaged or sold; and such Mortgagee or Purchaser or Mortgagees or Purchasers, or other Person or Persons, shall not be bound to see the Application thereof, nor shall be liable or in any Manner accountable for the Misapplication or Nonapplication of such Money or Monies by the Person or Persons appointed by the said Commissioners as aforesaid, or any of them.

Upon taking possession of any Property mortgaged, all the Rights relating thereto shall be vested in the Secretary of the Commissioners.

XLVI. And whereas the said Commissioners for the Execution of this Act may advance sundry Loans to Corporate Bodies, Companies of Proprietors, Commissioners, Directors, or Trustees interested in and carrying Works of a public Nature by virtue of Charters or Deeds of Settlement and otherwise, or under Authority of Parliament, and it is expedient to provide for the Transfer to the said Commissioners, and the Exercise by them of the Rights, Powers, and Authorities of the said Corporate Bodies, Companies of Proprietors, Commissioners, Directors, or Trustees interested in carrying on such Works; be it therefore enacted and declared, That in all Cases whatsoever in which Mortgages, Conveyances, Assignments, or other Assurances shall be made to the said Commissioners or their Secretary for the Time being by any Corporate Bodies, Company or Companies of Proprietors, Commissioners, Directors, or Trustees, or Party or Persons interested in and carrying on any Work, whether by virtue of any Charter or Deed of Settlement, or under the Authority of Parliament or otherwise, and which Mortgages, Assignments, or Assurances shall be made as a Security for any Loan or Advance under this Act, that all Estate, Right, Title, Interest, Privileges, Powers, and Authorities, of what Nature or Kind soever, over or in respect of the Works mortgaged, which at the Time of making such Mortgages, Assignments, or Assurances were or thereafter may be vested in and exercised by the said Corporate Bodies, Companies of Proprietors, Trustees, or Commissioners, Directors, Party or Persons respectively, shall, under and by force of the said Mortgages, Assignments, or Assurances, become vested in the Secretary to the said Commissioners from and for such Period as the said Commissioners shall, by virtue of the Provisions herein-before made, take and hold possession of the Property which may be so mortgaged, assigned, or assured to them or the said Secretary in manner aforesaid; and that upon any Sale or Sales thereof which may be made by the said Commissioners under the Authority of this Act, it shall and may be lawful for the said Commissioners to direct their said Secretary, or his Successor for the Time being, to convey, assign, assure, and make over any Interest, Property, or Effects whatsoever upon which all or any Part of any Loan or Advance shall be secured under the Provisions of this Act, to any Body or Bodies Politic or Corporate, or Company or Companies of Proprietors, Trustees, Directors, or other Person or Persons whomsoever who shall become the Purchasers thereof or any Part thereof; and upon such Conveyance and Appointment being so made in manner aforesaid, and in case of any Reconveyance, the Body or Bodies Politic or Corporate, or Company

Company or Companies of Proprietors, Trustees, Directors, or other Party or Persons to whom the same shall be made as the Purchaser or Purchasers thereof or any Part thereof, or as otherwise entitled to a Conveyance or Reconveyance of the same or any Part thereof, shall, from the Date of such Conveyance, Reconveyance, Assurance, or Assignment, become seised and possessed and entitled to and invested with all the Estate, Right, Title, Interest, and Privileges, and fully authorized and empowered to exercise and put in force all Rights, Powers, Privileges, and Authorities whatsoever theretofore vested in or which might have been exercised by the said Corporate Bodies, Companies of Proprietors, Commissioners, Trustees, Directors, Party, or Persons interested in and carrying on the said Works in respect thereof at the Time of the Execution of such Mortgages, Assurances, or Assignments to the Commissioners or their Secretary for the Time being for the Purpose aforesaid, any Law, Statute, or Usage to the contrary in anywise notwithstanding.

If Persons neglect to take Tolls, or make Default in Payment of Instalments, Commissioners may appoint Person to receive Tolls.

XLVII. And be it further enacted, That in every Case in which any Corporation, Company, Proprietors, Trustees, or Commissioners, or other Parties or Persons, having the Care, Management, or Controul of any Work in aid or for the Construction whereof any Advance shall be made under this Act, on the Credit of any Tolls, Rates, Receipts, Rents, or Profits accruing or arising thereout or therefrom, shall neglect or refuse to raise, collect, or receive such Rates, Rents, Tolls, Receipts, or Profits, or shall make Default in the Payment of the Instalments and Interest which may accrue due on any Mortgage, Assignment, or other Assurance or Security to be given and executed to the Secretary of the said Commissioners in manner aforesaid, it shall and may be lawful for the said Commissioners and they are hereby authorized, in addition to all other Remedies provided by this Act, to make an Order under the Hands and Seals of any Two or more of them, to such Person or Persons as they may think fit, authorizing and requiring such Person or Persons to collect, seize, take, and receive such Rates, Rents, Tolls, Receipts, or Profits then collected and taken by or accruing or arising to or for the Use of the Corporation, Company, Proprietors, Trustees, or Commissioners, or other Parties or Persons so refusing or making Default; and the Person or Persons to whom such Order shall be directed is and are hereby authorized, immediately on receiving such Order, by himself or themselves, or such other Person or Persons as he or they shall employ for the Purpose, forthwith to take possession of the Locks, Toll Gates or Bars, and Toll Houses of the Corporation, Company, Proprietors, Trustees, or Commissioners, or other Parties or Persons so refusing or neglecting or making Default as aforesaid, and to take, collect, and receive, and to let, lease, and demise, from Time to Time, the Rates, Rents, Tolls, Receipts, or other Profits which such Trustees, Corporation, Company, Proprietors, Commissioners, or other Parties or Persons would or might otherwise have taken, collected, and received; and the said Person or Persons so executing the said Order shall continue in Possession of the said Locks, Toll Gates or Bars, and Toll Houses, and continue to take, collect, and receive the said Rates, Rents, Receipts, or other Profits, and account for the same to the said Commissioners for the Execution of this Act,

until the Principal Sum advanced by the Commissioners for the Execution of this Act to the Corporation, Company, Proprietors, Trustees, or Commissioners, or other Parties or Persons so refusing or neglecting or making Default, together with the Interest thereon, and the Costs, Charges, and Expences of taking such Possession as aforesaid, shall be fully paid and discharged: Provided always, that nothing herein contained shall extend or be construed to extend to invalidate or affect any existing Lease or Leases of the said Rates, Rents, Tolls, Receipts, or other Profits; but in case of any such existing Lease or Leases, the Lessee or Lessees shall and are hereby authorized and required to pay to such Person as the said Commissioners shall appoint in that Behalf all such Rent or Rents as may have been reserved upon such Lease or Leases, upon receiving a Notice in Writing requiring such Payment, under the Hands of any Two of such Commissioners; and the Receipt of the said Commissioners for such Rent or Rents shall be a good and sufficient Discharge and Acquittance to such Lessee or Lessees, for so much as shall be therein expressed to have been received, against all Persons whatsoever; and the said Commissioners shall have all such and the like Remedies for enforcing the Payment of such Rent or Rents of and from such Lessee or Lessees as the Lessor or Lessors making such Lease or Leases may or might have under such Lease or Leases.

Proprietors or Shareholders of unfinished Work may be called upon for Money to complete the same, in case the Expence exceed the Estimate.

XLVIII. And be it further enacted, That in every Case in which any Loan or Advance shall be made in aid of any Work to be undertaken, or upon any incomplete Work or Undertaking as aforesaid, not in the Receipt of any Rate, Rent, Tolls, Receipts, or Profits, or in the Receipt of any Rate, Rent, Tolls, or Profits which may or shall prove inadequate to the Repayment of such Loan or Advance and the Interest thereon in manner aforesaid, the said Commissioners shall and they are hereby authorized, if they shall so think fit, to make Calls on the Proprietors or Shareholders of and in the said Work or Undertaking, in proportion to the Amount of their respective Subscriptions as Proprietors or Shareholders therein, for such Sum or Sums of Money as may be necessary to complete the said Work or Undertaking, in case the Expence of completing the same shall exceed the Sum estimated for the Completion thereof at the Time of the Application for the said Loan or Advance; and in default of Payment of the said Calls within Six Calendar Months from the Date of the same being applied for, (and which Application the said Commissioners are hereby authorized to make by a Notice to be left at the usual Place of Abode of the Parties respectively liable to pay the same by such Person or Persons as the said Commissioners may appoint,) it shall be lawful for the said Commissioners, in the Name of their Secretary for the Time being, to sue for the same or any Part thereof in any Court of Law or Equity.

Any Rights or Titles vested in the Secretary to the Commissioners, by virtue of his

XLIX. And be it enacted, That in all Cases in which, by virtue of this Act, any Title, Right, or Interest in or to any Real or Personal Estate, Effects, Rates, Rents, Tolls, Receipts, Profits, or other Property, shall be vested in, conveyed, assigned, transferred, made payable, or secured to the Secretary of the Commissioners for the Time being for the Execution of this Act, as such Secretary in respect of

his Office, all such Real and Personal Estate, Effects, Rates, Rents, Tolls, Receipts, Profits, or other Property whatsoever, upon the Death, Removal, or Resignation of any such Secretary from Time to Time and as often as the same shall happen, and the Appointment of a Successor shall take place, shall (subject to the same Trusts, if any, as the same were before respectively subject to) vest in such succeeding Secretary by force of this Act, and without any Act or Deed whatever to be done by such Secretary so dying, resigning, or removed, or the Heirs, Executors, or Administrators of such Secretary, or by any Person or Persons claiming under him, them, or any of them, and notwithstanding any such Interest may have been expressed to have been vested in, conveyed, assigned, transferred, made payable to, or secured to such Secretary, his Heirs, Executors, Administrators, and Assigns, or any of them, and shall and may be proceeded upon, in the Name of any succeeding Secretary, by any Action or Suit in Law or Equity, or in any other Manner as the same might have been proceeded upon by or in the Name or Names of such Secretary so dying, resigning, or removed, his Heirs, Executors, Administrators, or Assigns.

Office, shall be vested in his Successor.

L. Provided always, and be it enacted, That in all Cases of Loans advanced under the Provisions of this Act, it shall be lawful for any Parties or Persons, Bodies Politic or Corporate, or Company or Companies of Proprietors, who may be desirous of discharging and paying off the Amount of the Principal Money and the Interest due to the said Commissioners or to their Secretary for the Time being on any Loan or Loans advanced under this Act, and he or they are hereby empowered, to borrow such Sum or Sums of Money as may be required for such Purpose of any Person or Persons willing to advance the same on the Security of an Assignment of the Mortgage or other Security given to the said Commissioners or their Secretary for the Time being for the Loan or Loans which may be proposed to be paid off as aforesaid, and which Assignment the said Commissioners are hereby authorized and empowered to direct their said Secretary to make, upon such Terms and Conditions as the said Commissioners shall, under the Circumstances of any such Case, deem expedient; and the Parties or Persons, Bodies Politic or Corporate, or Company or Companies of Proprietors, to whom such Assignment shall be made, shall, under or by virtue thereof, be and become in all respects entitled to such and the like Priority, Powers, Privileges, and Advantages as the said Commissioners were entitled to on the Security so assigned, until the Principal and Interest remaining due and secured thereby shall be fully paid and discharged, any Act, Law, or Usage to the contrary thereof in anywise notwithstanding; and provided further, that nothing herein contained shall extend or be construed to extend to prevent the Repayment of the Whole or any Part of the Principal or Interest of any Loan or Advance at any Time whatsoever.

Parties may pay off Loans and take Assignments of Securities.

LI. Provided always, and be it further enacted, That it shall be lawful for the Commissioners for the Execution of this Act to extend or prolong the Periods of Repayment of any Money advanced under the Provisions of this Act, in any Case in which an adequate Fund, not

Commissioners may extend Time of Payment with Consent of Treasury.

not less in annual Amount than the Amount of Interest payable upon the Money originally advanced, shall be established and secured to the Satisfaction of the said Commissioners for such Repayment; but no such Extension of the Period for the Repayment of such Advance as aforesaid shall take place without the Consent of the Commissioners of His Majesty's Treasury for the Time being first had and obtained by the Commissioners for the Execution of this Act.

Securities may be changed by Permission of Commissioners.

LII. Provided always, and be it enacted, That it shall be lawful for the Commissioners for the Execution of this Act, and they are hereby authorized and empowered, to accept and receive from any Body or Bodies Politic or Corporate, or Company or Companies of Proprietors or Trustees of any Works, or other Person or Persons whomsoever, to whom any Loan or Advance shall have been or shall be made under the Authority of this Act, and also of and from his, her, or their Surety or Sureties, such substituted Security or Securities, Real or Personal, of like Nature and Quality, for the Whole or any Part of any Loan or Advance made under the Provisions of this Act, in lieu and instead of any existing Security or Securities, Real or Personal, which may have been taken for such Loan or Advance, as they the said Commissioners shall in their Discretion think fit, having Regard to the particular Circumstances of the Case in which Application for such Change of Security may be made, and subject in respect of such substituted Security to all such and the like Restraints, Terms, Conditions, and Regulations as herein-before provided with respect to the Nature and Quality of the original Securities to be taken and required in each Case respectively.

Exchequer Bills to be issued agreeably to Certificates of Commissioners of the Treasury.

LIII. And be it enacted, That when and so often as the Commissioners for the Execution of this Act shall have respectively determined upon any Advances to be made under the Provisions of this Act, and that such Determination shall have received the Sanction and Approval of the Lords Commissioners of His Majesty's Treasury, the Commissioners for the Execution of this Act shall thereupon, at such Times as it may have been agreed to make such Advances, certify to the Lords Commissioners of the Treasury the Amount of the Exchequer Bills required, as Occasion shall arise for such Advances; and thereupon the said Lords Commissioners of the Treasury shall certify to the Auditor of the Receipt of His Majesty's Exchequer at *Westminster* for the Time being the Amount of Exchequer Bills so required; and such Auditor shall, on such Certificate of the Lords Commissioners of the Treasury being deposited in his Office, cause and direct such Exchequer Bill or Bills, to such Amount, and payable at such Periods, and bearing such Rate of Interest as may be expressed in the said Certificate of the Lords Commissioners of the Treasury, to be delivered to the Teller of His Majesty's Exchequer of *Ireland*, or to such Person as shall be by such Teller duly authorized on his Behalf to receive the same; and such Bill or Bills shall be by such Teller issued and delivered, upon the Warrant in Writing of the Commissioners for the Execution of this Act first had and obtained, to the Person or Persons in such Warrant named; and every such Exchequer Bill shall bear Date on the Day on which the said Lords Commissioners of the Treasury shall

shall appoint and direct, and shall and may be signed by the Auditor of the Receipt of His Majesty's Exchequer at *Westminster*, or in his Name by any Person duly authorized so to do: Provided always, that the total Amount of Exchequer Bills to be issued in manner aforesaid shall not at any One Time exceed the Amount of Exchequer Bills directed to be issued under this Act.

Officers by whom Bills are issued, upon Requisition of Commissioners, to furnish Lists thereof.

LIV. And be it further enacted, That such Officers by whom such Exchequer Bills shall be made, issued, and delivered respectively, shall from Time to Time, upon Requisition of the said Commissioners for the Execution of this Act, render to them at their Office complete Lists of all the Exchequer Bills made out or issued or delivered by them respectively, specifying therein the respective Dates and Sums expressed therein, and the Periods appointed for the Payment of the same, and distinguishing therein the Numbers of the Certificates by virtue whereof the same were made, issued, and delivered respectively.

Banks of England or Ireland may advance Money on Exchequer Bills issued under the Provisions of this Act. 5 & 6 W. & M. c. 20.

LV. And be it enacted, That it shall and may be lawful for the Governor and Company of the Banks of *England* or *Ireland* respectively to advance or lend to His Majesty, at the respective Receipts of the Exchequers of *Great Britain* or *Ireland*, upon the Credit of the Exchequer Bills issued under this Act, any Sum or Sums of Money not exceeding in the whole at any One Time the Sum of Five hundred thousand Pounds, any thing in an Act made in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors, for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying the War against* France, or in other Act or Acts to the contrary thereof in anywise notwithstanding.

Bank of Ireland to open an Account with the Commissioners under this Act.

LVI. And be it further enacted, That the Governors and Directors of the Bank of *Ireland* shall and they are hereby required to open an Account in their Books with the Commissioners for the Execution of this Act, under the Title of "Commissioners for the Extension and Promotion of Public Works," and shall carry to the Credit of such Account the several Monies by this Act directed to be paid to the Cashier or Cashiers of the said Bank, and all such other Monies as the said Commissioners shall direct to be paid to the Credit of such Account, and shall make all such Payments to the Debit of such Account as may be required by Order under the Hands of the Chairman and any One of the said Commissioners; and whensoever the said Commissioners shall have advanced or lent any Money in pursuance of this Act to any Person or Persons, or Body or Bodies Corporate or Politic, Company or Companies, or Trustees, the said Commissioners shall, at some Time before any Part thereof shall be to be repaid, deliver to such Person or Persons, or Body or Bodies Politic or Corporate, Company or Companies, Directors, or Trustees, at his or their Request, One or more Certificate or Certificates, under the Hands of Three or more of them, specifying the

Certificates to be given by Commissioners, specifying the necessary Particulars of each Loan, at the Foot of which the Cashiers

shall acknowledge the Receipt of Monies paid,

the Amount of such Advance or Loan, and the Amount of the Monies to be received on account thereof, and the Times when they will respectively become payable; and the said Cashier or Cashiers of the Bank of *Ireland*, or One of them, shall, upon the Production of such last-mentioned Certificate or Certificates, accept and receive from the Person or Persons producing the same the Amount of the Monies therein mentioned to be receivable, and at the Foot of such Certificate or Certificates acknowledge the Receipt of the said Monies, without Fee or Reward; and that whensoever the said Commissioners shall by their Warrant or Order have directed such Monies to be raised or levied by Sale of any Bills, Bonds, Bank or Government Stock, or other Securities deposited with them pursuant to the Provisions of this Act, or by any Proceedings on any Securities taken by virtue thereof in default of such Payment as aforesaid, the said Commissioners shall deliver to the Agent, Broker, Officer or Officers executing the same respectively a like Certificate as aforesaid, and further specifying therein the Amount of the Monies to be raised or levied, and the Substance of such Warrant or Order to raise or levy the same; and the said Cashier or Cashiers of the Bank, or any One of them, shall, upon the Production of such last-mentioned Certificate, accept and receive from such Agent, Broker, Officer or Officers, the Monies so raised and levied, in satisfaction of the Payments whereof Default shall be made as aforesaid, and at the Foot of such Certificate acknowledge the Receipt of the said Monies, without Fee or Reward; and every such Receipt shall be afterwards brought to the Office of the said Commissioners, and by them entered in proper Books to be provided and kept for that Purpose; and the said Commissioners, or any Two or more of them, shall attest the same under their Hands, and return the same to the Person or Persons producing the same at the said Office; and every such Receipt so attested, and every such Entry in any of the said Books, shall respectively from thenceforth be a valid and effectual Acquittance and Discharge for the Sums expressed therein to have been received, as well against the said Commissioners and every of them, their Secretary, and every of their Executors and Administrators, as well to the Person or Persons to whom such Receipts shall be given, as to all and every the Person or Persons, Body or Bodies Politic or Corporate, Company or Companies, or Trustees who shall have entered into any Security in respect of the Monies mentioned in such Certificate to which such Receipt shall be subscribed, their and every of their Heirs, Executors, and Administrators respectively, to all Intents and Purposes whatsoever.

which upon being attested shall be a valid Acquittance.

Money paid into the Bank on account of Commissioners shall be kept apart from all other Monies, and be applied to the Payment of Exchequer Bills and all Charges at-

LVII. And be it further enacted, That the Money which shall be paid into the Bank of *Ireland* under or by virtue of this Act to the Credit of the Account which has been herein-before directed to be opened with the Commissioners for the Execution of this Act shall from Time to Time, when and as the said Commissioners shall so direct, be transferred to the Credit and Account of the Teller of the Receipt of His Majesty's Exchequer in *Ireland*, distinctly and apart from all other Monies; and that it shall be lawful for the Commissioners of His Majesty's Treasury of *Great Britain* and *Ireland*, by Warrant under their Hands, to order and direct that all or any Part of the Sum or Sums of Money from Time to Time arising or accruing to the Credit

of the Account of the said Teller of His Majesty's Exchequer in *Ireland*, under the Provisions herein made, shall be issued to such Person or Persons as in such Warrant named, for the Purpose of being remitted and transferred to the Receipt of His Majesty's Exchequer at *Westminster*; and that there shall be provided and kept in the Office of the Auditor of the Receipt of the said Exchequer at *Westminster* a Book or Books in which all the Monies paid to the Credit and Account of the said Teller by virtue of this Act, and remitted and transferred as aforesaid, shall be entered separate and apart from all other Monies paid into the said Receipt upon any other Account whatever; and that all the Monies so paid to the Credit and Account of the said Teller by virtue of this Act, and remitted and transferred as aforesaid, shall be subject and liable to the Uses and Purposes herein-after mentioned; (that is to say,) in the first place, for paying off and discharging all the Exchequer Bills to be made out and issued by virtue of this Act, with such Interest as shall be payable thereon at the respective Days and Times and in the Order and Course in which the same may be directed to be discharged; and all such Exchequer Bills and Interest thereon as aforesaid shall be and are hereby charged and chargeable upon and shall be repaid and borne by and out of the first Monies that shall so arise in and to the Credit and Account of the said Teller of the Receipt of His Majesty's Exchequer in *Ireland* accordingly; and after paying off and discharging the same, in the next place, to pay off all the Charges and Expences which shall be incurred by the Commissioners for the Execution of this Act, and to make good all such Sums as may have been issued to the said Commissioners out of the Public Monies towards the said Charges and Expences, in pursuance of the Order of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, according to the Directions of this Act, and also to pay and satisfy all such Charges and Expences incident to or attending the making out such Exchequer Bills; and if any Surplus shall remain of the Monies paid to the Credit and Account of the said Teller by virtue of this Act, after satisfying the several Sums hereby charged thereon as aforesaid, such Surplus shall be applicable to the Purposes of this Act, under the Direction of the Commissioners for the Execution of this Act, and capable of being re-issued and repaid in the same Manner and in every respect under the same Restrictions and Regulations as Money originally advanced as aforesaid, and so in like Manner so often and at any and all Times when any such Surplus shall arise.

tending the Execution of this Act.

LVIII. And be it further enacted, That on the several Days and Times on which any Exchequer Bills made pursuant to the Directions of this Act shall become payable, or within Ten Days thereafter, the said Commissioners of His Majesty's Treasury shall cause a true and right Account to be taken and attested by the proper Officers of all such Exchequer Bills falling due and payable on such respective Days and Times, and of the Monies which shall then be in the Receipt of the Exchequer at *Westminster* applicable to the Payment and Discharge of the same; and if the Money which shall have arisen in the said Exchequer from or on account of the Payments, Remittances, and Transfers to be made by virtue of the Provisions herein-before contained

Treasury to cause Accounts to be taken of all Bills falling due and Money applicable thereto at the Time; and in case of Deficiency in the Exchequer for Payment thereof,

the same to be supplied out of the Aids for the current Year or the Consolidated Fund.

tained by the Teller of His Majesty's Exchequer in *Ireland*, shall not be sufficient to discharge the Principal and Interest due and payable as aforesaid, then such Deficiency shall and may be supplied and made good by and out of the Aids or Supplies which shall be or have been granted for the Service of the Year in which such Exchequer Bills shall become payable; and in case the Monies arising from such Aids or Supplies shall not at the Time be sufficient for that Purpose, then all the said Exchequer Bills remaining undischarged, with the Interest and Charges incident to or attending the same, shall be and are hereby charged and chargeable upon such Monies as at any Time or Times after any such Deficiencies shall happen shall be or remain in the Receipt of the said Exchequer of the Fund called the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, except such Monies of the said Consolidated Fund as may be or have been appropriated to any particular Use or Uses by any Act or Acts of Parliament in that Behalf; and such Monies of the said Consolidated Fund shall and may be issued and applied from Time to Time, as soon as the same can be regularly stated and ascertained, for and towards paying off, cancelling, and discharging such remaining Exchequer Bills, Interest, and Charges, until the whole of them shall be paid off, cancelled, and discharged, or Money sufficient for that Purpose be kept and reserved in the Exchequer, to be payable, on Demand, to the respective Proprietors thereof: Provided always, that whatever Monies shall be so issued out of the Consolidated Fund shall from Time to Time be replaced by and out of the first Supplies to be thereafter granted in Parliament, any thing therein contained to the contrary notwithstanding; and that whatever Monies shall thereafter arise in the said Receipt of the Exchequer from or on account of the Payments, Remittances, and Transfers to be made by virtue of the Provisions herein-before contained by the Teller of His Majesty's Exchequer in *Ireland*, shall be applied towards replacing the Monies before issued out of the said Aids or Supplies or Consolidated Fund, as the Case may be, any thing herein contained to the contrary notwithstanding.

Monies so advanced out of Aids or Consolidated Fund to be replaced by other Monies.

Commissioners may authorize the Purchase of Exchequer Bills, and pay them to the Credit of the Teller of the Exchequer.

LIX. And be it further enacted, That it shall be lawful for the Commissioners for the Execution of this Act, by Writing under their Hands, to authorize the Cashier or Cashiers of the Bank of *Ireland* to employ any Monies which shall be paid to the Credit of their Account in the Purchase of any Exchequer Bills which shall be payable at the Period then next ensuing, and forthwith to pay the same to the Credit and Account of the Teller of His Majesty's Exchequer in *Ireland*, who shall transmit the same, in such Manner as the Lords Commissioners of the Treasury shall appoint, to the Receipt of His Majesty's Exchequer at *Westminster*, there to be cancelled by the proper Officer or Officers.

As soon as whole Sum shall be advanced, the Commissioners to intermit their

LX. And be it enacted, That so soon as the whole Sum of Five hundred thousand Pounds authorized to be lent and advanced pursuant to the Provisions of this Act shall have been so appropriated, the said Commissioners for the Execution of this Act shall cause a Notice to that Effect to be inserted in the *Dublin Gazette*, and it shall not be lawful to make any further Loans or Advances under this Act until,

until, in the Course of the Repayments to be made pursuant to the Provisions of this Act, the whole Sum outstanding on the Securities by this Act directed to be taken shall have been reduced below the said Sum of Five hundred thousand Pounds; and the said Commissioners shall in like Manner give Notice thereof and certify the same to the Lords Commissioners of the Treasury, and it shall thereupon be and become lawful and competent to and for the said Commissioners to determine on making anew other Loans or Advances, and for the Lords Commissioners of the Treasury to direct the making and issuing of Exchequer Bills for the Purposes of the same, in like Manner, and under such and the like Provisions, Restrictions, or Conditions, as herein-before contained and expressed with respect to such former Loans or Advances, and so on from Time to Time until or unless the Powers of the said Commissioners in such Behalf shall be suspended or abrogated as herein-after provided; and such Exchequer Bills shall be made, issued, and dealt with accordingly: Provided always, that the making such Loans or Advances, and the making and issuing such Exchequer Bills, under this Act, shall be at all Times intermitted, with like Notice thereof as aforesaid, whenever and so often as the whole Amount outstanding on Securities as aforesaid shall amount to the said Sum of Five hundred thousand Pounds; and that the making such Loans or Advances shall be resumed, with Notice and Certificate thereof as aforesaid, so soon as the said Repayments shall have reduced such Amount outstanding below such Sum of Five hundred thousand Pounds, so that the whole Amount outstanding of such further Loans or Advances, together with all former Loans or Advances outstanding, shall not at any One Time exceed the said Sum of Five hundred thousand Pounds.

Issues until the Sum outstanding be reduced, and then to resume making Issues.

LXI. And be it enacted, That all the Clauses, Provisoes, Powers, and Authorities herein-before contained with respect to the Issue of Exchequer Bills for the first Loans or Advances to be made under this Act, shall be applied and extended to authorize the making and Issue of all further Exchequer Bills which may be required for the Purpose of making from Time to Time such subsequent Loans or Advances as may be determined upon by the said Commissioners; and that all Exchequer Bills to be from Time to Time issued for the said last-mentioned Purpose shall be in like Manner made out as in and by the said recited Act of the Forty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, enacted and prescribed; and that all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Forfeitures, and Disabilities contained in the said last-recited Act shall be applied and extended to all and every the Exchequer Bills from Time to Time to be made for the Purpose of such subsequent Loans or Advances as fully and effectually to all Intents and Purposes as the same may apply to the Exchequer Bills to be made for the Purpose of the first Loans and Advances to be made under this Act, or as if the said several Clauses and Provisoes had been herein particularly repeated and re-enacted.

All Exchequer Bills or Money required for subsequent Loans to be made out and issued in like Manner as for the first Loans.

48 G. 3. c. 1.

LXII. And whereas certain Districts of *Ireland* are in a great measure shut out from the Progress of Improvement by Defect of Roads

Commissioners with Consent of the

Treasury may order 50,000*l.* to be issued in addition, to be applied by way of Grant to the making of Roads, Bridges, Harbours, &c.

Roads and Bridges, and the Population thereof is frequently in a State of Destitution, and such Districts are too poor themselves to bear the whole Expence of constructing such Roads and Bridges; and it is expedient, as well with a View to the better Order and Government and general Prosperity of *Ireland*, as to the internal Improvement of those Districts and the Employment of the labouring Poor therein, that Aid towards opening such Districts, and facilitating Communication between them and the more prosperous Portions of the Country, should be afforded by the Grant of Public Money in a Manner similar to that in which Monies have been from Time to Time granted for the Construction of Roads and Bridges in the Highlands of *Scotland*: And whereas it is also expedient to promote the Construction of small Harbours, Piers, and Quays; be it therefore and it is hereby further enacted, That it shall and may be lawful for the Commissioners for the Execution of this Act, by and with the Consent and Approbation of the Commissioners of His Majesty's Treasury, to cause to be issued out of such Monies as shall at any Time or Times remain in the Receipt of the Exchequer, or out of the growing Produce of the Consolidated Fund arising in *Ireland*, any Sum or Sums of Money, not exceeding in the whole the Sum of Fifty thousand Pounds, to be applied to the Purposes and in the Manner and under the Regulations herein-after mentioned and specified concerning the same; and that such Sum of Fifty thousand Pounds shall be and shall be deemed and taken and considered and is hereby declared to be, in addition to and over and above the said Sum of Five hundred thousand Pounds to be raised or provided by the Issue of Exchequer Bills as under this Act herein-before directed; and such Sum or Sums of Money shall be issued in manner following; that is to say, the said Commissioners for the Execution of this Act shall make out a Certificate under their Hands, and transmit the same to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, and upon the Receipt of any such Certificate, it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, and he or they is and are hereby authorized and required, to direct a Warrant to the Vice Treasurer of *Ireland* for the issuing of such Sum or Sums of Money as shall be specified in any such Certificate or Certificates out of the Receipt of the Exchequer in *Dublin*; and every such Certificate of the Commissioners for the Execution of this Act shall be presented at the Office of the Vice Treasurer of *Ireland*, together with such Warrant of such Lord Lieutenant or other Chief Governor or Governors for the Time being; and every such Certificate shall be deposited and shall remain in the Office of the said Vice Treasurer.

Commissioners may receive Applications for Grants for Roads or Bridges,

LXIII. And be it further enacted, That the Commissioners for the Execution of this Act shall and may receive Applications for the making of Roads and Bridges by and with the Aid of Money to be granted for that Purpose, in such and the like Manner as they are herein-before directed to receive Applications for Loans to be advanced under this Act, and subject to such and the like Rules and Regulations, so far as they may be applicable, as shall have been ordained for their Government therein; and that the said Commissioners

sioners shall, at their Discretion, direct proper Surveys, Plans, Specifications, and Estimates to be made of such proposed Lines of Roads and Bridges, and shall require of and from the Persons applying for such Grants of Money that a Sum equal in each Case to a Moiety of the estimated Expence of making the proposed Road or Bridge shall be paid (or secured to be paid) to the Satisfaction of the said Commissioners, and also that Security shall be given, to the Satisfaction of the said Commissioners, that the Person or Persons making such Application shall and will supply and defray all such further Sum or Sums of Money beyond such estimated Expence as shall be necessary to make and complete such Road or Bridge agreeably to the Plan, Specification, Estimate, and Survey thereof made, or such other Plan as may upon subsequent Consideration be agreed upon by and between the said Commissioners and the Person or Persons making the said Application, but subject always to the Sanction and Allowance of the Commissioners of His Majesty's Treasury; and that the said Commissioners for the Execution of this Act shall cause to be made, in a Book for that Purpose provided, proper Entries of all Particulars, showing the Nature of each Application and the Circumstances thereof, and the Advantages likely to accrue from the Allowance thereof in respect of all the several Matters herein-before specified as proper to be regarded in deciding upon Applications for Loans under this Act, so far as the same may apply or be made applicable thereto, and also showing the Nature of the Securities offered, and shall arrange, classify, consider, and decide upon such Applications for Grants of Money in like Manner as upon Applications for the Loan of Money pursuant to the Provisions herein-before contained, and shall report their Decision upon such Applications for Grants of Money to the Commissioners of His Majesty's Treasury, who shall have Power and Authority to approve and confirm or disallow any Grant proposed to be made in compliance with any such Application for the same made as aforesaid, in like Manner as in the Cases of Applications for Loans of Money under the Provisions of this Act.

and enter them in the same Manner as Applications for Loans under this Act;

and shall report their Decision to the Treasury.

LXIV. Provided always, and be it enacted, That no Grant of Money under this Act for or on account of any Road or Bridge, or in compliance with any Application, shall be made until the same shall have been previously sanctioned by the Commissioners of His Majesty's Treasury, any thing contained in this Act to the contrary notwithstanding.

No Grant without Sanction of Treasury.

LXV. And be it further enacted, That so soon as any such Application for a Grant of Money for making any Road or Bridge shall have been approved of and sanctioned in manner aforesaid, the Parties making such Application shall enter into such Securities as may have been agreed upon, and shall pay the Moiety of the estimated Expence of constructing the Road or Bridge which is the Subject of such Application, either in the whole, or by such Instalments and at such Times and in such Manner and to such Persons as the said Commissioners for the Execution of this Act shall fix and appoint; and so soon as such Security shall be entered into, and such Sum or Sums of Money, or Instalment on account thereof, paid, the

As soon as Grant is approved of, Persons making Application to enter into Securities and pay One Moiety of estimated Expence, upon which the Work to be immediately commenced.

the said Commissioners for the Execution of this Act shall open an Account in their Books for such Road or Bridge, and shall from Time to Time place to the Credit of such Account all such Sum and Sums of Money as may be required for the Construction of such Road or Bridge, not exceeding a Moiety of the Amount of the Estimate thereof herein-before directed to be made, and shall forthwith cause the Construction of such Road or Bridge to be proceeded with; and that every such Road and Bridge shall be constructed in conformity to the Plan and Survey thereof approved of and sanctioned in the Manner herein-before directed; and the said Commissioners for the Execution of this Act are hereby authorized and empowered to make such Contracts or Agreements with any skilful Engineers or Surveyors, and their Sureties, for the Construction of such Road or Bridge, or at their Discretion to appoint and employ such Engineers or Surveyors or other Persons as they shall think proper to construct such Roads and Bridges under their own Direction, and from Time to Time, under such Regulations as the said Commissioners for the Execution of this Act shall direct, to draw for the necessary Sums to defray the Expence thereof; and such Payments so from Time to Time made shall be placed to the Debit of the Account of the said respective Roads or Bridges: Provided always, that if the actual Expence of constructing any such Road or Bridge shall exceed the estimated Expence, all such Excess of Expence shall be defrayed by the several Parties or Persons who shall have given the Security herein-before directed, and shall have contributed towards raising a Moiety of the said estimated Expence, according to the respective Proportions which they may have so contributed thereto: Provided further, that it shall and may be lawful for the Commissioners of His Majesty's Treasury, upon good Cause to them shown, to release the said Parties or Persons from the Obligation to pay such Excess of Expence or any Portion thereof, according to their Discretion, and to direct that the same shall be supplied by such further Grant out of the said Consolidated Fund as may be necessary; and such further Grant shall and may be made upon Warrant under the Hands of the said Commissioners of the Treasury.

Commissioners may make Contracts for Construction of Roads or Bridges.

In case the Expence exceeds the Estimate.

LXVI. And whereas, by reason of the Communications to be opened by such Roads and Bridges, great Benefit is expected to accrue to the Proprietors of the Estates in which the same may be constructed, and the Value thereof will be greatly increased, and it is expedient to enable Tenants for Life and others having only particular Estates, and Persons under legal Disability or Incapacity, to raise Money for the Purpose of contributing to the making such Roads and Bridges; be it therefore and it is hereby further enacted, That it shall and may be lawful to and for any Corporation, Lay or Ecclesiastical, Sole or Aggregate, and for the Husbands, Trustees, Committees, or Attornies of, or for the Owners or Proprietors of, or any Company of Companies, or the Directors thereof, for the Time being interested in any Part or Parts of any Lands through or bordering upon which any such Road shall pass or be intended to pass, or in which any such Bridge shall be constructed or proposed to be constructed, being under Coverture, Minors, Lunatics, or beyond the Seas, or otherwise incapable of acting for themselves, and to and for every of them for the Time being, and to and for the Owners and Proprietors of all such

Corporations, Tenants in Tail, or other Persons having only particular Estates, may mortgage for raising the Amount of Contribution.

such Lands being Tenants in Tail or for Life, or Tenants in Tail after Possibility of Issue extinct, or Tenants in Dower, and to and for every of them respectively for the Time being, with and by the Sanction and Consent of the Commissioners for the Execution of this Act first had and obtained, by Indenture or Indentures under their respective Hands and Seals from Time to Time, and to which Indenture or Indentures One of the said Commissioners shall be an executing Party for the Purpose of signifying such Sanction and Consent as aforesaid, to charge the said Lands with any Sum or Sums of Money which shall or may be advanced or applied by him, her, or them respectively in or towards Payment of the said Contribution for the making such Road or Bridge, and, for securing the Repayment of such Sum or Sums of Money with Interest, to grant, mortgage, lease, or demise, or otherwise subject the said Lands unto any Person or Persons who shall advance and lend such Sum or Sums of Money respectively, either in Fee or for any Term of Years; so as every such Grant, Mortgage, Lease, or Demise be made with a Proviso or Condition to cease and be void, or under an express Trust to be surrendered, in case and so soon as the Sum or Sums of Money thereby to be secured, with lawful Interest for the same, shall be fully paid and satisfied, at a Time or Times to be appointed in that Behalf; and also with a Covenant to pay and keep down the Interest in the meanwhile; and so as every such Grant, Mortgage, Lease, or Demise do also contain a Proviso that the Person or Persons entitled in Remainder or Reversion to the Lands or Grounds therein comprised shall not be liable, upon his, her, or their becoming possessed thereof, to the Payment of any further or larger Arrear of Interest than for Six Months preceding the Time that his, her, or their Title to such Possession shall have commenced; and every such Charge, Grant, Mortgage, Lease, or Demise as aforesaid shall be good, valid, and effectual in the Law for the Purposes hereby intended, and shall take Priority of all Charges and Incumbrances whatsoever and whensoever made.

Commissioners may receive Applications from Grand Juries for Grants under this Act, on Credit of Presentments.

LXVII. And be it enacted, That it shall and may be lawful for the Grand Juries throughout *Ireland* to make Applications, by Presentment, for Grants under this Act, in like Manner and under the like Restrictions and Regulations as have been herein-before provided in respect of Applications for Loans or Advances under this Act, so far as the same are applicable; and that it shall and may be lawful for the Commissioners for the Execution of this Act in like Manner to receive such Applications for Grants under this Act by way of Presentment, to be in like Manner certified by the acting Clerk of the Crown, and, with the Sanction of the Lords Commissioners of His Majesty's Treasury, to make such Grants on the Credit of such Presentment; and that the Treasurer of the County in which such Presentment shall be made shall prepare his Warrant or Warrants for the levying and raising of the Money therein expressed in like Manner as has been herein-before provided with respect to Warrants pursuant to Presentments made for obtaining Loans under this Act, and that the same shall be alike valid, obligatory, and effectual as any Warrant or Warrants prepared under the Regulations herein-before provided for or in respect of the Repayment of Loans made under

this Act; and that all Provisions, Duties, Obligations, Powers, and Authorities herein-before appointed or created for the Purpose of securing the Repayment, safe Custody, and accounting for the Application of Monies lent or advanced under the Authority of this Act, shall in like Manner apply, as far as the same is or can be made applicable, to the Application, safe Custody of, and accounting for any Grant or Grants of Money to be made by the said Commissioners under the Authority of this Act.

Treasurer of County to pay Monies received to Person appointed by Commissioners.

LXVIII. And be it enacted, That the Treasurer of every County shall pay or cause to be paid all such Sum or Sums to be collected by or under the Authority of every such Presentment or Warrant into the Hands of such Person as may be appointed for that Purpose by the Commissioners for the Execution of this Act, to be by them applied, together with such Grant, in the Construction of such Road or Bridge for which such Grant and Presentment shall have been made.

If any additional Sum is required for the Completion of any Road, the Commissioners shall certify the same to the Secretary of the Grand Jury, to the end that Presentment may be made for the same.

LXIX. And be it enacted, That if the Commissioners for the Execution of this Act shall find it necessary, for the Completion of any Road or Bridge, that any additional Sum should be raised beyond the Amount of the original Estimate, the said Commissioners shall certify the additional Sum so required to the Secretary of the Grand Jury of the County in which the Presentment for such Road or Bridge may have been made, and such Certificate shall be laid before such Grand Jury at the next Assizes; and thereupon it shall and may be lawful to and for the said Grand Jury, and such Grand Jury are hereby authorized and required, to make Presentment of such additional Sum or Sums specified in such Certificate, to be raised off such County at large, or off the Subdivision thereof, whereon the Moiety of the Amount of the original Estimate for constructing such Road or Bridge may have been levied under the Provisions herein-before made in that Behalf; and the Treasurer of the said County shall, in like Manner as he has been herein-before directed to pay the Sum or Sums collected under such original Presentment, pay or cause to be paid such additional Sum or Sums to be collected under the Authority of such last-mentioned Presentment into the Hands of such Person as may be appointed for that Purpose by the said Commissioners, to be by them applied to the Completion of such Road or Bridge.

Commissioners may authorize Grand Juries to construct Roads and Bridges.

LXX. And be it further enacted, That if the Commissioners for the Execution of this Act shall think fit so to do, they are hereby empowered to authorize any Grand Jury making such Presentment as herein-before appointed for the Purpose of obtaining any Grant under the Provisions of this Act to construct any Road or Bridge under Direction of any Engineer or Surveyor, or such other Person or Persons as such Grand Jury shall think fit to employ to construct such Road or Bridge, in the same Manner as Grand Juries are now or hereafter shall be empowered to construct and make any Road or Bridge where the Expence of the same shall be wholly defrayed by Grand Jury Presentments.

LXXI. And

Commissioners may dig for Materials for making any Road or building any Bridge, making Satisfaction;

LXXI. And be it further enacted, That it shall be lawful for the said Commissioners, their Contractors, Agents, Surveyors, Workmen, and all other Persons by them employed and authorized, to cut, dig, take, and carry away, or cause to be cut, dug, taken, or carried away, any Quantity of Earth or Materials proper for the Purpose of making any Road or Bridge in, upon, out of, or from any Lands or Grounds of any Person or Persons whomsoever, where the same can be found; and such reasonable Satisfaction for digging and taking of Earth or other Materials therefrom, for the Purpose of making such Road or Bridge, shall be made to the Owner or Owners, Occupier or Occupiers of such Lands, for the Damages he, she, or they shall thereby sustain, as shall be agreed upon between the said Commissioners and the Owner or Owners, Occupier or Occupiers of such Lands and Grounds; and if such Owner or Owners, Occupier or Occupiers, cannot agree concerning the Amount of such Damages, then the same shall be assessed, adjudged, and finally determined by the Justices assembled at the next or some other General Quarter Sessions of the Peace for the County or Place in which the said Lands shall lie, upon Complaint thereof made at such Quarter Sessions by such Owner or Owners, Occupier or Occupiers, Notice thereof in Writing being given by him, her, or them to the Commissioners for the Execution of this Act, or their known Agent or Surveyor engaged in the Construction of such Road or Bridge, at least Seven Days before such Complaint is made.

if Amount of Satisfaction is disputed, Justices at Quarter Sessions to decide.

Commissioners not to dig for Materials until after Notice given to Owner of Premises to appear before Two Justices.

LXXII. Provided always, and be it further enacted, That it shall not be lawful for any Engineer, Surveyor, or any other Person or Persons acting under the Authority of the Commissioners for the Execution of this Act, to dig, gather, get, take, or carry away any Materials for making, protecting, and preserving the said Roads or Bridges or Approaches, or either of them, or for such other Purpose or Purposes as aforesaid, out of or from any inclosed Land or Ground, until Notice in Writing shall have been given to the Owner or Owners of the Premises from which such Materials are intended to be taken, or his or her known Agent, or to the Occupier or Occupiers of the Premises from which such Materials are intended to be taken, or left at the House or last usual Place of Abode of such Owner or Occupier, to appear before any Two or more Justices of the Peace acting for the County or Place from whence such Materials intended to be taken shall lie, to show Cause why such Materials shall not be taken therefrom; and in case such Owner, Agent, or Occupier shall attend pursuant to such Notice, but shall not show sufficient Cause to the contrary, such Justices shall, if they think proper, authorize such Engineer, Surveyor, or other Person or Persons so employed as aforesaid to dig, get, gather, take, and carry away such Materials at such Time or Times as such Justices shall deem proper; and if such Owner, Agent, or Occupier shall neglect or refuse to appear, by himself or herself, or his or her Agent, the said Justices shall and may (upon Proof on Oath of the Service of such Notice, and which Oath they are hereby empowered to administer,) make such Order therein as they shall think fit, as fully and effectually to all Intents and Purposes as if such Owner or Occupier, or his or her Agents, had attended.

Owner not appearing, &c. Justice to make what Order he may think fit.

LXXIII. And

Pits and Holes to be filled up or fenced off.

LXXIII. And be it further enacted, That if the Engineer or Surveyor to the said Commissioners, or any Contractor or Person employed by them respectively, shall, by reason of the searching for, digging, or getting any Gravel, Sand, Stones, Chalk, Clay, or other Materials for making, protecting, and preserving the said Roads and Bridges, or Approaches thereto, make or cause to be made any Pit or Hole in any Common or other Lands or Grounds as aforesaid wherein such Materials shall be found, the said Engineer or Surveyor or Contractor or Agent shall forthwith cause the same to be sufficiently fenced off, and such Fence supported and repaired during such Time as the said Pit or Hole shall continue open, and shall within Four Days after such Pit or Hole shall be opened or made, where no Gravel, Stones, or Materials shall be found, cause the same forthwith to be filled up, levelled, and covered with the Turf or Clod which was dug out of the same, and where any such Materials shall be found within Four Days, after having dug up sufficient Materials in such Pit or Hole, if the same is not likely to be further useful, cause the same to be filled up, sloped down, or fenced off, and so continued; and if the same is likely to be further useful, the said Engineer or Surveyor, or Contractor, or other Person or Persons so employed by the Commissioners for the Execution of this Act, shall sufficiently secure the same by Posts and Rails or other Fences, to prevent Accidents to Persons or Cattle; and in case such Engineer or Surveyor or Contractor or Agent shall neglect to fill up, slope down, or fence off such Pit or Hole in manner and within the Time aforesaid, he or they shall forfeit the Sum of Twenty Shillings for every Default; and in case such Engineer, Surveyor, Contractor, or Agent shall neglect to fence off such Pit or Hole, or to slope down the same, as herein-before is directed, for the Space of Three Days after he or they shall have received Notice for either of those Purposes from any Justice of the Peace, or from the Owner or Occupier of such several Grounds, or any Person having Right of Common or Waste Lands as aforesaid, and such Neglect and Notice shall be proved upon Oath before One or more of the said Justices of the Peace, such Engineer or Surveyor, Contractor or Agent, shall forfeit and pay any Sum not exceeding Five Pounds nor less than Twenty Shillings for every such Neglect, to be determined and adjudged by such Justice or Justices, to be laid out and applied in the fencing off, filling up, or sloping down such Pit or Hole in such Manner as the said Justice or Justices shall direct and appoint; which Forfeiture, in case the same be not forthwith paid, shall be levied, under the Warrant of such Justice or Justices as aforesaid, by Sale of the Goods and Effects of the Party incurring the same.

Commissioners to have Power to survey Lands, and to take the same for making such Roads and Bridges as may be determined upon,

LXXIV. And be it further enacted, That the said Commissioners for the Execution of this Act shall and may and they are hereby empowered, themselves, their Agents, Surveyors, Workmen, and all other Persons by them employed and authorized, at all such Times as to the said Commissioners may seem fit and convenient, to enter into and upon any Lands or Grounds whatsoever which it may be deemed proper or necessary to survey for the Purpose of making any Road or Bridge under the Provisions of this Act; and that the said Commissioners shall have Power and Authority to take and acquire all such Ground

Ground as may be necessary for making the said Roads and erecting the said Bridges, rendering therefor, or for any Damage which may be occasioned thereby, such Satisfaction to the Proprietor or Proprietors, Occupier or Occupiers, as may be agreed upon between the said Commissioners and such Proprietor or Proprietors, Occupier or Occupiers; and in the Event that they cannot agree, then upon Payment of such Sum or Sums of Money as shall be awarded by a Jury of Twelve Persons summoned and chosen by the Sheriff of the County in such Manner as Juries are summoned and chosen by Sheriffs of Counties in *Ireland*, whose Determination is hereby declared to be final; and in the Event that such Jury shall award a larger Sum than may have been offered by such Commissioners for the Execution of this Act, the Expence attending such Jury shall be paid by the said Commissioners out of the Monies paid and transferred to the Account of such Road or Bridge in manner herein directed; and if such Jury shall award no more or any Sum less than that offered by the said Commissioners, the Expence of such Jury shall be defrayed and borne by the Person or Persons who shall not have agreed with such Commissioners: Provided always, that after having offered to any Proprietor or Proprietors and Occupier or Occupiers of any Lands such Sum as such Commissioners shall think reasonable, it shall and may be lawful for them, without further Delay, to enter into and upon such Lands for the Purpose of this Act, and to proceed with the Construction of such Road or Bridge therein. rendering Compensation.

LXXV. And be it further enacted, That after any Lands, Tenements, or Hereditaments shall have been set out and ascertained for making any Road or Bridge hereby authorized to be made or erected, or any of the Approaches thereto, it shall be lawful for all Bodies Politic, Corporate, and Collegiate, Corporations Aggregate or Sole, Tenants in Tail or for Life, or for any other partial or qualified Estates or Interests, Husbands, Guardians, Trustees, and Feoffees in Trust for charitable or other Purposes, Committees, Executors, and 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 the Person or Persons entitled in Reversion, Remainder, or Expectancy after them, if incapacitated, and for and on behalf of their Cestuique Trusts, whether Infants, Issue unborn, Lunatics, Idiots, Femes Covert, or other Person or Persons, and to and for all Femes Covert who are or shall be seised, possessed of, or interested in their own Right, or entitled to Dower or other Interest in the same, and for all and every other Person and Persons whomsoever, who is, are, or shall be seised, possessed of, or interested in any Lands, Tenements, or Hereditaments which shall be so set out and ascertained for the Purposes aforesaid, to contract for, sell, and convey the same, and every Part thereof, unto the said Commissioners for the Execution of this Act; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made at the Expence of the said Commissioners, and such Expence by them deducted from the Sum granted for the Purpose of constructing the same Road or Bridge; and all such Contracts, Agreements, Sales, Conveyances, and Assurances shall be made according to the following Form, Incapacitated Persons may assign Lands to Commissioners for the Purposes of this Act.

Form, or as near thereto as the Number of the Parties and the Circumstances of the Case will permit; (namely,)

Form of Conveyance.

'I of in consideration of the Sum 'of to me paid by the Commissioners appointed 'under an Act passed in the Second Year of the Reign of His 'Majesty King *William* the Fourth, intituled [*here set forth the Title 'of this Act*], do hereby grant and release to the said Commissioners 'all [*describing the Premises to be conveyed*], together with all Ways, 'Rights, and Appurtenances thereunto belonging, and all my Estate, 'Right, and Interest in the same and every Part thereof, to hold to 'the said Commissioners and their Successors for ever, according 'to the true Intent and Meaning of the said Act. In witness 'whereof I have hereunto set my Hand and Seal the 'Day of in the Year of our Lord .'

And all Conveyances and Assurances aforesaid shall be good and valid and effectual in Law to all Intents and Purposes, and shall operate and be good as a Merger of all outstanding Terms of Years, and be a complete and effectual Bar to all Estates Tail, and other Estates, Rights, Titles, Remainders, Reversions, Limitations, Trusts, Charges, Incumbrances, and Interests whatsoever.

Saving of Rights in Coal Mines, &c.

LXXVI. Provided always, and be it further enacted, That nothing in this Act contained shall extend or be construed to extend to give to the said Commissioners for the Execution of this Act any Mines of Minerals or of Coals or of any Stone or Slate under any Land taken or purchased by the said Commissioners under the Provisions of this Act, except only so much of such Coals, Stone, Slate, or Minerals as may be necessary to be dug or carried away or used for the Purposes of this Act; but all such Mines, Minerals, Coals, Stone, or Slate, except as aforesaid, shall be deemed to be excepted out of such Purchase, and may be worked by the Owners or Lessees thereof under the said Lands, or under any Works of the said Commissioners, as if this Act had not passed.

Commissioners to purchase Lands intersected.

LXXVII. And be it further enacted, That if in making any new Road or Bridge, or the Approaches thereto, any Piece or Parcel or Parcels of Land shall be cut through and divided, so that what be left on either Side of such Road or Approaches shall be less than One Acre in Quantity, or less than Twenty Yards in Breadth through the whole Length thereof, and if the Owner or Owners, Proprietor or Proprietors of any such Piece or Parcel of Land shall not have any other Land adjoining thereto, then the said Commissioners shall and they are hereby authorized and required to take and purchase such Pieces or Parcels of Land, and to pay for the same to the Owner or Owners, Proprietor or Proprietors thereof, after the same Rate and in the same Manner as they shall pay or be adjudged to pay for the Land adjoining thereto which shall be taken and used by them for the Purposes aforesaid, provided the Owner or Owners, Proprietor or Proprietors, or the Person or Persons entitled to the Possession or to the Rents and Profits of such Lands respectively, shall, by Writing under his, her, or their

Hand or Hands delivered to the said Commissioners, or their Surveyor or Engineer, or other known Agent or Person employed in the Construction of such Road or Bridge, within One Month next after Payment and Satisfaction shall be made for the other Land so taken and used by the said Commissioners for the Purposes aforesaid, require the said Commissioners to take and purchase the same; and for that Purpose it shall be lawful for all such Owners of or Persons interested in such Piece or Parcel of Land to sell the same to the said Commissioners, and to convey the same to such Person or Persons as they shall appoint, notwithstanding they may be under any such Disability or Incapacity as herein-before mentioned with respect to Lands to be taken or used for executing the several Powers of this Act; and the said Commissioners are hereby authorized and empowered to sell such Lands which they shall be so required to take and purchase as aforesaid, and cause the same to be conveyed to any Person or Persons whomsoever who shall be willing to purchase the same; and any Profit or Loss arising from such Sale and Re-sale shall be respectively placed to the Credit or Debit of the Account which the said Commissioners have been herein-before directed to open on making any Grant of Money under this Act.

Application of Purchase Money of incapacitated Persons exceeding 200*l.*

LXXVIII. And be it further enacted, That all Monies agreed or awarded to be paid for the Purchase of any Lands or Hereditaments purchased and sold, taken or used, by virtue of the Powers of this Act, or for any Damages done to such Lands or Hereditaments, as herein-before particularly mentioned, and the said Monies shall belong to any Corporation, Feme Covert, Infant, Lunatic, or Person or Persons under any Disability or Incapacity, such Monies shall, in case the same exceed the Sum of Two hundred Pounds, with all convenient Speed be paid into the Bank of *Ireland*, in the Name and with the Privity of the Accountant General of the Court of Chancery of *Ireland*, to be placed to his Account there *ex parte* the said Commissioners; to the Intent that such Money shall be applied, under the Direction and with the Approbation of the senior Master of Chancery, to be signified by an Order made upon a Petition to be preferred in a summary Way by the Person or Persons who would have been entitled to the Rents and Profits of the said Lands or Hereditaments, in the Discharge of any Debt or Debts, or Part thereof, affecting the same Lands, or affecting other Lands or Hereditaments standing settled therewith to the same or the like Uses, Intents, or Purposes; or when such Money shall not be so applied, then the same shall be laid out and invested, under the like Direction and Approbation of the senior Master of Chancery, in the Purchase of other Messuages, Lands, or Hereditaments, 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 Messuages, Lands, and Hereditaments which shall be so purchased, taken, or 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 mean-time and until such Purchase shall be made the said Money shall, on the Request of the Person or Persons who would for the Time being be entitled to the Rents and Profits of the Lands and Hereditaments

ditaments so hereby directed to be purchased (such Request to be in Writing, signed by him, her, or them), and without any Order of the said Master, be invested by the said Accountant General in his Name in Purchase of any Stocks, Funds, or Annuities transferrable at the Bank of *Ireland*; and in the meantime and until the said Stocks, Funds, or Annuities shall be ordered by the said Master of Chancery to be sold for the Purposes aforesaid, the Dividends and annual Produce thereof shall from Time to Time go and belong to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the said Lands and Hereditaments so hereby directed to be purchased in case such Purchase or Settlement were made.

Application of Purchase Money when less than 200*l.* and not less than 20*l.*

LXXIX. Provided always, and be it further enacted, That if any Money so agreed or awarded to be paid for any Lands or Hereditaments purchased, taken, or used or damaged as aforesaid, and belonging to any Corporation, or to any Person or Persons under any Disability or Incapacity as aforesaid, shall not exceed the Sum of Two hundred Pounds nor be less than Twenty Pounds, then and in all such Cases the same shall, at the Option of the Person or Persons for the Time being entitled to the Rents and Profits of the Lands and Hereditaments so purchased, taken, or used or damaged, or of his or their Guardian or Guardians, Committee or Committees, in case of Infancy or Lunacy, to be signified in Writing under their respective Hands, be paid into the Bank of *Ireland* in the Name and with the Privity of the said Accountant General of the Court of Chancery, and to be placed to his, her, or their 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 Person or Persons making such Option, such Nomination to be signified in Writing under the Hands of the nominating Parties, in order that such Money may be applied in such Manner as herein-before directed, so far as the Case be applicable, without obtaining or being required to obtain the Direction or Approbation of the said Master of Chancery.

Application of Purchase Money when less than 20*l.*

LXXX. Provided also, and be it further enacted, That when such Money so agreed or awarded to be paid as next before mentioned shall be less than Twenty Pounds, then and in such Case the same shall be paid to the Person or Persons who would for the Time being have been entitled to the Rents and Profits of the Lands and Hereditaments so purchased, taken, or used for the Purposes of this Act, or in case of Infancy or Lunacy, then to his, her, or their Guardian or Guardians, Committee or Committees, to and for the Use and Benefit of such Person or Persons so entitled respectively.

For preventing Injuries or Obstructions to Roads or Bridges.

LXXXI. And be it enacted, That in case any Surveyor or Engineer or other Officer employed by the Commissioners for the Execution of this Act shall observe any Nuisances or Encroachments, Obstructions of Ditches, Drains, Gutters, or Watercourses, or any other Annoyances whatsoever, made, committed, or permitted in or upon or to the Prejudice of any Roads or Bridges to be made or erected under the Provisions of this Act, or shall observe any Timber, Stone, Lime,

Lime, Peat, Dung, Soil, Compost, or Ashes deposited or remaining thereon, or if any Person shall remove or carry away any Earth, Sand, Gravel, or Stones forming Part of any such Roads or Bridges, or shall turn or dam any Water thereon, or if any Proprietor or Occupier shall neglect at all proper Times, under the Direction of the said Commissioners for the Execution of this Act, to cleanse or scour any Ditches or Watercourses affecting such Roads or Bridges, such Engineer or Surveyor or other Persons appointed by the said Commissioners shall give or cause to be given to any Person or Persons doing, committing, or permitting the same, either personal Notice, or a Notice in Writing to be left at his, her, or their usual Place or Places of Abode, specifying the Particulars wherein such Nuisances, Encroachments, Obstructions, or Annoyances consist; and if the same shall not be removed, and the Ditches, Drains, Gutters, and Watercourses effectually cleansed and opened, within Seven Days next after such Notice shall have been given as aforesaid, it shall be lawful for such Surveyor or Engineer or other Person appointed by the said Commissioners, and he and they is and are hereby authorized and empowered, forthwith to remove such Nuisances, Obstructions, and Annoyances, and to open, cleanse, and scour such Ditches, Drains, Gutters, and Watercourses; and the Person or Persons neglecting to observe and obey the above-mentioned Notice shall pay to such Engineer or Surveyor or other Person employed by the Commissioners under this Act, such Charges as shall be adjudged to be reasonable by any Two Justices of the Peace of the same County wherein such Offence or Nuisance may have been committed or exist, and shall also forfeit, at the Discretion of such Justices, any Sum not exceeding Ten Pounds; and in default of Payment of such Charges and Penalty the same shall be levied and recovered, with all Costs attending the levying of the same, by Distress and Sale of the Offender's Goods, by Warrant under the Hand and Seal of either of the said Two Justices; and in case no sufficient Distress can be had, either of such Justices is hereby authorized and required, by Warrant under his Hand and Seal, to commit such Offender to the Gaol or House of Correction for the County or Place in which such Offence shall have been committed, for any Term not exceeding One Week; and all Sums paid or levied by virtue of any such Proceedings as aforesaid shall be paid to the Surveyor or Engineer or other Person appointed by the said Commissioners of this Act, to be applied to the Construction and Maintenance of such Roads and Bridges; and in every such Case the Order of Adjudication of any such Justices of the Peace shall be final and conclusive to all Intents and Purposes whatsoever.

On Application of Commissioners, Money may be issued out of the Consolidated Fund for Repairs of Roads and Bridges.

LXXXII. And be it enacted, That upon the Application of the said Commissioners setting forth what Sum will be requisite and necessary from Time to Time for the Repair of any Road or Bridge, or any Portion of any Road or Bridge, which shall have been made under the Provisions herein-before contained, it shall and may be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to direct by his or their Warrant or Warrants that the Sum or Sums of Money so required by the said Commissioners shall be advanced and paid to the said Commissioners out of the Produce of the

Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* arising in *Ireland*, to be applied, under the Directions of the said Commissioners, in the repairing and maintaining of any such Roads or Bridges, or any Portion thereof.

Amount of Money so expended to be certified to the Grand Jury of the County, who shall raise the Sum by Presentment.

LXXXIII. And be it further enacted, That whenever any such Road or Bridge, or any Portion thereof, shall be put in good and sufficient Repair, under the Directions of the Commissioners for the Execution of this Act, the Secretary to the said Commissioners shall certify to the Secretary of the Grand Jury of any and every County within which any such Road or Bridge, or any Portion thereof, shall be situate respectively, the Amount of Money which shall have been so expended upon the Repair of any such Road or Bridge, or any Portion thereof, within any and every such County respectively; and every such Certificate shall, at the next or some succeeding Assizes, be laid before the Grand Jury of any and every County respectively, and thereupon it shall and may be lawful to and for the Grand Jury of any and every such County respectively, and any and every such Grand Jury are hereby authorized and required, to make Presentment of the Amount of such Expences as stated in such Certificate, to be raised off such County at large, or off the Subdivision thereof whereon the Moiety of the Expence of constructing such Road or Bridge may have been levied under the Provisions herein-before made in that Behalf; and it shall not be lawful for the Court at any Assizes to fiat any Presentment for raising any other Money, until such Presentment for such Expences be first made and allowed; and when and so soon as the Sum so to be presented as aforesaid shall be raised and received by the Treasurer of any and every such County respectively, such Treasurer shall pay over the same respectively to the Collector of Excise for the District in which such Road or Bridge, or Portion thereof, shall be respectively situate, to be by him accounted for as other Public Monies which may come to his Hands.

Expence of Bridges between Counties to be borne equally.

LXXXIV. Provided always, and be it enacted, That where any Bridge which shall be repaired or maintained as aforesaid shall be situate partly in one County and partly in another, the Expence of repairing and maintaining of such Bridge shall be borne and defrayed equally between the several Counties; and the Certificates and Presentments required by this Act shall be made and raised accordingly.

Commissioners may make Grants in aid of the Erection of small Harbours, Piers, &c.

LXXXV. And be it further enacted, That the Commissioners for the Execution of this Act shall and may receive Applications, and make Grants in aid of the Construction and Erection of small Harbours, Piers, and Quays on the Sea Coast of *Ireland*, useful or necessary for the Purposes of Fishery, in the same Manner, on the same Terms, and subject to the like Conditions and Regulations for the Production of proper Plans, Specifications, and Estimates, and the Payment or Security of a Moiety of the estimated Expence of constructing such Harbour, Pier, or Quay, and all other Conditions and Regulations, so far as the same may be applicable, as herein-before provided in respect of Grants for Roads and Bridges, and with like Powers and Authorities in relation thereto; subject always to the like Sanction

and

and Direction of the Commissioners of His Majesty's Treasury; and provided always, that no Grant for any One Harbour, Pier, or Quay shall be made to a greater Amount than One thousand Pounds; and that the Applicant for the same shall provide or satisfy the said Commissioners of the Existence of Funds for the future Maintenance and Repair thereof.

Proof of Debt in Cases of Bankruptcy may be made upon Oath of the Secretary of Commissioners under this Act;

LXXXVI. And be it further enacted, That the Commissioners named in any Commission of Bankruptcy which shall at any Time hereafter be awarded or issued out, either in *England* or *Ireland*, shall admit the Proof of any Debt or Grounds of Debt under this Act, on the Oath, Affirmation, or Affidavit of the Secretary to the Commissioners for the Execution of this Act, which Oath, Affirmation, and Affidavit respectively shall be taken and administered before any One of the proper Officers having Authority by Law to administer Oaths or Affirmations, or to take Affidavits, in Cases of Bankruptcy, and shall permit such Secretary to vote in the Choice of an Assignee or Assignees of the Estate and Effects of such Bankrupts, and to do and execute every other Act, Matter, or Thing relating to such Bankruptcy, as fully and effectually as if such Secretary were the *bonâ fide* Creditor of such Bankrupt or Bankrupts.

who may apply for Commission of Bankruptcy.

LXXXVII. And be it further enacted, That it shall be lawful for the Commissioners for the Execution of this Act, in the Name of their Secretary for the Time being, to apply for any Commission of Bankruptcy against the Estate or Effects of any Bankrupt or Bankrupts, and to sue and otherwise pursue the same respectively in like Manner as any other Creditor or Creditors is or are by Law entitled to do.

Commissioners may accept of Security from Assignee of any Bankrupt's Estate.

LXXXVIII. Provided always, and be it further enacted, That it shall be lawful for the Commissioners for the Execution of this Act to accept from the Assignees under any Commission of Bankrupt issued against any Debtor or Debtors in any such Loan under this Act, such Security for the Payment of the Sum due from such Bankrupt or Bankrupts, out of his or their Estate or Effects, as the said Commissioners shall approve; and that the Acceptance of such Security by the said Commissioners shall operate as a Release of the Estate of such Bankrupt or Bankrupts, for the Benefit of the Creditors under the said Commission of Bankruptcy, from all Claims whatever by the said Commissioners, other than and except such Part of the said Estate as shall be specified in Writing between the said Commissioners for the Execution of this Act and the said Assignees under the said Commission of Bankruptcy.

Proceedings in Actions against Commissioners.

LXXXIX. And be it further enacted, That no Action or Suit shall be commenced against any Person or Persons for any thing done by virtue of or in pursuance of this Act, until Twenty Days Notice thereof in Writing shall have been given to the Secretary for the Time being of the said Commissioners, nor after a sufficient Satisfaction, or a Tender thereof, hath been made to the Party or Parties aggrieved, nor after Six Months next after the Fact committed; and such Action shall be brought in the said Court of Exchequer in *Ireland*,

Ireland, and shall be laid in the City of *Dublin*, and not elsewhere; and the Defendant or Defendants in such Action or Suit shall and 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 same was done in pursuance and by the Authority of this Act; and if the same shall appear to be so done, or if such Action or Suit shall be brought after the Time herein-before limited for bringing the same, or shall be brought without Twenty-one Days Notice thereof, or shall be brought in any other County or Place, or after a sufficient Satisfaction made or tendered as aforesaid, that then the Jury shall find for the Defendant or Defendants; or if the Plaintiff or Plaintiffs shall become nonsuited, or suffer a Discontinuance of his, her, or their Action or Actions, or if a Verdict shall pass against the Plaintiff or Plaintiffs, the Defendant or Defendants shall have Treble Costs, and shall have such Remedy for recovering the same as any Defendant or Defendants hath or have for Costs of Suit in any other Cases by Law.

Notice of Evidence.

XC. And be it further enacted, That no Evidence shall be permitted to be given by the Plaintiff, on Trial of any such Action as aforesaid, of any Cause of Action except such as contained in the Notice hereby directed to be given.

Action may be brought against the Commissioners in the Name of their Secretary, and shall not abate by his Removal, &c.

XCI. And be it further enacted, That it shall be lawful for the said Commissioners for the Execution of this Act, in every Case in which it may become necessary, to sue and be sued in the Name of their Secretary for the Time being; and that no Action or Suit in Law or Equity, to be brought or commenced by or against the said Commissioners or any of them, on account of this Act, in the Name of their Secretary for the Time being, shall abate or be discontinued by the Death or Removal of such Secretary, or by the Act of such Secretary without the Consent of the said Commissioners; but the Secretary of the said Commissioners for the Time being shall always be deemed the Plaintiff or Defendant in such Action or Suit, as the Case may be; and no Action or Suit shall be brought against the said Commissioners, collectively or individually, or against their Secretary, except in His Majesty's Court of Exchequer in *Ireland*, and with the Leave of such Court first had and obtained, and upon such Terms and Conditions as the said Court shall direct.

Commissioners may examine Persons on Oath, and receive Affidavits, &c.

XCII. And be it further enacted, That it shall be lawful for the said Commissioners for the Execution of this Act, and they are hereby authorized and empowered, to examine upon Oath or Affirmation (which Oath or Affirmation they or any one of them are and is hereby authorized to administer) all Persons who shall be willing to be examined touching all such Matters and Things as shall be necessary for the Execution of the Powers vested in the said Commissioners by this Act, and also to receive any Affidavits or Depositions in Writing, upon Oath or Affirmation, touching such Matters or Things as aforesaid, which shall be made before any Justice of the Peace of any County, or any Magistrate of any City, Borough, or Town Corporate in *Ireland*, where or near to which the Person making such Affidavit or Deposition shall reside, and certified and transmitted

mitted to the said Commissioners respectively under the Hand and Seal of such Justice or Magistrate; which Oath or Affirmation every such Justice or Magistrate shall be and is hereby authorized and empowered to administer; provided that in every such Affidavit or Deposition there shall be expressed the Addition of the Party making such Affidavit or Deposition, and the particular Place of his or her Abode.

Persons swearing falsely, or making false Affirmation or Affidavit, guilty of Perjury.

XCIII. And be it further enacted, That if any Person or Persons, upon Examination upon Oath or Affirmation before the said Commissioners for the Execution of this Act respectively, or if any Person or Persons making any such Affidavit or Deposition as before mentioned, shall wilfully and corruptly give false Evidence, or shall in such Affidavit or Deposition wilfully and corruptly swear, affirm, or allege any Matter or Thing which shall be false or untrue, every such Person or Persons so offending, and being thereof duly convicted, shall be and is and are hereby declared to be subject and liable to such Pains and Penalties as by any Law now in force in *Ireland* Persons convicted of wilful and corrupt Perjury are subject and liable to.

Affirmation.

XCIV. And be it further enacted, That in all Cases where an Oath may be administered by this Act it shall be lawful to administer an Affirmation in lieu thereof, as the Case may require.

Forging or counterfeiting any Instrument purporting to be the Act or Deed of the Commissioners or any Persons acting under this Act, Felony.

XCV. And be it further enacted, That if any Person or Persons shall forge, counterfeit, or alter, or cause or procure to be forged, counterfeited, or altered, or knowingly or wilfully act or assist in the forging, counterfeiting, or altering, any Certificate or Certificates of the Commissioners for the Execution of this Act, or any of them, or any Order, Certificate, Receipt or Receipts to be given or made by any Officer of His Majesty's Exchequer or Treasury or of the Bank of *Ireland*, in pursuance of this Act, or shall wilfully deliver any such forged, counterfeited, or altered Order, Certificate, or Receipt to the Auditor of the Receipt of His Majesty's Exchequer in *Ireland*, or to any Officer appointed by him, or to the Teller thereof, or to the Commissioners for the Execution of this Act, or any of them, or to any Officer or Officers appointed by them or any of them, in the Execution of the Powers of this Act, or shall utter any such forged, counterfeited, or altered Order, Certificate or Certificates, Receipt or Receipts, knowing the same to be forged, counterfeited, or altered, with Intent to defraud His Majesty, His Heirs or Successors, or any Body or Bodies Politic or Corporate, or any Person whomsoever, then and in every such Case all and every Person or Persons so offending, and being thereof lawfully convicted, shall be liable, at the Discretion of the Court, to be transported beyond the Seas for Life, or for any Term not less than Seven Years, or to be imprisoned for any Term not exceeding Four Years nor less than Two Years.

Instruments or Deeds executed for the Purposes

XCVI. And be it further enacted, That no Obligation, Contract, Agreement, Assignment, Deed, Conveyance, or other Instrument whatever, taken or made to or by the said Commissioners for the

of this Act not liable to Stamp Duty.

Execution of this Act, nor any Affidavit, Deposition, Certificate, Order, or Receipt to be respectively taken or made under and by virtue of this Act, shall be liable to any Stamp Duty whatever; any thing in any Act or Acts in force in *Ireland* to the contrary in anywise notwithstanding.

Treasury may suspend or abrogate the Powers of the Commissioners, Notice of which shall be given in the Dublin Gazette, &c.

XCVII. And be it enacted, That whenever the Commissioners of His Majesty's Treasury for the Time being shall think fit that the Powers of the said Commissioners for the Execution of this Act should cease and determine, or that the making and Issue of Exchequer Bills under the Provisions thereof should be suspended, it shall and may be lawful for the said Commissioners of His Majesty's Treasury for the Time being, and they are hereby authorized and empowered, to direct the Commissioners for the Execution of this Act, and the said Commissioners for the Execution of this Act are hereby authorized and required, to publish and declare, by Advertisements to be inserted in the *Dublin Gazette* and such Newspapers as the said Commissioners of His Majesty's Treasury may appoint, that, at and from such Period as may be in that Behalf determined upon and appointed, the said Commissioners for the Execution of this Act will cease, either altogether or for a Time, as may be directed by the said Commissioners of His Majesty's Treasury for the Time being, to receive Applications for Loans, Grants, and Advances under this Act, and to execute and perform other the Powers and Authorities in respect thereof vested in them by this Act; and all the Powers and Authorities of the said Commissioners for the Execution of this Act, for the Loan or Advance or Grant of Money, shall wholly cease and determine, or be suspended for a Time, according to the Tenor of such Notice as aforesaid; and thereupon the said Commissioners for the Execution of this Act shall with all convenient Speed make up and close their Accounts and Transactions, and deliver or cause to be delivered up to the said Commissioners of His Majesty's Treasury for the Time being, or such Person or Persons as the said Commissioners of His Majesty's Treasury, in Writing under their Hands, shall nominate and appoint, such Accounts, and all and every the Bonds, Mortgages, Deeds, Books of Account, Papers, and Writings, of what Nature or Kind soever, in Possession or under the Controul of the said Commissioners for the Execution of this Act, or any of their Officers, touching or relating to any Security or Securities whatsoever taken by them the said Commissioners for the Execution of this Act, for any Loan or Loans advanced, or Grant or Grants made by them under the Powers and Authorities of this Act, together with the Minutes of the Proceedings of the said Commissioners for the Execution of this Act, and all Books, Papers, and Writings in any Manner relating thereto.

Powers vested in the Secretary shall then vest in such Persons as the Treasury shall appoint,

XCVIII. And be it enacted, That on the Termination of the said Commission in manner aforesaid, any Interest which may then be vested in the Secretary of the said Commissioners for the Execution of this Act, for the Time being, shall from thenceforth, by Force of this Act, and without any Act or Deed whatsoever to be done by such Secretary, vest in the Person or Persons to be appointed as aforesaid by the said Commissioners of His Majesty's Treasury, for

the Time being, in such Manner and to such Extent as the said Commissioners of His Majesty's Treasury shall in Writing direct and appoint, whether such Person or Persons so to be appointed shall be or include the then Secretary to the said Commissioners for the Execution of this Act, for the Time being, or otherwise; and the Person or Persons so to be appointed shall and may and is and are hereby authorized to proceed for the Recovery of such Interest as may become vested in them or him as last aforesaid, by any Action or Suit in Law or Equity, or in any other Manner, as the same might have been proceeded upon by or in the Name of such last-mentioned Secretary to the said Commissioners for the Execution of this Act; and the Person or Persons so to be appointed shall have and possess such and the like Powers and Authorities for the Recovery and Receipt of all and every the Loans advanced under this Act, or such Parts thereof as shall then remain due and unpaid, as under this Act are vested in the said Commissioners or their Secretary for the Time being, but subject nevertheless to such Orders and Instructions in Writing as the said Commissioners of His Majesty's Treasury for the Time being shall from Time to Time think fit to give and direct.

and all Loans remaining unpaid shall be recovered by them.

XCIX. And be it further enacted, That from and after the Termination of the Powers of the said Commissioners for the Execution of this Act, in manner aforesaid, it shall and may be lawful for the Commissioners of His Majesty's Treasury for the Time being, or for the Person or Persons to be appointed by them as aforesaid, to grant such Certificate in respect of the Receipt of any Loans and Interest remaining due and unpaid, or to use and give such other Form of Acquittance and Discharge, as the said Commissioners of His Majesty's Treasury shall in Writing direct and appoint; and such Certificate or other Form of Acquittance so to be given under the Direction of the said Commissioners of His Majesty's Treasury shall be a valid and effectual Acquittance to all Intents and Purposes whatever.

Acquittance of the Treasury or Person appointed by them shall be a sufficient Discharge.

C. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to enable the Commissioners of His Majesty's Treasury to suspend or abrogate any Powers or Authorities created by or arising out of any former Act or Acts, and herein-after transferred to and vested in the Commissioners to be appointed by virtue of this Act, but that the same shall continue and exist and be exercised by such Commissioners appointed hereunder, notwithstanding any such Suspension or Abrogation as aforesaid of the Powers and Authorities conferred upon them by this Act, in respect of the Loan, Advance, or Grant of Money under the Provisions hereof.

Treasury not to have Power to suspend or abrogate Powers of former Acts transferred to Commissioners under this Act.

CI. And whereas by an Act passed in the Forty-fifth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to amend the Laws for improving and keeping in repair the Post Roads in* Ireland, *and for rendering the Conveyance of Letters by His Majesty's Post Office more secure and expeditious;* and by a certain other Act passed in the Forty-sixth Year of the Reign of His late Majesty King

45 G. 3. c. 43.

46G.3.c.134. King *George* the Third, intituled *An Act to provide for the Security and Expedition of the Conveyance of Letters by the Post in* Ireland; and by a certain other Act passed in the Fifty-third Year of the 53G.3.c.146. Reign of His Majesty King *George* the Third, intituled *An Act to amend an Act made in the Forty-fifth Year of His present Majesty, intituled 'An Act to amend the Laws for improving and keeping in 'repair the Post Roads in* Ireland, *and for rendering the Conveyance 'of Letters by His Majesty's Post Office more secure and expeditious';* Provision was made for the Repair and Improvement of the several Lines of Post Roads throughout *Ireland*, and, amongst other things, His Majesty's Postmaster General for *Ireland* was authorized and required to cause certain Surveys, Estimates, and Maps of such Lines of Road, and all advantageous Improvements of the same by cutting off Angles or forming new Lines, to be laid before Grand Juries or the Trustees of Turnpike Roads, and dealt with and proceeded upon in manner by the said recited Acts appointed: And whereas by an Act passed 7W.4.c.8. in the last Session of Parliament, intituled *An Act for enabling His Majesty to appoint a Postmaster General for the United Kingdom of* Great Britain *and* Ireland, it was amongst other things enacted, that it should be lawful for His Majesty, His Heirs and Successors, to appoint any One Person to be Postmaster General for the United Kingdom of *Great Britain* and *Ireland*, by the Name and Style of "His Majesty's Postmaster General;" and all the Powers, Authorities, Immunities, Rights, and Privileges theretofore belonging or appertaining to the Postmaster General for *Ireland* were by the said recited Act of the last Session of Parliament, together with other Powers and Authorities, transferred to and vested in the Person so to be appointed Postmaster General for the United Kingdom of *Great Britain* and *Ireland* and other His Majesty's Dominions: And whereas His Majesty has since been pleased, in manner by the said Act mentioned, to appoint such His Majesty's Postmaster General: And whereas it is expedient that the Powers, Duties, and Authorities by the before-recited Acts of the Forty-fifth, Forty-sixth, and Fifty-third Years of the Reign of His Majesty King *George* the Third vested in and conferred upon the Postmaster General for *Ireland*, and now transferred to and vested in the said Postmaster General appointed by virtue of the said recited Act of the last Session of Parliament, in respect of the procuring such Surveys, Maps, Plans, and Estimates of Post Roads, and all Improvements of the same, to be made, should be transferred to and vested in the Commissioners for the Execution of this Act, and that such Surveys, Maps, Plans, and Estimates shall be made and carried on under the Direction of such Commissioners; be it therefore enacted, That from and after the Appointment of the Commissioners for the Execution of this Act the said Postmaster General for the Time being shall, whenever he may think it necessary or advisable that any such Survey, Map, or Estimate of any Line of Road should be made, or any Improvement or Alteration made therein, certify the same to the said Commissioners for the Execution of this Act, and thereupon the said Commissioners shall proceed to appoint a Surveyor or Surveyors to make such Survey, Map, or Estimate as may be required by the said Certificate; and the said Commissioners shall, and all Persons duly authorized by them shall, have such and the like Powers and Authorities to proceed therein as the said

Powers given under recited Acts to Postmaster General to cause Surveys of Roads, &c. vested in Commissioners under this Act.

said Postmaster General, or the Persons by him duly authorized, now has or have respectively under the said recited Acts, for making any Survey, Map, or Plan and Estimate; and all Surveys, Maps, Plans, and Estimates made by Order of the said Commissioners, in pursuance of such Certificate as aforesaid, shall be deemed and taken to be of like Efficacy and Authority in all respects as the Surveys, Maps, Plans, and Estimates authorized and required to be made by the said recited Acts under the Direction of the said Postmaster General, and in all respects dealt with and acted upon in like Manner as Surveys, Maps, Plans, and Estimates made under Direction of the Postmaster General of *Ireland* have been or ought to have been heretofore dealt with and acted upon by virtue of the said recited Acts.

Commissioners may contract with Grand Juries or Trustees of Turnpike Roads for Repair of Bridges or Roads.

CII. And whereas it is expedient to provide for the more effectual Maintenance and Repair of Lines of Post Roads which have or hereafter may be made under the Authority of the herein-before recited Acts of the Forty-fifth, Forty-sixth, and Fifty-third Years of the Reign of His Majesty King *George* the Third; be it therefore enacted, That it shall and may be lawful for the several Grand Juries throughout *Ireland* empowered or required to make Presentments for Roads or Bridges under the Provisions of the said recited Acts, and also for the Trustees of any Turnpike Road, in conjunction with any Grand Jury or by themselves, to propose to the said Commissioners for the Execution of this Act to undertake the Repair and Maintenance of such Roads, together with all Bridges, Pipes, Gullets, or other Works thereon, for any Term not exceeding Seven Years, Provision being first made, in Cases of Grand Juries by Presentment, and in Cases of Trustees in such Manner as may be safe and convevient, for the Indemnity of the said Commissioners; and if such Presentment or other Provision, as the Case may be, shall upon due Consideration seem to the said Commissioners adequate for such Purpose, and also to cover and include all incidental Charges and Expences in and about the Management of such Undertaking, so that the general Charge of maintaining the Commission by this Act created shall not be augmented thereby, it shall and may be lawful for the said Commissioners for the Execution of this Act to undertake to provide for the Maintenance and Repair of such Roads, and the Bridges, Pipes, Gullets, or other Works thereon, for any Term not exceeding Seven Years; and from and after the Time that such Commissioners shall have undertaken the Care, Maintenance, and Repair of such Roads and Bridges, Pipes, Gullets, and other Works thereon, all the Powers now vested in the said Grand Juries or Trustees respectively, so far as regards or relates to the Maintenance and keeping in repair such Roads, Bridges, Pipes, Gullets, or other Works, (always except such Powers and Authorities as may be needful for the raising and levying of the Sums agreed upon by such Commissioners to be paid to them as the Consideration for and in satisfaction of their Costs and Charges in and about the said Undertaking,) shall cease and be suspended during the Term so agreed upon as aforesaid; and the said Commissioners shall have full Power and Authority to make, maintain, and repair such Roads, Bridges, and all other Works thereon, and such Sum or Sums as may be agreed upon shall be paid

to such Person and in such Manner as the said Commissioners shall fix and appoint; and an Account of all Expences incurred in and about the Maintenance and Repair of such Roads, or the Bridges, Pipes, Gullets, or other Works thereon, shall be laid by such Commissioners before the respective Grand Juries at each and every Spring and Summer Assizes, and before such Trustees once in every Year during such Term of Years: Provided always, that if at the Expiration of such Term of Years it shall appear that the Sum actually expended and laid out by the said Commissioners in discharge of their said Undertaking, together with all Expences of Management incurred therein, shall not amount to the entire Sum paid to the said Commissioners by such Grand Juries or Trustees respectively, the Surplus remaining in the Hands of the said Commissioners shall be repaid to the Treasurer of such Grand Juries or Trustees respectively, to be by them, in Cases of Grand Juries, carried to the Credit of the County whereon the same shall have been levied, and in Cases of Trustees, to be applied to the general Purposes of their respective Trusts.

Powers of Commissioners for Execution of following Acts in Ireland to cease, and vest in Commissioners under this Act.

CIII. And be it further enacted, That from and after the Appointment of the Commissioners for the Execution of this Act the Powers and Authorities of the Persons appointed Commissioners by the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by virtue of any Power derived from or under any of the Acts herein-after enumerated, for the Execution of the same, in *Ireland*, shall wholly cease and determine, and all such Powers and Authorities shall vest in and devolve upon the said Commissioners for the Execution of this Act; and the said Commissioners for the Execution of this Act shall and they are hereby required, authorized, and empowered to exercise all such Powers and Authorities as may have been vested in or conferred upon the Commissioners acting in *Ireland* under or by Authority of any of the Acts herein-after enumerated; (that is to say,) an Act passed in the Fifty-seventh Year of the Reign of His Majesty King *George* the Third, intituled *An Act to authorize the Issue of Exchequer Bills and the Advance of Money out of the Consolidated Fund to a limited Amount, for the carrying on of Public Works and Fisheries in the United Kingdom, and the Employment of the Poor in* Great Britain, *in manner therein mentioned;* also an Act passed in the same Session of Parliament, intituled *An Act to amend an Act made in the present Session of Parliament, for authorizing the Issue of Exchequer Bills and for the Advance of Money for carrying on Public Works and Fisheries and the Employment of the Poor;* also an Act passed in the Fifty-eighth Year of the Reign of His said Majesty *George* the Third, intituled *An Act to amend Two Acts made in the last Session of Parliament, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries and the Employment of the Poor; and to extend the Powers of the Commissioners appointed for carrying the said Acts into execution in* Ireland; also an Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend and continue Two Acts passed in the Fifty-seventh Year of His late Majesty King* George *the Third, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying of Public Works and Fisheries and Employment of the Poor; and to extend the Powers*

57 G.3. c. 34.

57 G.3. c. 124.

58 G.3. c. 88.

1 G. 4. c. 60.

of the Commissioners for executing the said Acts in Great Britain; also an Act passed in the same Session of Parliament, intituled *An Act to amend several Acts made in the Fifty-seventh and Fifty-eighth Years of His late Majesty, for the Advance of Money for carrying on Public Works, and for other Purposes, so far as the said Acts relate to* Ireland; also an Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend Two Acts of the Fifty-seventh Year of His late Majesty and the First Year of His present Majesty, for authorizing the Issue of Exchequer Bills and the Advance of Money for carrying on Public Works and Fisheries and Employment of the Poor; and to authorize a further Issue of Exchequer Bills for the Purposes of the said Acts;* also another Act passed in the same Session of Parliament, intituled *An Act to authorize the further Advance of Money out of the Consolidated Fund for the Completion of Works of a Public Nature, and for the Encouragement of the Fisheries in* Ireland; also an Act passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the several Acts for the Assistance of Trade and Manufactures and the Support of Commercial Credit in* Ireland; also an Act passed in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend and render more effectual the several Acts for the issuing of Exchequer Bills for Public Works;* also an Act passed in the same Session of Parliament, intituled *An Act to amend the Acts for the Issue of Exchequer Bills for Public Works;* also an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to render more effectual the several Acts for authorizing Advances for carrying on Public Works, so far as relates to* Ireland; also an Act passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend the several Acts for authorizing Advances for carrying on Public Works, and to extend the Provisions thereof in certain Cases;* also an Act passed in the Seventh and Eighth Years of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act to amend an Act of the First Year of His present Majesty, for the Advance of Money for carrying on Public Works in* Ireland; and also another Act passed in the same Session of Parliament, intituled *An Act for the further Amendment and Extension of the Powers of the several Acts authorizing Advances for carrying on Public Works.*

1 G. 4. c. 81.
3 G. 4. c. 86.
3 G. 4. c. 112.
4 G. 4. c. 42.
5 G. 4. c. 36.
5 G. 4. c. 77.
6 G. 4. c. 35.
7 G. 4. c. 30.
7 & 8 G. 4. c. 12.
7 & 8 G. 4. c. 47.

CIV. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend in anywise to abridge, alter, or affect the Powers and Authorities given or conferred upon any Persons appointed or to be appointed Commissioners for the Execution of the said recited Acts or any of them, in that Part of the United Kingdom called *Great Britain;* any thing herein-before contained to the contrary in anywise notwithstanding.

This Act not to affect Commissioners under recited Acts in Great Britain.

CV. And whereas by an Act passed in the Parliament of *Ireland* in the Fortieth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for granting to His Majesty the Sum of Five hundred thousand Pounds, for promoting Inland Navigation in* Ireland, *and for other Purposes therein mentioned, and for authorizing the raising*

40 G. 3. c. 51. (I.)

53G.3.c.144. 56G.3.c.55. *raising the said Sum by Loan*, which Act was amended by Two other Acts of the Fifty-third and Fifty-sixth Years of the Reign of His said Majesty King *George* the Third, the Lord Lieutenant of *Ireland* was authorized to appoint Five Persons to be Directors of all Works relating to Inland Navigation; and it is expedient that the Powers thereby given to the said Directors, and all Property, Estate, and Effects by them acquired or possessed, should be vested in and transferred to the Commissioners for the Execution of this Act; be it therefore enacted, That all the Powers given to and authorized to be exercised by the Directors appointed in pursuance to the said Act of the Fortieth Year of the Reign of King *George* the Third, or any other Act or Acts now in force, and all Property, Estates, and Effects, and all Tolls or Funds, and all Rights, Claims, Titles, and Possessions, of what Nature or Kind soever, of or belonging or in any Manner appertaining to or enjoyed by the said Directors, shall, from and after the Appointment of the Commissioners for the Execution of this Act, be transferred to and vested in the said Commissioners for the Execution of this Act, and the said Commissioners shall have all such Powers and Authorities as in anywise belonged to or might have been exercised by the said Directors previous to the passing of this Act, and be and be deemed and considered to be to all Intents and Purposes in the Place of such Directors of Inland Navigation.

Powers of Directors of Inland Navigation under recited Acts transferred to Commissioners under this Act;

as also the Powers of Commissioners of Fisheries created by 59G.3.c.109. (continued by 7G.4.c.34.), which were vested in the Directors of Inland Navigation by 1W.4.c.54.

CVI. And whereas by an Act passed in the Fifty-ninth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for the further Encouragement and Improvement of the* Irish *Fisheries*, the Lord Lieutenant or other Chief Governor or Governors of *Ireland* was and were empowered to nominate and appoint Persons to be Commissioners specially for overseeing, and directing, and improving the Fisheries of *Ireland*, to be called Commissioners of the *Irish* Fisheries, for the Purpose of executing the Provisions of the said Act for the Period in the said Act mentioned; and by an Act passed in the Seventh Year of the Reign of His late Majesty King *George* the Fourth the Powers and Authorities given by the said Act of the Fifty-ninth Year of the Reign of His Majesty King *George* the Third were continued in force until the Fifth Day of *April* One thousand eight hundred and thirty: And whereas by an Act passed in the First Session of the First Year of the Reign of His present Majesty, intituled *An Act to revive, continue, and amend several Acts relating to the Fisheries*, all and every Right, Title, and Interest of the said Commissioners in the *Irish* Fisheries, and all Powers and Authorities vested in them in or by the said recited Act in the Fifty-ninth Year of His said late Majesty, or in or by any other Act or Acts in force immediately before the said Fifth Day of *April* One thousand eight hundred and thirty, were transferred and conveyed to and vested in and appointed to be exercised by the Directors of all Works relating to Inland Navigation for the Time being, and Power was given to create additional Directors: And whereas it is expedient that the said Right, Title, and Interest in the *Irish* Fisheries, with all Powers and Authorities of and in respect of the same, should be transferred to and vested in the Commissioners for the Execution of this Act; be it therefore enacted, That all Right, Title, and Interest in the

1W.4.c.54.

Irish

Irish Fisheries, with all Powers and Authorities transferred and vested by the said Act of the First Session of the First Year of the Reign of His present Majesty to and in the said Directors of Inland Navigation, or any such additional Directors, shall, from and after the Appointment of the Commissioners for carrying this Act into execution, be vested in and transferred to the said Commissioners for the Execution of this Act; and the Lord Lieutenant or other Chief Governor or Governors of *Ireland* is and are hereby authorized and directed to pay or cause to be paid all the Sum or Sums of Money directed by the said Act of the First Session of the First Year of the Reign of His present Majesty, or any other Act or Acts, for the Completion of Piers, and any and every other Purpose in any of the said Acts mentioned, to the Commissioners for the Execution of this Act, instead of to the Directors of Inland Navigation; and such Commissioners for the Execution of this Act shall for the Purposes of the said Act of the First Session of the First Year of the Reign of His present Majesty be and be deemed to be in the Place of the said Directors of Inland Navigation: Provided always, that any and every Salary, Pension, or Allowance which may by the said Act of the First Session of the First Year of the Reign of His present Majesty, or any other Act or Acts, be directed to be paid to any Person or Persons whatsoever, shall from and after the Appointment of the Commissioners under this Act cease and determine, and be no longer paid or payable.

Powers given to Directors of Inland Navigation for Repair of certain Roads by 6 G. 4. c. 101. revived, and transferred to Commissioners under this Act.

CVII. And whereas by an Act passed in the Sixth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to provide for the repairing, maintaining, and keeping in repair certain Roads and Bridges in* Ireland, certain Powers were given to the Directors of Inland Navigation in *Ireland* for Purposes therein mentioned, and the said Act was continued by an Act passed in the Seventh and Eighth Years of the Reign of His late Majesty, and was further continued by an Act passed in the Tenth Year of His late Majesty's Reign until the End of the last Session of Parliament: And whereas the said Act has expired, and it is expedient to revive and make the same perpetual, and that the ill Consequences arising from the Expiration thereof should be remedied, and that the Powers thereby given to the Directors of Inland Navigation should be transferred to the Commissioners for the Execution of this Act; be it therefore enacted, That from and after the passing of this Act the said recited Act of the Sixth Year of the Reign of His late Majesty King *George* the Fourth shall be and the same is hereby revived and declared to be perpetual; and that all Matters and Things done and committed at any Time since the last Day of the last Session of Parliament, and which could or might have been done pursuant to or under the Authority of the said Act, if it had not expired, shall be and be deemed to be as good, valid, and effectual to all Intents and Purposes whatsoever as if the said Act had not expired.

Actions brought for any Matter done which might have been done if last-recited

CVIII. And be it enacted, That all personal Actions, Suits, Indictments, Informations, and Prosecutions heretofore brought, commenced, preferred, exhibited, or now depending, or to be hereafter brought, commenced, preferred, or exhibited, and all Judgments thereupon obtained, if any such there be, and all Proceedings whatsoever

Act had not expired, shall be discharged, and Persons indemnified.

soever against any Person or Persons for or on account of any Act, Matter, or Thing by him or them done, committed, or directed to be done since the last Day of the last Session of Parliament, and which it would have been lawful and competent for him or them to have done, committed, or directed to be done if the said recited Act of the Sixth Year of the Reign of His late Majesty King *George* the Fourth had not expired, shall be discharged and made void; and that every Person or Persons by whom any such Act, Matter, or Thing shall have been done, committed, or directed to be done shall be freed, acquitted, discharged, and indemnified, as well against the King's Majesty, His Heirs and Successors, as against all and every other Person or Persons whomsoever.

Defendants may plead the General Issue, and give this Act in Evidence, and have Double Costs.

CIX. And be it further enacted, That if any Action or Suit hath been or shall be brought, commenced, or had in any Court in *Ireland*, against any Person or Persons, for or on account of any such Act, Matter, or Thing as aforesaid, he or they may plead the General Issue, and give this Act and the Special Matter in Evidence; and if the Plaintiff or Plaintiffs shall become nonsuit, or forbear further Prosecution, or suffer a Discontinuance in any such Action or Suit, or if a Verdict shall pass against the Plaintiff or Plaintiffs therein, the Defendant or Defendants shall have and be entitled to Double Costs, for which he or they shall have the like Remedy as in other Cases in which Costs by Law are given to the Defendants.

Court (or Judge, if Court not sitting,) on Application of Defendant, may stay Proceedings, and give Double Costs.

CX. And be it enacted, That if any Action, Suit, Indictment, Prosecution or Proceeding, hath been or shall be brought, commenced, preferred, exhibited, or had in any Court against any Person or Persons, for or on account of any such Act, Matter, or Thing as aforesaid, it shall be lawful for the Defendant or Defendants in any such Action, Suit, Indictment, Information, Prosecution, or Proceeding, or for any of them, to apply by Motion, Petition, or otherwise, in a summary Way, to the Court in which the same hath been or shall be brought, commenced, preferred, exhibited, or had, or shall be depending, if such Court shall be sitting, and if not sitting, then to any One of the Judges or Justices of such Court, to stay all further Proceedings in such Action, Suit, Indictment, Information, Prosecution, or Proceeding; and such Court, or any Judge or Justice thereof when the said Court shall not be sitting, is hereby authorized and required to examine the Matter of such Application, and upon Proof by the Oath or Affidavit of the Person or Persons making such Application, or any of them, or other Proof to the Satisfaction of such Court, Judge, or Justice, that such Action, Suit, Indictment, Information, Prosecution, or Proceeding is brought, commenced, preferred, exhibited, or had for or on account of any such Act, Matter, or Thing as aforesaid, to make an Order for staying Execution and all other Proceedings in such Action, Suit, Indictment, Information, Prosecution, or Proceeding, in whatever State the same shall or then may be, and although Judgment shall have been entered up of Record, or given, or any Writ of Error or Appeal shall have been brought or made, or shall be depending therein; and the Court, or the Judge or Justice, making such Order for Stay of Proceedings in any Action or Suit as aforesaid, shall also order unto the Defendant or Defendants, and he and they shall have and be entitled to, Double Costs for all

such Proceedings as shall be had or carried on in any such Action or Suit after the passing of this Act, and for which Costs he and they shall have the like Remedy as in Cases where Costs are by Law given to Defendants: Provided always, that it shall be lawful for any Person or Persons, being a Party or Parties to any such Action, Suit, Indictment, Information, Prosecution, or other Proceeding, to apply by Motion, Petition, or otherwise, in a summary Way, to the Court in which the same shall have been brought, commenced, preferred, exhibited, or had, or shall be depending, to vacate, discharge, or set aside any Order made by any Judge or Justice of that Court for staying Proceedings or for Payment of Costs as aforesaid, so as such Application be made within the first Four Days on which such Court shall sit next after the making of any such Order by any Judge or Justice as aforesaid; and such Court is hereby required to examine the Matter of such Application, and to make such Order therein as if the Application had been originally made to the said Court; but nevertheless, in the meantime and until such Application shall be made to the said Court, and unless the said Court shall think fit to vacate, discharge, or set aside or reverse the Order made by any such Judge or Justice as aforesaid, the same shall continue in full Force to all Intents and Purposes whatsoever.

Court may, on Application of any Party to such Action, set aside or reverse Order of Judge made out of Court.

CXI. And be it further enacted, That from and after the Appointment of the Commissioners for the Execution of this Act all and every the Powers, Authorities, Limitations, and Restrictions given or imposed by the said recited Act of the Sixth Year of the Reign of His late Majesty King *George* the Fourth, to or upon the Directors of Inland Navigation in *Ireland*, for the Execution of the said Act, shall be and be deemed to be vested in and obligatory upon the Commissioners appointed for the Execution of this Act, and that such Commissioners shall for the Purposes of the said Act stand in the Place of such Directors of Inland Navigation, and shall be and be deemed to be the Commissioners for the Execution of the said recited Act of the Sixth Year of the Reign of His Majesty King *George* the Fourth, continued, revived, and made perpetual as aforesaid; any thing in the said Act contained to the contrary notwithstanding.

Powers of Directors of Inland Navigation under 6 G. 4. c. 101. vested in Commissioners for the Execution of this Act.

CXII. And be it further enacted, That the Words "Commissioners of His Majesty's Treasury" or "of the Treasury," wherever used in this Act, shall be construed to mean any Three or more of such Commissioners, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland*, whenever such Officer there shall be.

Definition of Terms.

CXIII. And be it further enacted, That this Act, or any of the Provisions thereof, may be amended, altered, or repealed by any Act or Acts to be passed in this present Session of Parliament.

Act may be altered.

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