

ANNO NONO

VICTORIÆ REGINÆ.

****

CAP. I.

An Act for the further Amendment of the Acts for the Extension and Promotion of Public Works in *Ireland*. [5th *March* 1846.]

WHEREAS an Act was passed in the First Year of Her present Majesty's Reign, intituled *An Act to amend the Acts for the Extension and Promotion of Public Works in* Ireland, reciting an Act of the First and Second Years of His late Majesty King *William* the Fourth, intituled *An Act for the Extension and Promotion of Public Works in* Ireland, the Provisions whereof were amended and extended by an Act passed in the then last Session of Parliament, and that the Commissioners acting under and in execution thereof were authorized to make Advances by way of Loan to a certain Amount in the said Acts limited, in aid of the Execution of Public Works in *Ireland*, and were also authorized to make Advances for the like Purpose by way of Grant in aid of the Construction of certain Works to an Amount not exceeding in the whole the Sum of Fifty thousand Pounds, and that it was expedient, with a view to the further Promotion of Public Works in *Ireland*, and the Employment of the labouring Population, that the said Commissioners should be enabled to make Advances to an additional Amount by way of Grant, and that Provision should be made for making Advances for the Execution of Public Works under certain Circumstances, partly by way of Loan and partly by way of Grant; that is to say, by Loan to the Extent of one Moiety of such Advances, and by Grant to the Extent of the other Moiety thereof; and by the said first-recited Act it is enacted, that it should and might be lawful to and for the Commissioners for the Execution of the said recited Acts, under the like

7 W. 4 & 1 Vict. c. 21.

1 & 2 W. 4. c. 33.

Conditions and Regulations, and for the Purposes of the said therein-recited Acts and the said first-recited Act, to make additional Advances by way of Grant to an Amount not exceeding in the whole the Sum of Fifty thousand Pounds, and for the Commissioners of Her Majesty's Treasury, or any Three or more of them, to cause to be issued, from Time to Time as they might find necessary, out of the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* arising in *Ireland*, (in addition to the Sum of Fifty thousand Pounds therein recited to which the Issues for the Purposes of the Grant to be made under the therein-recited Acts were limited,) any further Sum or Sums of Money not exceeding in the whole the Sum of Fifty thousand Pounds, to be applied to the Purposes of the said recited Acts and the said first-recited Act: And whereas by another Act passed in the First and Second Years of Her present Majesty, intituled *An Act to authorize a further Issue of Exchequer Bills for Public Works and Fisheries, and Employment of the Poor; and to amend the Acts relating thereto*, it is enacted, that it should be lawful for the Commissioners of Her Majesty's Treasury to appropriate out of the Sum of Five hundred thousand Pounds in Exchequer Bills authorized to be advanced under the Authority of the said Act any Sum or Sums in Exchequer Bills not exceeding Fifty thousand Pounds in the whole, for the Promotion and Extension of Public Works in *Ireland*, to be applied by the Commissioners appointed under the Authority of an Act of the First and Second Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for the Extension and Promotion of Public Works in* Ireland, to the Purposes and under the Provisions of the said Act: And whereas of the said Sum of Fifty thousand Pounds so made applicable under the said last-mentioned Act the Sum of Four thousand Pounds was applied to Grants, the remaining Forty-six thousand Pounds having been issued by way of Loan: And whereas by another Act passed in the Sixth and Seventh Years of Her present Majesty, intituled *An Act to amend the Acts for carrying on Public Works in* Ireland, after reciting as therein recited, it is enacted, that it shall be lawful for the Commissioners of Her Majesty's Treasury to order that out of such Monies as at or after the passing of said Act may be in the Exchequer, or as may be thereafter paid into the Bank of *England* to the Credit of Her Majesty's Exchequer in Repayment of Loans made for Public Works in *Ireland*, any Sum or Sums of Money not exceeding the Sum of Twenty-one thousand Pounds may be set apart and appropriated for Grants by the said Commissioners of Public Works, with the Approval of the said Commissioners of Her Majesty's Treasury, in such and the same Manner as the said Sum of Twenty-one thousand Pounds might have been used and applied for Grants if the same had not been, as therein mentioned, inadvertently applied for the Purposes of Loans: And whereas of the said several Sums so authorized to be advanced under the said recited Acts a Sum of One hundred and eighteen thousand and ninety-three Pounds Nineteen Shillings and Eight-pence has been advanced and paid, and applied for the Purposes of the said Acts, in the way of Grant, leaving a Sum of Six thousand nine hundred and six Pounds and Four-pence still unapplied and available for such Purposes; and it is expedient to increase the Sum so available, and to authorize the Commissioners of Her Majesty's Treasury to issue a further Sum from

1 & 2 Vict. c. 88. § 14.

1 & 2 W. 4. c. 33.

6 & 7 Vict. c. 44. § 17.

from the Consolidated Fund for the Purposes of the said Acts and this Act, or any of them; and it is also expedient to amend the said recited Act of the First Year of Her present Majesty, and extend its Provisions to other Cases: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the Commissioners of Public Works in *Ireland* acting in execution of the said recited Acts, under the like Conditions and Regulations (save as herein-after provided), and for the Purposes of the said recited Acts and this Act, to make additional Advances by way of Grant to an Amount not exceeding in the whole the Sum of Fifty thousand Pounds, and for the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, to cause to be issued from Time to Time as they may find necessary, out of the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, in addition to the said several Sums herein-before mentioned, any Sum or Sums of Money not exceeding in the whole the said Sum of Fifty thousand Pounds, to be applied for the several Purposes of the said Acts and this Act, or any of them, in relation to Grants.

The Commissioners of Public Works in Ireland may make additional Grants to the Extent of 50,000*l.* for the Purposes of the recited Acts and this Act.

II. And be it enacted, That all and every the Provisions, Regulations, Powers, Privileges, Advantages, Forfeitures, and Disabilities contained or expressed in the said recited Acts, or any Act amending the same, in respect of the Grants authorized to be made thereunder, shall (save as herein-after provided) be applied and extended to the Grants to be made under Authority of this Act as fully and effectually to all Intents and Purposes as if the same were herein repeated and re-enacted.

Provisions of former Acts to apply to Grants under this Act.

III. And whereas by the said recited Act of the First Year of Her present Majesty it is, amongst other things, enacted, that if any Three or more Justices of the Peace, not being Stipendiary Magistrates, in and for any County, County of a City, or County of a Town in *Ireland*, shall think it expedient to make Application for the Construction of any Public Work on the Terms and under the Regulations therein-after contained for the Repayment of a Moiety of the Expence of executing such Work, it shall and may be lawful for them, by Notice under their Hands to be posted on the Places appointed for posting Notices of Applications to Presentment Sessions in the Barony or Half Barony or Place in which such Work is proposed to be executed, to convene a Special Meeting of the Justices and Cess-payers associated with such Justices at the last Special or Presentment Sessions held in such Barony or Half Barony or Place for the Purposes of an Act passed in the then last Session of Parliament, intituled *An Act to consolidate and amend the Laws relating to the Presentment of public Money by Grand Juries in* Ireland; and such Meeting shall be held at the Place appointed for the holding of such Special or Presentment Sessions at such Time as shall be specified in such Notice, not being sooner than Seven Days from the Time of posting such Notice; and the senior Justice present at such Meeting shall preside thereat, and

Two Justices and Three Cess-payers associated with them at the last Special or Presentment Sessions may convene a Meeting of Justices and Cess-payers for making an Application to the Lord Lieutenant for the Execution of any Public Works under 7 W. 4. & 1 Vict. c. 21. § 3.

shall have, in addition to his Vote, a casting Voice in case of an Equality of Voices; and, if a Majority of such Justices and Cess-payers assembled at such Special Sessions shall so think fit, the Chairman shall apply by Memorial to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* on behalf of the Justices and Cess-payers assembled at such Sessions, praying that the Work described in such Memorial may be executed, and that a Sum, not exceeding the Amount in such Memorial mentioned, may be advanced for that Purpose, a Moiety thereof to be repaid by Grand Jury Presentment as therein-after mentioned: And whereas by reason of a Deficiency of Magistrates residing in certain Districts it is difficult to obtain the Concurrence of Three Justices of the Peace in convening any such Special Meeting as aforesaid, and it is therefore expedient to amend the said Provision; be it therefore enacted, That from and after the passing of this Act it shall and may be lawful for any Two Justices of the Peace (not being Stipendiary Magistrates) in and for any County, County of a City, or County of a Town in *Ireland*, and any Three Cess-payers associated with the Justices at the then last Special or Presentment Sessions as aforesaid held in and for the Barony, Half Barony, or Place wherein any Public Work is proposed to be executed under the Provisions of the said first-recited Act and this Act (as far as the same are applicable), by Notice under their Hands to be posted as in the said last-recited Provision directed, to convene any such Special Meeting of the Justices and Cess-payers for such Purposes and subject to such Regulations as in the said last-recited Provision mentioned; and every such Special Meeting so convened shall be as valid and effectual for all and every the Purposes of the said first-recited Act as if such Meeting had been convened in such Manner as in the said first-recited Act prescribed; and the several Provisions of the said first-recited Act (subject to the Variations thereof contained in this Act) shall extend and be applied to any such Special Meeting, and to the Proceedings thereat, the Application for the Execution of the Works, the Advance of Monies, the Repayment on account of the same, and to the several other Matters and Things relating to any such Works applied for at such Meeting.

Such Special Meeting may apply for Advances for the Repair or Extension of any existing Public Works.

IV. And be it enacted, That it shall and may be lawful for any such Special Meeting as aforesaid, convened in the Manner in the said first-recited Act or this Act prescribed, to make an Application in like Manner as aforesaid to the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for an Advance as aforesaid for the Alteration, Extension, or Improvement of any then existing Public Work, as fully and effectually as for the Construction as aforesaid of any Public Work; and the Provisions of the said first-recited Act shall extend and be applied to any such Alteration, Extension, or Improvement of any existing Public Work as fully and effectually as to the Construction of any Public Work.

Subsequent Repairs of such Public Works to be provided for as under the recited Acts.

V. And be it enacted, That whenever any such Public Work shall have been constructed, altered, extended, or improved under the Provisions of the said recited Acts or this Act, it shall and may be lawful for the said Commissioners of Public Works from Time to Time to take such Proceedings and exercise such Powers and Authorities for or

relating

relating to the subsequent Repairs and Maintenance of any such Public Work aforesaid, and such subsequent Repairs and Works of Maintenance shall and may be executed, and the Expence thereof shall and may be provided for, raised, and repaid, in such Manner and subject to such Provisions and Regulations as by the said recited Act of the First and Second Years of the Reign of His late Majesty King *William* the Fourth, or any Act or Acts amending the same, are directed and provided in relation to the Repair or Maintenance of any Road or Bridge in aid of the Construction whereof Grants may be made or have been made by the said Commissioners of Public Works.

Advances under Public Works Act on Loan for Improvements of Lands may be made by Board of Public Works, repayable within 20 Years, at such Rate of Interest as in Cases of other Loans.

VI. And whereas by the said recited Act of the First and Second Years of the Reign of His late Majesty King *William* the Fourth it is, amongst other things, enacted, that it shall and may be lawful for the Commissioners for the Execution of the said recited 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 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: And whereas the Provisions of the last-recited Act as to Loans are in part amended by an Act of the Sixth and Seventh Years of the Reign of King *William* the Fourth, for the Amendment of the said last-recited Act; but it is expedient that further Encouragement should be given for the Improvement of Lands by enabling Parties to obtain such Advances on more favourable Terms, and that for such Purpose the aforesaid Provision should be further amended; be it therefore enacted, That it shall and may be lawful for the Commissioners of Public Works in *Ireland*, if they shall so think fit, subject to such Restrictions and Conditions as are herein-after provided, to make any Loan or Advance as aforesaid for or in aid of the Drainage, Embankment, reclaiming, or other permanent Improvement of Land, upon Application duly made conformably to the Provisions of the said recited Act of the First and Second Years of the Reign of King *William* the Fourth, and any other Acts amending the same, and this Act, in relation thereto, and which may be approved

of

of by the said Commissioners, and by the Commissioners of Her Majesty's Treasury, or any Three or more of them, upon the Terms and Conditions that the whole Amount of such Loan or Advance shall be made repayable within such Time or Times, not exceeding Twenty Years after the Period so fixed as aforesaid for the Completion of such Drainage, Embankment, reclaiming, or other permanent Improvement, at such Rate of Interest in the meanwhile, payable half-yearly, as by the said last-recited Act, or any Acts amending the same, is provided with respect to any other Advances by way of Loan thereunder, any thing in the said last-recited Act, or the other Acts amending the same, requiring a different Period of Payment, or a higher or other Rate of Interest on any Loan or Advance for any such Drainage, Embankment, Reclamation, or other permanent Improvement, to the contrary notwithstanding: Provided always, that any such Loan or Advance, and any Charge, Mortgage, Assignment, or other Assurance for securing the Repayment thereof, shall be subject to the several Provisions, Regulations, and Enactments in the said last-recited Act, and the other Acts amending the same, contained in relation to any Loan or Advance or Security thereunder, so far as the same are applicable, and shall not be varied by this Act; and any such Charge, Mortgage, Assignment, or other Assurance for securing the Repayment of any such last-mentioned Loans under this Act shall take Priority of all Charges and Incumbrances whatsoever and whensoever made: And provided further, that no such Charge, Mortgage, or other Assurance to be made as last aforesaid shall have such Priority as aforesaid in any Case where such Loan or Loans shall be made, pursuant to the Provisions aforesaid, to or for the Use of any Person or Persons under any legal Disability or Incapacity, or being Tenants for Life, or having only particular or limited Estates or Interests in the Lands whereon the same are to be charged, or whose Estates therein shall be subject to any Incumbrances whatever, unless, previous to the making such Loan or Advance, the Person or Persons to whom or on whose Behalf the same shall be made shall have obtained the Report of One of the Masters of the High Court of Chancery in *Ireland*, authorizing such Advance to be made, on a Petition to be presented to the said Court pursuant to the Provisions of a certain Act passed in the Eighth and Ninth Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to alter and amend an Act passed in the Third and Fourth Years of the Reign of Her present Majesty, intituled 'An Act to enable the Owners of Settled 'Estates to defray the Expences of draining the same by way of 'Mortgage,'* and such Report shall have been duly filed and absolutely confirmed according to the Provisions of the same Act, and which Provisions shall be applicable to Advances to be made under this Act in the same Manner as if the same were here repeated.

8 & 9 Vict. c. 56.

Persons under legal Disability may charge the Lands improved to secure Repayment of such Loans for Improvements.

VII. And whereas by reason of such Advances in aid of permanent Improvements of Lands it may be expected that great Benefit will accrue to the Proprietors thereof, and that the Value thereof will be considerably increased; and it is expedient, with the Sanction of the High Court of Chancery, to be obtained on such Petition as aforesaid in manner aforesaid, to enable Tenants for Life, and others having only particular Estates, and Persons under legal Disability or Incapacity, or Persons whose Lands are incumbered, to charge on such

such Lands Monies so to be advanced for the Purposes of such Improvements; be it therefore enacted, That it shall and may be lawful 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 for any Company or Companies, or the Directors thereof for the Time being, interested in, any Part or Parts of any such Lands in or for or in aid of the Drainage, Embankment, reclaiming, or other permanent Improvement of which any such Loan or Advance shall be agreed to be made by the said Commissioners of Public Works, in pursuance of the said last-recited Act, or the other Acts amending the same, and this Act, 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 Lands, being Tenants in Tail or for Life, or Tenants in Tail after Possibility of Issue extinct, or Tenants by the Courtesy or in Dower, and for Persons whose Estates are incumbered as herein-after mentioned, and to and for every of them respectively for the Time being, by and with the Sanction and Approbation of the High Court of Chancery, to be obtained in manner aforesaid, 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, and before obtaining any Advance on account of such Loan from the said Commissioners, subject to such Restrictions and Conditions as are herein-after provided, to charge the said Lands with any Sum or Sums of Money which the said Commissioners shall advance in or for or in aid of any such Drainage, Embankment, reclaiming, or other permanent Improvement thereof as aforesaid; and for securing the Repayment by Instalments of such Sum or Sums of Money which the said Commissioners shall so advance, with Interest from the Date of the Advance thereof, with the Approbation of the Court of Chancery, to be obtained in manner aforesaid, to grant, mortgage, lease, or demise or otherwise subject the said Lands unto the said Commissioners of Public Works, or to the Secretary of the said Commissioners, in trust for them, 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 the Interest for the same, shall be fully paid and satisfied at the Time or Times to be appointed in that Behalf, and also with a Covenant to pay the Instalments as they shall become due, and to pay and keep down the Interest in the meanwhile; and in the Case of every such Grant, Mortgage, Lease, or Demise, such Person or Persons or Bodies as aforesaid, as the Case may be, and every succeeding Tenant for Life, or other Person or Persons having only a limited Interest in the Lands charged, shall be bound to pay the Instalments of Principal and the Interest which shall become from Time to Time due and payable during the Continuance of his, her, or their Title in or to the said Lands; but nevertheless, on the Termination of such Title, by Death or otherwise, the Estate in remainder or reversion in such Lands, or the Inheritance thereof, shall remain chargeable with all Instalments, and Interest and Arrears thereof, then due or thereafter to become due; 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: Provided always, that it shall be lawful for any Person or Persons liable to repay any Loans and Interest by Instalments under any of the Provisions aforesaid to repay the same in One Sum, or in a shorter Time than that in which the same shall be made repayable under the Provisions aforesaid.

Advances to be made by Instalments not exceeding One Fifth of the entire Sum to be advanced.

VIII. And be it enacted, That every Loan or Advance to be made by the said Commissioners of Public Works for any such last-mentioned Works or Improvements as aforesaid under the Provisions hereof shall be made by Instalments not exceeding at any One Time One Fifth of the entire Sum agreed to be advanced; and that no Second or subsequent Instalment of any such Loan shall be advanced until it shall have been proved to the Satisfaction of the said Commissioners that the preceding Instalment has been properly expended on such Works or Improvement pursuant to the Application for such Work approved by the said Commissioners: Provided always, that no one Instalment shall in any Case exceed Three hundred Pounds.

Incorporated Companies for Improvement of Land in Ireland empowered to borrow Money from the Commissioners.

IX. And whereas Societies or Companies incorporated by an Act of Parliament or established by Charter in *Ireland* or in *England*, for the Improvement of Land in *Ireland*, or for reclaiming Land in *Ireland*, may be desirous of applying for Advances of Money under the Provisions of this Act and the Acts herein recited, but Doubts may arise whether such Societies are within the Provisions of the Acts herein recited, and whether they are authorized to borrow Money, by reason of the Absence of special Authority in their Acts or Charters of Incorporation, or by reason of the Powers to borrow therein contained not having arisen or being inapplicable to the Securities which must be taken under the said recited Acts and this Act; be it enacted, That it shall and may be lawful for the Trustees or Directors of any such Society or Company incorporated by Act of Parliament or by Royal Charter for the Improvement of Land in *Ireland*, or for reclaiming Land in *Ireland*, to convene a Special General Meeting of the Shareholders, with such Notice as may be required by the respective Act or Charter of Incorporation, and specifying in such Notice the Object of such Meeting, and to submit to such Meeting a Proposition for borrowing Money under the Provisions of this Act; and if the Majority of the Shareholders present at such Meeting shall authorize the Directors to borrow a Sum of Money under the Provisions of this Act, it shall and may be lawful for the said Commissioners of Public Works, if they shall think fit, upon the Application of the Trustees or Directors of such Society or Company, to advance any Sum of Money not exceeding the Sum by such Resolution of the Special Meeting authorized, upon the Security herein-after mentioned; and such Trustees or Directors shall and may mortgage, assign, or charge all or any Part of the Property of such Society or Company, or all or any of the Interests of such Society or Company in the Leases of Lands which they may have taken for the Purpose of Improvement, or the Monies to arise from the Sale, letting, or Disposal of such Lands or any of them, for securing the Repayment, according to the Provisions of this Act, of the Money so advanced, with Interest, although such Society or Company may not have Power, independently of this Act, to borrow Money, or may have

special

special Powers of borrowing which shall not have arisen; and the Securities made under the Provisions of this Act shall, so far as respects the Property therein comprised, have Priority over all Mortgages or Charges subsequent in Date and Registry, any Provisions in the Acts or Charters of Incorporation of such Societies or Companies notwithstanding.

Commissioners may receive Applications for Loans in certain Cases, without the Bond required by 1 & 2 W. 4. c. 33. and 6 & 7 W. 4. c. 108.

X. And whereas, under the said recited Acts of the First and Second and Sixth and Seventh Years of the Reign of King *William* the Fourth, all Persons, save as therein 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 Purpose, under the Provisions of said Acts, are required, besides the Securities in each Case respectively therein directed to be taken before any Advance shall be made in respect of any Loan under the Provisions of the said Acts or of either of them, to make and enter into, or cause some sufficient Persons or Person to the Satisfaction of the said Commissioners, to make and enter into, a Bond or Obligation in Writing to the Secretary for the Time being of the said Commissioners, together with a Warrant of Attorney for confessing Judgment thereon, binding the Obligors or Obligor therein named, their, his, or her Heirs, Executors, or Administrators, in such Penalty as the said Commissioners should direct, conditioned to be void, as in the said Acts mentioned: And whereas it may be convenient that such Bond and Warrant of Attorney should be dispensed with in the Case of Bodies Politic or Corporate, or incorporated Societies or Companies; be it enacted, That it shall be lawful for the said Commissioners, when they shall think fit, to receive Applications for and make any Loan or Advance, under the Provisions of the said recited Acts or this Act, to or for the Use or in aid of any Body or Bodies Politic or Corporate, or incorporated Society or Company, without requiring such Bond or Warrant of Attorney to be made or entered into as aforesaid; and the said Commissioners may, if they shall think fit, in lieu thereof require such Security, under the Seal of any such Body Politic or Corporate, or incorporated Society or Company, for the due Application of the Money advanced, as they shall think fit; and the said Commissioners shall amend the Regulations established by them under the said Acts accordingly.

In case of Misapplication of or Neglect to apply any such Loan to the Purpose agreed upon, the Commissioners may recover the Advances made, or may complete the Works.

XI. And be it enacted, That if Default shall be made in the due Application of any Instalment of any Loan or Advance made for the Purpose of any such Drainage, Embankment, Reclamation, or other Improvement, or in case the Party or Person to whom any such Loan or Advance may have been so agreed to be made, or if the Person or Persons entitled for the Time being to the Rents and Profits of the Lands which may be the Subject of such Drainage, Embankment, Reclamation, or other Improvement, shall omit or neglect to proceed with the Completion of such Drainage, Embankment, Reclamation, or other Improvement, it shall and may be lawful for the said Commissioners to proceed for the Recovery of any such Instalment, Loan, or Advance, or any Part thereof, with the Interest due thereon, and to stop all further Advances or Loan in respect of such Work, or it shall and may be lawful for the said Commissioners, or any Person authorized by them for that Purpose, if they shall

shall so think fit, to enter upon such Lands, and proceed to complete the Drainage, Embankment, Reclamation, or other Improvement of such Lands according to the original Plan and Specification which may have been agreed upon for the same, and out of the Residue of the Monies so agreed to be advanced by and then remaining in the Hands of the said Commissioners to complete and finish such Drainage, Embankment, Reclamation, or other Improvement; and all Monies so advanced and paid as last aforesaid by the said Commissioners shall be deemed and taken as Part of the Money agreed to be advanced by the said Commissioners, and secured and charged on such Lands as aforesaid, and shall be repaid to the said Commissioners out of such Lands, and out of the Monies to be raised from such Lands by means of such Charge, Grant, Lease, Mortgage, or Demise, or other Assurance as aforesaid.

Definition of Terms in this Act.

XII. And be it enacted, That in the Construction of this Act (except where the Nature of the Provision or the Context of the Act shall exclude such Construction) the Word "Land" shall extend to all Arable, Pasture, or otherwise profitable, and to all waste uncultivated Land, whether Bog Land or Land covered with Water, and shall also extend to Messuages, Tenements, and other Hereditaments, corporeal or incorporeal, and any Estate or Interest therein, and any undivided Part thereof; and the Expression "Commissioners of Her Majesty's Treasury" or "Commissioners of the Treasury" shall mean the said last-mentioned Commissioners or any Three or more of them; and the Expression "the said Commissioners" shall mean the Commissioners of Public Works in *Ireland* or any Two or more of them (except where otherwise provided); and the Words "Person or Persons" shall extend to all Bodies Politic, Corporate, or Collegiate, and also all Bishops, Parsons, and other ecclesiastical Persons, as to Lands held by them in those respective Characters, and to any Number of Persons associated together as a Company or Partnership; and the Word "County" shall extend and be applied to all Counties, Counties of Cities, and Counties of Towns; and the Expression "High Court of Chancery or Chancery" shall extend to and include the Equity Side of the Court of Exchequer; and the Word "Master" shall extend to and include the Remembrancer; and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing; and every Word importing the Plural Number shall extend and be applied to one Person or Thing as well as several Persons or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male.

Act may be amended, &c. this Session.

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

LONDON: Printed by GEORGE E. EYRE and ANDREW SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1846.