ANNO VICESIMO TERTIO & VICESIMO QUARTO

VICTORIÆ REGINÆ.

****

Cap. cxc.

An Act for the improving of the Navigation of the River *Fergus*, and the embanking and reclaiming from the Sea of Waste Lands subject to be overflowed by the Tide on the Eastern and Western Sides of the River in the County of *Clare*. [6th *August* 1860.]

WHEREAS the Navigation of the River *Fergus* in the County of *Clare* in *Ireland* for a considerable Distance below the Town of *Clare* is at present difficult and dangerous, and is capable of great Improvement, and there are on both Sides of the River Waste Lands or Mud Banks, which, being subject to be covered by the tidal Waters, are now unproductive, and it would be of local and public Advantage if the same were reclaimed and brought into Cultivation, and the Navigation improved: And whereas the Queen's most Excellent Majesty in right of Her Crown is or claims to be seised of the Soil of the Lands so covered with the Tide, or some Part thereof: And whereas, under a Grant made by His Majesty King *James* the First in the Eighteenth Year of His Reign, and under other Grants made by Her Majesty's Predecessors, the Right Honourable *Francis Nathaniel* Marquis *Conyngham* and the Right Honourable *George* Baron *Leconfield* claim to be

be seised of the Soil of the Lands so covered with the Tide, or some Part thereof: And whereas Plans and Sections showing the Situation, Lines, and Levels of the proposed Works, and the Lands in which the Works are proposed to be made, and the Lands proposed to be embanked and reclaimed, and a Book of Reference thereto, containing the Names of the Owners or reputed Owners, Lessees or reputed Lessees, and Occupiers of the Lands, have been deposited with the Clerk of the Peace for the County of *Clare*, and the same are in this Act referred to as the deposited Plans, Sections, and Book of Reference: And whereas the Persons in this Act named and others are willing, at their own Expense, in consideration of the Lands reclaimed being vested in them, subject to the Provisions of this Act, and on their being incorporated with adequate Powers in that Behalf, to undertake the Improvement of the Navigation, and the Embankment and Reclamation of the Lands from the Sea: And whereas, in order to provide for the Maintenance and Repair of the Navigation, Embankments, and Works, when completed, it is expedient that Provision be made for charging the Lands reclaimed with a Rate for that Purpose: But these Purposes cannot be effected without the Authority of Parliament: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, in manner following; (that is to say,)

Short Title.

I. This Act may for all Purposes be cited as "River *Fergus* Navigation and Embankment Act, 1860."

8 & 9 Vict. cc. 16. & 18. incorporated.

II. "The Companies Clauses Act, 1845," and "The Lands Clauses Consolidation Act, 1845," so far as the same are not expressly varied by this Act, are respectively incorporated with this Act.

8 & 9 Vict. c. 20. incorporated.

III. Within the Limits of Deviation the Provisions "with respect to "the temporary Occupation of Lands near the Railway during the Con- "struction thereof," and "with respect to the Recovery of Damages not "specially provided for, and of Penalties, and to the Determination of "any other Matter referred to Justices," of "The Railways Clauses Consolidation Act, 1845," are incorporated with this Act; and the Expression "the Railway" in those Provisions means, for the Purposes of this Act, the Works by this Act authorized.

Same Meaning to Words in incorporated Acts as this Act.

IV. The several Words and Expressions to which by the Acts wholly or in part incorporated with this Act Meanings are assigned have in this Act the same respective Meanings, unless excluded by the Subject or Context.

"Waste Lands."

V. The Expression "Waste Lands" in this Act means and includes the Waste Lands, Sand Banks, Mud Lands, Mud Banks or Slobs, on the

the Eastern and Western Sides of the River *Fergus* delineated on the deposited Plan and specified in the Book of Reference thereto as No. 1.

Incorporation of RiverFergus Navigation and Embankment Company.

VI. *John Smith* and *George Knight*, and all other Persons who subscribe for or take any Share of the Capital of the Company, and their respective Successors, Executors, Administrators, and Assigns, are by this Act united into a Company for the Purpose of improving the Navigation of the River *Fergus*, and embanking and reclaiming from the Sea Waste Lands subject to be overflowed by the Tide on the Eastern and Western Sides of the River *Fergus*, and for otherwise carrying this Act into execution, and for those Purposes shall be One Body Corporate by the Name of "The River *Fergus* Navigation and Embankment Company," and by that Name shall have perpetual Succession and a Common Seal, and may sue and be sued, and may purchase, take, hold, sell, and dispose of Lands and Real and other Property for the Purposes but subject to the Restrictions of this Act.

Capital.

VII. The Capital of the Company shall be One hundred and twenty thousand Pounds in Shares of Ten Pounds each.

Calls.

VIII. Three Pounds a Share shall be the greatest Amount of a Call, and Three Months at least shall be the Interval between successive Calls, and Three Fourths of the Amount of the Share shall be the utmost aggregate Amount of the Calls made in any One Year upon any Share.

First and other Meetings.

IX. The First Ordinary Meeting of the Company shall be held within Twelve Months after the passing of this Act, and the subsequent Ordinary Meetings of the Company shall be held half-yearly in the Months of *February* and *August* in every Year, or in such other Months as a General Meeting from Time to Time appoints.

Number of Directors.

X. The Number of Directors shall be Five.

Qualification, &c. of Directors.

XI. The Qualification of a Director shall be the Possession in his own Right of Fifty Shares, and the Quorum of a Meeting of Directors shall be Three.

First Directors.

XII. *John Smith*, *George Knight*, *Thomas Kingdon*, and *Charles Staunton Cahill* shall be the First Directors.

First Election of Directors.

XIII. The Directors appointed by this Act shall continue in Office until the First Ordinary Meeting, and that Meeting may continue in Office the Directors appointed by this Act or any of them, and the Meeting shall elect Directors to supply the Place of the Directors, if any,

any, then retiring, the Directors, if any, so retiring being, if qualified, eligible for Re-election.

Newspaper for Advertisements.

XIV. The Newspaper for Advertisements relating to the Affairs of the Company shall be any Newspaper published in the County of *Clare*.

Company to appoint Agent for receiving Notices, &c.

XV. Within Twelve Months of the passing of this Act, and before the Commencement of the Works by this Act authorized, the Company shall appoint some Person resident in the County of *Clare* to act as their Agent for the Canal Embankment and Reclamation, and shall deliver to the Clerk of the Peace for the County of *Clare* the Name and Address of the Agent, and the Clerk of the Peace shall thereupon enter the Name and Address amongst the Records of the Court of Quarter Sessions for the County, and from Time to Time, on the Death or Removal of the Agent, another shall in like Manner be appointed and registered; and Service of any Notice, Writ, or any legal Process whatsoever, upon the Person whose Name is so registered, shall, after the Expiration of Ten Days after the Service, and until such Time as the Works are completed, be deemed good and sufficient Service upon the Company.

Plan and Sections to remain with the Clerk of the Peace.

XVI. The deposited Plans and Sections and Book of Reference shall remain with and be kept by the Clerk of the Peace for the County of *Clare*, who shall allow all Persons to inspect the same, and to make Copies and Extracts therefrom, in like Manner and upon like Terms, and under like Penalty for Default, as is provided by the Act of the First Year of the Reign of Her present Majesty, Chapter Eighty-three, with reference to the Documents therein referred to.

Copies to be Evidence.

XVII. Copies of the deposited Plans, Sections, and Book of Reference, or Extracts therefrom, duly certified by the Clerk of the Peace, shall be received in all Courts of Justice or elsewhere as Evidence of the Contents thereof.

Errors in Plan, &c. may be rectified.

XVIII. If any Omission, Mis-statement, or erroneous Description be made of Works or Lands, or of the Owners, Lessees, or Occupiers of any Lands delineated on the deposited Plans or specified in the deposited Book of Reference, the Company may apply to Two Justices of the Peace acting in and for the County of *Clare* for the Correction thereof; and if it be proved to their Satisfaction that any such Error or Omission arose from Mistake or Inadvertence they shall certify the same accordingly, and their Certificate shall be deposited with the Clerk of the Peace, who shall keep the same with the deposited Plans and Book of Reference, which shall be respectively amended or held to be amended in accordance with the Certificate.

XIX. Subject

Power for Company to execute Works authorized by Act, and take Lands for the Purpose.

XIX. Subject to the Provisions of this Act, the Company may make and maintain in the Lands delineated on the deposited Plan and specified in the deposited Book of Reference thereto, and in the Situation and Lines shown on the deposited Plan, and according to the Levels shown on the deposited Sections, the several Works by this Act authorized, and all such other Embankments, Drains, Cuts, Sluices, Dams, Culverts, Bridges, Roads, and other Works as they think expedient for improving the Navigation, and embanking and reclaiming the Lands proposed to be reclaimed, or any Part thereof, from the Sea, and rendering the same fit for Cultivation, and may enter upon, take, and use such of those Lands as they from Time to Time think necessary for those Purposes.

Company not to execute any Works under this Act which might prejudicially affect Navigation of River Shannon, &c.

XX. Provided always, That, notwithstanding anything in this Act or the Acts incorporated herewith or any of them contained, it shall not be lawful for the Company to execute any of the Works by this Act authorized which in the Opinion of the Commissioners of Public Works in *Ireland*, acting in execution of an Act passed in the Session of Parliament holden in the Second and Third Years of the Reign of Her present Majesty, intituled *An Act for the Improvement of the Navigation of the River* Shannon, can in any Manner prejudicially affect the Navigation of the said River *Shannon*, or any of the Piers, Quays, Landing Places, or other Property vested in or being within the Jurisdiction of the said Commissioners, as herein-before defined, under the Provisions of the said Act; and it shall not be lawful for the said Company to commence or undertake the Execution of any of the Works by this Act authorized, except upon such Terms and Conditions, under such Restrictions, and according to such Plans and Sections as shall previously to the Commencement of the said Works be approved of by the said Commissioners of Public Works, or any Two of them, and so signified in Writing under their Hands for that Purpose.

Limit of Time for taking Lands.

XXI. The Powers of the Company for the compulsory taking of Lands for the Purposes of this Act shall not be exercised after the Expiration of Four Years after the passing of this Act.

Works authorized by Act.

XXII. The Works by this Act authorized include the following Works; that is to say,

First, the closing up and diverting of the River *Fergus* so far as is necessary for the Purposes of this Act:

Secondly, a Cut or Canal (in this Act called the Canal) commencing at or near to a Point in the Channel of the River *Fergus* opposite to and due West of *Carrownanelly Point* in the Townland of *Carrownanelly* in the Parish of *Clare Abbey*, and running thence in a Southerly Direction to a Point Four Miles in a direct Line from the Commencement of the Cut or Canal, and terminating at a Point in

the Channel of the River *Fergus* opposite to and due West of *Rine Point* in the Townland of *Cleanagh* in the Parish of *Kilmaleery*, and about Two Thirds of a Mile therefrom:

Thirdly, an Embankment commencing at the Southern Extremity of the Cut or Canal, and on the Western Side thereof, and running thence in a South-westerly Direction to a Point on the Eastern Extremity of *Rat Island* in the Channel of the River, and thence in a Westerly Direction across that Island to and terminating at the North-east Corner of *Coney Island*:

Fourthly, an Embankment commencing at the North-western Corner of *Coney Island*, and running thence in a North-westerly Direction to and terminating at a Point on the Eastern Side of *Inishmore* or *Deer Island*:

Fifthly, an Embankment commencing at a Point on the Northern Side of *Inishmore* or *Deer Island*, and running thence in a Northerly Direction to the Southern Extremity of *Horse Island*, thence across the Island, and continuing in a North-westerly Direction, and terminating at a Point of the Embankment on the Southern Side of *Island O'Brien*:

Sixthly, an Embankment commencing at the Eastern Extremity of *Island Magrath*, and running in an Easterly Direction, and terminating at a Point on the Mainland about a Furlong to the Southward of *Latoon Creek*:

Seventhly, an Embankment commencing at or near to the Southern Extremity of the Cut or Canal, and on the Eastern Side thereof, and running thence in an Easterly Direction, and terminating at *Rine Point*:

Eighthly, the Construction of any other Embankments, Drains, Cuts, Sluices, Dams, Culverts, Bridges, Roads, and other Works within the Area of the Lands proposed to be reclaimed as may be necessary for the perfect Reclamation, Drainage, and rendering fit for Cultivation of the Lands so proposed to be reclaimed:

Ninthly, the stopping up, diverting, or maintaining of all necessary accommodation Roads or Approaches to the Waste Lands and Works, as shown on the deposited Plans.

Works below High-water Mark to be executed according to Plans, &c. approved of by the Admiralty.

XXIII. Previously to commencing any Work below High-water Mark for the Reclamation of Land or otherwise in the Estuary of the *Fergus*, the Company shall deposit at the Admiralty Office Plans, Sections, and Working Drawings of each and every of such Works, for the Approval of the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral aforesaid, such Approval to be signified in Writing under the Hand of the Secretary of the Admiralty, and such Works shall be constructed only on such Lines, and in such Direction, and to such Extent, and in such Manner as shall be so approved of; and when any such Work

Work shall have been commenced or constructed, it shall not be lawful for the Company at any Time to alter or extend the same without obtaining, previously to making any such Alteration or Extension, the like Consent or Approval; and if any such Works shall be commenced or completed, or be altered, extended, or constructed, contrary to the Provisions of this Act, it shall be lawful for the said Lord High Admiral or the said Commissioners for executing the Office of Lord High Admiral to abate, alter, and remove the same, and to restore the Site thereof to its former Condition, at the Cost and Charge of the Company, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

No Alteration to be made in the Channel of the River unless approved of by the Admiralty.

XXIV. No Alteration in the Course of the Channel of the River *Fergus* shall be made except what may be previously approved of and sanctioned by the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland* or the Commissioners for executing the Office of Lord High Admiral, and every such Approval and Sanction is to be signified in Writing under the Hand of the Secretary of the Admiralty.

If made without such Approval, the same may be restored at the Cost of the Company.

XXV. If any Alteration which requires the previous Approval and Sanction of the said Lord High Admiral or the said Commissioners be made without such Approval and Sanction, signified as aforesaid, it shall be lawful for the said Lord High Admiral or the said Commissioners to restore the Course of the said Channel, and the Cost of every such Restoration shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit, or may be recovered, with Costs, as a Penalty is or may be recoverable from the Company.

Admiralty may order local Survey, at Expense of Company.

XXVI. If and whenever the Admiralty deem it expedient to order a local Survey and Examination of any Works of the Company in, over, or affecting any tidal Water, or of the intended Site thereof, the Company shall defray the Expense of every such local Survey and Examination, and the Amount thereof shall be a Debt due from the Company to the Crown, and be recoverable accordingly, with Costs of Suit, or may be recovered with Costs, as a Penalty.

Works affecting River Fergus abandoned may be removed by Admiralty, at Expense of Company.

XXVII. If any Work made by the Company in, under, over, through, or across the River *Fergus*, or if any Portion of any Work which affects or may affect the River or Access thereto, be abandoned or suffered to fall into Disuse or Decay, the Admiralty may abate and remove the same, or such Part or Parts thereof as they from Time to Time deem fit, and restore the Site thereof to its former Condition, at the Expense of the Company, and the Amount thereof shall be a Debt due from the Company

to

to the Crown, and be recoverable accordingly, with the Costs of Suit, or may be recovered, with Costs, as a Penalty.

Company not to injure the Drainage of adjoining Lands.

XXVIII. Nothing in this Act shall authorize the Company to injure the Drainage of the Lands adjoining the Waste Lands without providing other and equally efficient Drainage, and maintaining the same where the Works for such Drainage pass over or through any Part of the reclaimed Land.

Limit of Time for Completion of Works.

XXIX. The Powers of the Company for executing the Works by this Act authorized shall, on the Expiration of Seven Years after the passing of this Act, cease and determine.

Waste Lands when reclaimed vested in Company.

XXX. So soon as the Works by this Act authorized are completed, and the Sea is effectually excluded at High Water from the Waste Lands, to the Satisfaction of Two Justices of the Peace for the County of *Clare*, neither of them being the Owner, Lessee, or Occupier of any Land adjoining to the Waste Lands, or in any way, either directly or indirectly, interested therein, and the Completion and Exclusion are certified under their Hands, and the Certificate thereof is filed amongst the Records of the Court of Quarter Sessions for the County of *Clare*, and the Compensation by this Act required is paid as herein-after provided, and subject to the Provisions of this Act, the Waste Lands so reclaimed shall be by this Act vested in and shall be the Property of the Company, for the Purposes of this Act, and thenceforth all the Estate, Right, Title, and Interest of Her Majesty, Her Heirs and Successors, and all other Persons, in the Waste Lands, shall be barred and determined.

Compensation for Rights of the Crown.

XXXI. As Compensation for and in satisfaction of all the Estate, Right, Title, Interest, Claim, or Demand of Her Majesty, and of the said Marquis *Conyngham* and *George* Baron *Leconfield*, claiming under the Grant made by King *James* the First, and the other Grants made by Her Majesty's Predecessors, as herein-before mentioned, in and to the Soil of the Waste Lands or any Part thereof, the Sum of Twenty thousand Pounds shall be paid by the Company on or before the First Day of *January* One thousand eight hundred and sixty-four into the Bank of *England*, in the Name and with the Privity of the Accountant General of the Court of Chancery in *England*, to be placed to the Account there of such Accountant General to an Account to be intituled "The Account "of the Queen's most Excellent Majesty and of *Francis Nathaniel* "Marquis *Conyngham* and *George* Baron *Leconfield*," pursuant to the Method prescribed by any Act for the Time being regulating Money paid into the said Court; and if the said Sum of Twenty thousand Pounds shall not be paid on the Day aforesaid the Amount unpaid shall thenceforth carry Interest at the Rate of Four *per Centum per Annum*, to be paid into

into the Bank of *England* in like Manner as the Principal, until the Principal is wholly paid; and such Principal, and the Interest thereon, shall be a Charge in favour of Her Majesty, Her Heirs and Successors, and of the said Marquis *Conyngham* and *George* Baron *Leconfield*, claiming under Grants made as aforesaid, according to their respective Interests, upon the Waste Lands and all the Works of the Company, and the Charge shall take Priority over all other Charges and Incumbrances whatsoever; and if all Principal and Interest be not so paid on or before the First Day of *January* One thousand eight hundred and sixty-six, the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either of them, may from Time to Time sell, in such Manner as they or he may deem expedient, so much of the Waste Lands as they or he may think requisite to pay the Principal and Interest and Costs; and every Conveyance which the Commissioners or either of them execute in favour of a Purchaser at or under any such Sale shall be effectual to pass the Fee Simple and Inheritance in Possession of such Part of the Waste Lands as is expressed to be thereby conveyed; and the Purchaser or Purchasers of the Waste Lands sold shall be respectively entitled and have the same Rights and Powers with respect to the Execution of the Works by this Act authorized, and with respect to the Embankment and Reclamation of the Waste Lands sold to them or him respectively, and otherwise, so far as Rights and Powers affect the same Lands, as are by this Act vested in and conferred upon the Company; and the Receipt of the Commissioners or either of them for the Purchase Money shall in every Case be a sufficient Discharge to the Purchaser, who shall not be bound or at liberty to inquire whether any Default in Payment has been made, or as to the Necessity for the Sale; and the Purchase Money arising from such Sales shall be applied in paying, first, the Costs of the Commissioners, and next the Principal and Interest then due, which Principal and Interest shall be paid by the Commissioners into the Bank of *England* in like Manner as the same is herein-before directed to be paid by the Company: Provided always, that the Sum of Twenty thousand Pounds and Interest shall be deemed to be charged and paid in respect of the Rights in the Soil only of the Waste Lands by this Act authorized to be reclaimed, and such Charge and Payment shall not affect any Rights or Claims which Her Majesty or the said *Francis Nathaniel* Marquis *Conyngham* and *George* Baron *Leconfield* as aforesaid may have under the Provisions of this Act, as Owners of the Frontage abutting on the Waste Lands, and the Balance, if any, of such Purchase Money, shall be paid to the Company.

Company to pay Compensation to the Crown or otherwise by Instalments.

XXXII. Provided always, That if the Company shall, after a Tract of Waste Lands containing One thousand two hundred Acres or any less Quantity has been reclaimed by them to the Satisfaction of the Commissioners of Her Majesty's Woods, Forests, and Land Revenues, or either

either of them, pay into the Bank of *England*, to an Account to be intituled "The Account of the Queen's most Excellent Majesty and of *Francis Nathaniel* Marquis *Conyngham* and *George* Baron *Leconfield*," the Sum of Five thousand Pounds, Part of the said Sum of Twenty thousand Pounds, with Interest thereon, at the Rate and from the Day herein-before respectively mentioned for Payment of Interest on the said Sum of Twenty thousand Pounds, the Commissioners of Woods, Forests, and Land Revenues, or One of them, shall sign and give a Certificate to the Company that such Lands have been reclaimed and Payment been made as aforesaid, and thereupon the Land mentioned in such Certificate shall be absolutely freed and discharged from the said Sum of Twenty thousand Pounds and all Interest thereon; and if after such Certificate is given the Company shall, when a further Part of Waste Lands containing One thousand two hundred Acres or any less Quantity has been reclaimed to the Satisfaction of the same Commissioners or either of them, pay into the Bank of *England* to the Account herein-before mentioned the further Sum of Five thousand Pounds (further Part of the said Sum of Twenty thousand Pounds), with Interest after the Rate and from the Day aforesaid, the same Commissioners, or One of them, shall give a Second Certificate to the Company to a similar Effect as the Certificate first herein-before mentioned, and thenceforth the Land mentioned in such Second Certificate shall be absolutely freed and discharged from the said Sum of Twenty thousand Pounds and Interest; and if after such Second Certificate is given the Company shall, when a further Tract of Waste Lands containing One thousand two hundred Acres or any less Quantity has been reclaimed to the Satisfaction of the same Commissioners or either of them, pay into the Bank of *England* to the Account herein-before mentioned the further Sum of Five thousand Pounds (being further Part of the said Sum of Twenty thousand Pounds), with Interest after the Rate and from the Date aforesaid, the same Commissioners or One of them shall give a Third Certificate to a similar Effect as the First and Second Certificates, and thereupon the Land mentioned in such Third Certificate shall be absolutely freed and discharged from the said Sum of Twenty thousand Pounds and Interest, and the Sum of Five thousand Pounds (being the Residue of the said Sum of Twenty thousand Pounds) and all Interest thereon shall thereupon become exclusively chargeable upon the Waste Lands within the Powers of the said Act, and not mentioned in the said Three Certificates, and on the Works of the Company thereon; but nothing in this Section contained shall affect the Power of Sale by this Act given if the whole of the said Sum of Twenty thousand Pounds and Interest is not paid by the said First Day of *December* One thousand eight hundred and sixty-six, in regard to any Waste Lands not included in any such Certificate as aforesaid which may have been given before such last-mentioned Day.

XXXIII. The

Compensation to the Crown or otherwise to be repaid on Petition.

XXXIII. The Principal Money and Interest so to be paid into the Bank of *England* as aforesaid by the Company or the said Commissioners shall, on Application to the said Court by Petition, be paid out by the said Court, and distributed to or between the said Commissioners on behalf of Her Majesty, and the said Marquis *Conyngham* and Baron *Leconfield*, claiming under the Grants made as aforesaid, according to their respective Shares, Rights, and Interest before the passing of this Act in the said Lands now covered by the Tide, and to be reclaimed under the Powers of this Act: Provided always, that it shall not be lawful for the Court of Chancery to order any Sum of Money so to be paid into the Bank of *England*, or any Part thereof, or any Interest on the same, to the said Marquis *Conyngham* or the said Baron *Leconfield*, unless the Court shall be satisfied of the Right or Title of the said Marquis *Conyngham* or the said Baron *Leconfield* to the Money ordered to be paid out to them respectively, or the Interest on the same.

For Apportionment of One Twentieth of reclaimed Lands amo Frontage Owners, Arbitrators to be appointed.

XXXIV. And whereas the Company have agreed conditionally on obtaining the Grant from the Crown effected by this Act to apportion as by this Act provided among the Owners of the Lands abutting upon the Waste Lands, when the same are reclaimed, including among such Owners Her Majesty, or the said *Francis Nathaniel* Marquis *Conyngham* and *George* Baron *Leconfield*, claiming under the said Grants herein-before mentioned, One Twentieth Part of the Waste Lands reclaimed as Compensation in full for any Deterioration of their Lands by reason of the Works by this Act authorized, and in full Discharge and Satisfaction of all Estate, Right, Title, and Interest, if any, which they may claim in the Waste Lands or in respect thereof: Therefore, upon the Completion of any of the Embankments and Works for excluding the Sea from any of the Waste Lands, or so soon as conveniently may be afterwards, the Company shall appoint One Arbitrator, and the several Persons who as the Owners for the Time being in possession of the Land abutting on the Waste Lands are interested in each Section of Land so reclaimed, or the Majority in Number of such several Persons, on the Application in Writing of the Company, shall appoint One other Arbitrator, and the Two Arbitrators shall, before proceeding to their Inquiry, select a Third to act as Umpire, to be called in only in the event of their disagreeing, and the Provisions "with respect to the Settlement of Disputes by Arbitration," of "The Companies Clauses Consolidation Act, 1845," shall apply to every such Arbitration and Umpirage, and the Reference to Arbitration hereby provided for may be enforced and carried into effect in the same Manner as a Reference to Arbitration under an Agreement for Reference may be by Law enforced and carried into effect.

Duty of Arbitrators.

XXXV. The Arbitrators, or, as the Case may be, the Umpire, shall forthwith proceed to ascertain and declare in Writing the several Proportion

portion in which the Owners are respectively entitled, and shall fix and determine on the several Lots into which the One Twentieth Part of the reclaimed Land shall be divided between the several Owners, regulating the same in such Manner as the Arbitrators or Umpire shall think proper and just, having regard to the Extent of the Frontage of the Lands of such Owners so abutting on the Waste Lands, and also to the Convenience and Wishes of the Owners as to the Position on the Waste Lands where their respective Lots shall be, it being the Intention of this Act that the Owners shall have the Advantage of selecting the Situation of their Lots so far as seems just and reasonable to the Arbitrators or Umpire, and the Arbitrators or Umpire shall notify by public Advertisement or by such other Means as they or he shall deem sufficient, but at the Expense of the Company, the Fact that they or he have or has made the Award, and the Award and Apportionment of the Arbitrators or Umpire shall be final and conclusive on the Company and on the Owners, their Guardians or Trustees, and the Costs so apportioned shall on and after the Publication of the Award belong to the Owners to whom they are so apportioned.

Company to convey to Frontage Owners.

XXXVI. Immediately after the Publication of the Award, and after the Payment of the said Sum of Twenty thousand Pounds and Interest into the Bank of *England*, as by this Act provided, the respective Lots shall vest in the respective Owners of the Lands abutting on the Waste Lands to whom the same Lots shall be allotted respectively, for the same Estate, Right, and Interest as such Owners respectively have in the Lands so abutting, and as Part of the Lands in respect of which the respective Lots had been included in the Assurances affecting the Lands in respect of which they are so allotted, but so that no Lessee at a Rack-rent of any abutting Lands shall be entitled to any Right or Interest in the Lands allotted in respect thereof; and every Owner for the Time being or his Guardian or Trustees, or other Person so interested, shall accept the Lot so apportioned to him in full Compensation for all his Estate, Royalty, Interest, or Right in the Waste Lands so reclaimed, or in respect thereof, and for all Loss, Damage, Injury, or Prejudice occasioned by the Execution of this Act to his Land, Estate, Royalty, Interest, or Right.

Residue of Lands belonging to Company may be leased, &c. by them.

XXXVII. Such Parts of the Waste Lands from Time to Time reclaimed under this Act as are not so awarded to the Owners shall, after Payment of the said Sum of Twenty thousand Pounds and Interest, or such Part thereof as herein-before provided, belong to the Company, for their absolute Use and Benefit, and they from Time to Time may cultivate, improve, build on, let, lease, exchange, partition, mortgage, sell, and convey, and otherwise deal with and dispose of the same as they think advantageous; and the Provisions "with respect to Lands acquired by "the Promoters of the Undertaking, under the Provisions of this or the

"Special

" Special Act, or any Act incorporated therewith, but which shall not be " required for the Purposes thereof," of "The Lands Clauses Consolidation Act, 1845," shall not apply to those reclaimed Lands or any Part thereof.

Dissolution of Company on their disposing of all their Lands.

XXXVIII. If and when, after the Completion of the Works by this Act authorized, the Company dispose of the whole of their Parts of the reclaimed Lands, or otherwise wholly cease to have any Estate or Interest in or Right or Claim to any Part of the reclaimed Lands, and all their Debts, Liabilities, and Engagements are paid, satisfied, or discharged, the Company shall thereupon be dissolved, and wholly cease to exist.

Company to have no exclusive Property in the Land, &c. outside the Embankments.

XXXIX. Nothing in this Act contained shall confer on the Company, contrary to any Right, Title, Interest, or Claim of Her Majesty in right of Her Crown, or of any Person whomsoever, any Right, Title, Property, or Claim to or in the Land, Mud Banks, or Slobs, or the Seaweed, Sand, Glar, or Shells growing, deposited, or found thereon, being to the Seaward of the Embankments by this Act authorized, except for the making and maintaining under this Act of the Embankments.

Seaweed, &c. may be gathered on Waste Lands until reclaimed.

XL. Provided always, That until the Works are so far completed as to exclude the Sea from the Waste Lands or any Part thereof, all Persons who have been so accustomed may still gather and take away Seaweed, Sand, Glar, or Shells upon and from the Waste Lands, as if this Act were not passed: Provided nevertheless, that in order to protect the Embankments from Injury, it shall not be lawful to gather or take away Sand, Mud, or Stones within a Line to be defined and marked off by the Company, which Line shall not be distant in any One Place more than One hundred Yards from the Foundations of the Embankments.

Canal and Embankments, &c. to be maintained.

XLI. The Company and other the Owners from Time to Time of the Lands embanked and reclaimed under this Act shall, at their own Expense, and in manner by this Act provided, maintain and keep in an efficient State of Repair the Canal and all the Embankments and Works by this Act authorized, or which are from Time to Time essential for keeping the Canal of the Depth shown on the deposited Sections, and protecting the reclaimed Lands or any Part thereof from Inundation, including the Beds or Waterways of all new Cuts or Channels, and all Roads, Drains, Sluices, and Culverts made by the Company under this Act.

Conservators for maintaining Canal and Embankments.

XLII. In order to provide for the permanent Maintenance of the Canal, Embankments, and Works as by this Act required, the several Persons, each of whom is the Owner from Time to Time of not less than Ten Acres of the reclaimed Land, shall be Conservators for the above Purpose, and shall maintain at all Times the said Canal, Embankments,

and Works; and any Two of the Conservators may at any Time convene a Meeting of the Conservators by Advertisement published Seven Days at least before the Meeting in some Newspaper circulating in the County of *Clare*; and any Seven Conservators, or any less Number not being less than Three, as is from Time to Time agreed upon at their annual Meeting, who are present at the Meeting, shall form a Quorum.

Chairman to be appointed.

XLIII. The Conservators shall meet once at least in every Year, and at their First Meeting in every Year shall elect a Chairman, who shall remain in Office until another Chairman is elected in his Stead; and after the Appointment of the Chairman any Meeting of the Conservators may, by the Order of the Chairman, be convened by Circular addressed to the Conservators at their respective Places of Abode, and sent by Post: Provided always, that it shall not be necessary for the Chairman to be present in order to constitute a Meeting of Conservators.

Officers may be appointed.

XLIV. The Conservators may, if and when necessary, appoint any Officer or Officers for the Purpose of superintending the Canal Embankments and other Works, and for collecting the Rates by this Act authorized, and pay to the Officer or Officers such reasonable Salary as the Conservators see fit.

Power to rate the Lands reclaimed for Expenses.

XLV. The Expense of maintaining and repairing the Canal Embankments and Works, and the Salary of the Officer or Officers, and all other Costs, Charges, and Expenses incurred by the Conservators in carrying this Act into execution, shall be defrayed by means of a Rate to be assessed and levied upon and in respect of the Lands reclaimed under this Act.

Amount and Assessment of Rate.

XLVI. The Amount of the Rate shall from Time to Time be fixed and determined by the Conservators, and shall be assessed proportionately in respect of the yearly rateable Value of every Acre of Land so reclaimed, the yearly rateable Value to be regulated on the Basis of the Poor Rate Valuation from Time to Time in force.

Recovery of Rate.

XLVII. In case the Rate be not paid within Twenty-one Days after the Day appointed by the Conservators for Payment, they may levy the Amount thereof by Distress and Sale of the Goods and Chattels of the Occupiers of the Lands subject to the Payment of the Rate, and for that Purpose to enter upon his Lands and Premises, and seize, take, carry away, and sell the Goods and Chattels, as in the Case of a Distress for Rent, without being liable for any Action of Trespass or otherwise in respect thereof: Provided always, that, unless otherwise agreed between the Owner and Occupier of any such Lands, the Occupier may deduct from the Rent payable by him to his Landlord the Amount of the Rate paid by or levied on him.

XLVIII. Pro-

Saving Rights of the Crown.

XLVIII. Provided always, That, except as is by this Act expressly provided, nothing in this Act contained shall alienate, defeat, lessen, abridge, or derogate from any Estate, Right, Title, Interest, Franchise, Royalty, Prerogative, or Jurisdiction vested in or appertaining to Her Majesty, Her Heirs or Successors, in right of Her Crown, or otherwise howsoever.

Expenses of Act.

XLIX. All the Costs, Charges, and Expenses of and attending the preparing for, obtaining, and passing of this Act, or incidental thereto, shall be paid by the Company.

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